

City of Mauston
Ordinance No. 2026-2087
Amending Chapter 36 Bicycles, E-Bikes, and Electric Personal Assistive Mobility Devices
Article V, Sections 36-142 through 36-150

WHEREAS, the Common Council of the City of Mauston recognizes that the current provisions of Chapter 36, Article V, Sections 36-142 through 36-150, entitled “Bicycles” do not adequately address electric bicycles (e-bikes), electric personal assistive mobility devices, electric motorbikes (e-motoes), and other emerging modes of transportation; and

WHEREAS, the Common Council finds that amending these provisions is necessary to promote public safety and provide clear regulations governing the operation of such devices within the City;

NOW THEREFORE, the Common Council of the City of Mauston, hereby amends Chapter 36, Article V, Section 36-142 through 36-150 as follows:

Sec. 36-142. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bicycle. Every device propelled by the feet or hands acting upon pedals or cranks and having wheels, any two of which are not less than 14 inches in diameter. A bicycle for purposes of this chapter may have any number of wheels, two or more.

Bicycle lane. That portion of a roadway that is set aside by the governing body of any city, town, village, or county for the exclusive use of bicycles, electric scooters, electric personal assistive mobility devices, or other modes of travel where permitted, absent gasoline power, and so designated by appropriate signs and pavement markings.

Bicyclepatrol officer. A police officer patrolling by use of bicycle, electric scooter, or electric personal assistive mobility device.

Bicycle way or public recreation trail. Any path or sidewalk or portion thereof where permitted, off roadway, or property owned or leased by the city where permitted, and designated for use by pedestrians, bicycles, electric scooters, and electric personal assistive mobility devices, or any other human or electric powered recreation, absent gasoline power, by the governing body of any city, town, village, or county.

Bike route. Any bicycle lane, bicycle way or highway which has been duly designated by the responsible governing body and identified by appropriate signs and markings.

Carrier. Any device attached to a bicycle, electric scooter, or electric personal assistive mobility device designed for carrying articles.

E-bike or electric bicycle. Any bicycle that is equipped with fully operative pedals for propulsion by human power and an electric motor of 750 watts or less and that meets the requirements of any of the following classifications:

- A. *Class 1 electric bicycle*. An electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches 20 miles per hour.
- B. *Class 2 electric bicycle*. An electric bicycle that may be powered solely by the motor and that is not capable of providing assistance when the bicycle reaches 20 miles per hour.
- C. *Class 3 electric bicycle*. An electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches 28 miles per hour.

Electric personal assistive mobility device. A self-balancing, two non-tandem-wheeled device designed to transport only one person and equipped with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less. "Segway" is an example of an electric personal assistive mobility device for purposes of this chapter.

Electric scooter. A device weighing less than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power and has a maximum speed of not more than 20 miles per hour on a paved level surface when powered solely by the electric motor. "Electric scooter" does not include an electric personal assistive mobility device, motorcycle, motor bicycle, electric bicycle, or moped.

Electric motorbike or e-moto. For purposes of this chapter, this term means any two-wheeled or three-wheeled electric-powered device that is designed to be straddled by the operator, is equipped with handlebars, is not equipped with fully operative pedals for propulsion by human power, and is not an electric bicycle, electric scooter, or electric personal assistive mobility device. This term includes, without limitation, electric dirt bikes, electric motorcycles, electric mini-bikes, electric pit bikes, electric trail bikes, and similar non-pedal-assisted electric motor-driven cycles, regardless of whether the device may otherwise be classified under Wisconsin law as a moped, motor bicycle, motorcycle, off-highway motorcycle, or other motor vehicle.

Any device that exceeds or does not meet the definition of an electric bicycle, electric scooter, or electric personal assistive mobility device under Wisconsin law shall not be treated as such under this chapter. Electric motorbikes, e-motos, electric dirt bikes, electric motorcycles, electric mini-bikes, electric pit bikes, and similar non-pedal-assisted electric motor-driven cycles shall be governed by applicable state law, including laws relating to mopeds, motor bicycles, motorcycles, off-highway motorcycles, or other motor vehicles.

Identification tag. A metal plate or sticker indicating that a bicycle is registered.

Operator. Every person who drives or is in actual physical control of a device or vehicle as covered in this chapter.

Owner. A person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person but excludes a lessee under a lease not intended as security.

