

## ORDINANCE

**AN ORDINANCE** to amend Municipal Code 8-3 entitled “Bicycles, E-Bikes, and Electric Personal Assistive Mobility Devices”.

The Council of the City of Two Rivers ordains as follows:

[HISTORY: Adopted by the City Council of the City of Two Rivers (Title 8, Ch. 3, of the 1981 Code). Amendments noted where applicable.] This chapter shall not apply to vehicles or devices used in accordance with the Americans with Disabilities Act or in regard to play vehicles as defined by Wisconsin Statute.

**SECTION 1.** That Section 8-3-1 of the Municipal Code shall hereby be amended as follows:

### **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 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.

### **BICYCLE PATROL OFFICER**

A police officer patrolling by use of bicycle, electric scooter, 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, 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 is 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 the speed of 20 miles per hour.
- (b) Class 2 electric bicycle is an electric bicycle that may be powered solely by the motor and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
- (c) Class 3 electric bicycle is 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 the speed of 28 miles per hour.

#### **ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE**

A self-balancing, 2-nontandem-wheeled device that is designed to transport only one person and that has 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.

#### **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.

**SECTION 2.** That Section 8-3-2 of the Municipal Code shall hereby be amended as follows:

#### **Registration of bicycles, e-bikes, electric scooters, and electric personal assistive mobility devices.**

- A. Registration required. No person who resides within the City of Two Rivers shall operate or propel a bicycle, e-bike, electric scooter or electric personal assistive mobility device upon any public highway, public recreation trail, bicycle way or bicycle path within the City, or on property owned or leased by the City, which has not been duly registered and

licensed as provided in this chapter. The owner shall apply for registration within 10 days of purchase and delivery of the bicycle, e-bike, electric scooter or electric personal assistive mobility device. A rental agency shall not rent or offer any bicycle, e-bike, electric scooter or electric personal assistive mobility device, for rent unless registered and an identification tag is attached thereto as provided herein and such bicycle, e-bike, electric scooter or electric personal assistive mobility device has not been modified from the original manufacturer in such a way as to make said device unsafe.

- B. How made. Registration shall be made by filing with the Police Department on forms provided by the City, giving the name, address and date of birth of the owner and a complete description of the bicycle, e-bike, electric scooter or electric personal assistive mobility device, including the name of the manufacturer, style, model, serial number, and color. If the bicycle, e-bike, electric scooter or electric personal assistive mobility device has no serial number, the Police Department shall assign one.
- C. Registration fee. The fee for registration and license of a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall be as provided for in Chapter 1-2, Fees, of this Code. Police patrol bicycles and other city owned vehicles or devices are exempt from this provision.
- D. Identification tag. The registering employee or officer shall issue to the registrant an identification tag. The identification tag shall be immediately affixed to the registered bicycle, e-bike, electric scooter or electric personal assistive mobility device, and shall be firmly attached to the bicycle, e-bike, electric scooter or electric personal assistive mobility device for which issued and kept visible and clean at all times. The identification tag shall permit the bicycle, e-bike, electric scooter or electric personal assistive mobility device to be operated upon the City streets, public recreation trail, bicycle path or bicycle way within the City, or on property owned or leased by the City.
- E. Unsafe bicycles, e-bikes, electric scooters or electric personal assistive mobility devices not to be registered. No bicycle, e-bike, electric scooter or electric personal assistive mobility device shall be registered which is in an unsafe mechanical condition.
- F. Owner to register. The licensing authority shall not register any bicycle, e-bike, electric scooter or electric personal assistive mobility device which it knows or has reasonable grounds to believe is not owned by or lawfully in the possession of the applicant.
- G. Change of ownership.
  - (1) Within 10 days after any bicycle, e-bike, electric scooter or electric personal assistive mobility device registered as provided herein is sold or transferred to a new owner, the new owner shall report such information to the Police Department and shall apply for and obtain the transfer of the registration through the Police Department. Within 10 days after any bicycle, e-bike, electric scooter or electric personal assistive mobility device is dismantled or taken out of operation, the person in whose name the bicycle, e-bike, electric scooter or electric personal assistive mobility device is registered shall report such information to the Police Department. The Police Department shall thereupon cancel the registration of the bicycle, e-bike, electric scooter or electric personal assistive mobility device.
  - (2) Every person who transfers the title of any bicycle, e-bike, electric scooter or electric personal assistive mobility device shall endorse upon the form provided by the City the name, address, and date of birth of the transferee, the date of the transfer and the identification tag number affixed to the bicycle, e-bike, electric scooter or electric personal assistive mobility device. The transferee, upon registration, shall pay a transfer fee as provided for in Chapter 1-2, Fees, of this

