



## **Planning, Streets and Traffic Committee**

Monday, June 27, 2022, at 5:00 p.m.

City Service Center – 915 Quarrier Street – Conference Room

### **AGENDA**

#### **1. Call to Order**

#### **2. Unfinished Business**

**Bill No. 7957** - A Bill to repeal ordinance 7908, passed by Council on May 3, 2021, which established a one-way street on 2<sup>nd</sup> Avenue from Florida Street to Bream Street by prohibiting vehicular traffic from traveling in an easterly direction, and re-establishing this portion of 2<sup>nd</sup> Avenue as a two-way street; and modifying existing and/or adding necessary traffic control devices and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

**Bill No. 7821, Committee Substitute** - A BILL to amend and reenact Section 114-402 of the Code of the City of Charleston, as amended; and to amend said Code by adding thereto a new Article, designated Article XV, consisting of Section 114-940, all relating to safely traveling the streets of Charleston; reducing; and authorizing the use of low-speed vehicles consistent with state law.

#### **3. New Business**

**Bill No. 7956** - A BILL to amend and reenact Sections 114-915, 114-916, 114-917, 114-918, and 114-920 of the Municipal Code of the City of Charleston, as amended, all relating to authorizing the use of motorized scooters; updating definitions; requiring operators of motorized scooters to follow traffic laws; setting certain additional requirements for operating a motorized scooter after sunset and before sunrise; detailing additional prohibited acts; and creating criminal penalties for violations.

**Bill No. 7965** - A Bill to establish a no parking zone on the west side of Dunbar Street, Wednesdays 6:00 am through 10:00am located from a point 189 feet north of Quarrier Street to a point 245 feet north of Quarrier Street and amending the Traffic Control Map and Traffic Control File, established by the code of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4, Chapter 114, to conform therewith.

#### **4. Discussion**

Sidewalks

#### **5. Approval of the Minutes of the May 23, 2022, meeting**

#### **6. Adjournment**

1 **Bill No. 7957**

2 Passed by Council:

3 Introduced in Council

4 **May 2, 2022**

5 Introduced by:

Referred to:

6 **Larry Moore**

Planning, Streets and Traffic

7  
8 **Bill No. 7957** - A Bill to repeal ordinance 7908, passed by Council on May 3, 2021,  
9 which established a one-way street on 2<sup>nd</sup> Avenue from Florida Street to Bream Street  
10 by prohibiting vehicular traffic from traveling in an easterly direction, and re-establishing  
11 this portion of 2<sup>nd</sup> Avenue as a two-way street; and modifying existing and/or adding  
12 necessary traffic control devices and amending the Traffic Control Map and Traffic  
13 Control File, established by the code of the City of Charleston, West Virginia, two  
14 thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4,  
15 Chapter 114, to conform therewith.

16 Be it Ordained by the Council of the City of Charleston, West Virginia:

17 Section 1. A Bill to repeal ordinance 7908, passed by Council on May 3, 2021, which  
18 established a one-way street on 2<sup>nd</sup> Avenue from Florida Street to Bream Street by  
19 prohibiting vehicular traffic from traveling in an easterly direction, and re-establishing  
20 this portion of 2<sup>nd</sup> Avenue as a two-way street; and modifying existing and/or adding  
21 necessary traffic control devices

22 Section 2. The Traffic Control Map and Traffic Control File, established by the code  
23 of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic  
24 Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are  
25 amended, to conform to this Ordinance.

26 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby  
27 repealed to the extent of said inconsistency.

Committee Substitute for Bill No. 7821

Introduced in Council:

June 17, 2019

Introduced by:

Brent Burton, Keeley Steele,  
Courtney Persinger, Sam Minardi,  
Becky Ceperley, John Kennedy Bailey,  
Caitlin Cook, Chad Robinson  
Jennifer Pharr, Will Laird, Jeanine Faegre  
and Mary Beth Hoover

Adopted by Council:

Referred to:

Planning, Streets and Traffic

Committee Substitute for Bill No. 7821 - A BILL to amend and reenact Section 114-402 of the Code of the City of Charleston, as amended; and to amend said Code by adding thereto a new Article, designated Article XV, consisting of Section 114-940, all relating to safely traveling the streets of Charleston; reducing; and authorizing the use of low-speed vehicles consistent with state law.

