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TO: Safety & Licensing Committee
FROM: APD Chief Todd Thomas
SUBJECT: Electric Scooter Regulation
DATE: April 23, 2021

The City of Appleton has agreed to a pilot program to allow Electronic Scooter usage in the city. Currently, the agreement and the regulations included in it, are not enforceable or included in the Municipal Code of the City of Appleton. Municipalities are able to regulate electric scooters in a manner consistent with bicycle regulations. In order to create the safest possible situation for the operation of electric scooters in Appleton, it is necessary to add protections to our Code consistent with those already applicable to bicycle operation, including a definition of electric scooter and the prohibition of their operation on downtown sidewalks and parking ramps.

Furthermore, because there are inconsistencies between our Code and the Schedule of Deposits relating to Chapter 19 offenses, it is only logical at this time to make the appropriate corrections. Specifically, Sec. 19-162 provides a maximum penalty of five dollars (\$5.00) for violations of Sections 19-161 through 19-200 but the Schedule of Deposits creates a twenty dollar (\$20.00) forfeiture for violations of Sections 19-164 through 19-200. In order to reconcile this, I recommend removing from the Schedule of Deposits the penalties for Sections 19-164 through 19-200 and thereby make the \$5.00 penalty provision of Sec. 19-162 meaningful.

Based on the foregoing, and in collaboration with the City Attorney's Office, I am recommending that the Schedule of Deposits be amended to remove Sections 19-164 through 19-200 and the following changes to the Municipal Code.

ARTICLE V. BICYCLES, ELECTRIC SCOOTERS, AND PLAY VEHICLES*

DIVISION 1. GENERALLY

Sec. 19-161. Definitions.

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

Bicycle means every device propelled by the feet acting upon pedals and having wheels any two (2) of which are not less than fourteen (14) inches in diameter.

Bicycle establishment or bicycle dealer means any business operated by any person 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 or other modes of travel where permitted under W.S.A. §349.23(2)(a), and so designated by appropriate signs and markings. Bicycle lanes are designated on the following streets: the area bounded by Franklin Street on the north; Lawrence Street on the south, including any ramps leading down into Jones Park; Richmond Street on the west; and Drew Street on the east.

Bicycle route means any bicycle lane, bicycle way or highway which has been duly designated by the Common Council and which is identified by appropriate signs and markings.

Bicycle way means any path or sidewalk or portion thereof designated for the use of bicycles by the Common Council.

Carrier means any device attached to the bicycle 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 or operator means every person who drives or is in actual physical control of a vehicle.

Electric scooter means 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 paved level surface when powered solely by the electric motor.

Minibike means a two- (2-) wheeled motorized vehicle with less than twenty- (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 security interest in another person, but excludes a lessee under a lease not intended as security.

Pedestrian means any person afoot.

Reflector means any device constructed of metal or glass or plastic that has a diameter of at least two (2) inches of surface area, which will be visible from all distances within fifty (50) feet to five hundred (500) feet directly in front of a motor vehicle at night displaying lawfully lighted headlights, such device to be so constructed as to show a red color when struck by motor vehicle lights as stated. Such device shall be affixed to the rear of the bicycle at any point on the frame or mudguard at a height between axis of the wheel and the bottom of the rider's seat.

Registration tag means a metal plate or sticker indicating that a bicycle is registered.

Right-of-way means the right of one (1) 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 or highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Trailer means a unit designed to be towed by a bicycle and not an integral part of a bicycle.

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.

(Code 1965, §10.08(1); Ord 120-12, §1, 10-23-12)

Cross reference(s) - Definitions and rules of construction generally, §1-2.

***State law reference(s)** – Authority to require registration of bicycles, W.S.A. §349.18(b)(3).

Sec. 19-162. Penalty for violation of article.

Any person found guilty of a violation of this article shall be subject to a penalty of not more than five dollars (\$5.00) and removal of the bicycle registration tag for a period not to exceed thirty (30) days.

(Code 1965, §10.08(32))

Sec. 19-163. Compliance with article; responsibility of parents.

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

(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 article.

(Code 1965, §10.08(29))

Sec. 19-164. Operation of skateboards as prohibited in certain areas.

No person shall operate, ride or propel a skateboard, inline skates and roller skates, on any portion of the following streets or public property:

(1) The area bounded by Franklin Street on the north; Lawrence Street on the south, including any ramps leading down into Jones Park; Richmond Street on the west; and Drew Street on the east.

(2) All City-owned parking ramps and parking lots.

