

ORDINANCE

An Ordinance to amend Section 10.830 of the Manitowoc Municipal Code regulating bicycles and e-bikes or electric bicycles.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1. Section 10.830 is amended to read as follows:

“10.830 Bicycles and E-bikes or Electric Bicycles

(1) Definitions.

Bicycle means every device propelled by the feet acting upon pedals 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 establishment/bicycle dealer means any business operated by any person, partnership, association or corporation wherein new or used bicycles or bicycle parts are purchased, sold, exchanged, bartered, repaired, remodeled, dismantled or junked.

Bicycle lane means 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 mobility devices, or other modes of travel where permitted under Wis. Stat. § 349.23(2)(a), absent gasoline power, and so designated by appropriate signs and markings. **Bicycle way** means any path or sidewalk or portion thereof designated for the use of bicycles by the governing body of any city, town, village or county.

Bike route means any bicycle lane, bicycle way or highway which has been duly designated by the governing body of any city, town, village or county and which is identified by appropriate signs and markings.

Carrier means any device attached to ~~the~~ a bicycle, electric scooter, or electric personal mobility device designed for carrying articles.

Curb means the lateral boundaries of that portion of a street designed for the use of vehicles, whether marked by a curb or not.

Driver/operator means every person who drives or is in actual physical control of a vehicle.

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 mobility device. A self-balancing, two-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 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 mobility device, motorcycle, motor bicycle, electric bicycle, or moped.

~~**Lamps and Other Equipment on Bicycles.** No person may operate a bicycle upon a highway, bicycle lane or bicycle way during hours of darkness unless such bicycle 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 and a lamp emitting a red light 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. Such bicycle 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.~~

~~No person may operate a bicycle upon a highway, bicycle lane, or bicycle way unless all braking equipment with which the bicycle was originally provided is in good working order. No person may operate a bicycle equipped with a coaster brake upon a highway, bicycle lane or bicycle way unless such brake will enable the operator to make the rear wheel skid on dry, level, clean pavement.~~

Mini bike means a two-wheeled motorized vehicle with less than 20-inch wheels usually designed for trails and off-street use.

~~**Motor bike** means a vehicle of the bicycle or tricycle type propelled by a motor.~~

Motor vehicle means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Owner means 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 means 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.

Registration sticker means a sticker indicating that a bicycle is registered.

Right-of-way means 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.

Sidewalk means 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.

Street/highway means the entire width between the boundary lines or every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Vehicle means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks.

(2) Registration Required.

(a) No person, who resides within Manitowoc, shall ride or propel a bicycle, e-bike, electric scooter or electric personal mobility device on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been registered in accordance with this section and a registration sticker is attached thereto, as provided herein.

(b) Registration stickers issued in accordance with this section shall be attached to the bicycle, e-bike, electric scooter or electric personal mobility device immediately after issuance and shall not be removed during the period for which it was issued unless ownership is transferred, or the bicycle, e-bike, electric scooter or electric personal mobility device is dismantled and no longer operated upon any street in Manitowoc. Such registration sticker shall be placed on the seat tube directly below the seat in such manner to be visible from the left-hand side of the bicycle or e-bike, and in a visible location on all electric scooters and electric personal mobility devices.

(c) This section shall apply to all residents of Manitowoc, and to such nonresidents, who operate bicycles, e-bike, electric scooter or electric personal mobility device upon the streets of Manitowoc habitually or frequently. It shall not apply to casual travelers or tourists passing through Manitowoc on their bicycles, e-bike, electric scooter or electric personal mobility device. Police patrol bicycles and other city owned vehicles or devices are exempt from this section.

(d) All bicycles, e-bikes, electric scooters or electric personal mobility devices must apply for registration within 10 days of purchase.

(e) No person shall intentionally take or ride a bicycle, e-bike, electric scooter or electric personal mobility device without the consent of the owner.

(f) No bicycle, e-bike, electric scooter or electric personal mobility device shall be registered if in an unsafe mechanical condition.

(3) Application, Issuance, and Period for Bicycle Registration.

(a) Application. Bicycle, e-bike, electric scooter or electric personal mobility device registration applications and registration stickers shall be obtained through the Manitowoc Police Department. Registration fees shall be paid at the time of registration sticker issuance.

(b) Period of Registration. Upon receiving a proper application, the Police Department shall issue a registration which will be valid for as long as the applicant owns the bicycle, e-bike, electric scooter or electric personal mobility device. If ownership of the bicycle is transferred, the registration sticker shall remain with the licensee and may be replaced upon a payment of \$1.00.

