

*ADOPTION OF AN AMENDMENT TO  
CHAPTER 82 (MOTOR VEHICLES AND TRAFFIC)  
OF THE 1976 CODE OF THE COUNTY OF FAIRFAX, VIRGINIA*

*At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Tuesday, June 21, 2016, the Board after having first given notice of its intention so to do, in the manner prescribed by law, adopted an amendment regarding Chapter 82 (Motor Vehicles and Traffic) of the 1976 Code of the County of Fairfax, Virginia, said amendment so adopted being in the words and figures following, to-wit:*

*BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX  
COUNTY, VIRGINIA:*

*That Chapter 82 (Motor Vehicles and Traffic), Section 82-1-6, Adoption of State Law; and Section 82-6-38.1, Use of a protective helmet while operating a bicycle; is amended; and Section 82-9-6. - Playing on streets or highways; roller skates, toys or devices on wheels or runners; use of motor powered vehicles on sidewalks and other posted property; persons riding bicycles, etc, is repealed, as follows:*

## **Article 1. – In General.**

### **Section 82-1-6. Adoption of State Law**

Pursuant to the authority of Section 46.2-1313 of the Virginia Code, all provisions and requirements of the following sections of the Code of Virginia, as in effect on July 1, 2015 2016, except those provisions and requirements the violation of which constitutes a felony, are hereby incorporated into the Fairfax County Code by reference, effective July 1, 2015 2016, ~~except where noted.~~

18.2-266	18.2-270.1	46.2-329
18.2-266.1	18.2-271	46.2-334.001
18.2-267	18.2-271.1	46.2-341.20:5
18.2-268.1	18.2-272	46.2-341.21
18.2-268.2	<u>46.2-100</u>	46.2-346
18.2-268.3	46.2-102	46.2-349
18.2-268.4	46.2-104	46.2-357
18.2-268.5	46.2-108	46.2-371
18.2-268.6	46.2-109	46.2-373
18.2-268.7	46.2-110	46.2-376
18.2-268.8	46.2-111	46.2-379
18.2-268.9	46.2-112	46.2-380
18.2-268.10	46.2-203.1	46.2-391.01
18.2-268.11	46.2-218	46.2-391.2
18.2-268.12	46.2-300	46.2-391.3
18.2-269	46.2-301	46.2-392
18.2-270	46.2-301.1	46.2-393
18.2-270.01	46.2-302	46.2-398

46.2-602.3	46.2-814	46.2-836
46.2-613	46.2-816	46.2-837
46.2-616	46.2-817	46.2-838
46.2-617	<u>46.2-818.1</u>	46.2-839
46.2-618	46.2-819.4	46.2-841
46.2-704	46.2-820	46.2-842
46.2-715	46.2-821	46.2-842.1
46.2-716	46.2-822	<u>46.2-844</u>
46.2-724	46.2-823	46.2-845
46.2-730	46.2-824	46.2-846
46.2-800	46.2-825	46.2-848
46.2-801	46.2-826	46.2-849
46.2-802	46.2-827	46.2-850
46.2-803	46.2-828	46.2-851
46.2-804	46.2-828.2	46.2-852
46.2-805	46.2-829	46.2-853
46.2-806	46.2-830	46.2-854
46.2-807	46.2-831	46.2-855
46.2-808	46.2-832	46.2-856
46.2-808.1	46.2-833	46.2-857
46.2-810	46.2-833.1	46.2-858
46.2-811	46.2-834	46.2-859
46.2-812	46.2-835	46.2-860

46.2-861	46.2-882	46.2-908.1
46.2-862	46.2-883	46.2-909
46.2-863	46.2-884	46.2-910
46.2-864	46.2-885	46.2-911.1
46.2-865	46.2-886	46.2-912
46.2-865.1	46.2-887	46.2-914
46.2-866	46.2-888	46.2-915
46.2-868	46.2-889	46.2-915.2
46.2-868.1	46.2-890	46.2-918
46.2-869	46.2-891	46.2-919
46.2-870	46.2-892	46.2-919.1
46.2-871	46.2-893	46.2-920
46.2-872	46.2-894	46.2-921
46.2-873	46.2-895	46.2-921.1
46.2-874	46.2-896	46.2-922
46.2-876	46.2-897	46.2-923
46.2-877	46.2-898	46.2-924
46.2-878	46.2-899	46.2-926
46.2-878.1	46.2-900	46.2-927
46.2-878.2	46.2-902	46.2-928
46.2-878.3	46.2-903	46.2-929
46.2-879	46.2-905	46.2-930
46.2-880	46.2-906	46.2-932

46.2-936	46.2-1024	46.2-1053
46.2-937	<u>46.2-1025</u>	46.2-1054
46.2-940	46.2-1026	46.2-1055
46.2-942	46.2-1027	46.2-1056
46.2-1001.1	<u>46.2-1030</u>	46.2-1057
46.2-1001	46.2-1031	46.2-1058
46.2-1002	46.2-1032	46.2-1059
46.2-1003	46.2-1033	46.2-1060
46.2-1004	46.2-1034	46.2-1061
46.2-1010	46.2-1035	46.2-1063
46.2-1011	46.2-1036	46.2-1064
46.2-1012	46.2-1037	46.2-1065
46.2-1013	46.2-1038	46.2-1066
46.2-1014	46.2-1039	46.2-1067
46.2-1015	46.2-1040	46.2-1068
46.2-1016	46.2-1041	46.2-1070
46.2-1017	46.2-1043	46.2-1071
46.2-1018	46.2-1043.1	46.2-1072
46.2-1019	46.2-1044	46.2-1076
46.2-1020	46.2-1047	<u>46.2-1077</u>
46.2-1021	46.2-1049	46.2-1077.01
46.2-1022	46.2-1050	46.2-1078
46.2-1023	46.2-1052	46.2-1078.1