(Code 1965, §10.08(13)(c); Ord 89-92, §1, 8-20-92)

Cross reference(s)--Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.

Sec. 19-165. Reserved.

Editor's note: Ord 75-94, §1, adopted July 9, 1994, repealed §19-165, which pertained to operation of skateboards, inline skates, roller skates and bicycles prohibited on certain pedestrian bridges.

Secs. 19-166 – 19-175. Reserved.

DIVISION 2. BICYCLES AND ELECTRIC SCOOTERS

Secs. 19-176 – 19-180. Reserved.

Sec. 19-181. Unclaimed or unidentified bicycles and electric scooters.

All abandoned bicycles and electric scooters and unidentified bicycles and electric scooters remaining in the hands of the Police Department may, at the end of thirty (30) days, be sold at public auction or by any other method allowed by §12-101.

(Code 1965, §10.08(11))

Sec. 19-182. Applicability of traffic regulations to persons operating bicycles and electric scooters.

Every person operating a bicycle or electric scooter upon a roadway 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 the City applicable to the driver of a vehicle, except as to special regulations in this article and except as to those provisions of laws and ordinances which by their nature have no application.

(Code 1965, §10.08(12))

Sec. 19-183. Riding bicycle or electric scooter on sidewalk.

(a) Bicyclists and electric scooter operators exercising due care may operate their bicycle or electric scooter upon the sidewalk, except on the sidewalks on College Avenue between Drew Street and Badger Avenue (this exception shall not apply to law enforcement officers operating designed police bicycles).

(b) It shall be unlawful for any person operating a bicycle or electric scooter on the sidewalk to attempt to pass another person going in the same direction on the walk without giving an audible signal as warning and until it becomes evident that the person so warned is aware of the approach of such person operating the bicycle or electric scooter. Pedestrians shall at all times have the right-of-way upon sidewalks and, if necessary, the person operating such bicycle or electric scooter shall vacate the sidewalk or dismount and walk the bicycle or electric scooter to prevent an accident. Any person operating a bicycle or electric scooter upon the sidewalk must have the bicycle or electric scooter under control at all times.

(c) Electric scooters shall not be operated in all City-owned parking ramps.

(Code 1965, §10.08(13)(a), (b), ord 150-07, §1, 11-13-07)

Sec. 19-184. Riding bicycle or electric scooter on roadway.

Whenever a bicycle or electric scooter is operated upon a roadway the following rules apply:

- (1) Unless preparing to make a left turn, every person riding a bicycle or electric scooter upon a roadway carrying two- (2-) way traffic shall ride within three (3) feet of the right side of the unobstructed traveled roadway. On one- (1-) way roadways, the operator of the bicycle or electric scooter shall ride within three (3) feet of the right side or left side of the unobstructed traveled roadway. Every person operating a bicycle or electric scooter upon a roadway shall exercise due care when passing a standing vehicle or one (1) proceeding in the same direction, allowing a minimum of three (3) feet between his bicycle or electric scooter and the vehicle.
- (2) Persons riding bicycles or electric scooters upon a roadway shall ride single file on all roadways which have centerlines or lane lines indicated by painting or other markings, and in all unincorporated areas. On roadways not divided by painted or other marked centerlines or lane lines, bicycle or electric scooter operators may ride two (2) abreast in incorporated areas.
- (3) No person may operate a bicycle or electric scooter upon a roadway where a sign is erected indicating that bicycle or electric scooter riding is prohibited.
- (4) The operator of any bicycle or electric scooter overtaking another bicycle, electric scooter, or vehicle

proceeding in the same direction shall pass such vehicle at a safe distance at a place on the roadway other than an intersection and without leaving the traveled portion of the road.
(Code 1965, §10.08(14))

Sec. 19-185. Riding bicycle or electric scooter on bicycle lane.

(a) Unless two- (2-) way traffic is authorized under subsection (b) of this section, every person operating a bicycle or electric scooter upon a bicycle lane shall ride in the same direction in which vehicular traffic on the lane of the roadway nearest the bicycle lane is traveling.

(b) The Common Council may authorize two- (2-) way traffic on any portion of a roadway which it has set aside as a bicycle lane. Appropriate traffic signs shall be installed on all bicycle lanes open to two- (2-) way traffic.

(c) Unless otherwise provided under subsection (bd) of this section, a person operating a bicycle or electric scooter may enter or leave a bicycle lane only at intersections or at driveways adjoining the bicycle lane.

