

ORDINANCE NO.: \_\_\_\_\_

AN ORDINANCE to repeal, recreate, create, and amend various sections of the Code of Ordinances of the City of La Crosse relating to electric bicycles, electric scooters, and other vehicle use.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Section 34-67 is hereby amended to read as follows:

**Sec. 34-67. - Use of trucks and snowmobiles restricted.**

- ~~(a) No person other than park employees shall operate any truck or other vehicle which is not exclusively used for the carrying of passengers.~~
- (b) No person shall operate any snowmobile in any park, playground or other public ground nor upon any roadway in any park, playground or other public ground, without the express written consent and approval of the Board of Park Commissioners ~~approval~~.
- ~~(c) No person shall operate any four-wheel-drive vehicle, motor cycle or motor bike in any park, playground or other public ground except on duly designated roadways.~~

SECTION II: Section 34-68 is hereby repealed and recreated to read as follows:

**Sec. 34-68. – Bicycles, electric personal assistive mobility devices, electric scooters and other vehicles restricted in City parks.**

- (a) *Purpose and Intent.* The Common Council finds that as the use of City parks increases, it is in the public interest to protect and preserve parkland resources while making these resources accessible to the multitude of City park users. The use of bicycles and other vehicles on trails not designated for that specific use denigrates the parkland by accelerating damage to natural resources and compromising safety of trail users. The Common Council specifically authorizes the Board of Park Commissioners to identify trails within parkland suitable for bicycle or other non-motorized vehicle use. Any parkland or trail designated for bicycle or other non-motorized vehicle use shall be posted on the City website and trailheads.

- (b) *Definitions.*

*Bicycle* has the meaning specified in Wis. Stat. § 340.01(5), as may be amended from time to time, which is defined as every vehicle propelled by feet or hands acting upon pedals or cranks and having wheels, any 2 of which are not less than 14 inches in diameter. In this section, references to “bicycles” shall include bicycles propelled solely by the human body and electric bicycles, unless specifically delineated. It shall not include a motor bicycle as defined under Wis. Stat. § 340.01(30).

*City park* or *City parkland* means City-owned property designated as parkland and under the jurisdiction of the Board of Park Commissioners.

*Stewardship property* means City conservancy land or land interest typically subject to use restrictions to preserve natural resources.

*Electric bicycle* has the meaning specified in Wis. Stat. § 340.01(15ph), as may be amended from time to time, which is defined as a 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:

*Class 1 electric bicycle* is an electronic 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.

*Class 2 electric bicycle* is an electronic 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.

*Class 3 electric bicycle* is an electronic 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 (EPAMD)* has the meaning specified in Wis. Stat. § 340.01(15pm), as may be amended from time to time, which is defined as 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.

*Electric scooter* has the meaning specified in Wis. Stat. § 340.01(15ps), as may be amended from time to time, which is defined as 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 bicycle as defined under Wis. Stat. § 340.01(15ph), an electric personal assistive mobility device as defined under Wis. Stat. § 340.01(15pm), a motor bicycle as defined under Wis. Stat. § 340.01(30), a motorcycle as defined under Wis. Stat. § 340.01(32), or a moped as defined under Wis. Stat. § 340.01(29m).

*Motorized vehicle* means any self-propelled device in, upon or by which any person or property is or may be transported or drawn. *Motorized vehicle* includes, but is not limited to, an automobile as defined under Wis. Stat. § 340.01(4), an all-terrain vehicle as defined under Wis. Stat. § 340.01(2g), an off-road utility vehicle as defined under Wis. Stat. § 340.01(38m), a motor bicycle as defined under Wis. Stat. § 340.01(30), and a motorcycle as defined under Wis. Stat. § 340.01(32). *Motorized vehicle* does not include an electric bicycle as defined under Wis. Stat. § 340.01(15ph), an electric personal

assistive mobility device as defined under Wis. Stat. § 340.01(15pm), or an electric scooter as defined under Wis. Stat. § 340.01(15ph).

*Natural Surface Trail* means an unpaved trail designed and managed for ground-based recreational travel where the predominant surface is gravel, rock, soil, or another unpaved surface.

*Paved Trail* means a trail where the surface is paved, and the trail is designed and managed for multiple recreational uses.

(c) *Motorized vehicles prohibited.* No person shall operate any motorized vehicle in or upon any portion of public land, including but not limited to parks, playgrounds, trails, or other public grounds, except on duly designated roadways. This section does not apply to Law Enforcement Officers or authorized City Employees while acting in their professional capacity in service of the City.