Pedestrian. Any person afoot or any person in a wheelchair, either manually or mechanically propelled, or other low-powered, mechanically propelled vehicle designed specifically for use by a physically disabled person.

Rental agency. A city authorized business offering rental or hire of bicycles, electric scooters, or electric personal assistive mobility devices to a third party for a limited time.

Right-of-way. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Roadway. That portion of a highway between the regularly established curb lines or that portion which is improved, designed, or ordinarily used for vehicular travel, excluding the berm or shoulder.

Sidewalk. That portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

Sec. 36-143. Applicable law.

Every person owning or operating a bicycle, e-bike, electric scooter, or electric personal assistive mobility device shall be subject to all applicable provisions of state law and this chapter. Electric motorbikes, e-motos, electric dirt bikes, electric motorcycles, electric mini-bikes, electric pit bikes, and similar non-pedal-assisted electric motor-driven cycles are addressed in this chapter only as restricted or prohibited devices and shall remain governed by applicable Wisconsin law. If a provision of this chapter conflicts with state law, state law shall control unless local regulation is expressly authorized.

Sec. 36-144. Special regulations.

- a. Riding on sidewalks. No person shall operate any bicycle, e-bike, electric scooter, or electric personal assistive mobility device on any sidewalk within the city, except bicycles operated by children age 12 or younger, bicycles operated by a responsible person over age 12 accompanying a child age 12 or younger, bicycles operated by a police bicycle patrol officer or other city employee in the performance of city duties, devices operated on bridge sidewalks, or devices operated where expressly permitted by city council motion or resolution. Any person operating on a permitted sidewalk shall yield the right-of-way to pedestrians, exercise due care, and give an audible signal before passing another rider or pedestrian traveling in the same direction.
- b. Attachments and towing. No person operating or riding upon a bicycle, e-bike, electric scooter, or electric personal assistive mobility device may attach to, tow, drag, or pull any coaster, roller skates, sled, wagon, toboggan, person, or other apparatus or conveyance not specifically designed for attachment to or towing by such device while operating on a public street, sidewalk, public recreation trail, bicycle path, bicycle way, or property owned or leased by the city.
- c. Racing, trick, or stunt riding. No person operating a bicycle, e-bike, electric scooter, or electric personal assistive mobility device upon a public street, sidewalk, public recreation trail, bicycle path, bicycle way, or property owned or leased by the city shall participate in any race, speed or endurance contest, trick riding, stunt riding, or acrobatic riding unless such race or contest is conducted as part of a special event approved by the city council after review by the police department or other authority having jurisdiction.
- d. Electric motorbikes and e-motos. No person shall operate an electric motorbike, e-moto, electric dirt bike, electric motorcycle, electric mini-bike, electric pit bike, or similar non-pedal-assisted electric motor-driven cycle on any sidewalk, public recreation trail, bicycle path, bicycle way, or property owned or leased by the city, except where such operation is expressly authorized by city council motion or resolution or otherwise permitted by Wisconsin law.

Sec. 36-145. Responsibility of parent, guardian, or rental agency.

No parent or guardian of any child, or rental agency shall authorize or knowingly permit a child to violate any of the provisions of this chapter or of any ordinance or state law applicable to the registration or operation of bicycles, e-bikes, electric scooters or electric personal assistive mobility devices, and shall be responsible for the safety and maintenance of said device.

Disclaimer; liability.

- A. Any person, who owns, operates or rides upon a bicycle, e-bike, electric scooter or electric personal assistive mobility device on a city street, public recreation trail, bicycle path or bicycle way within the city, or on property owned or leased by the city, does so at that person's own risk and peril and assumes all liability resulting from the operation of the device. The city in no way shall be liable for accidents, injuries or death involving the operation of the device.
- B. Rental agencies who rent or offer any bicycle, e-bike, electric scooter or electric personal assistive mobility device, shall be insured for liability for property damage and personal injury by a reputable insurer satisfactory to the city. A certificate of insurance verifying insurance coverage shall be filed with the city with each application for registration or renewal. Such insurance shall provide for policy limits of at least \$1,000,000.00 for one person, \$1,000,000.00 for any number of persons injured or killed in one accident, and \$100,000.00 for property damage per incident. Additionally, it shall be agreed that the city is released from liability for any accidents involving the registered bicycle, e-bike, electric scooter or electric personal assistive mobility device and to indemnify

and hold the city harmless from any claims arising from any such use.

