



CITY OF CHARLESTON WEST VIRGINIA



COUNCIL MEMBER – WARD 20

Chad Robinson
793 Lower Donnally Rd.
Charleston, WV 25304
304- 389-7373
chad.robinson@cityofcharleston.org

Ordinance and Rules Committee, Chair
Parks and Recreation Committee
Finance Committee
Parking Facilities Committee

A meeting of the Council Committee on Ordinance & Rules will be held on Monday, May 6, 2024 at
6:00 PM. **To be held in person**
AV ROOM #308, CITY HALL

Agenda

APPROVAL OF PREVIOUS MINUTES

1. 4-11-2024

RESOLUTIONS

1. ~~Resolution No. 963-24 – A Resolution to support No Mow May initiative~~
2024. removed 5-6-2024

BILLS

1. Bill No. 8030 Committee Substitute - A BILL to amend the Municipal relating to updating requirements and penalties associated with bicycle riders and motorized vehicles

ADJOURN

THE AGENDA WAS AMENDED ON 5-2-2024

CR/ns

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MINUTES

ORDINANCE AND RULES COMMITTEE MEETING

5:30 P. M., APRIL 11, 2024

THE MEETING WAS HELD IN PERSON IN THE AV ROOM #308 IN CITY HALL.

Chad Robinson, Chairperson, called the meeting of the Charleston City Council Committee on Ordinance and Rules to order at 5:30 p.m., April 11, 2024.

Committee Members Present:

Chad Robinson, Chair

Frank Annie

Becky Ceperley (on Zoom)

Joseph Jenkins

Sam Minardi (on Zoom, after approval of previous minutes)

Emmett Pepper

Absent:

Patrick Salango, Vice Chair

1. Approval of Previous Minutes –

Councilmember Jenkins motioned to approve the previous minutes from 2-20-2024. Councilmember Annie seconded the motion. With those being present having voted unanimously in the affirmative, the Chair declared the minutes as approved as amended.

2. Bill No. 8030 - A BILL to amend the Municipal relating to updating requirements and penalties associated with bicycle riders and motorized vehicles. –

City Attorney, Kevin Baker, added that the bill makes a handful of changes to the Traffic Ordinance:

- Potential fines for drivers are increased to \$100-\$500 for first offense, \$200-\$1,000 for second offense, \$500-\$1,500 for third offense. The jail time associated with each offense is unchanged.
- Creates a separate offense that applies to pedestrian or bike riders that does not include jail as a possible punishment, but has up to \$100, \$200 and \$500 as first, second and third offenses, correspondingly.
- It changes some antiquated language concerning the Bicycle Registry, and the number of people who can ride in the seat with the operator.
- It adds clarifying language as to how to operate a bicycle within a public right-of-way, and requires drivers to give at least 3 feet of distance when passing a bicycle.
- It creates other penalties for smaller violations, such as providing a proper signal.

Councilmember Pepper confirmed that the State Code for motorized bicycles would apply, and did not need to be added to City Code.

Councilmember Robinson asked what the ultimate purpose of the bill was.

Councilmember Pepper replied that the Code should be updated in advance of the upcoming cycling competition based on community feedback.

Mayor Goodwin agreed with Councilmember Pepper. The update is needed due to the increase in cycling and the upcoming Capital Connector Project.

Councilmember Robinson asked if the ordinance stated that all bicycles must not be on sidewalks. Baker replied yes, and that it is also State Law.

Councilmember Minardi confirmed that the streets will be closed during the cycling competition.

Councilmember Jenkins added that his concern was with the change in penalties, specifically, that there is a conflict between Sections 114-3b and 114-701d.

Councilmember Jenkins also expressed concern in raising the general penalties for motor vehicles while lowering the penalties for others (those on bicycles or pedestrians).

Councilmember Pepper added that would mean that electric scooters would have a higher penalty.

Councilmember Robison asked why the bill was inconsistent between bicycles, motorized scooters and cars. Councilmember Pepper replied that he did not have a strong opinion on the increased penalties, and was based on feedback. He would agree

with removing the changes to motorized vehicles. Councilmember Robinson asked in the penalties were the same in the “scooter bill.” Councilmember Pepper replied that it is \$100-\$500 for first offense and \$250-\$500 for second offense. Councilmember Jenkins added that the ordinance does use the State Law’s definition of motor vehicle and motor driven cycle. The bill may need to be clearer on what a motorized vehicle is.

Councilmember Minardi asked about Section 14-75c. Councilmember Pepper replied that the language reflected that they did not want to limit the cycling competitors to the bike lanes on the Boulevard. Councilmember Ceperley asked if an exception could be made for Events. Councilmember Pepper clarified that the upcoming event didn’t need this change, and that the intent of the bill was to be more bike friendly.

