

Chapter 90**BICYCLES AND OTHER PLAY VEHICLES**§ 90-1. **Definitions.**§ 90-2. **Manner and place of operation restricted.**§ 90-3. **Lighting and other equipment.**§ 90-4. **Parking of bicycles.**§ 90-5. **Governing provisions.**§ 90-6. **Bicycle regulations.**§ 90-6-A **Operation on sidewalks.**§ 90-7. **Skateboards.**§ 90-8. **Violations and penalties**

[HISTORY: Adopted by the Village Board of the Village of Iola 2-12-1996 as Title 8, Ch. 2, of the 1996 Code. Amendments noted where applicable.]

Minors - See Ch. 171.

Streets and sidewalks - See Cb. 233.

GENERAL REFERENCES Vehicles and traffic-See Ch §

90-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

BICYCLE - Every device propelled by the feet acting upon pedals and having wheels, any two of which are not less than 14 inches in diameter.

BICYCLES' LANE -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 - Any path or sidewalk, or portion thereof, designated for the use of bicycles by the responsible governing body.

BIKE ROUTE- Any bicycle lane, bicycle way or highway which has been duly designated by the responsible governing body and identified by appropriate signs and markings.

CARRIER - Any device attached to a bicycle designed for carrying articles.

IDENTIFICATION TAG -A metal plate or sticker indicating that a bicycle is registered.

E-BIKE OR ELECTRIC BICYCLE- *Any designed and manufactures e-bike by reputable companies 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.*

OWNER- *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- 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.

RENTAL AGENCY- A village authorized business offering rental or hire of bicycles to a third party for a limited time.

RIGHT-OF-WAY -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.

ROADWAY- That portion of a highway between the regularly established curb lines or that portion which is improved, designed, or ordinarily used for vehicular travel, excluding the berm or shoulder.

SIDEWALK- 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.

VEHICLE- Every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

90-1-A Responsibility of parent, guardian, or rental agency.

No parent or guardian of any child, or rental agency shall authorize or knowingly permit a child to violate any of the provisions of this chapter or of any ordinance or state law applicable to the operation of e-bikes shall be responsible for the safety and maintenance of said device.

Disclaimer; liability.

A. Any person, who owns, operates or rides upon an e-bike on a village street or bicycle way within the city, or on property owned or leased by the village, does so at that person's own risk and peril and assumes all liability resulting from the operation of the device. The village in no way shall be liable for accidents, injuries or death involving the operation of the device.

B. Rental agencies whom rent or offer any bicycle, e-bike, shall be insured for liability for property damage and personal injury by a reputable insurer satisfactory to the village. A certificate of insurance verifying insurance coverage shall be filed with the village 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 village is released from liability for any accidents involving the registered bicycle, e-bike, electric scooter or electric personal assistive mobility device and to indemnify and hold the village harmless from any claims arising from any such use.

§ 90-2. Manner and place of operation restricted.

A. No bicycle or e-bike shall be allowed to proceed in any street in the village by inertia or momentum with the feet of the rider removed from the bicycle pedals. No rider of a bicycle shall remove both hands from the handlebars or practice any trick or fancy riding in any street in the village nor shall any bicycle rider carry or ride any other person so that two persons are on the bicycle at one time, unless a seat is provided for a second person, ; however, a bicycle operator may carry or transport a child seated in an auxiliary child's seat or trailer designed for attachment to a bicycle if the seat or trailer is securely attached to the bicycle according to the directions of the manufacturer of the seat or trailer. No child under age 16 may operate an electrical bicycle.

~~B. No bicycle shall be operated or parked on either side of Main Street between State Street and Depot Street.~~

§ 90-3. Lighting and other equipment.¹

No person shall operate a bicycle upon a highway unless equipped as required in Sec. 347.489, Wis. Stats.

Lights; reflectors. No person may operate a bicycle or e-bike upon a highway, bicycle lane or bicycle way during hours of darkness unless such bicycle, e-bike, electric scooter or electric personal assistive 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 or e-bike. Such bicycle or e-bike 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.

§ 90-4. Parking of bicycles.

No person shall leave a bicycle *or e-bike* at such a place or in such a way as to create a hazard to pedestrians, automobile operators or to anyone else. Bicycles *or e-bike* shall be parked either upon the roadway against the curb, in bicycle racks or, if on the sidewalk, in such a manner as to afford the least obstruction to pedestrian traffic, and not in such a manner as to obstruct the ingress and egress to buildings used by the public. If there is no bicycle rack or other facility intended to be used for the parking of bicycles *or e-bike* in the vicinity, the operator may park a bicycle *or e-bike* on the sidewalk in an upright position parallel to and within 24 inches of the curb.

§ 90-5. Governing provisions.

The provisions of Chs. 346 and 347, Wis. Stats., and applicable village ordinances shall govern the operation of bicycles where appropriate.

§ 90-6. Bicycle regulations.

~~A. Rules for turning.~~

~~(1)The operator of a bicycle intending to turn to the right at an intersection shall approach the point of turning in the traffic lane nearest the right hand edge or curb of the street and, in turning, shall keep as closely as practicable to the right hand edge or curb of the highway. See Secs. 346.34(3)(b) and 346.35, Wis. Stats.²~~

~~(2)The operator of a bicycle intending to turn to the left of an intersection or into a private driveway shall make such turn from the traffic lane immediately to the right or next to the center of the street and pass immediately to the left of the center of the intersection, passing as closely as practicable to the left of~~

~~the center of the intersection immediately to the right of the center of the intersection of the street. See Secs. 346.34(3)(b) and 346.35, Wis. Stats.³~~

~~(1) At any intersection where traffic is controlled by a traffic control signal or by a traffic officer, it shall be unlawful for any such operator of such bicycle upon any street to disobey the instructions of any official traffic sign or signal placed in accordance with the laws of the State of Wisconsin and the ordinances of the village.~~

~~(2) Crosswalks shall be used when walking a bicycle through an intersection.~~

A. *Stopping, turning and signaling.*

1. *Signal required. No bicycle, e-bike, electric scooter or electric personal assistive mobility device operator shall suddenly stop, slow down, or turn without giving proper signal, or when the vehicle or device is not equipped with traffic signals by the manufacturer, an arm signal is required by state law for the operation of vehicles or devices on roadways. No person shall turn a bicycle, e-bike, electric scooter or electric personal assistive mobility device into an intersection unless the bicycle, e-bike, electric scooter or electric personal assistive mobility device is in proper position upon the roadway or turn to enter a private roadway or driveway unless the bicycle, e-bike, electric scooter or electric personal assistive mobility device is in proper position on the roadway as required or suddenly turn a bicycle, e-bike, electric scooter or electric personal assistive mobility device upon a roadway unless and until such movement can be made with reasonable safety. If other traffic may be affected by such movement, no person shall so turn any bicycle, e-bike, electric scooter or electric personal assistive mobility device without giving an appropriate signal in the manner provided. Such signal shall be given continually during not less than 50 feet before turning. When given by arm and hand signals, such signals shall be given from left side of bicycle, e-bike, electric scooter or electric personal assistive mobility device in the following manner and shall indicate as follows:*

- (a) Left turn: hand and arm extended horizontally.*
- (b) Right turn: hand and arm extended upward.*
- (c) Stop or decrease speed: hand and arm extended downward.*

~~2. Trick riding. No person shall operate a bicycle upon the streets of said village without having manual control of the handlebars or operate a bicycle in any other manner which necessitates the element of unusual extraordinary skill and involves unnecessary risk.~~

Stunt or trick riding. No person operating a bicycle or e-bike shall participate in any trick or stunt riding or racing on any village street, public recreation trail, bicycle path or bicycle way within the village, or on property owned or leased by the village, unless such race or contest is held pursuant to permission granted by the authority having jurisdiction over the highway, or with the express written consent of the village council.

3. Tandem riding. No person shall ride or propel a bicycle on a street in said village with another person upon said bicycle unless such bicycle is so constructed as to be a tandem bicycle.

4. Emerging from alley or driveway. The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk or the sidewalk area extending across any alleyway, yield the right-of-way to all pedestrians and, upon entering the roadway, shall yield the right-of-way to all vehicles approaching on said roadway.

~~5. Bicycles not to be pulled by moving vehicles. No person riding upon a bicycle shall cling or attach himself or herself or his or her bicycle to any other moving vehicle~~

~~upon a street or highway, nor shall the operator of any such bicycle tow or draw any coaster wagon, sled, person on roller skates, toy vehicles or any other similar vehicle on such highway.~~ No person riding or operating a bicycle or e-bike shall tow, drag or cause to be drawn behind the bicycle or e-bike, any person on roller skates, coaster sled, or any other type of conveyance not designed to be towed by a bicycle or e-bike

6. Speed. No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit.
7. Parking bicycles. No bicycle shall be parked upon any street or public way except in an upright position in bicycle stalls which are provided therefor. Until such time as sufficient stalls are provided to meet the demand therefor, which determination shall be made by the Police Department, bicycles may be parked in an upright position, parallel to the curb line, in any metered parking stall upon payment of the required coin.
8. *Clinging to moving vehicles. It shall be unlawful for any person riding upon a bicycle, e-bike, electric scooter or electric personal assistive mobility device to cling or attach themselves to any moving vehicle.*
9. *Single file riding. Every person when operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device on a public highway shall ride such bicycle, e-bike, electric scooter or electric personal assistive mobility device in a single file and at no time shall ride two or more abreast.*
10. *Racing. No person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall participate in any race, speed or endurance contest with another bicycle, e-bike, electric scooter or electric personal assistive mobility device or with any other vehicle on a village street, public recreation trail, or on property owned or leased by the village, except in connection with a special event upon permission granted by the village council after a report by the chief of police.*
11. *Removal of hands from handlebars. No person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall remove both hands from handlebars or feet from pedals nor practice any fancy or acrobatic riding or stunts in the operation of said bicycles, e-bikes, electric scooters or electric personal assistive mobility devices.*
12. *Operation on roadway edge. The rider of a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall ride as near as practicable to within five feet of the right-hand curb or edge of the roadway, except when passing another vehicle or in making a left-hand turn in an intersection.*

90-6-A: Operation on sidewalks.

- A. *No person shall operate any bicycle or e-bike on any sidewalk within the village, except bicycles operated by children 12 years or less, or bicycles operated by a responsible person over the age of 12 accompanying a child 12 years or less, or bicycles being operated by a police bicycle patrol officer or other village vehicle operating within the performance of village duties. 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 scooter, or electric personal assistive mobility device rider or a pedestrian proceeding in the same direction.*
- B. *Bicycles, e-bikes, electric scooters, or electric personal assistive mobility devices may be operated on bridge sidewalks but shall maintain the right-of-way to pedestrians and shall*

exercise due care and give an audible signal when passing a bicycle, electric scooter, or electric personal assistive mobility device rider or a pedestrian proceeding in the same direction.

- C. *Notwithstanding subsection A. hereof, the village council may, by motion or resolution, permit the operation of bicycles, e-bikes, electric scooters, or electric personal assistive mobility devices on designated sidewalks of the village, in its discretion, when it believes permitting such operation is appropriate and consistent with public health and safety. Copies of any such resolution or motion shall be maintained at the office of the village clerk and shall be available for public inspection during normal office hours. Such permission shall be subject to signage or other requirements imposed by applicable law.*

§ 90-7. Skateboards.

No person shall operate a skateboard on the sidewalk in a business district. A business district for the purposes of this Section is defined as any area containing primarily commercially zoned uses which generate heavy pedestrian traffic during the business hours. Said business district shall have a minimum street frontage of 100 feet. Skateboarding on sidewalks is permitted, except as prohibited in this section and otherwise regulated.

§ 90-8. Violations and penalties.

- A. Any person 16 years of age or older who shall violate any provision of this chapter may be issued a uniform traffic citation and be subject to the penalties provided by the Uniform State Traffic Deposit Schedule.
- B. Any person 12 years of age through 15 years of age who shall violate any provisions of this chapter may be issued a citation and be subject to the penalties provided by the Deposit Schedule and, upon conviction thereof, may be required to forfeit not more than \$50, together with the cost of the prosecution and, in default of such payment, the court may suspend the child's operating privileges, as defined in Sec. 340.01, Wis. Stats., for not less than 30 days nor more than 90 days.
- C. Any person under 12 years of age who shall violate any provision of this chapter may be issued a special bicycle violation warning notice along with the following additional actions:
- (1) First offense in one year: a warning letter sent to the parent or guardian requiring their signature and return of the warning notice to the Police Department.
 - (2) Second offense in the same year: a warning letter mailed to parent or guardian.
 - (3) Third offense in the same year: a mandatory parent-child-police conference.
 - (4) Fourth and subsequent offense in the same year: mandatory referral to Waupaca County Juvenile Court.
- D. Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this chapter may be subject to the provisions of Sections 346.77 and 346.82(1), Wis. Stats.