Code. The bicycle, e-bike, electric scooter or electric personal assistive mobility device identification tag remains with the bicycle, e-bike, electric scooter or electric personal assistive mobility device and is not transferable to a different bicycle, e-bike, electric scooter or electric personal assistive mobility device.

**SECTION 3.** That Section 8-3-3 of the Municipal Code shall hereby be amended as follows:

**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. 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.

**SECTION 4.** That Section 8-3-4 of the Municipal Code shall hereby be amended as follows:

**Display of registration.**

The identification tag issued under this chapter shall be affixed to the registered bicycle, e-bike, electric scooter or electric personal assistive mobility device so as to be plainly seen and read and shall remain so affixed until ordered removed by the Police Department for cause or until expiration of the registration. In the case of theft or loss of the identification tag, a replacement tag shall be issued upon payment of a fee as provided for in Chapter 1-2, Fees, of this Code.

**SECTION 5.** That Section 8-3-5 of the Municipal Code shall hereby be amended as follows:

**Exemption from registration.**

Any nonresident of the City who has duly registered his/her bicycle, e-bike, electric scooter or electric personal assistive mobility device in another jurisdiction, or who resides in another jurisdiction which has no registration requirements, may operate his/her bicycle, e-bike, electric scooter or electric personal assistive mobility device in the City without obtaining local registration.

**SECTION 6.** That Section 8-3-6 of the Municipal Code shall hereby be amended as follows:

**Removal and alteration of identification tags.**

- A. Removal prohibited. No person shall remove an identification tag from a bicycle, e-bike, electric scooter or electric personal assistive mobility device during the period for which it is issued.
- B. Alteration prohibited. No person shall alter or counterfeit any identification tag.

**SECTION 7.** That Section 8-3-7 of the Municipal Code shall hereby be amended as follows:

**Unclaimed or unidentified bicycles, e-bikes, electric scooters or electric personal assistive mobility 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, and all such bicycles, e-bikes, electric scooters or electric personal assistive mobility devices remaining in the hands of the Police Department after 60 days shall be sold at the next scheduled police auction.