Sec. 36-146. Responsibility of parent or guardian.

- a. For purposes of enforcement involving a person under the age of 18, this section shall be applied consistent with Wisconsin law, including Wis. Stat. §§ 938.17, 938.343, and 895.035. A person who is 12 years of age or older may be issued a citation or otherwise proceeded against for a municipal ordinance violation as allowed by state law. A parent, guardian, or legal custodian may also be cited or otherwise held responsible, to the extent permitted by law, when that person authorizes, knowingly permits, fails to prevent, or is otherwise legally responsible for a person under the age of 18 violating this chapter. For a person under 12 years of age, enforcement shall be directed to the parent, guardian, or legal custodian to the extent permitted by law, including notice, summons, supervision, restitution, damages, forfeiture, or other remedies authorized by Wisconsin law.
- b. Operators of electric bicycles, and parents or guardians of such operators as provided in this section, shall be fully liable for any damage caused to public or private property as a result of purposeful, negligent, or illegal actions in conflict with this section and shall be responsible for complete restitution of all costs associated with such damage, in addition to any forfeiture for the violation.

Sec. 36-147. Unclaimed, unidentified, seized, or impounded bicycles, e-bikes, electric scooters, or electric personal assistive mobility devices.

- (a) **Abandoned or unidentified devices.** All abandoned or unidentified bicycles, e-bikes, electric scooters, or electric personal assistive mobility devices shall be delivered to the police department for storage. Any such device remaining in custody of the police department for 60 days shall be sold at the next scheduled police auction.
- (b) **Seized or impounded devices.** The following devices may be seized and impounded by persons acting under the authority of the Chief of Police or the Director of Public Works:
 1. Any bicycle, e-bike, electric scooter, or electric personal assistive mobility device used in violation of this chapter.
 2. Any bicycle, e-bike, electric scooter, or electric personal assistive mobility device determined to be in the possession of a person who is not the legal owner.
 3. Any bicycle, e-bike, electric scooter, or electric personal assistive mobility device that has been abandoned.
 4. Any bicycle, e-bike, electric scooter, or electric personal assistive mobility device parked in violation of section 36-149.

Sec. 36-148. Operating rules.

No person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device upon any city street, public recreation trail, bicycle path or bicycle way within the city, or on property owned or leased by the city, shall fail to observe any applicable traffic regulations of the municipality and state or to comply with the following regulations:

- a. *Operator and passenger.* The manufacturer's recommended operator and seating capacity shall not be exceeded. A bicycle operator may transport a child in an auxiliary child seat or trailer designed for attachment to a bicycle if it is securely attached according to the manufacturer's instructions. No child under age 16 may operate a class 3 electric bicycle, and no class 3 electric bicycle may be operated on any public recreation trail, bicycle path, or bicycle way within the city, or on property owned or leased by the city, except on a city street.
- b. *Obedience to traffic control devices.* Any person operating a bicycle, e-bike, electric scooter, or electric personal assistive mobility device shall obey all official traffic control devices unless otherwise directed by a law enforcement officer.

c. *Stopping, turning and signaling.* No bicycle, e-bike, electric scooter or electric personal assistive mobility device operator shall suddenly stop, slow down, or turn without giving a proper signal. If the vehicle or device is not equipped with manufacturer-installed traffic signals, an arm signal is required by state law for operation on roadways. No person shall turn a bicycle, e-bike, electric scooter or electric personal assistive mobility device into an intersection, or turn to enter a private roadway or driveway, unless the device is in proper position upon the roadway. No person shall suddenly turn such device upon a roadway unless the movement can be made with reasonable safety. If other traffic may be affected by the movement, the operator shall give an appropriate signal continuously for not less than 50 feet before turning. When given by arm and hand, such signals shall be given from the left side of the device and shall indicate as follows:

- a. Left turn: hand and arm extended horizontally.
- b. Right turn: hand and arm extended upward.
- c. Stop or decrease speed: hand and arm extended downward.