Councilmembers Ceperley and Jenkins suggested that it would be best to take a longer look at the bill to clean up the penalties and update definitions to match State Code.

Councilmember Robinson confirmed that delaying the bill would not affect the upcoming competition.

Councilmember Jenkins moved to Postpone Bill No. 8030 until May 6. Councilmember Pepper seconded. With those being present having voted unanimously in the affirmative, the Chair declared Bill No. 8030 Postponed until May 6.

3. Bill No. 8031 Committee Substitute - A BILL to amend the Municipal Code relating to updating the regulation of Private Outdoor Designated Areas to be consistent with state code changes and creating the East End PODA.. –

Baker added that the bill makes some updates to the PODA ordinance to be consistent with the recent changes by the State Legislature:

- The permit title has been changed to “Special.”
- It adds language that allows for the simultaneous hosting of multiple qualified licenses.
- It adds Class B or Class S2 license holders to the type of licensees that can participate.

The bill also adds the East End PODA, which is defined the same as the other existing PODAs.

Councilmember Annie asked if was intentional that the parking lot by the Empty Glass and the nearby building was included. Baker replied that the building was intentionally included at the request of the City Manager.

Councilmember Jenkins asked about the difference in the licenses. Baker replied that

S4 are the permits for the PODAS (now called Special), S2 are the fairs and festivals permits, Class A are the standard businesses serving alcohol permits and Class B are the retail licensees.

Councilmember Robinson confirmed that the addition of the East End PODA was requested by the owner of Red Carpet and Tricky Fish. Adding a PODA around the Capital Market is still pending. Baker confirmed that Downtown was the only active PODA.

Councilmember Jenkins moved to approve Bill No. 8031 Committee Substitute. Councilmember Pepper seconded. With those being present having voted unanimously in the affirmative, the Chair declared Bill No. 803 Committee Substitute approved.

Councilmember Annie motioned to adjourn the meeting. Councilmember Pepper seconded. Meeting adjourned.

Bill No. 8030 Committee Substitute

Introduced in Council:

April 1, 2024

Introduced by:

**Emmett Pepper, Shawn Taylor
And Frank Annie**

Adopted by Council:

Referred to:

Ordinance & Rules

1 **Bill No. 8030 Committee Substitute** - A BILL to amend the Municipal Code of the City
2 of Charleston by amending and reenacting Sections ~~114-3~~, 114-433; 114-662, ~~114-701~~,
3 114-703, 114-705, and 114-711; adding to said code two new section, designated
4 Sections 114-671 and 114-713; and repealing Sections 114-366, 114-731, 114-732,
5 114-733, and 114-734 of said code, all relating to updating requirements and penalties
6 associated with bicycle riders and ~~motorized~~ vehicles; ~~increasing penalties for traffic~~
7 ~~violations by operators of motorized vehicles~~; creating new penalties for violation of the
8 traffic ordinance ~~by a person not operating a motorized vehicle~~; repealing antiquated
9 language; requiring a driver to give at least three feet of distance when passing a
10 bicycle on a road; clarifying that motor vehicle operators are subject to penalties for
11 violations of the pedestrian crosswalk requirements; creating a new penalty for
12 pedestrians who violate the pedestrian article of the traffic ordinance; creating a new
13 penalty for violation of the bicycle article of the traffic ordinance and a specific lower
14 penalty for violation of the signal device section; updating and clarifying certain bicycle
15 rules of the road and equipment requirements; and repealing the antiquated license and
16 registration requirements.

17
18 **Now, therefore, be it ordained by the Council of the City of Charleston:**

19
20 That Sections ~~114-3~~, 114-433; 114-662, ~~114-701~~, 114-703, 114-705, and 114-711 of
21 the Municipal Code of the City of Charleston are hereby amended and reenacted; that
22 said code is hereby amended to add two new sections, designated Sections 114-671
23 and 114-713 and that Sections 114-366, 114-731, 114-732, 114-733, and 114-734 of
24 said code are hereby repealed, all to read as follows:

25
26 **CHAPTER 114 – TRAFFIC ORDINANCE**

27 **ARTICLE I. – IN GENERAL**

28
29 **Sec. 114-3. – Penalties.**

30
31 ~~(a) Every person operating a motorized vehicle who is convicted of a violation of any of~~
32 ~~the provisions of this chapter for which another penalty is not provided shall, for a first~~
33 ~~conviction, be punished by a fine of not more less than \$100.00 nor more than \$500.00~~
34 ~~or by imprisonment for not more than ten days; for a second such conviction within one~~
35 ~~year thereafter, such person shall be punished by a fine of not more less than \$200.00~~

36 ~~nor more than \$1,000.00 or by imprisonment for not more than 20 days or both such~~
37 ~~fine and imprisonment; and upon a third or subsequent conviction, such persons shall~~
38 ~~be punished by a fine of not more less than \$500.00 nor more than \$1,500.00 or by~~
39 ~~imprisonment for not more than 30 days or both such fine and imprisonment.~~