46.2-1079	46.2-1120	46.2-1508.2
46.2-1080	46.2-1121	46.2-1552
46.2-1081	46.2-1130	46.2-1561
46.2-1082	46.2-1137	46.2-2812
46.2-1083	46.2-1150	46.2-2910
46.2-1084	46.2-1151	
46.2-1088	46.2-1154	
46.2-1088.1	46.2-1155	
46.2-1088.2	46.2-1156	
46.2-1088.5	46.2-1157	
46.2-1088.6	46.2-1158	
46.2-1090	46.2-1158.01	
46.2-1091	46.2-1158.02	
46.2-1092	46.2-1158.1	
46.2-1093	46.2-1172	
46.2-1102	46.2-1173	
46.2-1105	46.2-1218	
46.2-1110	46.2-1219.2	
46.2-1111	46.2-1234	
<u>46.2-1112</u>	46.2-1240	
46.2-1115	46.2-1242	
46.2-1116	46.2-1250	
46.2-1118	46.2-1309	

References to "highways of the state" contained in such provisions and requirements hereby adopted shall be deemed to refer to the streets, highways and other public ways within the County. Such provisions and requirements are hereby adopted, mutatis mutandis, and made a part of this chapter as fully as though set forth at length herein; and it shall be unlawful for any person, within the county, to violate or fail, neglect or refuse to comply with any provision of Title 46.2 or Title 18.2-266, 18.2-266.1, 18.2-267, 18.2-268.1 through 18.2-268.12, 18.2-269, 18.2-270, 18.2-270.01, 18.2-270.1, 18.2-271, 18.2-271.1 and 18.2-272 of the *Code of Virginia* which is adopted by this section; provided, that in no event shall the penalty imposed for the violation of any provision or requirement hereby adopted exceed the penalty imposed for a similar offense under Title 46.2 or Title 18.2-266, 18.2-266.1, 18.2-267, 18.2-268.1 through 18.2-268.12, 18.2-269, 18.2-270, 18.2-270.01, 18.2-271, 18.2-270.1, 18.2-271.1 and 18.2-272 of the *Code of Virginia*.

## **Article 6. – Equipment.**

### **Section 82-6-38.1. Use of a protective helmet while operating a bicycle.**

Any person under the age of fifteen years of age shall wear a protective helmet that at least meets the Consumer Product Safety Commission Standard standards promulgated by the American National Standards Institute or the Snell Memorial Foundation while riding or being carried on a bicycle on any highway, sidewalk, or public bicycle path. The term "highway" has the meaning set forth in *Code of Virginia*, Section 46.2-100. Any person who violates this section shall be punishable by a fine of twenty-five dollars. However, such a fine shall be suspended for first-time violators and for violators who, subsequent to the violation but prior to imposition of the fine, purchase helmets of the type required by this section.

A violation of this section shall not constitute negligence, assumption of risk, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of operation of any bicycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any civil action.

## **Article 9. – Protection of Pedestrians.**

~~**Section 82-9-6. – Playing on streets or highways; roller skates, toys or devices on wheels or runners; use of motor powered vehicles on sidewalks and other posted property; persons riding bicycles, etc.**~~<sup>[165]</sup>

~~(a) — It shall be unlawful for any person to play in or on a street or highway, other than upon the sidewalks thereof.~~

- (b) ~~It shall be unlawful for any person to use on a street or highway roller skates, toys or other devices on wheels or runners, except that any bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped may be operated on a street or highway in accordance with Virginia Code Section 46.2-905.~~
- (c) ~~It shall further be unlawful for any person to ride (1) a bicycle or other similar such wheeled, rider-propelled device, (2) an electric personal assistive mobility device, or (3) an electric power-assisted bicycle on sidewalks where such activity has been prohibited. Signs indicating such prohibition shall be conspicuously posted in general areas where the riding of such devices is prohibited; provided, that this Section shall not be deemed to prohibit the ordinary use of devices for the assistance of the physically handicapped or bicycles and similar rider-propelled devices used by police officers in furtherance of their duties.~~
- (d) ~~For purposes of this Section, the term "sidewalk" shall be deemed to include any privately owned system of defined pedestrian ways, when the owner thereof shall have requested in writing that the governing body treat such private pedestrian ways as sidewalks for purposes of this Section, and such owner posts notice of that fact at typical points of access from the public right-of-way to such privately owned systems of pedestrian ways. Such owner may request such treatment with respect to some or all of the devices prohibited by this Section, and notices required hereby shall describe the devices prohibited on such privately owned system of walkways.~~
- (e) ~~Nothing in this Section shall be construed to prohibit the designation of play areas for sledding and other activities under the provisions of Section 82-5-5. (3-13-63; 5-26-71; 1-10-71; 1961 Code, § 16-226; 16-73-16; 17-74-16; 28-74-16; 37-76-82; 9-78-82; 34-78-82; 35-89-82; 35-02-82.)~~

165. ~~For state law as to playing on highways and as to skating, etc., see Va. Code Ann., § 46.2-932. For similar state law, see Va. Code Ann. § 46.2-932, adopted in § 82-1-6.~~

*This amendment shall become effective upon adoption.*

*GIVEN under my hand this 21<sup>st</sup> day of June, 2016.*

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CATHERINE A. CHIANESE  
Clerk to the Board of Supervisors