- (1) *Prohibited turns.* Whenever a uniform traffic control device indicates that no right or left turn or U-turn is permitted, no person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall disobey the direction of such device, except after dismounting from the bicycle, e-bike, electric scooter or electric personal assistive mobility device to make such turn, in which event said person shall then obey the regulations, ordinances and laws applicable to pedestrians.
- (2) *Right turns.* Every person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device intending to turn to the right at an intersection, alley, or driveway shall approach the turning point in the line of traffic nearest the right-hand curb of the street.
- (3) *Left turns.* Every person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device intending to turn left at an intersection or to enter an alley or driveway shall approach the point of turning in that lane farthest to the left which is lawfully available to traffic moving in the direction of travel of the bicycle, e-bike, electric scooter or electric personal assistive mobility device about to turn left, unless otherwise directed by official traffic control devices. At intersections where traffic is moving in the opposite direction, if it is not safe for the operator to make a left turn as above-described, he or she shall stay in the right-hand lane and drive to the opposite corner, dismount and walk the bicycle, e-bike, electric scooter or electric personal assistive mobility device to the left-hand corner and proceed. A bicycle, e-bike, electric scooter or electric personal assistive mobility device operator may also make a left turn by driving to the opposite corner and then turning left and driving in a normal driving position.
- (4) *Use of crosswalks.* Crosswalks shall be used when walking a bicycle, e-bike, electric scooter or electric personal assistive mobility device through an intersection.
- (5) *Speed.* No person shall operate a bicycle, e-bike, electric scooter, or electric personal assistive mobility device at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit. No person may operate a bicycle, e-bike, electric scooter, electric personal assistive mobility device, or other vehicle off-road on city property, including city parks and public recreation trails, at a speed greater than 15 miles per hour.

- d. *Clinging to moving vehicles.* It shall be unlawful for any person riding upon a bicycle, e-bike, electric scooter or electric personal assistive mobility device to cling or attach themselves to any moving vehicle.
- e. *Single-file riding.* Every person operating a bicycle, e-bike, electric scooter, or electric personal assistive mobility device on a public highway shall ride in single file and shall not ride two or more abreast.
- f. *Removal of hands from handlebars.* No person operating a bicycle, e-bike, electric scooter, or electric personal assistive mobility device shall remove both hands from the handlebars or both feet from the pedals while operating the device.
- g. *Lights; reflectors.* No person may operate a bicycle, e-bike, electric scooter, or electric personal assistive mobility device upon a highway, bicycle lane, or bicycle way during hours of darkness unless such device is equipped with, or the operator is wearing, a lamp emitting a white light visible from a distance of at least 500 feet to the front. A bicycle, e-bike, electric scooter, or electric personal assistive mobility device shall also be equipped with a red reflector that has a diameter of at least two inches of surface area on the rear, so mounted and maintained as to be visible from all distances from 50 to 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to, but not in lieu of, the red reflector.
- h. *Operation on roadway edge.* The rider of a bicycle, e-bike, electric scooter, or electric personal assistive mobility device shall ride as near as practicable to within five feet of the right-hand curb or edge of the roadway, except when passing another vehicle or making a left-hand turn in an intersection.

Sec. 36-149. Parking.

- a. No person shall park any bicycle, e-bike, electric scooter or electric personal assistive mobility device against windows or in the main traveled portion of any sidewalk or highway nor in such manner as to constitute a hazard to pedestrians, traffic or property. If there is no bicycle rack or other facility intended to be used for the parking of bicycles, e-bikes, electric scooters or electric personal assistive mobility devices in the vicinity, the operator may park the device on the sidewalk in an upright position, parallel to and within two inches of the curb.

Sec. 36-150. Violations and penalties.

Any person who violates this chapter shall be subject to the penalties set forth below, subject to the requirements of state law:

- a. Any person who is subject to citation under Wisconsin law and who violates any provision of this chapter is subject to the following penalties. For violations involving a person under the age of 18, enforcement, citation, notice to a parent, guardian or legal custodian, forfeiture, restitution, and any related disposition shall be handled as authorized by Wisconsin law, including Wis. Stat. ch. 938:
 - 1. First offense penalty shall forfeit not less than \$5.00 nor more than \$1,500.00.
 - 2. Second offense penalty shall forfeit not less than \$10.00 nor more than \$1,500.00.
 - 3. Third offense penalty shall forfeit not less than \$20.00 nor more than \$1,500.00.

APPROVED:

ATTEST:

Darryl D.D. Teske, Mayor

Daron Haugh, Administrator

- Date of Plan Commission Recommendation (if applicable): _____
- Date of Public Hearing (if applicable): _____
- Date of Readings: _____
- Date of Adoption: _____
- Votes:
 - Ayes_____Nays____ Absent____Abstention _____

- Date of Publication: _____