40
41 ~~(b) Every person not operating a motorized vehicle who is convicted of a violation of any~~
42 ~~of the provisions of this chapter for which another penalty is not provided shall, for a first~~
43 ~~conviction, be punished by a fine of not more than \$100.00; for a second such~~
44 ~~conviction within one year thereafter, such person shall be punished by a fine of not~~
45 ~~more than \$200.00; and upon a third or subsequent conviction, such persons shall be~~
46 ~~punished by a fine of not more than \$500.00.~~

47
48 ~~(c) In addition to any other fines and costs required by ordinance or state code, any~~
49 ~~individual found guilty of a traffic offense which is a moving violation shall be assessed~~
50 ~~an additional amount of \$5.00, which additional amount shall be retained by the city in a~~
51 ~~separate account and used solely for police training and the purchase of equipment~~
52 ~~relating to police training.~~

53
54 ~~(c) (d) Fine amounts for parking violations, including increased fine amounts if not paid~~
55 ~~in full within ten days of issuance as required by City Code section 114-90, shall be as~~
56 ~~follows:~~

57

PARKING VIOLATION:	FINE:	FINE IF PAID AFTER TEN DAYS FROM ISSUANCE:
Overtime Meter	\$10.00	\$40.00
Loading Zone	25.00	50.00
Bus Zone	25.00	50.00
Taxi Zone	25.00	50.00
Police Zone	25.00	50.00
Fire Lane	25.00	50.00
Fire Hydrant	25.00	50.00
Blocked Traffic	25.00	50.00
Blocked Driveway	25.00	50.00
Blocked Crosswalk	25.00	50.00
Blocked Intersection	25.00	50.00
Street Cleaning	25.00	50.00
Blocked Sidewalk	25.00	50.00
Overtime Marked Space	25.00	50.00
Wrong Side of Street	25.00	50.00
To Near Street Corner	25.00	50.00
In Alley	25.00	50.00
Failure to Display Handicap Placard	25.00	25.00
Handicap 1st Offense	100.00	100.00
Handicap 2nd Offense	300.00	300.00

Handicap 3rd or Subsequent Offense	500.00	500.00
No Parking Zone	25.00	50.00
Residential Only Parking	75.00	110.00

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ARTICLE VI. – VEHICLE OPERATION
DIVISION 1. – GENERALLY

~~Sec. 114-366. – Passengers in seat with operator.~~

~~No more than three persons including the operator shall ride or be permitted by such operator to ride in the seat with the operator of any motor vehicle while the motor vehicle is being operated on the streets of the city.~~

DIVISION 3. – DRIVING ON RIGHT SIDE OF ROADWAY, OVERTAKING AND PASSING

Sec. 114-433. - Overtaking and passing on left.

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to these limitations, exceptions, and special rules:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an audible signal and pass to the left at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) The driver of a vehicle overtaking a bicycle traveling in the same direction shall pass to the left of the bicycle at a distance of not less than three feet at a careful and reduced speed, and may not again drive to the right side of the roadway until safely clear of the overtaken bicycle.

(3) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

ARTICLE VIII. – PEDESTRIANS

Sec. 114-662. - Right-of-way in crosswalks.

(a) When official traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be so to yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger; but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield. This provision shall not apply under the conditions stated in subsection 114-663(b).

(b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked

101 crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of
102 any other vehicle approaching from the rear shall not overtake and pass such stopped
103 vehicle.

104
105 (c) Any person operating a motorized vehicle who violates the provisions of this section
106 is guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalties
107 set forth in Section 114-3 of this Code.

108
109 **Sec. 114-671. Penalties for pedestrian violations.**

110
111 Any pedestrian who violates the provisions of this article for which another penalty is not
112 provided shall constitute the commission of a misdemeanor criminal offense, and the
113 city is hereby authorized and empowered to issue a citation and to charge any such
114 person who commits said violation. Any such person convicted of a violation of this
115 article shall be fined not more than \$100.00.

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117 **ARTICLE IX. – BICYCLES**
118 **DIVISION 1. – GENERALLY**

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120 ~~**Sec. 114-701. – Obedience to article; duty of parents and guardians; applicability**~~
121 ~~**of article to bicycles.**~~

122
123 ~~(a) It shall be unlawful for any person to do any act forbidden or fail to perform any act~~
124 ~~required in this article.~~

125
126 ~~(b) The parent of any child and the guardian of any ward shall not authorize or~~
127 ~~knowingly permit any such child or ward to violate any of the provisions of this article.~~

128
129 ~~(c) These regulations applicable to bicycles shall apply whenever a bicycle is operated~~
130 ~~upon any street or upon any path set aside for the exclusive use of bicycles subject to~~
131 ~~those exceptions stated in this article.~~

132
133 ~~(d) Unless otherwise stated therein, any person violating the provisions of this article is~~
134 ~~guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than~~
135 ~~\$100.00 per violation.~~

136
137 **Sec. 114-703. - Riding on bicycles.**

138
139 (a) A person propelling a bicycle shall not ride other than upon or astride a permanent
140 and regular seat attached to the bicycle.