Now, therefore, be it ordained by the Council of the City of Charleston:

**Sec. 114-402. - Maximum speed limits established.**

(a) Where no special hazard exists that requires lower speed for compliance with section 114-401, the speed of any vehicle not in excess of the limits specified in this section or established as authorized in this division shall be lawful, but any speed in excess of the limits specified in the subsections of this section or established as authorized in this division shall be unlawful.

(b) In residence districts, when not otherwise signposted, the maximum speed shall be 30 25 miles per hour.

(c) At intersection in residence districts not controlled by traffic signal lights, the maximum speed shall be 20 miles per hour.

(d) In business and congested districts, when not otherwise signposted, the maximum speed shall be 25 miles per hour.

(e) At intersection in business and congested districts not controlled by traffic signal lights, the maximum speed shall be 20 miles per hour.

(f) When passing through school zones during school recess or while children are going to or from school during opening or closing hours, the maximum speed shall be 15 miles per hour.

32  
33 (g) When encountering school buses while standing or loading or unloading, traffic shall  
34 come to a full stop.

35  
36 (h) When emerging from an alley, driveway, parking lot, garage, building or place of  
37 business, traffic must come to a full stop.

38  
39 (i) On all streets and drives in Spring Hill Cemetery, the maximum speed shall be 15 miles  
40 per hour.

41  
42 (j) On all public alleys, when not otherwise signposted, the maximum speed shall be 10  
43 miles per hour.

44  
45 (j) (k) On all streets and roadways for which a maximum speed is prescribed on official  
46 traffic control signs, the speed shall be as specified on such signs.

47  
48 **ARTICLE XV. - LOW-SPEED VEHICLES.**

49  
50 **Sec. 114-940. – Use of low-speed vehicles.**

51  
52 (a) Low-speed vehicle means an electric low-speed vehicle titled and registered by  
53 the West Virginia Division of Motor Vehicles pursuant to W. Va. Code 17A-3-2(c) that meets  
54 all the requirements of the Division of Motor Vehicles, as well as state and federal law.

55  
56 (b) As authorized in W. Va. Code 17A-3-2(c), a person with a valid driver's license  
57 may operate a low-speed vehicle on a private road within the City or on public roads and  
58 streets within the City where the speed limit is 25 miles per hour or less.

59  
60  
61

1 **Bill No. 7956**

2  
3 **Introduced in Council:**

**Adopted by Council:**

4  
5 **April 18, 2022**

6  
7 **Introduced by:**

**Referred to:**

8  
9 **Emmett Pepper, Chad Robinson,**  
10 **Bobby Reishman, Pat Jones,**  
11 **Caitlin Cook, Jeanine Faegre,**  
12 **Bruce King, Brent Burton and**  
13 **Joseph Jenkins**

**Planning, Streets, & Traffic**  
**and Public Safety**

14  
15  
16 **Bill No. 7956** - A BILL to amend and reenact Sections 114-915, 114-916, 114-917, 114-  
17 918, and 114-920 of the Municipal Code of the City of Charleston, as amended, all relating  
18 to authorizing the use of motorized scooters; updating definitions; requiring operators of  
19 motorized scooters to follow traffic laws; setting certain additional requirements for  
20 operating a motorized scooter after sunset and before sunrise; detailing additional  
21 prohibited acts; and creating criminal penalties for violations.

22  
23 **Now, therefore, be it ordained by the Council of the City of Charleston:**

24  
25 That Sections 114-915, 114-916, 114-917, 114-918, and 114-920 of the Municipal Code  
26 of the City of Charleston, as amended, are hereby amended and reenacted, all to read  
27 as follows:

28  
29 **CHAPTER 114. – TRAFFIC ORDINANCE.**  
30 **ARTICLE XIV. – MOTORIZED SCOOTERS.**

31  
32 **Sec. 114-915. Definitions.**

33  
34 Except as otherwise provided in this chapter the following words and phrases  
35 shall have the meanings set forth below:

36 "Minor" means any person under the age of 18.