(d) A person may leave a bicycle lane at any point by dismounting from the bicycle or electric scooter and walking it out of the lane. A person may enter a bicycle lane at any point by walking his bicycle or electric scooter into the lane and then mounting it.

(e) Every person operating a bicycle or electric scooter upon a bicycle lane shall exercise due care and give an audible signal when passing a bicycle or electric scooter rider proceeding in the same direction.

(f) Every operator of a bicycle or electric scooter entering a bicycle lane shall yield the right-of-way to all bicycles or electric scooters in the bicycle lane. Upon leaving a bicycle lane, the operator of a bicycle or electric scooter shall yield the right-of-way to all vehicles and pedestrians.
(Code 1965, §10.08(15))

Sec. 19-186. Riding bicycle or electric scooter on bicycle way.

(a) Every person operating a bicycle or electric scooter upon a bicycle way shall:

(1) Exercise due care and give an audible signal when passing a bicycle rider, electric scooter operator, or a pedestrian proceeding in the same direction.

(2) Obey each traffic signal or sign facing a roadway which runs parallel and adjacent to a bicycle way.

(b) Every person operating a bicycle or electric scooter upon a bicycle way open to one- (1-) way traffic shall ride on the right side of the bicycle way.

(c) Every operator of a bicycle or electric scooter entering a bicycle way shall yield the right-of-way to all bicycles and pedestrians in the bicycle way.
(Code 1965, §10.08(16))

Sec. 19-187. Carrying passengers.

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

(b) No bicycle or electric scooter 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:

(1) The operator shall be fourteen (14) years of age or older.

- (2) The passenger shall not exceed fifty (50) pounds in weight and shall be seated on the child's seat.
- (3) The child's seat shall be fastened securely to the bicycle; shall be located behind the operator's seat; and shall be 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 be attached to the frame at three (3) points with bolts or nuts, two (2) of which are at either side of the wheel axle or the frame adjacent to the rear axle.
- (4) Only one (1) child's seat shall be attached to a bicycle.

(Code 1965, §10.08(17))

Sec. 19-188. Improper riding, trick riding and racing.

(a) No person operating a bicycle or electric scooter upon a public street or sidewalk shall participate in any race, speed or endurance contest unless such race or endurance contest has the written permission of the Chief of Police and is conducted under the supervision of the police.

(b) No person riding or operating a bicycle or electric scooter shall perform or attempt to perform any acrobatic, fancy, or stunt riding upon any public street or sidewalk.

(Code 1965, §10.08(18))

Sec. 19-189. Obedience to speed limits.

No person shall operate a bicycle or electric scooter at a speed greater than the speed limit.

(Code 1965, §10.08(19))

Sec. 19-190. Obedience to traffic-control devices.

Any person operating a bicycle or electric scooter shall obey the instructions of official traffic-control devices applicable to vehicles, unless otherwise directed by a police officer.

(Code 1965, §10.08(20))

Sec. 19-191. Stopping, turning and signaling.

(a) If any other traffic may be affected by such movement, no bicycle or electric scooter operator shall stop, slow down or turn without giving an arm signal required by state law for the operation of motor vehicles. The operator of a bicycle or electric scooter shall give such signal continuously during not less than the last fifty (50) feet traveled before turning.

(b) No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in W.S.A. §346.35 to the operator of any vehicle immediately to the rear when there is opportunity to give such signal. This subsection does not apply to the operator of a bicycle or electric scooter approaching an official stop sign or traffic-control sign.

(c) Whenever authorized signs are erected indicating that no right or left turn or U-turn is permitted, no person operating a bicycle or electric scooter shall disobey the direction of any such sign, except where such person dismounts from the bicycle or electric scooter to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

(d) Every person riding or operating a bicycle or electric scooter intending to turn to the right at an intersection or alley or driveway shall approach the turning point in the line of traffic nearest the right-hand curb of the street. The bicycle or electric scooter driver, in turning left at an intersection, shall pass to the left of the center of the intersection before turning, unless otherwise directed by markers, buttons or signs. At intersections where traffic is moving in opposite directions, if it is not safe for bicycles or electric scooters to make left-hand turns as described in this subsection, the bicycle or electric scooter driver shall stay in the right-hand lane and ride to the opposite corner, then

dismount and walk the bicycle or electric scooter to the left-hand corner and proceed. Crosswalks shall be used when walking a bicycle or electric scooter through an intersection.
(Code 1965, §10.08(21))

Sec. 19-192. Emerging from alley or driveway.