(d) *Restrictions.*

- (1) *Bicycles.* Any person may ride a bicycle or an electric bicycle without the throttle engaged. Electric bicycle riders must utilize human power, which may include pedal-assist. It shall be unlawful for any person to ride or operate a bicycle as follows:
  - a. On any natural surface trail or natural area in or upon City parkland except trails or areas designated as open to bicycles;
  - b. On any sidewalks at Riverside Park International Gardens or Grandad Bluff Park;
  - c. On the Grandad Bluff Park mezzanine and the Riverside Park levees;
  - d. On any City-owned Stewardship property if prohibited by written agreement or other legal restriction;
  - e. On a fishing pier or boat dock;
  - f. On park property under a rental agreement or lease agreement;
  - g. On any area designated as a pool, beach, playground, ice skating rink, sports field or court, or any other similar venue;
  - h. Within any fenced area designated for use as a dog park.
- (2) *EPAMDs and electric scooters.* It shall be unlawful for any person to ride or operate an EPAMD or electric scooter as follows:
  - a. Areas where bicycle riding is prohibited under Sec. 34-68(d)(1);
  - b. On any natural surface trail or any natural or undeveloped land in or upon City parkland;
  - c. On any City-owned Stewardship property prohibited by written agreement or other legal restriction;
  - d. At Forest Hills Golf Course.
- (3) The prohibitions in Sec. 34-68(d)(2) shall not apply to persons using an EPAMD due to a disability in accordance with the Americans with Disabilities Act.

SECTION III: Section 44-198 is hereby repealed and recreated to read as follows:

**Sec. 44-198. – Play vehicles, in-line skates, and motorized play vehicles regulated.**

(a) *Definitions.*

*Downtown La Crosse area* means that geographic area bounded by 2<sup>nd</sup> Street on the west, King Street on the south, 6<sup>th</sup> Street on the east and State Street on the north.

*In-line skates* has the meaning specified in Wis. Stat. § 340.01(24m), as may be amended from time to time, which means skates with wheels arranged singly in a tandem line rather than in pairs.

*Motorized play vehicle* means a play vehicle as defined in Wis. Stat. § 340.01(43m) that is powered by an internal combustion engine or electric motor that is capable of propelling the device with or without manual human propulsion. *Motorized play vehicle* shall include, but not be limited to, mini-bikes, go-carts, and motorized skateboards. *Motorized play vehicle* shall not include a vehicle that can be legally registered by the State of Wisconsin and legally operated on a highway, an electric bicycle as defined under Wis. Stat. § 340.01(15ph), an electric personal assistive mobility device as defined under Wis. Stat. § 340.01(15pm), or an electric scooter as defined under Wis. Stat. § 340.01(15ps).

*Play vehicle* has the meaning specified in Wis. Stat. § 340.01(43m), as may be amended from time to time, which is defined as a coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride. *Play vehicle* does not include in-line skates as defined under Wis. Stat. § 340.01(24m) or an electric scooter as defined under Wis. Stat. § 340.01(15ps).

(b) It shall be unlawful for any person to operate or ride a play vehicle in any of the following places:

- (1) On any City street.
- (2) On any sidewalk in the downtown La Crosse area, except that this restriction does not apply to children 12 years of age and under when such children are under adult supervision.
- (3) In any public parking ramp or parking lot.
- (4) On any public property where signs prohibit it.
- (5) On private property, unless permission has been received from the owner, lessee, or person in charge of that property.

(c) In addition to the prohibitions under Wis. Stat. § 346.94(17), no person riding upon in-line skates may travel upon any of the following:

- (1) On the roadway of any State or U.S. Highway within the City of La Crosse, including State Highways 35, 16 and 33, as well as U.S. Highways 61, 14 and 53.
- (2) On any sidewalk in the downtown La Crosse area.
- (3) In any public parking ramp or parking lot.