(c) Issuance and Recordkeeping. The licensing authority shall not issue a registration for any bicycle, e-bike, electric scooter or electric personal mobility device when it knows or has reasonable grounds to believe that the applicant is not the owner or entitled to the possession of such bicycle. The Police Department shall keep a record of the number of each registration, the date issued, the name and address of the person to whom issued, the serial number and other descriptive identifiers, and a record of all bicycle registration fees collected. Registration form and registration stickers shall be serially numbered to coincide with each other. If a bicycle, e-bike, electric scooter or electric personal mobility device does not have a serial number and if proof of ownership can be proven, the Police Department shall assign one to said bicycle, e-bike, electric scooter or electric personal mobility device.

(d) Costs. Cost of registration shall be a fee of \$2.00. The Chief of Police or his designee may waive the bicycle registration fee and may offer free bicycle registration events at his discretion.

(4) Failure to Obtain License. Upon discovering a bicycle, e-bike, electric scooter or electric personal mobility device which is not licensed as required hereunder, the Police Department shall first attempt to notify the owner of the bicycle, e-bike, electric scooter or electric personal mobility device either in person or in writing that ~~it the bicycle~~ it must be properly licensed immediately. If ~~the bicycle~~ it is not properly licensed within five days, a citation shall be issued to the owner. If the owner continues to operate the bicycle, e-bike, electric scooter or electric personal mobility device without a proper license after a citation has been issued, the Police Department is authorized to impound the unlicensed bicycle, e-bike, electric scooter or electric personal mobility device.

(5) Alteration of Registration Stickers. It shall be unlawful for any person to alter or counterfeit any registration sticker issued in conformity with this section.

(6) Reserved for future use.

(7) Reserved for future use.

(8) Reserved for future use.

(9) Reserved for future use.

~~(10) Reserved for future use.~~ **Unclaimed or unidentified bicycles, e-bikes, electric scooters, or electric personal mobility devices.** All abandoned or unidentified bicycles, e-bikes, electric scooters, or electric personal mobility devices shall be delivered to the police department for storage, and all such bicycles, e-bikes, electric scooters, or electric personal mobility devices remaining in the hands of the police department after 60 days may be sold at the next scheduled police auction or otherwise disposed.

(11) Nonresident.

(a) Any nonresident may operate a bicycle, e-bike, electric scooter or electric personal mobility device which is duly registered in any municipality, and equipped with registration plates, without obtaining a local registration; provided, that such other municipality wherein said bicycle, e-bike, electric scooter or electric personal mobility device is registered extends the same privilege.

(b) ~~Bicyclists~~ Operators of any bicycle, e-bike, electric scooter or electric personal mobility device must comply with local traffic ordinances.

(12) Reserved for future use.

(13) Traffic Ordinances Apply to Persons Driving Bicycles. Every person driving a bicycle, e-bike, electric scooter or electric personal mobility device upon a roadway shall be granted all the rights and shall be subject to all of the duties applicable to the driver of a vehicle by the laws of this State declaring rules of the road applicable to vehicles or by the traffic ordinances of this City applicable to the driver of a vehicle, except as to special regulations in this section and except as to those provisions of laws and ordinances which by their nature can have no application.

(14) Riding on Sidewalks.

(a) Bicyclists and operators of e-bikes, electric scooters, and personal mobility devices exercising due care may drive and operate ~~their bicycles~~ upon the sidewalk except sidewalks in the central business districts, in outlying business districts, pedestrian paths, public school grounds, or public playgrounds, when such riding shall jeopardize the safety of pedestrians thereon.

(b) It shall be unlawful for any person driving a bicycle, e-bike, electric scooter, or personal mobility device on the sidewalk to attempt to pass another person or persons going in the same direction on said walk without giving a warning and until it becomes evident that the person so warned is aware of the approach of such person driving said bicycle, e-bike, electric scooter, or personal mobility device. Pedestrians shall at all times have the right-of-way upon the sidewalks and, if necessary, the person driving such bicycle, e-bike, electric scooter, or personal mobility device shall dismount and vacate the sidewalk to prevent a collision, and any such person driving a bicycle, e-bike, electric scooter, or personal mobility device upon the sidewalk must have the bicycle ~~it~~ under control at all times.

(15) Riding on Roadways and Bicycle Paths.

(a) Every person operating a bicycle, e-bike, electric scooter or electric personal mobility device upon a roadway shall ride as near to the right-hand curb or edge of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction, except on a one-way street whereby the person may ride as near to the right-hand curb or left-hand curb or edge of the roadway as practicable.

(b) Persons driving bicycles, e-bike, electric scooter or electric personal mobility device upon a roadway shall ride single file if possible.

(c) Whenever a usable bicycle path has been provided adjacent to a roadway, operators of bicycles, e-bikes, electric scooters or electric personal mobility devices ~~drivers~~ shall use such path and shall not use the roadway.

