



MEMO

Engineering Department

To: Legislative Committee
From: Tim Greenwood, City Attorney
Date: 6/16/2025
Re: **Electric vehicles/bicycles - Discussion**

Background information:

At the Common Council meeting of June 3, 2025, Alder Moore and Antoine requested a discussion regarding motorized vehicles and the City's ordinances. To aid in that discussion, I have attached different sections of the municipal code that have an impact on motorized vehicles, with electric vehicles specifically in mind.

Strategic Plan:

Providing a safe community for Kaukauna's residents.

Budget:
NA

Staff Recommended Action:

Discuss motorized/electric vehicles within the City of Kaukauna.

7.09 Neighborhood Electric Vehicles And Other Motorized Vehicles

1. *Definition.* The term "*Neighborhood electric vehicle*" means any self-propelled electrically-powered motor vehicle, excluding golf carts, that has a maximum speed of 20 to 25 miles per hour, that has successfully completed the Neighborhood Electric Vehicle America Test Program conducted by the federal department of energy, and that conforms to the definition and requirements for low-speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for Low-Speed Vehicles under 49 CFR 571.3(b) and 571.500.
2. *Limitations.* Neighborhood electric vehicles, authorized pursuant to Wis. Stats. § 349.26, are allowed to be operated on all public roads with posted speeds of 35 miles per hour or less within the city, except not on those city streets on the state trunk network, marked with S.T.H. or U.S.H. route. Notwithstanding the above, such operation is permitted on: S.T.H. "55" north of C.T.H. "CE" and south of Desnoyer Street and on S.T.H. "96" from the west city limits to Claribel Street.
3. *State driver's license and registration required.*
 1. Any person who operates a neighborhood electric vehicle on any city street must hold a valid state driver's license.
 2. Any person who operates a neighborhood electric vehicle on any city street must register the neighborhood electric vehicle with the state, if required by state law.
4. *Other motorized vehicles.* Except as provided for neighborhood electric vehicles within this section, no person shall operate any motorized vehicle on any city highway or sidewalk, or within any park or recreation areas in the city, except in areas specifically designated and marked for such use by the city. This section shall not apply to the operation of a properly licensed vehicle on any highway, or to the operation of motorized farm, lawn, or garden equipment.

7.10 Snowmobiles

1. *State snowmobile laws adopted.* Except as otherwise provided in this chapter, the statutory provisions describing and defining regulations with respect to snowmobiles in the following sections of the state statutes are hereby adopted by reference and made part of this section as if fully set forth herein. Acts required to be performed or prohibited by such statutes are required or prohibited by this section: Wis. Stats. §§ 350.02 to 350.05, 350.07 to 350.107, 350.11, 350.12, 350.13, 350.135, 350.15 to 350.17, 350.19 and 350.99.
2. *Applicability of the rules of the road to snowmobiles.* The operator of a snowmobile upon a roadway shall, in addition to the provisions of Wis. Stats. ch. 350, be subject to Wis. Stats. § 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1) and 346.94(1) and (9).
3. *Written consent of owner required.* The consent required under Wis. Stats. §§ 350.10(6), (11) through (13) shall be written consent, dated, and limited to the year in which the consent was given. If the property is owned or leased by more than one person, the consent of each must be obtained.
4. *Snowmobiles prohibited on public property.* Except as provided in Wis. Stats. § 350.02 and 350.03 or for snowmobile events authorized in accordance with Wis. Stats. § 350.04, no person shall operate a snowmobile upon a public right-of-way, in any public park, or on any public property in the city.

5. *Future amendments, revisions, or modifications.* Any future amendments, revisions, or modifications of the state statutes incorporated in this section are intended to be and hereby are made part of this chapter.