- (4) On any public property where signs prohibit it.
  - (5) On private property, unless permission has been received from the owner, lessee, or person in charge of that property.
- (d) In-line skate regulations.
- (1) *State laws applicable.* Every person using in-line skates upon a public roadway shall be subject to the provisions of all ordinances and State laws applicable to the operator of any vehicle, except those provisions which by their nature would have no application.
  - (2) *Riding on roadway.*
    - a. Every person using in-line skates on a two-way public street or alley shall keep as close to the right-hand curb as possible and shall proceed with traffic. Every person using in-line skates upon a one-way public street or alley shall proceed in the direction of one-way traffic.
    - b. Every person using in-line skates upon a roadway shall ride single file on all public roadways which have centerlines or have lines indicated by painting or other markings. On public roadways and alleys not divided by painted or other marked centerlines or lane lines, in-line skaters may ride two abreast.
    - c. Persons using in-line skates upon a public roadway shall not impede the normal and reasonable movement of traffic.
  - (3) *Clinging to moving vehicles.* It shall be unlawful for any person using in-line skates to cling to or attach to any bicycle or other moving vehicle upon a public roadway.
  - (4) *Observance of traffic regulations.* Every person using in-line skates upon a public roadway shall stop for all stop signs and traffic signals.
  - (5) *Yielding to traffic.* The operator of a vehicle shall yield the right-of-way to a user of in-line skates in the same manner as for bicyclists and pedestrians under Wis. Stats. §§ 346.23, 346.24, 346.36 and 346.38. When using in-line skates, every person shall, upon entering a public roadway, yield the right-of-way to motor vehicles, except that a person using in-line skates shall be subject to the same regulations as bicyclists and pedestrians under Wis. Stats. §§ 346.23, 346.24, 346.37 and 346.38.
  - (6) *Equipment regulations.* Every person using in-line skates during hours of darkness shall be equipped with a lamp emitting a white light visible from a distance of at least 500 feet to the front and with a reflector to the rear. The reflector shall not be less than two inches in diameter. A lamp on the rear exhibiting a red light may also be used.
- (e) Operators or riders of in-line skates 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.
- (f) No person shall operate any motorized play vehicle on any street, sidewalk, or public property in the City.
- (g) Violations of this section are a Class B offense as provided in section 1-7.

SECTION IV: Section 44-199 is hereby created to read as follows:

**Sec. 44-199. – Electric Scooters.**

*Definition.* *Electric scooter* has the meaning specified in Wis. Stat. § 340.01(15ps), as may be amended from time to time, which is defined as 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 bicycle as defined under Wis. Stat. § 340.01(15ph), an electric personal assistive mobility device as defined under Wis. Stat. § 340.01(15pm), a motor bicycle as defined under Wis. Stat. § 340.01(30), a motorcycle as defined under Wis. Stat. § 340.01(32), or a moped as defined under Wis. Stat. § 340.01(29m).

- (a) *State laws applicable.* Every person using an electric scooter upon a public roadway shall be subject to the provisions of all ordinances and State laws applicable to the operation of any vehicle, except those provisions which by their nature would have no application.
- (b) *Where prohibited.* It shall be unlawful for any person to operate or ride an electric scooter in any of the following places:
  - (1) On any roadway with a speed limit in excess of 25 miles per hour except in designated bike lanes or designated paved shared-use paths.
  - (2) On any sidewalk described in subsection (f) of this section.
  - (3) In any public parking ramp or parking lot.
  - (4) On any public property prohibited by applicable federal, state or local law, including but not limited to Sec. 34-68 of this code.
  - (5) On any public property where signs prohibit it.
  - (6) On private property, unless permission has been received from the owner, lessee, or person in charge of that property.
- (c) *Permitted use.* Every person using electric scooters on a public roadway shall:
  - (1) Keep as close to the right-hand curb as practicable and proceed in the direction of traffic, except where bicycle lanes designate otherwise;
  - (2) On one-way public roadways, proceed in the direction of one-way traffic except where bicycle lanes designate otherwise;
  - (3) Ride single file on all public roadways which have lane markings indicated by paint or other markings except on undivided public roadways with no painted or otherwise marked centerlines or lane lines, where electric scooters may ride two abreast;
  - (4) Obey all the instructions of official traffic-control devices, signs, and signals applicable to vehicles unless otherwise directed by a law enforcement officer;
  - (5) Yield the right-of-way to a person using an electric scooter in the same manner as for bicyclists and pedestrians under Wis. Stats. §§ 346.23, 346.24, 346.36 and 346.38; and
  - (6) Upon entering a public roadway, yield the right-of-way to motor vehicles, except that a person using an electric scooter shall be subject to the same regulations as

bicyclists and pedestrians under Wis. Stats. §§ 346.23, 346.24, 346.37 and 346.38.