(d) The operator of any bicycle, e-bike, or electric scooter overtaking a motor vehicle proceeding in the same direction shall pass such vehicle at a safe distance nearest the curb to the right or, on a one-way street, the right or left thereof, but no person driving a bicycle, e-bike, or electric scooter shall pass or attempt to pass another vehicle proceeding in the same direction unless such passing can be made in safety and at a place on the street other than an intersection without leaving the traveled portion of the road.

~~(e) No person riding upon any coaster, roller skates, sled, toboggan or toy vehicles shall attach the same or himself to any vehicle upon a roadway or go upon any roadway except while crossing a roadway at a crosswalk.~~

(16) Riding on Bicycles, Carry Extra Passengers.

(a) A person propelling a bicycle or e-bike shall not ride other than upon or astride a permanent and regular seat attached thereto.

(b) No bicycle, e-bike, electric scooter or electric personal mobility device shall be used to carry more persons at one time than the number for which it is designed and equipped.

(c) No bicycle except a tandem shall be used to carry any person except the operator unless equipped with a child's seat in which case the following conditions and regulations must be met. The operator shall be 14 years of age or older.

1. The child's seat shall be fastened securely to the bicycle and shall be located behind the operator's seat, shall be so designed and manufactured for this specific purpose and be equipped with safety belt, arm rest, back rest, foot and spoke protection, and have a firm seat and back and shall be attached to frame at three points with bolts or nuts – two of which are at either side of the wheel axle.

2. Only one child's seat shall be attached to a bicycle.

(17) Improper Riding, Trick Riding and Racing.

(a) No person driving a bicycle, e-bike, electric scooter or electric personal mobility device upon a public highway, ~~or~~ street, or sidewalk shall participate in any race, speed or endurance contests.

(b) No person riding or operating a bicycle, e-bike, electric scooter or electric personal mobility device shall perform or attempt to perform any acrobatics, fancy, or stunt riding upon any public highway, street or sidewalk.

(18) Obedience to Traffic Control Devices. Any person operating a bicycle, e-bike, electric scooter or electric personal mobility device shall obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a police officer.

(19) Stopping, Turning and Signaling. All operators of bicycles, e-bike, electric scooter or electric personal mobility device riders must obey Wis. Stat. §346.18 and 346.31 through 346.35 regarding stopping, turning and signaling.

(20) Emerging from an Alley or Driveway. The operator of a bicycle, e-bike, electric scooter or electric personal mobility device emerging from an alley, driveway, or building shall stop prior to riding on or across a sidewalk or roadway. Such operator shall in all cases yield the right-of-way to all pedestrians approaching on said sidewalk and to all vehicles approaching upon said roadway.

(21) Speed.

(a) No person shall operate a bicycle, e-bike, electric scooter or electric personal mobility device at a speed greater than is reasonable and prudent under existing conditions.

(b) No person shall operate a bicycle, e-bike, electric scooter or electric personal mobility device in excess of any posted speed limit.

(22) Parking.

(a) No person shall park any bicycle, e-bike, electric scooter or electric personal mobility device against windows or on the main traveled portion of the sidewalk, nor in such manner as to constitute a hazard to pedestrians, traffic or property.

(b) If there is no bicycle rack or other facilities intended to be used for the parking of bicycles, e-bikes, electric scooters or electric personal mobility devices in the vicinity, bicycles they may be parked on the sidewalk in an upright position parallel to and within 24 inches of the curb.

(23) Clinging to Vehicles and Towing.

(a) No person driving a bicycle, e-bike, electric scooter or electric personal mobility device shall attach himself or his bicycle, e-bike, electric scooter or electric personal mobility device to any vehicle upon a roadway.

(b) No person driving a bicycle, e-bike, electric scooter or electric personal mobility device shall tow or draw any coaster, wagon, sled, person on roller skates, toy vehicles or other similar vehicle on any street, highway or roadway. Only trailers designed for bicycles may be towed.

(c) No person riding upon any coaster, wagon, sled, person on roller skates, toy vehicles or other similar vehicle shall attach the same or himself to any vehicle upon a roadway.

(24) Carry Articles. No person driving a bicycle, e-bike, electric scooter or electric personal mobility device shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars or obstructs the driver's vision.

(25) Brakes on Bicycles. No person may operate a bicycle, e-bike, electric scooter or electric personal mobility device upon a highway, bicycle lane or bicycle way unless all braking

equipment with which the bicycle, e-bike, electric scooter or electric personal mobility device was originally provided is in good working order. No person may operate a bicycle, e-bike, or electric scooter equipped with a coaster brake upon a highway, bicycle lane or bicycle way unless such brake will enable the operator to make the rear wheel skid on dry, level, clean pavement.

