

City of Whitewater – Proposed Ordinance Update (Corrected & Verified)

11.40.070 – Obedience to Vehicle or Traffic Regulations and Riding Regulations

For the purpose of this chapter, bicycles, electric bicycles (E-bikes), electric scooters, and electric personal assistive mobility devices (EPAMDs) shall obey all rules dealing with vehicular traffic as set forth in Wisconsin Statutes Chapters 340 through 348, which are hereby adopted by reference, together with all future amendments. In addition to owners or operators obeying all vehicular traffic regulations, they shall obey the following:

(a) Definitions and Classification of Devices.

- 1. Bicycle: As defined in Wis. Stat. § 340.01(5).
- 2. Electric Bicycle (E-bike): As defined in Wis. Stat. § 340.01(15ph).
- 3. Electric Scooter: As defined in Wis. Stat. § 340.01(15ps).
- 4. Electric Personal Assistive Mobility Device (EPAMD): As defined in Wis. Stat. § 340.01(15pm).
- All such devices are subject to rights and duties in Wis. Stat. §§ 346.80–346.806 and §§ 346.803–346.804.

(b) Classification and Age Restrictions for Electric Bicycles.

- Electric bicycles are classified and regulated per Wis. Stat. § 346.806:
- Class 1: Pedal-assist, ceases assistance at 20 mph.
- Class 2: Throttle-assist, ceases assistance at 20 mph.
- Class 3: Pedal-assist, ceases assistance at 28 mph.
- No person under 16 years of age may operate a Class 3 electric bicycle. (§ 346.806(3)(a))
- All operators of Class 3 electric bicycles shall wear a protective helmet. (§ 346.806(3)(b))

(c) Protective Helmets for Minors.

- Any person under sixteen (16) years of age operating or riding upon a bicycle, electric bicycle, electric scooter, skateboard, scooter, roller skates, in-line skates, or similar play vehicle upon any public roadway, public sidewalk, public bicycle path, park trail, or other public right-of-way within the City shall wear a properly fitted and fastened protective helmet.
- Such helmet shall meet or exceed the impact standards for protective bicycle helmets established by the American National Standards Institute (ANSI), the Snell Memorial Foundation, the United States Consumer Product Safety Commission (CPSC), or any successor national safety standard.
- The parent or legal guardian of any person under sixteen (16) years of age shall not knowingly permit such person to operate or ride upon any device described in this subsection unless the required helmet is properly worn.
- Failure to wear a helmet as required under this subsection shall constitute a municipal ordinance violation subject to enforcement by warning, citation, or other remedial action as determined appropriate by the enforcing officer.

(d) Operation of Electric Scooters.

- Operators have the same rights and duties as bicyclists (§ 346.803(1)).
- Scooters may not exceed 15 mph (§ 346.94(18s)(a)).

- Scooters may not operate on roadways posted over 25 mph, except to cross or briefly travel where necessary (§ 346.94(18s)(a)2).
- No license, registration, or insurance is required (§ 340.01(15ps)).
- Local authorities may regulate or prohibit scooter use on sidewalks or streets (§ 346.94(18s)(b)).

(e) Operation of EPAMDs (Segways).

- Operators have the same rights and duties as pedestrians when on sidewalks or crosswalks and the same rights and duties as bicyclists when on roadways (§ 346.804(1)).

- Local authorities may restrict EPAMD operation on sidewalks or roads for safety (§ 346.804(2)).

(f) Attaching to Motor Vehicles.

- No person riding upon a bicycle, electric bicycle, electric scooter, coaster, wagon, roller skates, sled, or toboggan shall attach to any motor vehicle.

(g) Seating and Passenger Limits.

- Operators shall ride only upon or astride a permanent and regular seat where applicable, and shall not carry more persons than the device is designed for.

(h) Carrying Objects.

- No person shall carry any package, bundle, or article that prevents keeping at least one hand upon the handlebars.

(i) Lane Position.

- Operators shall ride as near to the right side of the roadway as practicable and exercise due care when passing standing or moving vehicles (§ 346.80(2)(a)–(c)).

(j) Hand and Turn Signals.

- When turning or stopping, operators shall give the required signal continuously during not less than the last 100 feet traveled before turning or stopping, except that a bicyclist is not required to signal continuously if the hand is needed to control the bicycle (§ 346.34(1)(b)).
- Signals may be given by hand and arm or by signal lamp; when given by hand and arm, the method shall conform to § 346.35.

(k) Riding Two Abreast.

- Operators may ride two abreast if such operation does not impede the normal and reasonable movement of traffic (§ 346.80(3)(a)).

(l) Nighttime Equipment (Lamps & Reflectors).

- During hours of darkness, a bicycle operator (or the bicycle) must display a white front lamp visible from at least 500 feet (§ 347.489(1)).
- A bicycle, electric scooter, or EPAMD shall be equipped with a rear red reflector having at least 2 square inches of surface area, or for scooters/EPAMDs, a strip of red reflective tape of at least 2 square inches; a red rear lamp visible from 500 feet may be used in addition (§ 347.489(1)).

(m) Brakes.

- No person may operate a bicycle, electric scooter, or EPAMD upon a highway, bicycle lane, bicycle way, or sidewalk unless it is equipped with a brake in good working condition adequate to control movement and stop when necessary (§ 347.489(2)).

(n) Safe Passing by Motor Vehicles.

- The operator of a motor vehicle overtaking a bicycle, electric bicycle, or electric scooter proceeding in the same direction shall exercise due care, leaving a safe distance of not less than three feet until safely past (§ 346.075(1)).

(o) Racing.

- Racing on any street is prohibited unless authorized by permit.

(p) Sidewalk Operation.

- Bicycles may be operated on sidewalks only where permitted by local ordinance; bicyclists must yield to pedestrians and give an audible signal when passing (§§ 346.94(1), 346.804).
- Electric scooters and EPAMDs may be operated on sidewalks unless restricted by statute or local ordinance; operators must yield to pedestrians and give an audible signal when passing (§§ 346.805, 346.94(18s)).

(q) Incorporation by Reference.

- All applicable provisions of Wis. Stats. Chapters 340–348 governing these devices are incorporated by reference, including any future amendments.

(r) Safe and Appropriate Speed.

- No person shall operate a bicycle, electric bicycle, electric scooter, or electric personal assistive mobility device (EPAMD) at a speed greater than is reasonable and prudent under the conditions then existing, having regard for actual and potential hazards, pedestrian traffic, surface conditions, visibility, weather, and the character of the roadway, sidewalk, bicycle lane, trail, or shared-use path being traveled.
- Operators shall reduce speed and exercise due care when approaching or passing pedestrians, children, animals, intersections, congested areas, or other users of public ways.
- No person shall operate a bicycle, electric bicycle, electric scooter, or EPAMD:
 - Upon a sidewalk at a speed greater than ten (10) miles per hour;
 - Upon a shared-use path or recreational trail at a speed greater than fifteen (15) miles per hour unless otherwise posted;
 - In any congested pedestrian area at a speed greater than is safe for existing conditions.
- The City may establish and post alternative speed limits for specific trails, sidewalks, parks, or shared-use facilities where warranted for public safety.