



AN ORDINANCE: Public Services and Safety
Re: Repealing and Replacing Chapter 16 Article IV
Operation of Bicycles and Electric Scooters and
Bicycles.

ORDINANCE NO. 2026-07

Introduced: _____

Committee/Commission Action: _____

AN ORDINANCE

The Common Council of the City of Neenah, Wisconsin, does ordain as follows:

Section 1. Chapter 16 ARTICLE IV STREET Operations of Bicycles and Electric Scooters, of the Code of Ordinances of the City of Neenah are repealed and replaced in its entirety.

ARTICLE IV. Operation of Bicycles and Electric Scooters and Bicycles.

Sec. 16-160 Electric scooter, electric bicycle and bicycle regulations.

(a) *Purpose.* The purpose of this ordinance is to promote the safe and enjoyable use of sidewalks, trails, and bicycle ways within the City of Neenah by restricting the use and prohibiting reckless or unsafe operation of bicycles, electric bicycles, and electric scooters.

(b) *Definitions.*

As used in this chapter:

- (1) "Bicycle" means every device propelled by feet or hands acting upon pedals or cranks and having wheels, any two of which are not less than 14 inches in diameter.
- (2) "Electric bicycle" (e-bike) means a bicycle that is equipped with fully operative pedals for propulsion by human power and an electric motor of 750 watts (1 horsepower) or less and that meets the requirements of any of the following classifications:
 1. "Class 1 e-bike" 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.
 2. "Class 2 e-bike" 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.
 3. "Class 3 e-bike" 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.

- (3) "Electric scooter" (e-scooter) means a device weighing fewer 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 greater 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.
- (c) *State laws applicable.* Every person using an e-scooter or e-bike upon a public roadway shall be subject to the provisions of all ordinances and state laws applicable to the operator of any vehicle, except the provisions thereof applicable to the equipment of vehicles and other provisions that, by their nature and context, would have no application.
- (d) *Where prohibited and Restricted.* No e-scooters or e-bikes shall be operated on any public sidewalks with the power unit in operation, any City-owned parking ramps; or any roadway, trail, path, or property where a sign is erected indicating that bicycles and/or e-scooters and/or e-bikes are prohibited or otherwise restricted. Notwithstanding the provisions of subsection "f" hereof, at the locations indicated below, in subsections (1) and (2) hereof, e-scooters and e-bikes must be walked, with the rider off the device, guiding it along by hand while walking along side.
- (1) Main Street and West Wisconsin Avenue from W. Doty Avenue to S. Commercial Street.
- (2) Any other bicycle way, location or place where regulatory signage so indicates.
- (e) *Riding on roadway.*
- (1) Every person using an e-scooter or e-bike upon a two-way public street shall ride as near as practicable to within five feet of the right curb or edge of the roadway, except when passing another vehicle or making a left-hand turn; and when riding in groups, users of e-scooters or e-bikes shall ride in single file, except on residential streets which are not divided by painted or other marked extra lines where they may ride two abreast. On one-way roads, the user may ride as near as practicable to within five feet of the left-hand or right-hand curbs or edges of the roadway.
- (2) Persons using e-scooters or e-bikes shall not impede the normal movement of motor vehicle traffic.
- (f) *Bicycle ways.* Operation of e-scooters or e-bikes shall be permitted on any ways, lanes, trails, paths, or other property designated for the use and operation of bicycles.
- (g) *Unsafe operation.* No person shall unsafely operate an e-scooter or e-bike in the City of Neenah. Unsafe operation includes but is not limited to the following:
- (1) Clinging to other vehicles. No person using an e-scooter or e-bike shall cling to, attach themselves to, or in any manner permit themselves to be pulled or towed by any moving vehicle.
- (2) Towing of persons, vehicles, trailers. Except as provided in subsection (g)(8) hereof, no person using an e-scooter or e-bike shall tow, drag, or cause to be drawn behind

- the e-scooter or e-bike any coaster wagon, sled, toy vehicle or any similar vehicle, trailer, person on in-line or roller skates, or any other type of conveyance.
- (3) Contests with other electric devices or vehicles. No person using an e-scooter or e-bike shall participate in any race, speed, or endurance contest with any other e-scooter or e-bike or moving vehicle on a city roadway.
 - (4) Stunt riding. No person using an e-scooter or e-bike shall practice any fancy or acrobatic riding, wheelies, or other stunts, while operating such e-scooter or e-bike.
 - (5) Trick riding. No person shall operate an e-scooter or e-bike without having manual control of the handlebars or in any other manner which necessitates the element of unusual, extraordinary skill and involves unnecessary risk.

 - (6) Carrying of passengers. No person shall operate an e-scooter or e-bike with another person upon said e-scooter or e-bike unless such e-scooter or e-bike is so designed and equipped to carry more than one person.
 - (7) Speed. No person shall operate an e-scooter or e-bike at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit.
 - (8) The above restrictions of subsection (g)(2) notwithstanding, nothing in this section shall prohibit the safe and lawful towing of bicycle trailers for the transportation of minor children, pets, and cargo, in compliance with either the Advancing Standards Transforming Markets (ASTM) International standard F1975-15 (2023), or the Consumer Product Safety Commission (CPSC) standards, as from time to time amended.

 - (h) *Observance of traffic regulations and speed limits.* Every person using an e-scooter or e-bike upon a public roadway shall obey all the instructions of official traffic-control devices, signs, and signals applicable to motor vehicles and shall not operate an e-scooter or e-bike at a speed greater than the posted or otherwise applicable speed limit.