141
142 (b) No bicycle shall be used to carry more persons at one time than the number for
143 which it is the bicycle and any attachments are designed and equipped to
144 accommodate.

145
146 **Sec. 114-705. - Riding on roadways and paths.**

147
148 (a) Every person operating a bicycle upon a roadway shall ride as near to the right side
149 of the roadway as practicable, exercising due care when passing a standing vehicle or
150 one proceeding in the same direction.

151
152 (b) Persons riding bicycles upon a roadway shall not ride more than two abreast except
153 ~~on paths or parts of roadways set aside for the exclusive use of bicycles~~ when doing so
154 would not impede the flow of traffic.

155
156 (c) Whenever a usable path for bicycles has been provided adjacent to a roadway,
157 bicycle riders ~~shall~~ are encouraged to use such path and ~~shall not use~~ the roadway.

158
159 **Sec. 114-711. - Signal device.**

160
161 (a) No person shall operate a bicycle unless it is equipped with a suitable signal bell,
162 horn or other warning device capable of giving a signal audible for a distance of at least
163 100 feet, except that a bicycle shall not be equipped with nor shall any person use upon
164 a bicycle any siren or whistle; and the use of such signaling device for purposes other
165 than to give warning of the approach or presence of such bicycle or as a warning of
166 danger is expressly prohibited.

167
168 (b) When approaching or passing other vehicles or pedestrians, a bicycle rider may
169 sound a short signal of his intention to approach or pass.

170
171 (c) Any person violating the provisions of this section is guilty of a misdemeanor and,
172 upon conviction thereof, shall be fined not more than \$10.00 per violation.

173
174 **Sec. 114-713. Penalties for bicycle violations.**

175
176 Any person operating a bicycle who violates the provisions of this article for which
177 another penalty is not provided shall constitute the commission of a misdemeanor
178 criminal offense, and the city is hereby authorized and empowered to issue a citation
179 and to charge any such person who commits said violation. Any such person convicted
180 of an offense of this article shall be fined not less than \$100.00 nor more than \$500.00.

181
182 **DIVISION 2. -- LICENSE AND REGISTRATION**

183
184 **~~Sec. 114-731. -- License required.~~**

185
186 ~~No person shall ride or use a bicycle upon any public street, highway or public place~~
187 ~~unless the bicycle shall be duly licensed and registered in the office of the city collector~~
188 ~~as provided in this article.~~

189
190 **~~Sec. 114-732. -- Registration.~~**

191
192 ~~Every owner of a bicycle shall list and register with the city collector his name and~~

193 address; the name of the manufacturer of his bicycle; and its number, style and general
194 description.

195
196 **Sec. 114-733. -- Book record; metallic tags.**

197
198 The city collector shall provide at his office in the city hall a suitable book record for the
199 purpose stated in section 114-732, and shall provide suitable metallic identification tags,
200 upon each of which shall be marked or stamped a distinguishing number and, for each
201 bicycle registered, shall furnish to the owner one of such tags and one duplicate. The
202 owner shall affix and keep affixed to the bicycle for which the tag is issued the original
203 metallic tag and shall keep the duplicate in his possession and shall at all reasonable
204 times upon demand of any member of the police department exhibit the duplicate tag for
205 the purpose of identification and as proof of ownership.

206
207 **Sec. 114-734. -- License fees; transferal; duplicates.**

208
209 The fee for a license and tag and one duplicate required by this division is fixed at
210 \$0.50, which shall be paid to the city collector at the time of the issuance of a license;
211 and but one license and registration shall be required so long as the bicycle belongs to
212 the same owner. The issuance of the tag and its recording shall be the only evidence of
213 the license and the registration of the bicycle, and no written license certificate shall be
214 issued. Upon change of ownership, such license tag may be transferred to and issued
215 in the manner provided in this division in the name of the new owner upon payment by
216 him of a fee of \$0.50. A tag shall not be transferred from one bicycle to another, and no
217 person shall attach to any bicycle a tag not issued for use on the bicycle. Upon loss of
218 any such duplicate or original, and upon application and satisfactory evidence of such
219 loss, a new tag or a new duplicate shall be issued by the city collector upon the
220 payment of a fee of \$0.25. All such license fees collected by the city collector shall be
221 deposited with the city treasurer in the same manner as other license fees are
222 deposited.

223