

ORDINANCE # 13-26

**AN ORDINANCE TO REPEAL AND RECREATE CERTAIN SECTIONS IN CHAPTER 70 OF
THE CITY OF BERLIN MUNICIPAL CODE**

WHEREAS, the increase of electronic assisted modes of transportation has resulted in concerns for safety; and

WHEREAS, the City of Berlin recognizes the increasing popularity of electric assisted modes of transportation like electric bicycles, electric scooters and electric transportation devices as convenient and accessible modes of transportation; and

WHEREAS, the City of Berlin seeks to promote public safety, protect pedestrians and other roadway users, and ensure the responsible operation of electric bicycles and electric scooters within its jurisdiction; and

WHEREAS, the City of Berlin aims to align its regulations with state law identified in Wisconsin Statutes Chapter 340 to provide clear and consistent guidelines for electric bicycle and electric scooter use; and

WHEREAS, the City Council of the City of Berlin finds it necessary to establish local regulations to address specific community needs, including restrictions and enforcement mechanisms, while encouraging the use of electric bicycles and electric scooters as a sustainable transportation option.

WHEREAS, the City Council of the City of Berlin finds it appropriate to amend Chapter 70 of the City of Berlin Municipal Code to update its regulations in this chapter and to regulate the use of electric bicycles, electric scooters, and play vehicles.

NOW, THEREFORE, the City of Berlin Common Council, Green Lake and Waushara Counties, Wisconsin does hereby ordain as follows:

SECTION 1: Chapter 70 of the City of Berlin Municipal Code entitled "Traffic and Vehicles," Article III entitled "Bicycles and Play Vehicles," Division 1 entitled "Generally," Section 70-96 is hereby created as follows:

Sec. 70-96 Purpose.

The purpose of this Article is to promote the safe and enjoyable use of sidewalks, trails, and bicycle ways within the City of Berlin, while allowing citizens to responsibly enjoy these devices, by outlining operational standards and prohibiting reckless or unsafe operation of bicycles, electric bicycles, electric scooters, inline skates and play vehicles.

SECTION 2: Chapter 70 of the City of Berlin Municipal Code entitled "Traffic and Vehicles," Article III entitled "Bicycles and Play Vehicles," Division 1 entitled "Generally," Section 70-113 is hereby created as follows:

Sec. 70-113. Definitions

As used in this Article:

- (1) "Bicycle" means every device propelled by feet or hands acting upon pedals or cranks and having wheels, any two of which are not less than 14 inches in diameter.
- (2) "Electric bicycle" (e-bike), as defined in Wis. Stat. § 340.01(15ph) shall mean 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:
 1. "Class 1 e-bike" is an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
 2. "Class 2 e-bike" is an electric bicycle that may be powered solely by the motor and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
 3. "Class 3 e-bike" is an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.
- (3) "Electric scooter" (e-scooter), as defined in Wis. Stat. § 340.01(15ps) means a device weighing fewer than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not 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.
- (4) "Helmet" means a properly fitted and fastened protective head covering designed for bicycle safety that meets or exceeds the impact standards set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation.

SECTION 3: Chapter 70 of the City of Berlin Municipal Code entitled "Traffic and Vehicles," Article III entitled "Bicycles and Play Vehicles," Division 1 entitled "Generally," Section 70-114 is hereby created as follows:

Sec. 70-114. Rules for operation of bicycles, electric bicycles and electric scooters

- (a) State laws applicable. Every person operating a bicycle, e-bike or e-scooter on any street, sidewalk or any property within the City shall be subject to the provisions of all Berlin ordinances and any applicable Wisconsin statutes relating to equipping and operating bicycles, including but not limited to Wis. Stat. § 340.01 and Wis. Stat. § 347.489.
- (b) Where prohibited and Restricted. No bicycles, e-bikes or e-scooters shall be operated on any public sidewalks, in any roadway, trail, path or property where a sign is erected indicating that bicycles and/or e-bikes and/or e-scooters are prohibited or otherwise restricted.