(26) Handle Bars. Every bicycle, e-bike, electric scooter, or personal mobility device that is equipped with handle bar grips must have said grips securely glued or cemented to the handle bars. Drop bars must be plugged or grips installed.

(27) Safety Equipment Required. No person may operate a bicycle, e-bike, electric scooter or electric personal mobility device upon a highway, bicycle lane or bicycle way during hours of darkness unless such bicycle, e-bike, electric scooter or electric personal 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. Such bicycle, e-bike, or electric personal 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.

(28) Bicycle Agencies (Dealers) – Bicycle Establishments.

(a) All persons, firms, or corporations engaged in the business of buying secondhand bicycles are hereby required to make a weekly report to the Police Department giving the name and address of the person from whom each bicycle is purchased, the name, color, type, size, and serial number of each bicycle purchased, and the number of the metallic plate found thereon. All persons engaged in the business of selling new or secondhand bicycles are hereby required to make a weekly report to the Police Department, giving a list of all sales made by such dealers, which list shall include the name and address of each buyer, together with a description including frame number and the number of the metallic registration plate attached thereto, if any. A record of these transactions should be maintained for three years.

(b) It shall be the duty of every person, firm, or corporation who sells or transfer ownership of any bicycle to report such sale or transfer by returning to the Police Department the registration card issued to the owner thereof, together with the name and address of the person to whom said bicycle was sold or transferred, and such report shall be made within five days of the date of said sale or transfer. It shall be the duty of the purchaser or transferee of such bicycle to apply for a transfer of registration within five days of said sale or transfer.

(29) Rental Agencies. A rental agency shall not rent or offer any bicycle, e-bike, electric scooter or electric personal mobility device for rent unless ~~the bicycle~~ it is registered, and a registration plate is attached thereto as provided herein, and ~~such bicycle~~ is equipped with the lamps and other equipment required by the State ~~Vehicle Code~~ and the Manitowoc Municipal Code.

(a) Rental agencies whom rent or offer any bicycle, e-bike, electric scooter or electric personal 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 and \$1,000,000.00 for any number of persons injured or killed in one accident and \$100,000.00 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 mobility device and to indemnify and hold the city harmless from any claims arising from any such use.

(b) Any person, who owns, operates or rides upon a bicycle, e-bike, electric scooter or electric personal 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.

(30) Effects of Regulations.

(a) It is unlawful for any person to perform any act forbidden or fail to perform any act required in this section.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this section.

(c) The regulations applicable to bicycles, e-bikes, electric scooters or electric personal mobility devices shall apply whenever a bicycle, e-bike, electric scooter or electric personal mobility device is operated upon any highway or upon any path set aside for the use of bicycles subject to those exceptions stated herein.

(31) Penalties. Every person at least 14 years of age or older convicted of a violation of any provision of this section shall forfeit not more less than \$20.00 nor more than \$1,500.00 and/or by removal and detention of the registration plate from such person's bicycle for a period not to exceed 30 days (judge's discretion).

(32) Disposal of Offenders According to Age.

(a) Any offender under the age of 14 years disregarding the rules and regulations governing the operation of bicycles or vehicles not in conflict with the State laws shall be directed to appear before the Municipal Court, Juvenile Traffic Court or Juvenile Court Officer, who upon such appearance shall hear such person's case and dispose of same in such manner as prescribed by the Court. Any person having attained the age of 14 years shall be dealt with in accordance with the ordinance governing vehicles and/or motor vehicles, and shall be disposed of as prescribed by such ordinance.

(b) Bicycle riders 14 years of age and older will be issued a traffic citation if they violate the traffic laws. Fines will be the same as fines for drivers of motor vehicles. The younger bicycle riders under 14 years of age will be issued a bicycle violation ticket if they violate any of the bicycle laws. This ticket must be signed by their parents and returned to the Police Department by the violator.

(33) Revocation of License. The Chief of Police or the Chief's designate shall have authority to suspend the registration of any bicycle, e-bike, electric scooter or electric personal mobility device operated contrary to any State law or City ordinances. Such suspension shall continue for a period not to exceed 30 days and shall be in addition to other penalties provided hereunder."

Section 2. This ordinance shall take effect the day after publication.

INTRODUCED _____

ADOPTED _____

Justin M. Nickels, Mayor

APPROVED _____

Fiscal Impact: Minimal, cost of publication of ordinance.
Funding Source: 1100-15100-532100 for Ordinance Publication costs
Finance Director Approval: /SMA
Approved as to form: /EGN

This ordinance was drafted by Eric G. Nycz, Assistant City Attorney.