7.11 Bicycles

1. *Registration.*

1. No person shall operate a bicycle, customarily kept within the city, upon any street in the city unless the bicycle is registered and tagged as provided in this section.
 2. Registration shall be made by filing with the police department the name and address of the owner, together with a complete description of the bicycle, on forms provided by the department and paying a registration fee of \$2.00. Registration shall be serially numbered and kept on file in the police department as a public record. Upon such registration, the police department shall affix an identification tag to the bicycle registered and serially numbered to correspond to the registration number. Such tag shall remain affixed to the bicycle unless removed by the police department for cause or upon re-registration by a new owner of the bicycle. All bicycle registrations, and therefore all bicycle tags, shall be issued on a permanent licensing fee basis.
 3. Bicycle owners will be required to obtain a new tag if the original tag was painted over, obliterated, or defaced in any manner.
 4. No bicycle in unsafe mechanical condition shall be registered. The chief of police may suspend registration and remove the identification tag from any bicycle operated contrary to any state law or city ordinance, or operated while in unsafe mechanical condition, such suspension or removal to continue for not to exceed ten days, provided that such registration shall not be reinstated or such identification tag replaced while such bicycle is in unsafe mechanical condition. Such suspension and removal shall be in addition to other penalties provided in this section.
 5. No person shall willfully remove, deface, or destroy any such identification tag.
 6. Within ten days after any bicycle registered under this section shall have changed ownership or been dismantled and taken out of operation, the person in whose name the bicycle has been registered shall report such information to the police department. In case of change of ownership, new registration shall be obtained by the new owner.
2. *Rental agencies.* A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate is attached thereto as provided in this section and such bicycle is equipped with the lamps and other equipment required by the state motor vehicle code.
 3. *Bicycle dealers.* Every person engaged in the business of buying or selling secondhand bicycles shall make a report to the chief of police of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycle by name or make, the frame number thereof, and the number of the license plate, if any, found thereon.
 4. *Applicable traffic laws.* Every person riding a bicycle upon a roadway shall have all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle, except as to the special regulations and provisions of laws and ordinances which, by their nature, can have no application.

5. *Obedience to traffic control device.*

1. Any person operating a bicycle shall obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a police officer.
2. Whenever authorized signs are erected indicating no right, left, or U-turn is permitted, no person operating a bicycle shall disobey any such sign, except where such person dismounts from the bicycle to make any such turn, in which case such person shall then obey the regulations applicable to pedestrians.

6. *Parking.* No person shall park a bicycle upon a street other than upon the roadway against the curb, upon the sidewalk in a rack to support the bicycle, or against a building or at the curb in such manner as to afford the least obstruction to pedestrian traffic.

7. *State traffic forfeiture laws adopted.* Except as otherwise specifically provided in this section, all the provisions of Wis. Stats. §§ 346.77, 346.78, 346.79, 346.80, 346.803, 346.804, 346.82 and 347.489, relating to bicycles and play vehicles, are hereby adopted by reference and made a part of this section as if fully set forth herein. Any act required to be performed or prohibited by any statute is required or prohibited by this section.

8. *Sidewalks.*

1. *Business district.* No person shall operate or ride a bicycle on the sidewalks in any business district in the downtown area, on the Lawe Street Bridge, on the Veteran's Memorial Bridge, and on connecting sidewalks between the north side and south side business districts from Wisconsin Avenue to Second Street on Main Avenue or Crooks Avenue.
2. *Other districts.* On sidewalks in districts other than described in subsection (8)(a) of this section, no person may operate or ride a bicycle except for the following:
 1. A person under the age of 13 years.
 2. A person over the age of 12 years who is accompanying a bicycle rider who is under the age of 13 years.
 3. Newspaper carriers in the performance of their duties.
3. *Physically handicapped persons.* A physically handicapped person with a motor-driven three-wheel scooter, wheelchair, or three-wheel bicycle is not affected by this subsection (8).
4. *Right-of way.* All persons operating or riding a bicycle on a sidewalk shall yield the right-of-way to any pedestrian and, within a crosswalk, to any motor vehicle, and shall give an audible signal before passing any pedestrian or bicycle rider proceeding in the same direction.
5. *Penalty.* Any person violating this subsection (8) may be required to forfeit not more than \$10.00.

7.14 Skateboards, Roller Skates, Roller Skis, And Play Vehicles

1. No person shall operate or ride a skateboard, roller skates, roller skis or play vehicle, as defined in Wis. Stats. § 340.01, in any of the following places:
 1. On any sidewalk and street in any business district. For purposes of this section, the term "business district" shall be defined as any area primarily commercial in nature.
 2. On any public property where signs prohibit it.
 3. On private property, unless permission has been received from the owner, lessee, or

person in charge of that property.

2. Operators or riders of skateboards, roller skates, roller skis, or play vehicles shall yield the right-of-way to other pedestrians using city sidewalks and shall not otherwise endanger or interfere with pedestrian traffic on those sidewalks.