- (c) Riding on roadway. Every person operating a bicycle, e-bike or e-scooter upon a two-way public street shall ride within five feet of the right curb or edge of the roadway, except when passing another vehicle or making a left-hand turn; and when riding in groups, operators shall ride in single file, except on residential streets which are not divided by painted or other marked extra lines where they may ride two abreast. On one-way roads, the user may ride as near as practicable to within five feet of the left-hand or right-hand curbs or edges of the roadway.
- (d) Bicycle ways. Operation of bicycles, e-bikes and e-scooters shall be permitted on any ways, lanes, trails, paths, or other property designated for the use and operation of bicycles.
- (e) Observance of traffic regulations and speed limits. Every person operating a bicycle, e-bike or e-scooter upon a public roadway shall obey all the instructions of official traffic-control devices, signs, and signals applicable to motor vehicles and shall not operate a bicycle, e-bike or e-scooter at a speed greater than the posted or otherwise applicable speed limit. School zone speed limits are in effect at all times for bicycles, e-bikes and e-scooters, including the zone near the Boys & Girls Club.
- (f) Yielding to traffic. The operator of a vehicle shall yield the right-of-way to a person operating a bicycle, e-bike or e-scooter in the same manner as bicyclists and pedestrians. When operating a bicycle, e-bike or e-scooter, every person shall, upon entering a public roadway, yield the right-of-way to motor vehicles, except to a person operating a bicycle, e-bike or e-scooter shall be subject to the same regulations as bicyclists and pedestrians. Operators of e-bikes or e-scooters shall offer the right-of-way to bicycles in bike lanes, ways, trails, and on bike paths.
- (g) Equipment regulations; lamps, brake lights and reflectors. Every person operating a bicycle, e-bike or e-scooter between one-half hour after sunset and one-half hour before sunrise shall be equipped with a lamp firmly attached to the front of such electric bike or scooter exhibiting a white light to the front, brake lights in the rear and a reflector or lamp mounted on the rear of the vehicle visible at a distance of 500 feet. The reflector shall not be less than two inches in diameter.
- (h) Special events regulations. By the authority of the Berlin Police Department, or the Senior Center and Recreational Facilities Director or the Street Superintendent, any area of the City whereupon a special event is present, signage may be temporarily placed to further restrict or prohibit bicycles, e-bikes and/or e-scooters from being ridden, operated or present in such designated areas for reasonable periods of time before, during or after such special events.
- (i) Pursuant to Wis. Stat. § 346.806(4), no person under the age of 16 may operate a Class 3 e-bike. Operators under the age of 18 shall wear a helmet.

SECTION 4: Chapter 70 of the City of Berlin Municipal Code entitled "Traffic and Vehicles," Article III entitled "Bicycles and Play Vehicles," Division 2 entitled "Bicycles," Section 70-116 entitled "Trick riding" is hereby repealed and recreated as follows:

Sec. 70-116. Unsafe Operation

No person shall unsafely operate a bicycle, e-bike or e-scooter within the city. Unsafe operation includes but is not limited to:

- (a) Clinging to other vehicles. No person operating a bicycle, e-bike or e-scooter shall cling to, attach themselves to, or in any manner permit themselves to be pulled or towed by any moving vehicle.
- (b) Towing of persons, vehicles, trailers. No person operating a bicycle, e-bike or e-scooter shall tow, drag, or cause to be drawn behind the bicycle, e-bike or e-scooter any coaster wagon, sled, toy vehicle or any similar vehicle, trailer, person on in-line or roller skates, or any other type of conveyance.
- (c) Contests with other electric devices or vehicles. No person operating a bicycle, e-bike or e-scooter shall participate in any race, speed or endurance contest with any other e-scooter or e-bike or moving vehicle on a city roadway.
- (d) Stunt riding. No person shall operate a bicycle, e-bike or e-scooter in a manner involving acrobatic riding, wheelies, or other stunts, while operating such bicycle, e-bike or e-scooter that creates an unreasonable risk of injury to any person or damage to property.
- (e) Trick riding. No person shall operate a bicycle, e-bike or e-scooter without having manual control of the handlebars, hand or foot braking system, and foot pedals. Operation which necessitates the element of unusual extraordinary skill and/or involves unnecessary risk is prohibited.
- (f) Carrying of passengers. No bicycle, e-bike, or electric scooter may be used to carry or transport more persons at one time than the number for which it is designed, except as provided herein. In addition to the operator, a bicycle or e-bike otherwise designed to carry only the operator may be used to carry or transport a child seated in an auxiliary child's seat or trailer designed for attachment to a bicycle or e-bike if the seat or trailer is securely attached to the bicycle or e-bike according to the directions of the manufacturer of the seat or trailer.
- (g) Speed. No person shall operate a bicycle, e-bike or e-scooter at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit. No person shall operate an e-bike or e-scooter on a City sidewalk at a speed greater than 5 MPH.
- (h) Use of electronic devices. No person shall hold, look at, use or operate an electronic device while operating a bicycle, e-bike or e-scooter.