 - (i) *Yielding to traffic.* The operator of a vehicle shall yield the right-of-way to a person using an e-scooter or e-bike in the same manner as for bicyclists and pedestrians. When using an e-scooter or e-bike, every person shall, upon entering a public roadway, yield the right-of-way to motor vehicles, except a person using an e-scooter or e-bike shall be subject to the same regulations as bicyclists and pedestrians. Operators of e-scooters or e-bikes shall offer the right-of-way to bicycles in bike lanes, ways, trails, and on bike paths.

 - (j) *Age limits.* No person less than eight years of age shall operate an e-scooter or e-bike on City roadways, except that persons six or seven years of age may do so during daylight hours if accompanied by an adult capable of remaining close enough to ensure the safe operation of the scooter by the six- or seven-year-old rider, such as by walking or running alongside, using their own e-scooter, e-bike, or bicycle, or engaging in similar

proximal activity. This subsection is intended to permit usage of e-scooters and e-bikes by families and intentional groups of riders.

- (k) *Equipment regulations; lamps and reflectors.* Every person using e-scooters or e-bikes between one-half hour after sunset and one-half hour before sunrise shall be equipped with a lamp firmly attached to the front of such electric scooter exhibiting a white light to the front, and with a reflector or lamp mounted on the rear of the vehicle visible at a distance of 500 feet. The reflector shall not be fewer than two inches in diameter.
- (l) *Special Events regulations.* In addition to the restrictions of subsection (d) hereof, by the authority of the Neenah Police Department or the Director of Parks and Recreation, any area of the City whereupon a special event is present, signage may be temporarily placed to further restrict or prohibit e-scooters and e-bikes from being ridden, operated or present in such designated areas for reasonable periods of time before, during or after such special events.
- (m) *Penalties.* For a violation of any provision of this section the offender shall pay a forfeiture, exclusive of court costs, in an amount not greater than \$50 for a first offense, and not greater than \$100 for any second and subsequent violations.

Sec. 16-161 Mandatory Helmet Use for Persons Under 16 Years of Age

- (a) *Purpose.* The purpose of this ordinance is to promote public safety, reduce the risk of head injuries, and establish clear guidelines for the mandatory use of helmets by individuals under the age of 16 who are involved in the operation of bicycles, electric bicycles (e-bikes) or electric scooters (e-scooters) under the jurisdiction and control of the City of Neenah.
- (b) *Definitions.*

As used in this section:

- (1) "Helmet" means a properly fitted and fastened protective head covering designed for bicycle safety that meets or exceeds the impact standards set either by the Advancing Standards Transforming Markets International (ASTM) or the Consumer Product Safety Commission (CPSC).
- (2) "Bicycle" means every device propelled by feet or hands acting upon pedals or cranks and having wheels, any two of which are not less than 14 inches in diameter.
- (3) "Electric bicycle" (e-bike) means a bicycle that is equipped with fully operative pedals for propulsion by human power and an electric motor of 750 watts (1 horsepower) or less and that meets the requirements of any of the following classifications:
 - 1. Class 1 e-bike 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.

2. Class 2 e-bike 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.
 3. Class 3 e-bike 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.
- (4) "Scooter" means a device powered by human effort or by an electric motor, having a handlebar, deck, and wheels, that is designed to be stood upon or sat upon by the operator.
- (c) *Helmet required.* Any person less than 16 years of age operating or riding on an e-bike or scooter on a public roadway, public sidewalk, public bicycle path, trail, bicycle way, or any other public right-of-way under the jurisdiction and control of the City of Neenah shall wear a properly fitted and securely fastened helmet.
- (1) A person under 16 years of age shall not operate a bicycle, unicycle, skateboard, or scooter, nor shall any person wear in-line or roller skates, nor ride upon a bicycle, unicycle, skateboard, scooter, in-line or roller skates as a passenger, at a public skate park under the jurisdiction and control of the City of Neenah unless that person is wearing a properly fitted and fastened protective helmet.
- (d) *Responsibility of Parent or Guardian.* No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of this section.
- (e) *Enforcement.* This ordinance shall be enforced by the City of Neenah Police Department. Enforcement shall emphasize education and awareness in addition to violations.
- (f) *Penalty.* Except as provided herein, violation of this section is punishable by a forfeiture of not more than \$50. The parent or legal guardian having control or custody of the minor whose conduct violates this section shall be jointly and severally liable with the minor for the amount of a forfeiture imposed pursuant to this subsection.
- (g) The court may waive any forfeiture for such person found guilty of violating the provisions of this section if the person supplies the court with proof that between the date of the violation and the appearance date for such violation the person purchased or otherwise obtained a helmet that meets the requirements of section 16-161(b)(1).

Section 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Common Council that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section 3. Repeal and Replaced and Effective Date. All ordinances or parts of ordinances and resolutions in conflict herewith are hereby repealed. This ordinance shall take effect from and after its passage and publication.

Moved by: _____

Adopted: _____

Approved: _____

Published: _____

Approved:

Brian D. Borchardt, Mayor

Attest:

Charlotte Nagel, City Clerk

THIS INSTRUMENT WAS DRAFTED BY:

City Attorney David C. Rashid

211 Walnut Street

Neenah, WI 54956

State Bar No. 1056542