The operator of a bicycle or electric scooter emerging from an alley, driveway or building shall stop prior to riding across a sidewalk or roadway. Such operator shall in all cases yield the right-of-way to all pedestrians approaching on the sidewalk and to all vehicles approaching upon the roadway.
(Code 1965, §10.08(22))

Sec. 19-193. Parking.

(a) No person shall park any bicycle or electric scooter on a sidewalk having a width of less than five and one-half (5½) feet.

(b) On sidewalks with a width of five and one-half (5½) feet or more, bicycles or electric scooters shall not be parked:

- (1) On the main traveled portion of the sidewalk;
- (2) Against or adjacent to windows; or
- (3) In such a manner as to constitute a hazard to pedestrians, traffic or property.

(c) Bicycle racks are to be used for parking where provided. Bicycles are not to be parked on the sidewalk if a bicycle rack is available within three hundred (300) feet and able to be reached without crossing the street.
(Code 1965, §10.08(23))

Sec. 19-194. Clinging to vehicles.

No person operating a bicycle or electric scooter shall attach himself or his bicycle or electric scooter to any vehicle upon a roadway.
(Code 1965, §10.08(24)(a))

Sec. 19-195. Position of passengers; towing.

No person shall operate a bicycle or bicycle-trailer combination on a street or sidewalk when any person other than the operator is upon any portion thereof not designed or intended for the use of passengers, nor shall any person ride in such a position as to interfere with the operator's view ahead or to the side or to interfere with the operator's control of the bicycle, nor shall the operator of any bicycle draw any coaster, sled, person on roller skates, toy vehicle or any other similar vehicle on a public highway, except those trailers specifically designed for bicycles and having the following safeguards:

- (1) The bicycle trailer to be towed must be firmly attached to the framework of the bicycle and be balanced to preclude detrimental effect on the operation of the bicycle.
- (2) At least two (2) red reflectors must be fastened on the rear of the trailer and one (1) amber reflector on each side of the trailer. These reflectors are to be two (2) inches in diameter, or the equivalent in retro reflective material.
- (3) Overall length of trailer unit from the extreme rear of the bicycle wheel is not to exceed forty (40) inches.
- (4) Overall height of the trailer unit, including wheels, from ground level to the top of the carrying container, is not to exceed thirty-six (36) inches.

(5) Maximum width of the trailer unit, wheels, axle, container and the like is not to exceed thirty-six (36) inches.

(6) The trailer unit must be detachable from the bicycle.

(Code 1965, §10.08(24)(b))

Sec. 19-196. Carrying articles.

No person operating a bicycle or electric scooter shall carry any package, bundle or article which prevents the operator from keeping at least one (1) hand upon the handlebars.

(Code 1965, §10.08(25))

Sec. 19-197. Handlebars.

Every bicycle or electric scooter that is equipped with handle grips must have the grips securely glued or cemented to the handlebars.

(Code 1965, §10.08(26))

Sec. 19-198. Lamps and other equipment.

(a) Lamps; reflectors. No person may operate a bicycle or electric scooter upon a street, sidewalk, bicycle lane or bicycle way during hours of darkness unless such bicycle or electric scooter is equipped with or the operator is wearing a lamp on the front emitting a white light visible from a distance of at least five hundred (500) feet to the front of such bicycle or electric scooter. Such bicycle or electric scooter shall also be equipped with a red reflector that has a diameter of at least two (2) inches of surface area on the rear, so mounted and maintained as to be visible from all distances from fifty (50) to five hundred (500) feet to the rear when directly in front of a lawful upper beam of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500) feet to the rear may be used in addition to but not in lieu of the red reflector.

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

(Code 1965, §10.08(27))

Sec. 19-199. Reserved.

Editor's Note: Ord 151-07, effective November 13, 2007, repealed this entire section relating to rental agencies.

(Code 1965, §10.08(28), Ord 151-07, §1, 11-13-07)

Sec. 19-200. Riding bicycle or electric scooter without consent of owner.

No person shall intentionally take or ride a bicycle or electric scooter without the consent of the owner.

(Code 1965, §10.08(2)(d))

Sec. 19-201. Reserved.

Editor's Note: Ord 152-07, effective November 13, 2007, repealed this entire section relating to driving motor vehicle on bicycle lane or bicycle way.

(Code 1965, §10.08(30), Ord 152-07, §1, 11-13-07)

Sec. 19-202. Reserved.

Editor's Note: Ord 153-07, effective November 13, 2007, repealed this entire section relating to overtaking and passing of bicycles by motor vehicles.
(Code 1965, §10.08(31), Ord 153-07, §1, 11-13-07)