**SECTION 8.** That Section 8-3-8 of the Municipal Code shall hereby be amended as follows:

**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. Bicycle operators shall not use a bicycle to carry another person in excess of manufacturer's recommended capacity; however, a bicycle operator may carry or transport a child seated in an auxiliary child's seat or trailer designed for attachment to a bicycle if the seat or trailer is securely attached to the bicycle according to the directions of the manufacturer of the seat or trailer. No child under age 16 may operate a class 3 electrical bicycle and no class 3 electrical 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 upon any City street.
- B. Stunt or trick riding. No person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall participate in any trick or stunt riding or racing on any City street, public recreation trail, bicycle path or bicycle way within the City, or on property owned or leased by the City, unless such race or contest is held pursuant to permission granted by the authority having jurisdiction over the highway, or with the express written consent of the City Council.
- C. Towing. No person riding or operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall tow, drag or cause to be drawn behind the bicycle, e-bike, electric scooter or electric personal assistive mobility device, any person on roller skates, coaster sled, or any other type of conveyance not designed to be towed by a bicycle, e-bike, electric scooter or electric personal assistive mobility device.
- D. Obedience to traffic control devices. Any person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall obey the instructions of all official traffic control devices unless otherwise directed by a law enforcement officer.
- E. Stopping, turning and signaling.
  - (1) Signal required. No bicycle, e-bike, electric scooter or electric personal assistive mobility device operator shall suddenly stop, slow down, or turn without giving proper signal, or when the vehicle or device is not equipped with traffic signals by the manufacturer, an arm signal is required by state law for the operation of vehicles or devices on roadways. No person shall turn a bicycle, e-bike, electric scooter or electric personal assistive mobility device into an intersection unless the bicycle, e-bike, electric scooter or electric personal assistive mobility device is in proper position upon the roadway or turn to enter a private roadway or driveway unless the bicycle, e-bike, electric scooter or electric personal assistive mobility device is in proper position on the roadway as required or suddenly turn a bicycle, e-bike, electric scooter or electric personal assistive mobility device upon a roadway unless and until such movement can be made with reasonable safety. If other traffic may be affected by such movement, no person shall so turn any bicycle, e-bike, electric scooter or electric personal assistive mobility device without giving an appropriate signal in the manner provided. Such signal shall be given continually during not less than 50 feet before turning. When given by arm and hand signals, such signals shall be given from left side of bicycle, e-bike, electric scooter or electric personal assistive mobility device in the following manner 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.
  - (2) 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.
  - (3) 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.
  - (4) 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.
  - (5) Use of crosswalks. Crosswalks shall be used when walking a bicycle, e-bike, electric scooter or electric personal assistive mobility device through an intersection.
- F. 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 roadway but on property owned by the city, including but not limited to City parks and public recreation trails, in excess of 15 mph.
- G. 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 a bicycle, e-bike, electric scooter or electric personal assistive mobility device to any moving vehicle.
- H. Single file riding. Every person when operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device on a public highway shall ride such bicycle, e-bike, electric scooter or electric personal assistive mobility device in a single file and at no time shall ride two or more abreast.
- I. Racing. No person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall participate in any race, speed or endurance contest with another bicycle, e-bike, electric scooter or electric personal assistive mobility device or with any other vehicle on a City street, public recreation trail, or on property owned or leased by the City, except in connection with a special event upon permission granted by the City Council after a report by the Chief of Police.
- J. 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 handlebars or feet from pedals nor practice any fancy or acrobatic riding or stunts in the operation of said bicycles, e-bikes, electric scooters or electric personal assistive mobility devices.

- K. 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 bicycle, e-bike, electric scooter or electric personal assistive mobility 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 of such bicycle, e-bike, electric scooter or electric personal assistive mobility device. Such 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.
- L. 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 in making a left-hand turn in an intersection.

**SECTION 9.** That Section 8-3-9 of the Municipal Code shall hereby be amended as follows:

**Parking.**

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 a bicycle, e-bike, electric scooter or electric personal assistive mobility device on the sidewalk in the upright position parallel to and within 24 inches of the curb.

**SECTION 10.** That Section 8-3-10 of the Municipal Code shall hereby be amended as follows:

**Operation on sidewalks.**

- A. No person shall operate any bicycle, e-bike, electric scooter or electric personal assistive mobility device on any sidewalk within the City, except bicycles with wheels 20 inches in diameter or less in residential areas for the purpose of learning, or bicycles being operated by a Police Bicycle Patrol Officer or other city vehicle operating within the performance of his city duties.
- B. Bicycles, e-bikes, electric scooters or electric personal assistive mobility devices may be operated on bridge sidewalks, but shall maintain the right-of-way to pedestrians.
- C. Notwithstanding Subsection A hereof, the City Council may, by motion or resolution, permit the operation of bicycles, e-bikes, electric scooters or electric personal assistive mobility devices on designated sidewalks of the City, in its discretion, when it believes permitting such operation is appropriate and consistent with public health and safety. Copies of any such resolution or motion shall be maintained at the office of the City Clerk and shall be available for public inspection during normal office hours. Such permission shall be subject to signage or other requirements imposed by applicable law.

**SECTION 11.** That Section 8-3-11 of the Municipal Code shall hereby be amended as follows:

**Violations and penalties.**

Any person who shall violate any of the provisions of this chapter shall be punished by any of the following

methods, subject to the requirements of state law:

A. Any person over the age of 12 who violates any provision of this chapter shall be subject to the following penalties:

- (1) First offense penalty shall forfeit not less than \$5 nor more than \$1,500.
- (2) Second offense penalty shall forfeit not less than \$10 nor more than \$1,500.
- (3) Third offense penalty shall forfeit not less than \$20 nor more than \$1,500.

Dated this 4th day of April, 2022.

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Adam Wachoswki  
President, City Council

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Gregory E. Buckley  
City Manager

Attest:

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Jamie Jackson  
City Clerk

Approved as to form and legality:

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John M. Bruce  
City Attorney