37 "Motor vehicle" means every vehicle which is self-propelled and every vehicle  
38 which is propelled by electric power obtained from overhead trolley wires, but not  
39 operated upon rails.

40 "Motorized scooter" means any non-balancing, tandem two-wheeled device, or  
41 ~~three or four wheeled~~, self balancing device, that ~~has handlebars~~, is designed to be  
42 stood upon, or ridden by the operator, and is powered by a motor having a maximum  
43 piston displacement of less than 50 cubic centimeters or an electric drive motor, that is  
44 capable of a maximum speed of not more than 25 miles per hour on a flat surface.

45 "Motorized scooter" does not include a "motorcycle" as defined by W. Va. Code § 17C-  
46 1-4, a "moped" as defined by W. Va. Code 17C-1-5a, a "motor-driven cycle" as defined

by W. Va. Code § 17C-1-5, a “class 3 electric bicycle” as defined by W. Va. Code § 17C-1-70, an “electric personal assistive mobility device” or “EPAMD” as defined by W.Va. Code § 17C-1-66, or a wheelchair as defined ~~within~~ in this section.

“Mobility-impaired person” means a person who:

(1) Cannot walk two hundred feet without stopping to rest;

(2) Cannot walk without the use of or assistance from a brace, cane, crutch, prosthetic device, wheelchair, other assistive device or another person;

(3) Is restricted by lung disease to such an extent that the person’s force (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

(4) Uses portable oxygen;

(5) Has a cardiac condition to such an extent that the person’s functional limitations are classified in severity as Class III or Class IV according to standards established by the American Heart Association; or

(6) Is severely limited in his or her ability to walk because of an arthritic, neurological or other orthopedic condition.

“Wheelchair” means a motorized or nonmotorized wheeled device, including a motorized scooter that is ~~having a seat or saddle,~~ and designed for, and or used by, a mobility-impaired person ~~with disabilities.~~

#### **Sec. 114-916. Prohibition of operation and Authorizing the use of motorized scooters.**

~~The riding, operation, or other use of motorized~~ Motorized scooters may be operated for transportation or recreational purposes within or upon the streets, alleys, or sidewalks, parking lots, and other realty owned, leased, or controlled property by within the City of Charleston or any of its boards, authorities, or commissions, is unless otherwise prohibited. The operator of any motorized scooter shall obey and be subject to all traffic laws of the City of Charleston and the State of West Virginia.

#### **Sec. 114-917. Additional requirements for operation between sunset and sunrise**~~Exceptions.~~

Every motorized scooter operated after sunset and before sunrise shall be equipped with the following:

(1) A lamp emitting a white light which, while the motorized scooter is in motion, illuminates the roadway in front of the operator and is visible from a distance of 300 feet in front and from the sides of the motorized scooter.

(2) A red reflector on the rear that is visible from a distance of 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle.

(3) A white or yellow reflector on each side visible from the front and rear of the motorized scooter from a distance of 200 feet.

(4) A lamp or lamp combination, emitting a white light, attached to the operator and visible from a distance of 300 feet in front and from the sides of the motorized scooter, may be used in lieu of the lamp required by subsection (1) hereof.

(5) A red reflector, or reflectorized material meeting the requirements of

subsection (2) hereof attached to the operator and visible from a distance of 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle, may be used in lieu of the reflector required by subsection (2) hereof.

Notwithstanding any other provision of this code, it shall not be an offense for any person licensed to operate a motor vehicle within the State of West Virginia, to ride, operate, or otherwise use a motorized scooter upon a designated parade route, when such person is a duly registered and recognized participant in any such permitted parade, provided that such Motorized Scooter riding or operation occurs in conjunction with said parade.

#### **Sec. 114-918. Prohibited Acts. Exemptions.**

The federal government, the State of West Virginia, and its political subdivisions are exempt from the prohibitions contained herein, when any such motorized scooter is used for government purposes.

Except as specifically authorized herein, no person shall:

(1) Operate a motorized scooter unless it is equipped with a brake that will enable the operator to make a braked wheel skid on dry, level, clean pavement.