- (d) *Restrictions.* It shall be unlawful for any person operating or riding an electric scooter to do any of the following:
- (1) Impede the normal and reasonable movement of traffic;
  - (2) Operate an electric scooter at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit;
  - (3) Cling to or attach to any bicycle or other moving vehicle upon a public roadway;
  - (4) Trick or stunt ride or race on any highway within the City, unless such race or contest is held pursuant to permission granted by the authority having jurisdiction over the highway;
  - (5) Tow, drag, or causing to be drawn behind the electric scooter any coaster, sled, play vehicle, trailer, person on in-line skates, or any other type of conveyance;
  - (6) Carry more persons at one time than the number for which it is designated and equipped;
  - (7) Park or leave an electric scooter in the right-of-way unless the electric scooter is properly parked within, fastened, or chained to a bicycle rack or other sign-designated area;
  - (8) Leave an electric scooter in a manner to obstruct a sidewalk;
  - (9) Wear any headphones, earphones, or earbuds covering or inserted into both ears while operating an electric scooter;
- (e) *Equipment regulations.* Each electric scooter shall have a lamp emitting white light visible from a distance of at least 500 feet to the front of the device. Each electric scooter shall also have either a red reflector that has a diameter of at least two inches of surface area or a red reflector that is a strip of reflective tape that has at least two square 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 steady or flashing red light visible from a distance of 500 feet to the rear may be used in lieu of the red reflector.
- (f) *Riding on sidewalks.* No person shall ride an electric scooter on any public sidewalk in the "downtown La Crosse area" as defined in section 44-198, or past any building which has any entrance or exit abutting on the sidewalk. It shall otherwise be lawful to ride or operate an electric scooter on any public sidewalk. Every person using an electric scooter on a sidewalk shall:
- (1) Maintain a reasonable rate of speed;
  - (2) Yield the right-of-way to any pedestrian or bicyclist;
  - (3) Exercise due care and give an audible signal when passing a pedestrian proceeding in the same direction. If unable to pass in a safe manner, the operator shall dismount from the electric scooter and push it past the pedestrian.
  - (4) Exercise due care and give an audible signal when passing a bicycle, electric scooter, or electric personal assistive mobility device proceeding in the same direction.

SECTION V: Section 44-220 is hereby amended to read as follows:

**Sec. 44-220. – Definitions.**

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

Bicycle has the meaning specified in Wis. Stat. § 340.01(5), as may be amended from time to time, which is defined as every vehicle propelled by feet or hands acting upon pedals or cranks and having wheels, any 2 of which are not less than 14 inches in diameter. In this section, references to “bicycles” shall include bicycles propelled solely by the human body and electric bicycles, unless specifically delineated. It shall not include a motor bicycle as defined under Wis. Stat. § 340.01(30). For purposes of this division, references to “bicycles” shall also include electric bicycles, unless specifically delineated.

*Bicycle lane* means that portion of a roadway set aside for exclusive use of bicycles and so designated by appropriate signs and markings by the responsible governing body.

*Bicycle way* means any path or sidewalk, or portion thereof, designated for the use of bicycles by the responsible governing body.

Electric bicycle has the meaning specified in Wis. Stat. § 340.01(15ph), as may be amended from time to time, which is defined as a 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:

Class 1 electric bicycle is an electronic 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.

Class 2 electric bicycle is an electronic 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.

Class 3 electric bicycle is an electronic 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.

SECTION VI: Section 44-223 is hereby amended to read as follows:

**Sec. 44-223. – Operating rules.**

No person operating a bicycle upon any highway, bicycle path or bicycle way within the City shall fail to observe all applicable traffic regulations of the municipality and State or to comply with the following regulations:

...

(6) *Riding on sidewalks.* No person shall ride a bicycle on any public sidewalk in the "downtown La Crosse area" as defined in section 44-198 ~~10-393~~, or past any building which has any entrance or exit abutting on the sidewalk. Except as herein specified, it shall be lawful to ride on any public sidewalk provided that a reasonable rate of speed is maintained and every person operating a bicycle upon a sidewalk shall yield the right-of-way to any pedestrian and shall exercise due care and give an audible signal when passing a bicycle or electric personal assistive mobility device or a pedestrian proceeding in the same direction. If unable to pass in a safe manner, the operator shall dismount from the bicycle and push it past the pedestrian.

(7) *Electric bicycle riding on sidewalks.* It shall be unlawful to operate an electric bicycle on any sidewalk in the City of La Crosse with the throttle engaged. It shall be lawful to operate an electric bicycle with human power, including pedal-assist, on any sidewalk in the City of La Crosse. The conditions and restrictions of subsection (6) above shall apply to such use.

SECTION VII: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this division shall not be affected.

SECTION VIII: This ordinance shall take effect and be in force from and after its passage and publication.

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Shaundel Washington-Spivey, Mayor

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Nikki M. Elsen, City Clerk

Passed:  
Approved:  
Published: