

AGENDA

CITY OF STURGEON BAY COMMUNITY PROTECTION & SERVICES COMMITTEE

Wednesday, November 2, 2022

4:30 p.m.

Council Chambers, City Hall – 421 Michigan Street

1. Roll Call
2. Adoption of Agenda
3. Approval of Minutes from September 7, 2022
4. Public Comment on Agenda Items
5. Public Hearing Re: Land Management Plan/Natural Lawn Application submitted by Margaret Bayer & Susan Nugent for property located at 722 South 17th Place
6. Consideration of: Land Management Plan/Natural Lawn Application submitted by Margaret Bayer & Susan Nugent for property located at 722 South 17th Place
7. Consideration of: E-Bikes
8. Adjourn

NOTE: DEVIATION FROM THE AGENDA ORDER SHOWN MAY OCCUR

Notice is hereby given that a majority of the Common Council may be present at this meeting to gather information about a subject over which they have decision-making responsibility. If a quorum of the Common Council does attend, this may constitute a meeting of the Common Council and is noticed as such, although the Common Council will not take any formal action at this meeting.

Posted:
Date: 10/28/22
Time: 2:30 p.m.
By: SSO

Committee: Community Protection & Services
Dan Williams, Chr.
Kirsten Reeths
Seth Wiederanders

COMMUNITY PROTECTION & SERVICES COMMITTEE

September 7, 2022

A meeting of the Community Protection & Services Committee was called to order at 4:30 p.m. by Chairperson Williams in the Council Chambers, City Hall. **Roll Call:** Ald. Williams, Ald. Reeths and Ald. Wiederanders were present. Also present from City Hall was Assistant Chief Brinkman, Chief Henry, Mr. Barker and Mr. VanLieshout.

Moved by Ald. Wiederanders, seconded by Ald. Williams to adopt the following agenda:

1. Roll Call
2. Adoption of Agenda
3. Approval of Minutes from August 11, 2022
4. Public Comment on Agenda Items
5. Consideration of: Repeal and Recreate Section 7.20(2) of the Municipal Code – Nonmoving Violations
6. Consideration of: Recycling Container at Municipal Services Building
7. Adjourn

All Ayes. Carried.

Approval of Meeting Minutes

Moved by Ald. Reeths, seconded by Ald. Wiederanders to approve the August 11, 2022 minutes.

All Ayes. Carried.

Public Comment

None.

Municipal Code – Nonmoving Violations

Assistant Chief Brinkman reported at a prior city staff meeting user fees that have not increased were discussed; parking citations being one of them. Staff agreed to increase the forfeiture from \$15 to \$25 per parking ticket. A \$10 automatic increase to \$35 if the person does not satisfy the fine by the court date listed on the citation. The fiscal impact would be around \$3,000.

Moved by Ald. Wiederanders seconded by Ald. Reeths, hereby recommend to repeal and recreate Section 7.20(2) of the Municipal Code of the City of Sturgeon Bay to reflect the Nonmoving Violation forfeiture changes. All ayes. Carried.

Recycling Container

At the August 3, 2022 meeting this committee made the decision to bring back the recycling container and locate it at the City Compost Site. The committee chose to bring the topic back for discussion as more information was gathered after the initial decision.

It is a great service to city residents, but at what point does it become too expensive and how does the city want to deal with managing it. At this time the cost to provide this service is about \$16,000 a year. Additionally, there were a fair number of violators; that needs to be considered.

Options discussed:

- The City going to every week recycling pickup would mean another truck would need to be purchased at around \$300,000. Every-other week pickup saves on the wear on the vehicle. There would be a need to hire additional employee at a cost of around \$90,000 as well.

- Offer additional recycling containers to households for purchase at the cost of the container, and associated tipping fee. A 64 gallon container is \$55; a 96 gallon container is \$65. However, the tipping of additional containers may add one-to-two hours of overtime for employees.
- Host the recycling bin at the City Compost Site during open hours, and charge commercial businesses/ contractors a yearly fee to use. There may be some statutes regarding recycling collection for commercial properties that have limitations, like there are on multi-family properties where there are set prohibitions. Ald. Williams did comment; however, he does not want to see this turn into a dump site/transfer station. Mr. Barker added that charging a fee while there is a facility right next door that already charges a fee for the same service; only difference is the City site is open Saturday and Sunday.

The consent is to allow for households to purchase an additional recycling container; and continue to not pickup recycling for businesses. This option is the most economical in that it does not require running an additional truck along with the cost fuel.

A discussion was held; it was determined staff will run a cost/benefit analysis to calculate the three options, evaluate the best choice, and address results to further explain to the public the decision.

Note: Next CPS meeting will be Wednesday, October 19, 2022 at 4:30pm.

Moved by Ald. Wiederanders seconded by Ald. Reeths, to adjourn the meeting of the Community Protection Services Committee. All ayes. Carried. The meeting was adjourned at 5:06 p.m.

Respectfully submitted,

Sarah Spude-Olson
Police Department Office Manager

EXECUTIVE SUMMARY

TITLE: Consideration of: Land Management Plan/Natural Lawn Application submitted by Margaret Bayer & Susan Nugent for property located at 722 South 17th Place.

BACKGROUND: The City has received a Land Management Plan/Natural Lawn Application from Margaret Bayer and Susan Nugent for property located at 722 South 17th Place. This Application and Plan are attached.

Per City Ordinance, Section 32.06, the application and Plan were sent to owners of property within 200' of the boundaries of 722 South 17th Place.

The notified property owners had 15 days to object to the Plan and forward their objection to the City Clerk. Per ordinance, those objections (which are attached) are now forwarded to Community Protection & Services Committee for hearing and decision at the next regularly scheduled meeting.

A certification of mailing is attached. Four letters objecting to the Plan/Application are included for CPS consideration.

- OPTIONS:**
1. Deny the Land Management/Natural Lawn Application received from Margaret Bayer and Susan Nugent, for property located at 722 South 17th Plan.
 2. Approve the Land Management/Natural Lawn Application received from Margaret Bayer and Susan Nugent, for property located at 722 South 17th Plan.

PREPARED BY: Stephanie L. Reinhardt
Stephanie L. Reinhardt, City Clerk/HR Director

REVIEWED BY: Mike Barker
Mike Barker, Municipal Services Director

Josh VanLieshout
Josh VanLieshout, City Administrator

DATE: ~~9/29/22~~ 10/27/22

32.06 Duties and responsibilities of owners and operators.

(1) *Maintenance and appearance of exterior of buildings and structures.*

- (a) The exterior of buildings and structures shall be free of all nuisances, unsanitary conditions, and hazards to the safety of occupants, pedestrians and other persons utilizing premises.
- (b) The exterior appearance of all buildings and structures shall reflect a level of maintenance in keeping with the standards of the neighborhood, and shall not constitute a blighting factor or an element leading to the progressive deterioration of the neighborhood.
- (c) Exterior porches, landings, balconies, stairs and fire escapes shall be provided with banisters or railings properly designed and maintained to minimize the hazard of fallings, and the same shall be kept structurally sound, in good repair and free of defects.
- (d) The exterior of every building and structure, including fences, shall be maintained in good repair and all surfaces thereof shall be kept painted as necessary for purposes of preservation and appearance. Buildings and structures shall be maintained free of broken, loose shingles, crumbling stone or brick, excessive peeling paint or other conditions reflective of deterioration or inadequate maintenance.
- (e) Every dwelling and accessory structure, exterior walls, siding and roofs shall be kept structurally sound and in a state of good repair to avoid safety, health or fire hazards and shall be so maintained as to be weather and watertight.
- (f) Every building and structure on the premises shall be adequately protected against rats, mice, termites, and other vermin infestation, and shall not permit the entrance of such rats, mice, termites, and other vermin. Owners and operators shall be responsible for the extermination of such vermin from that part of the premises under their exclusive control.
- (g) Every building shall have adequate refuse, garbage or rubbish storage facilities, no owner or operator shall allow occupant to accumulate rubbish, boxes, lumber, metal refuse or other materials which may provide a harborage for rodents, or vermin.

(2) *Maintenance and appearance of land.*

- (a) The land surrounding the buildings and structures shall be kept free of hazards and clear of debris including, but not limited to, brush, weeds, broken glass, stumps, roots, obnoxious growths, filth, garbage, trash, refuse, old tires, and junk. The sole exception is where said debris has been properly placed for pickup by the city's waste disposal contractor, or other permitted outdoor storage pursuant to chapter 20 of the Municipal Code.
- (b) Except with prior application and approval of a land management plan by the community protection and services committee yards shall be provided with adequate lawn, ground cover or other acceptable decorative lawn treatment common in the Sturgeon Bay area. Yards shall be trimmed to maintain a neat appearance. Lawns allowed to grow ten inches or taller shall be considered overgrown and in violation of this chapter. Any temporarily exposed areas shall be treated to prevent dust or the blowing or scattering of dust particles.
- (c) Except with prior application to and approval of a land management plan from the community protection and services committee and in additions to acceptable lawn and ground cover, landscaping, plantings and other acceptable decorative treatments common in the Sturgeon Bay area shall be installed in the yard and shall be maintained in accordance with generally accepted landscaping practices in the Sturgeon Bay area. Hedges, bushes and plantings shall be kept trimmed and shall not be allowed to become overgrown and unsightly or allowed to obstruct pedestrians' or vehicles' view.

(d) Every yard, court, driveway or other portion of the land shall be graded or drained so as to prevent the accumulation of stagnant water on any such surface. Driveways shall be maintained in good condition and repair.

(e) Application for natural lawn. Any owner operator of land in the City of Sturgeon Bay may apply for approval of land management plan for natural lawn, one where the grasses exceed ten inches in height, with the city clerk. Approvals, conditional approvals or denials of the land management plan shall be by majority of the community protection and services committee.

1. *Land management plan* means a written plan relating to management of the lawn which contains a description of the area of the lawn upon which the grass or ground covering will exceed ten inches in height, a statement of intent and purpose for said area a general description of the vegetational types, plants, and plant succession involved, and the specific management and maintenance techniques to be employed. The land management plan must include provisions for cutting at a length no greater than eight to ten inches the terrace area (which is defined as that portion between the sidewalk and the street or a strip not less than four feet, adjacent to the street where there is no sidewalk) and at least a three-foot strip adjacent to neighboring property line unless waived by the abutting property owner on the side so affected.
2. *Revocation of the land management plan.* The land management plan may be revoked for failure to comply with the general requirements of this chapter, solely as modified by an approved land management plan. Notice of intent to revoke a land management plan may be issued by majority vote of the community protection and services committee. The community protection and services committee's decision may be appealed to the board of appeals. All applications for appeal shall be submitted within 15 days of notice of intent to revoke a land management plan, or the right of appeal shall be deemed waived.
3. *Application requirements.* Each application for a land management plan shall be on a form provided by the city clerk. The application fee shall be set by resolution of the city council. A copy of the application shall be mailed by the city clerk or given personally by the city clerk to each of the owners of record, as listed in the office of the city assessor, who are owners of the property situated in whole or in part within 200 feet of the boundaries of, the properties affected. The city clerk shall certify that such owners have been duly notified. The notified property owners shall have 15 days from the date of notice to file written objections to the application with the city clerk. Following said 15-day period, the city clerk shall refer the application materials and objections, if any, to the community protection and services committee for hearing and decision at the next regularly scheduled community protection and services committee meeting. The applicant and those property owners who filed written objections shall be notified of the meeting. Notice shall be by the city clerk mailing copies of the agenda to said persons no less than five days prior to the meeting. If there is insufficient time to mail such notice, the hearing and decision shall be set over to the next subsequent meeting unless the applicant provides written waivers of notice from the applicant and the objecting property owners.
4. *Application for appeal.* The owner or operator of land in the City of Sturgeon Bay may appeal a decision of the board of appeals refusing to grant a land management plan. The fee for appeals shall be set by resolution of the common council. All appeals shall be to the board of appeals which shall hear such appeals as necessary All applications for appeal shall be submitted within 15 days of notice of denial of the land management plan, or the right of appeal shall be deemed waived.

(3) *Application to all premises.* This chapter applies whether or not the premises are temporarily or continuously occupied or unoccupied, inhabited or uninhabited, commercial or noncommercial, and whether or not there is a structure, building or other improvement on the land.

(Ord. No. 1109-1003, § 1, 10-21-03)

(Supp. No. 43)

Created: 2022-07-28 11:13:33 [EST]

CITY OF STURGEON BAY
421 MICHIGAN STREET
STURGEON BAY, WI 54235

APPLICATION FOR NATURAL LAWN / LAND MANAGEMENT PLAN

** This form is used to apply for a Natural Lawn as outlined in Municipal Code 32.06(2)(e). A copy of the code has been included on subsequent pages.

NAME OF APPLICANT: Margaret Bayer Susan Nugent
ADDRESS: 722 South 17th Place

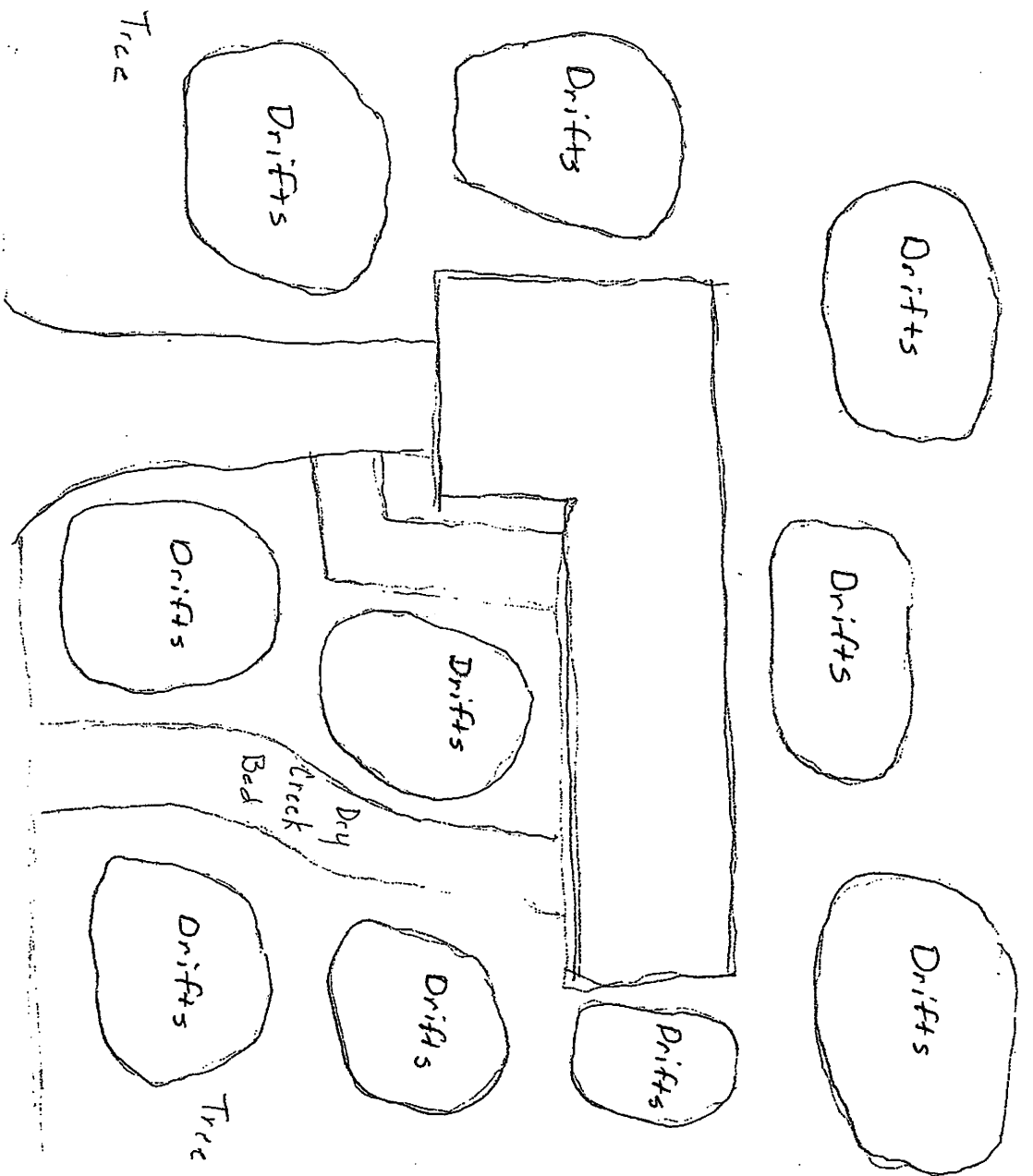
EXPLAIN WHY YOU WISH TO USE A NATURAL LAWN INSTEAD OF A GRASS LAWN (ATTACH ADDITIONAL SHEET IF NEEDED): After reading
Bringing Nature Home by Doug Tallamy we were inspired
to plant native plants to create an ecosystem that
benefits native insects (particularly bees), butterflies
(particularly Monarchs) and birds.

1. Include a detailed drawing of proposed natural lawn area.
2. Include your proposed land management plan. This must include steps to maintain your proposed natural area, vegetation types, plants, and plant succession.
3. Include a list of any native grasses or plants that would be planted. List of plants and grasses must be of common names and approximate height at maturity.

By signing this application, you are acknowledging you fully understand the process as outlined in Municipal Code 32.06(2).

Signature: Margaret Bayer
Susan Nugent

Date: 9-16-2022



Basic Plan

Elder berry

E.R.C.

Sn

A.F.

Nannyberry

W.V.

Pumpkin
Patch

Marsh Blazing Star
Butterfly weed

Sparsadically throughout
back purple prairie clover

S.M.

Bee Balm*
Coneflower*

Sp NJT
P.S.G.S.

Large leaf
Asters

Sp. P.M.

P.S.G.S.

Columbine*
O.C.

G.B.

Blue-stemmed
Golden rod

Pale Purple
Coneflower



Service
berry

O.C.

Rose
Mallow

P.S.

B.W.

S.D.G.

L.B.S.

E.M.* G.A.*
J.L.*

P.C.

Quinine

Prairie
Blazing
Star

prim
rose

prim
rose



Service
berry

Species
Added
When
Planted

P.S. Prairie Smoke

O.C. Orange Coneflower

S.M. Prairie (Sullivan's)
Milk Weed

P.C. Purple Coneflower

P.M. Poke Milkweed

NJT New Jersey Tea

* from the farm

L.H. Sumacs

P.B.H.

Hawthorn

B.C. Black Currant

E.R.C. Eastern Red Cedar
S.M. Snowberry

E.M. Early Meadow Rue
J.L. Jacob's Ladder
G.A. Golden Alexander

A.F. American Filbert

W.V. Withered Viburnum

S.P. Spikenard

C.N. Common Ninebark

G.D. Gray Dogwood

B.V. Blackhaw Viburnum

P.S.G.S. Purple Sheathed Graceful Sedge

C.D.S. Crested Oval Sedge

S.W. Switchgrass

C.A. Canada Anemone

C.F. Cardinal Flower

B.W. Butterfly weed

S.O.G. Side Oats Grass
Little Blue stem

L.B.S. Goatsbeard

G.D. Limber Honeysuckle

L.H. Dwarf Bush Honeysuckle

D.B.H. Rose Bladder

R.B. Rose Bladder

Land management plan

1. Installed top soil to proper grade
2. Remove invasive species
Predominantly - Japanese Honey suckle
- Buckthorn
- 3 Fall of 2020 Landscape Seeded
(Cover crop) - Annual Ryegrass
- Side Oats Grama
- Little Blue stem

Planted Drifts of native perennials

- Orange Milkweed
- Meadow Blazing star
- Purple Cone flower species
- Black eyed Susan
- Blue - stemmed goldenrod
- Big fruit evening primrose
- Prairie Smoke
- Columbine
- Bee Balm
- Orange Cone flower
- New Jersey tea

- Re-planting shrubs in areas
invasive woody material was
removed -

- Elderberry
- Nannyberry
- Hawthorn
- Black currant
- Juniper
- Snowberry
- American filbert
- Dogwood

Height range

4' - 12'

woody material

- Maintenance

Mowing at above average height

Purpose - Control annual weeds.

- Continue to remove invasive species

"Noxious weeds"

- Once native grasses + forbs establish
mowing will stop.

- Continue to remove weeds (Unwanted plants)
and replace with native plants.

All grasses and forbs are less than
4' tall at maturity. Some future forbs
planting may grow taller in areas screen is desired

LEANN M DOELL
1644 SUPERIOR CT
STURGEON BAY, WI 54235

BENJAMIN C LONGORIA
1639 SUPERIOR CT
STURGEON BAY, WI 54235

MARIE A LARSON
1648 TEXAS PL
STURGEON BAY, WI 54235

PHILIP R UTTECH TRUST
727 S 17TH PL
STURGEON BAY, WI 54235

RANDY BU'MGARDNER
707 S 17TH PL
STURGEON BAY, WI 54235

JASON R MANN
633 S 17TH PL
STURGEON BAY, WI 54235

DALE P JEANQUART
1647 TEXAS PL
STURGEON BAY, WI 54235

JOHN E HEIKKILA
632 S 17TH PL
STURGEON BAY, WI 54235

THOMAS H MC CAULLEY
700 S 17TH PL
STURGEON BAY, WI 54235

THOMAS H MC CAULLEY
700 S 17TH PL
STURGEON BAY, WI 54235

MARGARET BAYER
722 S 17TH PL
STURGEON BAY, WI 54235

ROBERT D RUNYARD
225 EVERGREEN LN
TWIN LAKES, WI 53181

JOYCE STRUCK
707 S 18TH AVE
STURGEON BAY, WI 54235

ALAN J AUGUST
619 S 18TH AVE
STURGEON BAY, WI 54235

JULIE A TLACHAC
611 S 18TH AVE
STURGEON BAY, WI 54235

THOMAS PHILLIPS
852 CIRCLE RIDGE PL
STURGEON BAY, WI 54235

HECKMAN FAMILY REVOCABLE LIVING
TRUST
102 INDIAN HILLS LN
CIRCLE PINES, MN 55014

JAMES W WARWICK
1667 TEXAS PL
STURGEON BAY, WI 54235

EUGENE S WAWRZYNIAK
1744 UTAH ST
STURGEON BAY, WI 54235

BRIAN O'HANDLEY
1758 UTAH ST
STURGEON BAY, WI 54235

PINNEY REVOCABLE TRUST
1814 UTAH ST
STURGEON BAY, WI 54235

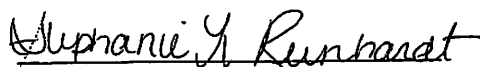
THOMAS W KURTZ
608 S 18TH AVE
STURGEON BAY, WI 54235

STATE OF WISCONSIN)

) SS

COUNTY OF DOOR)

I, STEPHANIE L. REINHARDT, duly appointed, qualified and acting City Clerk of the City of Sturgeon Bay, Wisconsin do hereby certify that I have sent out notices on October 10, 2022 to property owners within 200' boundary of 722 South 17th Place, Sturgeon Bay, WI and that the above list includes those property owners.
Dated: October 10, 2022


Stephanie L. Reinhardt, City Clerk
(S - E - A - L)

Stephanie L. Reinhardt
City Clerk/
Human Resources Director
City of Sturgeon Bay
421 Michigan Street
Sturgeon Bay, WI 54235



Phone 920-746-2900
Fax 920-746-2905
sreinhardt@sturgeonbaywi.org
www.sturgeonbaywi.org

October 10, 2022

This notice is to inform you that the City Clerk's Office of the City of Sturgeon Bay has received an application for a Land Management Plan/Natural Lawn from a property owner in your area, of which you are located within 200 feet of the boundary of the property – 722 South 17th Place.

Per City of Sturgeon Bay Municipal Code, 32.06(2)(e), you have 15 days from the date of this notice to file a written objection to the application to the City Clerk.

Should you wish to file a written objection, please send to City Clerk, 421 Michigan Street, Sturgeon Bay, WI 54235.

Enclosed: Copy of Municipal Code Section 32.06
 Copy of Application for Natural Lawn/Land Management Plan.

Reinhardt, Stephanie

From: Joan Jeanquart <joanjeanquart@gmail.com>
Sent: Thursday, October 13, 2022 7:27 PM
To: Reinhardt, Stephanie
Subject: Natural Property Planning

Stephanie Reinhardt
City Clerk
421 Michigan St.
Sturgeon Bay, WI 54235

I received notification from the city today, in reference to the property at 722 S. 17 Avenue, asking for a Land Management Plan/Natural Lawn.

I strongly object to having this type of 'natural lawn' in our neighborhood. We all keep our lawns well groomed and this type of 'wild & natural' lawn does not fit in nor does it comply with our City Ordinance 32.06.

Thank you for asking for our opinion in this matter.

Sincerely,

Joan M. Jeanquart
1647 Texas Place
Sturgeon Bay, WI 54235

Reinhardt, Stephanie

From: Greg Virlee <outlook_6A1D3689245F2C96@outlook.com>
Sent: Friday, October 14, 2022 6:43 PM
To: Reinhardt, Stephanie
Subject: Yard in our neighborhood

Sent from Mail for Windows

Stephanie,

It has been brought to our attention that a neighbor in our neighborhood is asking for a Land Management Plan/Natural Lawn. The entire neighborhood works hard to keep their yard looking well groomed and well kept. The Lot at 722 S. 17th Ave has been the topic of discussions with a lot of our friends and relatives. We have been asked if the house has been abandoned or what's up with that over grown yard. We kept thinking they just haven't gotten around to taking care of the yard. To be honest with you, we are upset that a lot can be left go and look like that.

We are not in favor of that yard continuing to look like it does. Aren't there City Ordinances that don't allow for a lot to be left looking like that yard?

We would like to hear back from you regarding this issue.

Thank You
Maggie & Greg Virlee

1639 Texas Place
Sturgeon Bay WI 54235

Email address: waldot@charter.net

Stephanie L. Reinhardt
City Clerk/Human Resources Director
City of Sturgeon Bay
421 Michigan Street
Sturgeon Bay, WI 54235

I am responding to the notice received from your office regarding the application for a Land Management Plan/Natural Lawn from the property located at: 722 S 17th Place.

We live directly across the street from this address and have been *very patient* with the process of this new build and their inactivity of implementing landscape for these past three summers. I suspect there is an ordinance and a given timeline for any new build within the city limits for landscaping with new builds. This owner did not address that fact, but rather, left their yard to fill with common and invasive weeds since they finished building.

This owner is far from keeping up with the maintenance of the property. It has been an ongoing problem from the date they moved in. It took them one full year *after* the build to even install a driveway. From then on the yard has been one big weed-infested mess. The weeds have been left to grow up over 4' tall and they only mow when the neighbors start complaining. The seedlings blow into our yard and make it a menace to maintain our own turf. Their unsightly yard is, unfortunately, the first thing we see from the front view of our home.

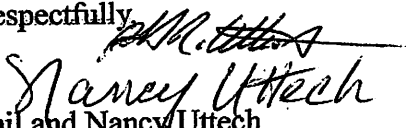
Other new homes have sprouted up along this same street (within the past few years) incorporating some very lovely landscape that blends well with the neighborhood, and yet, without being anything extravagant or expensive. One drive by along this street gives a pretty clear indication that this is not the area for what these owners consider "natural landscaping". The prairie would be a much better choice! Their yard makes this neighborhood look like the slums. We don't need this affecting our property value. The owner never did attempt any type of lawn, but rather left weeds to grow instead.

Furthermore, the diagram attached to this notice outlining the owners plan displays a series of plantings that include invasive species. The areas between the plantings are all active weeds that will continue to grow season to season. (I personally, have worked as a landscape employee for the past 6 years and know all too well that weeding is an ongoing process, and they are not going to magically disappear). In speaking with the neighbor in person, they have the idea that these plantings will eventually take over the weeds, but in all actuality it is quite the opposite.

Given the three year history of this new build my husband and I have no faith in the fact that this property will be maintained with this system because they have not upheld the responsibility all along. There is absolutely no order to their yard and the so-called "dry creek bed" is a joke (to put it bluntly).

In closing, we are vehemently opposed to this design plan, and beg the right decision be made for our neighborhood. This type of planning is more conducive to acreage outside the city limits.

Respectfully,


Phil and Nancy Uttech
727 S 17th Pl.

Reinhardt, Stephanie

From: mazlaron1648@gmail.com
Sent: Wednesday, October 19, 2022 12:04 PM
To: Reinhardt, Stephanie
Subject: Land Management Plan/Natural Lawn Application 722 South 17th Place

I received the information regarding Ms. Bayer and Susan Nugent's request to use a natural lawn instead of a grass lawn. I am against this application being granted for the following reasons:

1. These people have not followed the ordinance for three years.
2. After the house was built their front and back and back yard have been nothing but noxious weeds, many animals are nesting in their yards and are affecting others.
3. All homes on this road have maintained their lawns.
4. Several personal requests as well as complaints have been registered with your office.
5. These women informed all neighbors they want it to look like farm land. They do have a large riding lawnmower in their garage and refuse to mow.
6. Their yard is filled with tall weeds and many noxious weeds.
7. The sign they put up in their front yard is a joke saying they are a registered Butterfly habit is a joke. I could personally obtain one over the internet in one day without proof.
8. As to their statements, they did not do anything that was stated. They are not telling the truth.
9. As a retired Master Gardner, the amount of species they wish to put in would take years and are very costly. They came up with the species from the one book they sited. The maturity of the forbes they mentioned would be taller than 4' and would be surrounded by weeds. THEY DO NOT WANT TO MOW. This is what they have told people in this subdivision!
10. They are trying to make their front, side and back yard look like the Cross Roads off of Utah Street. Cross Roads is zoned quite differently than Residential which is the zoning of my subdivision.
11. I strongly object to what these people propose to do. It is not feasible. I do not want this farmland look by my house.

I ask that this application be denied. I also ask the City to strongly enforce the grass lawn as outlined and required by the ordinance. They have been in non-compliance for too long.

Thank you.

Marie Larson
1648 Texas Place
Sturgeon Bay WI 54235

Wisconsin State Statute Regarding E-Bikes

346.806 Special rules applicable to electric bicycles.

(1) Except as otherwise expressly provided, an electric bicycle and an operator of an electric bicycle shall be afforded all the same rights and privileges, and be subject to the same duties, provided in chs. [340](#) to [351](#) as a bicycle or an operator of a bicycle. An electric bicycle shall be considered a vehicle to the same extent as a bicycle.

(2) A person operating an electric bicycle is not subject to the provisions under ch. [341](#), [342](#), [343](#), or [344](#) relating to financial responsibility, operator's licenses, registration, or certificates of title.

(3) (a) A person may ride, with the power unit in operation, an electric bicycle upon a bikeway, as defined under s. [84.60 \(1\) \(a\)](#), under the jurisdiction of the department of natural resources, subject to any restrictions specified in a rule promulgated by the department of natural resources under s. [349.18 \(4\) \(b\)](#), or under the jurisdiction of a municipality or county, subject to any restrictions specified in an ordinance enacted under s. [349.18 \(4\) \(a\)](#).

(b) A person may ride, with the power unit in operation, an electric bicycle upon a bikeway, as defined under s. [84.60 \(1\) \(a\)](#), under the jurisdiction of the department, subject to any restrictions specified in a rule promulgated by the department.

(4) No person under the age of 16 years may operate a class 3 electric bicycle. A person under the age of 16 years may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

History: [2019 a. 34](#).

346.807 Operating personal delivery device on sidewalk.

(1) Except as provided in s. [346.94 \(18m\) \(a\) 2.](#) and [349.236 \(1\) \(b\)](#), a personal delivery device may be operated upon any sidewalk or crosswalk.

(2) Every personal delivery device operator shall ensure that the operation of the personal delivery device upon a sidewalk or crosswalk satisfies all of the following:

(a) The personal delivery device operator shall control or monitor the navigation and operation of the device.

(b) The device may not go upon any roadway except while crossing a roadway at a crosswalk.

(c) The device shall be operated with due care.

(d) The device shall comply with each traffic signal and sign.

(e) The speed of the device may not exceed 10 miles per hour.

(f) The device shall yield the right-of-way to a pedestrian.

History: [2001 a. 90](#); [2017 a. 13](#).

City of Two Rivers

- **CHAPTER 8-3. - BICYCLES, E-BIKES, AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES^[3]**

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-- (3) --

Editor's note— Adopted by the city council of the City of Two Rivers (Title 8, Ch. 3, of the 1981 Code). Amendments noted where applicable. This chapter shall not apply to vehicles or devices used in accordance with the Americans with Disabilities Act or in regard to play vehicles as defined by Wisconsin Statute.

- **Sec. 8-3-1. - Definitions.**

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

Bicycle. Every device propelled by the feet or hands acting upon pedals or cranks 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 lane. 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 assistive mobility devices, or other modes of travel where permitted, absent gasoline power, and so designated by appropriate signs and pavement markings.

Bicycle patrol officer. A police officer patrolling by use of bicycle, electric scooter, electric personal assistive mobility device.

Bicycle way or public recreation trail. Any path or sidewalk or portion thereof where permitted, off roadway, or property owned or leased by the city where permitted, and designated for use by pedestrians, bicycles, electric scooters, and electric personal assistive mobility devices, or any other human or electric powered recreation, absent gasoline power, by the governing body of any city, town, village, or county.

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, electric scooter, electric personal assistive mobility device designed for carrying articles.

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 assistive 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 assistive 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 assistive mobility device, motorcycle, motor bicycle, electric bicycle, or moped.

Identification tag. A metal plate or sticker indicating that a bicycle is registered.

Operator. Every person who drives or is in actual physical control of a device or vehicle as covered in this chapter.

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 city authorized business offering rental or hire of bicycles, electric scooters, or electric personal assistive mobility devices 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.

([Ord. of 4-4-2022\(1\)](#), § 1)

- **Sec. 8-3-2. - Registration of bicycles, e-bikes, electric scooters, and electric personal assistive mobility devices.**

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A. Registration required. No person who resides within the City of Two Rivers shall operate or propel a bicycle, e-bike, electric scooter or electric personal assistive mobility device upon any public highway, public recreation trail, bicycle way or bicycle path within the city, or on property owned or leased by the city, which has not been duly registered and licensed as provided in this chapter. The owner shall apply for registration within ten days of purchase and delivery of the bicycle, e-bike, electric scooter or electric personal assistive mobility device. A rental agency shall not rent or offer any bicycle, e-bike, electric scooter or electric personal assistive mobility device, for rent unless registered and an identification tag is attached thereto as provided herein and such bicycle, e-bike, electric scooter or electric personal assistive mobility device has not been modified from the original manufacturer in such a way as to make said device unsafe.

B. How made. Registration shall be made by filing with the police department on forms provided by the city, giving the name, address and date of birth of the owner and a complete description of the bicycle, e-bike, electric scooter or electric personal assistive mobility device, including the name of the manufacturer, style, model, serial number, and color. If the bicycle, e-bike, electric scooter or electric personal assistive mobility device has no serial number, the police department shall assign one.

C. Registration fee. The fee for registration and license of a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall be as provided for in [chapter 1-2](#), fees, of

this Code. Police patrol bicycles and other city owned vehicles or devices are exempt from this provision.

D. Identification tag. The registering employee or officer shall issue to the registrant an identification tag. The identification tag shall be immediately affixed to the registered bicycle, e-bike, electric scooter or electric personal assistive mobility device, and shall be firmly attached to the bicycle, e-bike, electric scooter or electric personal assistive mobility device for which issued and kept visible and clean at all times. The identification tag shall permit the bicycle, e-bike, electric scooter or electric personal assistive mobility device to be operated upon the city streets, public recreation trail, bicycle path or bicycle way within the city, or on property owned or leased by the city.

E. Unsafe bicycles, e-bikes, electric scooters or electric personal assistive mobility devices not to be registered. No bicycle, e-bike, electric scooter or electric personal assistive mobility device shall be registered which is in an unsafe mechanical condition.

F. Owner to register. The licensing authority shall not register any bicycle, e-bike, electric scooter or electric personal assistive mobility device which it knows or has reasonable grounds to believe is not owned by or lawfully in the possession of the applicant.

G. Change of ownership.

(1.) Within ten days after any bicycle, e-bike, electric scooter or electric personal assistive mobility device registered as provided herein is sold or transferred to a new owner, the new owner shall report such information to the police department and shall apply for and obtain the transfer of the registration through the police department. Within ten days after any bicycle, e-bike, electric scooter or electric personal assistive mobility device is dismantled or taken out of operation, the person in whose name the bicycle, e-bike, electric scooter or electric personal assistive mobility device is registered shall report such information to the police department. The Police Department shall thereupon cancel the registration of the bicycle, e-bike, electric scooter or electric personal assistive mobility device.

(2) Every person who transfers the title of any bicycle, e-bike, electric scooter or electric personal assistive mobility device shall endorse upon the form provided by the city the name, address, and date of birth of the transferee, the date of the transfer and the identification tag number affixed to the bicycle, e-bike, electric scooter or electric personal assistive mobility device. The transferee, upon registration, shall pay a transfer fee as provided for in [chapter 1-2](#), fees, of this Code. The bicycle, e-bike, electric scooter or electric personal assistive mobility device identification tag remains with the bicycle, e-bike, electric scooter or electric personal assistive mobility device and is not transferable to a different bicycle, e-bike, electric scooter or electric personal assistive mobility device.

([Ord. of 4-4-2022\(1\)](#), § 2)

- **Sec. 8-3-3. - Responsibility of parent, guardian, or rental agency.**

modified

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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 registration or operation of bicycles, e-bikes, electric scooters or electric personal assistive mobility devices, and shall be responsible for the safety and maintenance of said device.

Disclaimer; liability.

A. Any person, who owns, operates or rides upon a bicycle, e-bike, electric scooter or electric personal assistive 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.

B. Rental agencies whom rent or offer any bicycle, e-bike, electric scooter or electric personal assistive 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 assistive mobility device and to indemnify and hold the city harmless from any claims arising from any such use.

([Ord. of 4-4-2022\(1\)](#), § 3; [Ord. of 7-6-2022\(1\)](#), § 1)

- **Sec. 8-3-4. - Display of registration.**

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The identification tag issued under this chapter shall be affixed to the registered bicycle, e-bike, electric scooter or electric personal assistive mobility device so as to be plainly seen and read and shall remain so affixed until ordered removed by the police department for cause or until expiration of the registration. In the case of theft or loss of the identification tag, a replacement tag shall be issued upon payment of a fee as provided for in [chapter 1-2](#), fees, of this Code.

([Ord. of 4-4-2022\(1\)](#), § 4)

- **Sec. 8-3-5. - Exemption from registration.**

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Any nonresident of the city who has duly registered his/her bicycle, e-bike, electric scooter or electric personal assistive mobility device in another jurisdiction, or who resides in another jurisdiction which has no registration requirements, may operate his/her bicycle, e-bike, electric scooter or electric personal assistive mobility device in the city without obtaining local registration.

([Ord. of 4-4-2022\(1\)](#), § 5)

- **Sec. 8-3-6. - Removal and alteration of identification tags.**

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A. Removal prohibited. No person shall remove an identification tag from a bicycle, e-bike, electric scooter or electric personal assistive mobility device during the period for which it is issued.

B. Alteration prohibited. No person shall alter or counterfeit any identification tag.

([Ord. of 4-4-2022\(1\)](#), § 6)

- **Sec. 8-3-7. - Unclaimed or unidentified bicycles, e-bikes, electric scooters or electric personal assistive mobility devices.**

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All abandoned or unidentified bicycles, e-bikes, electric scooters or electric personal assistive mobility devices shall be delivered to the police department for storage, and all such bicycles, e-bikes, electric scooters or electric personal assistive mobility devices remaining in the hands of the police department after 60 days shall be sold at the next scheduled police auction.

([Ord. of 4-4-2022\(1\)](#), § 7)

- **Sec. 8-3-8. - Operating rules.**

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No person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device upon any city street, public recreation trail, bicycle path or bicycle way within the city, or on property owned or leased by the city, shall fail to observe any applicable traffic regulations of the municipality and state or to comply with the following regulations:

A. Operator and passenger. The manufacturer's recommended operator and seating capacity shall not be exceeded. Bicycle operators shall not use a bicycle to carry another person in excess of manufacturer's recommended capacity; 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 a class 3 electrical bicycle and no class 3 electrical bicycle may be operated on any public recreation trail, bicycle path or bicycle way within the city, or on property owned or leased by the City, except upon any city street.

B. Stunt or trick riding. No person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall participate in any trick or stunt riding or racing on any city street, public recreation trail, bicycle path or bicycle way within the city, or on property owned or leased by the city, 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 city council.

C. Towing. No person riding or operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall tow, drag or cause to be drawn behind the bicycle, e-bike, electric scooter or electric personal assistive mobility device, any person on roller skates, coaster sled, or any other type of conveyance not designed to be towed by a bicycle, e-bike, electric scooter or electric personal assistive mobility device.

D. Obedience to traffic control devices. Any person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall obey the instructions of all official traffic control devices unless otherwise directed by a law enforcement officer.

E. 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) *Prohibited turns.* Whenever a uniform traffic control device indicates that no right or left turn or U-turn is permitted, no person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall disobey the direction of such device, except after dismounting from the bicycle, e-bike, electric scooter or electric personal assistive mobility device to make such turn, in which event said person shall then obey the regulations, ordinances and laws applicable to pedestrians.

(3) *Right turns.* Every person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device intending to turn to the right at an intersection, alley, or driveway shall approach the turning point in the line of traffic nearest the right-hand curb of the street.

(4) *Left turns.* Every person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device intending to turn left at an intersection or to enter an alley or driveway shall approach the point of turning in that lane farthest to the left which is lawfully available to traffic moving in the direction of travel of the bicycle, e-bike, electric scooter or electric personal assistive mobility device about to turn left, unless otherwise directed by official traffic control devices. At intersections where traffic is moving in the opposite direction, if it is not safe for the operator to make a left turn as above-described, he or she shall stay in the right-hand lane and drive to the opposite corner, dismount and walk the bicycle, e-bike, electric scooter or electric personal assistive mobility device to the left-hand corner and proceed. A bicycle, e-bike, electric scooter or electric personal assistive mobility device operator may also make a left turn by driving to the opposite corner and then turning left and driving in a normal driving position.

(5) *Use of crosswalks.* Crosswalks shall be used when walking a bicycle, e-bike, electric scooter or electric personal assistive mobility device through an intersection.

F. *Speed.* No person shall operate a bicycle, e-bike, electric scooter or electric personal assistive mobility device at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit. No person may operate a bicycle, e-bike, electric scooter, electric personal assistive mobility device, or other vehicle off roadway but on property owned by the city, including but not limited to city parks and public recreation trails, in excess of 15 mph.

G. *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.

H. *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.

I. *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 city street, public recreation trail, or on property owned or leased by the city, except in connection with a special event upon permission granted by the city council after a report by the chief of police.

J. *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.

K. *Lights; reflectors*. No person may operate a bicycle, e-bike, electric scooter or electric personal assistive mobility device 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, e-bike, electric scooter or electric personal assistive mobility device. Such bicycle, e-bike, electric scooter or electric personal assistive 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.

L. *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.

([Ord. of 4-4-2022\(1\)](#), § 8)

- **Sec. 8-3-9. - Parking.**

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No person shall park any bicycle, e-bike, electric scooter or electric personal assistive mobility device against windows or in the main traveled portion of any sidewalk or highway nor in such manner as to constitute a hazard to pedestrians, traffic or property. If there is no bicycle rack or other facility intended to be used for the parking of bicycles, e-bikes, electric scooters or electric personal assistive mobility devices in the vicinity, the operator

may park a bicycle, e-bike, electric scooter or electric personal assistive mobility device on the sidewalk in the upright position parallel to and within 24 inches of the curb.

([Ord. of 4-4-2022\(1\)](#), § 9)

- **Sec. 8-3-10. - Operation on sidewalks.**

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A. No person shall operate any bicycle, e-bike, electric scooter or electric personal assistive mobility device on any sidewalk within the city, except bicycles with wheels 20 inches in diameter or less in residential areas for the purpose of learning, or bicycles being operated by a police bicycle patrol officer or other city vehicle operating within the performance of his city duties.

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.

C. Notwithstanding subsection A. hereof, the city 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 city, 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 city 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.

([Ord. of 4-4-2022\(1\)](#), § 10)

- **Sec. 8-3-11. - Violations and penalties.**

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Any person who shall violate any of the provisions of this chapter shall be punished by any of the following methods, subject to the requirements of state law:

A. Any person over the age of 12 who violates any provision of this chapter shall be subject to the following penalties:

(1) First offense penalty shall forfeit not less than \$5.00 nor more than \$1,500.00.

(2) Second offense penalty shall forfeit not less than \$10.00 nor more than \$1,500.00.

(3) Third offense penalty shall forfeit not less than \$20.00 nor more than \$1,500.00.

([Ord. of 4-4-2022\(1\)](#), § 11)

2019 WISCONSIN ACT 34

AN ACT *to repeal* 340.01 (30) (b); *to consolidate, renumber and amend* 340.01 (30) (intro.) and (a); *to amend* 23.335 (1) (q), 70.111 (1), 194.01 (7), 340.01 (29m) (bm), 340.01 (35), 340.01 (74p) (c), 341.05 (23), 346.02 (4) (title) and 346.02 (4) (a); and *to create* 340.01 (15ph), 346.806, 347.02 (1) (em), 347.489 (3m) and 349.18 (4) of the statutes; **relating to:** electric bicycles and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 23.335 (1) (q) of the statutes is amended to read:

23.335 (1) (q) "Off-highway motorcycle" means a 2-wheeled motor vehicle that is straddled by the operator, that is equipped with handlebars, and that is designed for use off a highway, regardless of whether it is also designed for use on a highway. "Off-highway motorcycle" does not include an electric bicycle, as defined under s. 340.01 (15ph).

SECTION 2. 70.111 (1) of the statutes is amended to read:

70.111 (1) JEWELRY, HOUSEHOLD FURNISHINGS, AND APPAREL. Personal ornaments and jewelry, family portraits, private libraries, musical instruments other than pianos, radio equipment, household furniture, equipment and furnishings, apparel, motor bicycles, electric bicycles, bicycles, and firearms if such items are kept for personal use by the owner and pianos if they are located in a residence.

SECTION 3. 194.01 (7) of the statutes, as affected by 2019 Wisconsin Act 11, is amended to read:

194.01 (7) "Motor vehicle" means any automobile, truck, trailer, semitrailer, tractor, motor bus, or any self-propelled or motor driven vehicle, except a motorcycle, moped, motor bicycle, electric bicycle, electric scooter, electric personal assistive mobility device, personal delivery device, or vehicle operated on rails.

SECTION 4. 340.01 (15ph) of the statutes is created to read:

340.01 (15ph) "Electric bicycle" means 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:

(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.

SECTION 5. 340.01 (29m) (bm) of the statutes is amended to read:

340.01 (29m) (bm) "Moped" does not include a motor bicycle or electric bicycle.

SECTION 6. 340.01 (30) (intro.) and (a) of the statutes are consolidated, renumbered 340.01 (30) and amended to read:

340.01 (30) "Motor bicycle" means ~~any of the following: (a) A~~ a bicycle to which a power unit that is not an integral part of the vehicle has been added to permit the vehicle to travel at a speed of not more than 30 miles per hour with a 150-pound rider on a dry, level, hard surface with no wind and having a seat for the operator. "Motor bicycle" does not include an electric bicycle.

SECTION 7. 340.01 (30) (b) of the statutes is repealed.

SECTION 8. 340.01 (35) of the statutes, as affected by 2019 Wisconsin Act 11, is amended to read:

340.01 (35) "Motor vehicle" means a vehicle, including a combination of 2 or more vehicles or an articulated vehicle, which is self-propelled, except a vehicle operated exclusively on a rail. "Motor vehicle" includes, without limitation, a commercial motor vehicle or a vehicle which is propelled by electric power obtained from overhead trolley wires but not operated on rails. A snowmobile, an all-terrain vehicle, a utility terrain vehicle, an electric scooter, and an electric personal assistive mobility

device shall be considered motor vehicles only for purposes made specifically applicable by statute. "Motor vehicle" does not include an electric bicycle.

SECTION 9. 340.01 (74p) (c) of the statutes, as affected by 2019 Wisconsin Act 11, is amended to read:

340.01 (74p) (c) An operator of a moped, electric scooter, electric bicycle, or motor bicycle.

SECTION 10. 341.05 (23) of the statutes is amended to read:

341.05 (23) The vehicle is a motor bicycle, electric bicycle, or bicycle, except as provided in s. 349.18.

SECTION 11. 346.02 (4) (title) of the statutes is amended to read:

346.02 (4) (title) APPLICABILITY TO PERSONS RIDING BICYCLES, ELECTRIC BICYCLES, AND MOTOR BICYCLES.

SECTION 12. 346.02 (4) (a) of the statutes is amended to read:

346.02 (4) (a) Subject to the special provisions applicable to bicycles, every person riding a bicycle upon a roadway or shoulder of a highway is granted all the rights and is subject to all the duties ~~which that~~ this chapter grants or applies to the operator of a vehicle, except those provisions ~~which that~~ by their express terms apply only to motor vehicles or ~~which that~~ by their very nature would have no application to bicycles. For purposes of this chapter, provisions ~~which that~~ apply to bicycles also apply to electric bicycles and motor bicycles, except as otherwise expressly provided.

SECTION 13 . 346.806 of the statutes is created to read:

346.806 Special rules applicable to electric bicycles. (1) Except as otherwise expressly provided, an electric bicycle and an operator of an electric bicycle shall be afforded all the same rights and privileges, and be subject to the same duties, provided in chs. 340 to 351 as a bicycle or an operator of a bicycle. An electric bicycle shall be considered a vehicle to the same extent as a bicycle.

(2) A person operating an electric bicycle is not subject to the provisions under ch. 341, 342, 343, or 344 relating to financial responsibility, operator's licenses, registration, or certificates of title.

(3) (a) A person may ride, with the power unit in operation, an electric bicycle upon a bikeway, as defined under s. 84.60 (1) (a), under the jurisdiction of the department of natural resources, subject to any restrictions specified in a rule promulgated by the department of natural resources under s. 349.18 (4) (b), or under the jurisdiction of a municipality or county, subject to any restrictions specified in an ordinance enacted under s. 349.18 (4) (a).

(b) A person may ride, with the power unit in operation, an electric bicycle upon a bikeway, as defined under s. 84.60 (1) (a), under the jurisdiction of the department, subject to any restrictions specified in a rule promulgated by the department.

(4) No person under the age of 16 years may operate a class 3 electric bicycle. A person under the age of 16 years may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

SECTION 14. 347.02 (1) (em) of the statutes is created to read:

347.02 (1) (em) Electric bicycles.

SECTION 15. 347.489 (3m) of the statutes is created to read:

347.489 (3m) (a) 1. After January 1, 2018, a manufacturer or distributor of electric bicycles shall permanently affix to the electric bicycle a label containing all of the following information in Arial font of a minimum size of 9 point:

- a. The classification number of the electric bicycle.
- b. The speed at which the motor will cease to provide assistance or power.
- c. The wattage of the motor equipped to the electric bicycle.

2. If a person modifies an electric bicycle so as to change the classification of the electric bicycle, the person shall prepare and affix to the electric bicycle a revised label satisfying the requirements of subd. 1.

(b) An electric bicycle shall meet the requirements of 16 CFR Part 1512, as if the electric bicycle were a bicycle as defined under 16 CFR 1512.2 (a).

(c) An electric bicycle shall operate so that the motor ceases to provide assistance or power when the brakes are applied or the motor ceases to provide assistance or power when the rider stops pedaling.

(d) No person may operate a class 3 electric bicycle unless the electric bicycle is equipped with a speedometer that with reasonable accuracy registers the speed of the electric bicycle in miles per hour.

SECTION 16. 349.18 (4) of the statutes is created to read:

349.18 (4) (a) The governing body of a municipality or county may by ordinance prohibit the operation, with the power unit in operation, of electric bicycles on bikeways, as defined under s. 84.60 (1) (a), under its jurisdiction.

(b) The department of natural resources may promulgate rules prohibiting the operation, with the power unit in operation, of electric bicycles on bikeways, as defined under s. 84.60 (1) (a), under its jurisdiction.

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