(2) Operate a motorized scooter on a roadway with a speed limit in excess of 30 miles per hour.

(3) Operate a motorized scooter when the operator is under the age of 16 years of age.

(4) Operate a motorized scooter with any passengers in addition to the operator.

(5) Operate a motorized scooter carrying any package, bundle or article that prevents the operator from keeping at least one hand upon the handlebars.

(6) Operate a motorized scooter upon a sidewalk, anytime other than circumstances when:

(A) The motorized scooter operator reasonably believes the road parallel to the sidewalk to be dangerous for a motorized scooter; and

(B) The motorized scooter is operated in a manner that is appropriate to the number of pedestrians nearby.

(7) Operate a motorized scooter with the handlebars raised so that the operator must elevate his or her hands above the level of his or her shoulders in order to grasp the normal steering grip area.

(8) Leave a motorized scooter lying on its side on any sidewalk, or park a motorized scooter on a sidewalk in any other position, so that there is not an adequate path for pedestrian traffic.

(9) Attach the motorized scooter or themselves, by any means, while on the roadway to any other vehicle on the roadway.

(10) Operate a motorized scooter while in an impaired state, as defined in W. Va. Code § 17C-5-2.

#### **Sec. 114-920. Penalties.**

(a) Any person who violates ~~section 114-916~~ sections 114-917, 114-918, or 114-919 of this article shall constitute the commission of a misdemeanor criminal offense,

139 and any officer of the police department of the city or any other officer of any other  
140 police agency exercising proper jurisdiction within the corporate limits of the city is  
141 hereby authorized and empowered to issue a citation and to charge any such person  
142 who commits a violation of ~~section 114-916~~ sections 114-917, 114-918, or 114-919. Any  
143 person convicted of a first offense established hereunder shall be fined not less than  
144 \$25.00 nor more than \$100.00. Any person convicted of a second or subsequent  
145 offense established hereunder shall be fined not less than \$250.00, nor more than  
146 \$500.00.

147 ~~\_\_\_\_\_ (b) Any person who violates section 114-919 of this article shall constitute the~~  
148 ~~commission of a misdemeanor criminal offense, and any officer of the police department~~  
149 ~~of the city or any other officer of any other police agency exercising proper jurisdiction~~  
150 ~~within the corporate limits of the city is hereby authorized and empowered to issue a~~  
151 ~~citation and to charge any such person who commits a violation of section 114-919. Any~~  
152 ~~person convicted of a first offense established hereunder shall be fined not less than~~  
153 ~~\$25.00 nor more than \$100.00. Any person convicted of a second or subsequent~~  
154 ~~offense established hereunder shall be fined not less than \$250.00.~~

155

1 **Bill No. 7965**

2 Passed by Council:

3 Introduced in Council

4 **June 21, 2022**

6 Introduced by:

7 **Mary Beth Hoover**

Referred to:

**Planning, Streets and Traffic**

9  
10 **Bill No. 7965** - A Bill to establish a no parking zone on the west side of Dunbar Street,  
11 Wednesdays 6:00 am through 10:00am located from a point 189 feet north of Quarrier  
12 Street to a point 245 feet north of Quarrier Street and amending the Traffic Control Map  
13 and Traffic Control File, established by the code of the City of Charleston, West Virginia,  
14 two thousand and three, as amended, Traffic Laws, Section 263, Division 2, Article 4,  
15 Chapter 114, to conform therewith.

16 **Be it Ordained by the Council of the City of Charleston, West Virginia:**

17 Section 1. A Bill to establish a no parking zone on the west side of Dunbar Street,  
18 Wednesdays 6:00 am through 10:00am located from a point 189 feet north of Quarrier  
19 Street to a point 245 feet north of Quarrier Street.

20 Section 2. The Traffic Control Map and Traffic Control File, established by the code  
21 of the City of Charleston, West Virginia, two thousand and three, as amended, Traffic  
22 Laws, Section 263, Division 2, Article 4, Chapter 114, shall be and hereby are  
23 amended, to conform to this Ordinance.

24 Section 3. All prior Ordinances, inconsistent with this Ordinance are hereby  
25 repealed to the extent of said inconsistency.