SECTION 5: Chapter 70 of the City of Berlin Municipal Code entitled "Traffic and Vehicles," Article III entitled "Bicycles and Play Vehicles," Division 2 entitled "Bicycles," Section 70-116.5 is hereby created as follows:

Sec. 70-116.5. Where Prohibited

Riding of bicycles, e-bikes and e-scooters shall not be permitted on/in athletic fields, playgrounds, ball diamonds, park shelters or landscaped areas.

SECTION 6: Chapter 70 of the City of Berlin Municipal Code entitled "Traffic Vehicles," Article III entitled "Bicycles and Play Vehicles," Division 2 entitled "Bicycles," Section 70-117 entitled "Parking" is hereby repealed and recreated as follows:

No person shall leave a bicycle, e-bike or e-scooter at a place or in such a way as to create a hazard to pedestrians, automobile operators or to another person. Bicycles, e-bikes and e-scooters shall be parked either upon the roadway against the curb, in bicycle racks or, if parked 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 in the vicinity, the operator of the bicycle, e-bike or e-scooter may park the bicycle, e-bike or e-scooter on the sidewalk in an upright position, parallel to, and within 24 inches of, the curb.

SECTION 7: Chapter 70 of the City of Berlin Municipal Code entitled "Traffic Vehicles," Article III entitled "Bicycles and Play Vehicles," Division 2 entitled "Bicycles," Section 70-118 entitled "Inspection and registration" is hereby repealed and recreated as follows:

a) *Registration required.* No person shall operate a bicycle, e-bike or e-scooter customarily kept within the city upon any street, sidewalk, public property, including the city school district grounds, bicycle pathway or public highway within the city unless the bicycle, e-bike or e-scooter shall first have been properly registered under the terms of this section, and an identification tag is attached as provided in subsection (b)(2) of this section.

b) *Form of registration.*

1. *Application.* Applications for registration of bicycles, e-bikes and e-scooters shall be in such form as the police department shall adopt. Such application form shall include the name, address and telephone number of the applicant, the name of the owner of the bicycle, e-bike or e-scooter and the serial number of the bicycle, e-bike or e-scooter. The owner of a bicycle, e-bike or e-scooter which does not have a serial number stamped upon it shall cause such a number to be stamped on the bicycle, e-bike or e-scooter prior to filing the application for registration. The application fee shall be as set forth in the fee schedule adopted by the common council on file in the city clerk-treasurer's office, and shall be the maximum rate allowed by state statutes.
2. *License plate or tag.* On receipt of payment of the bicycle, e-bike or e-scooter registration fee as provided in subsection (b)(1) of this section, the police department shall provide a suitable identifying license decal tag or plate, serially numbered to correspond with the registration number of the bicycle, e-bike or e-scooter. The owner shall affix the license decal or plate to a location as specified by the police department on the frame of the bicycle, e-bike or e-scooter for which the license decal or plate is issued.
3. *Term of registration.* Once a bicycle, e-bike or e-scooter is registered, such registration shall not expire, except upon transfer of ownership as set forth in subsection (e) of this section. Further, if a registered owner changes his or her address or telephone number, or makes any substantial modifications to the bicycle, e-bike or e-scooter, including but not limited to a color change, the registered owner shall be required to notify the police department of such change, within five days of the change, and such change shall be made to the registration by the police department for no additional fee.

c) *Records and transmittal fees.*

1. The police department shall keep at its office a suitable book and duplicate record of bicycle, e-bike or e-scooter applications and registrations.
2. A complete report shall be made to the clerk-treasurer by the chief of police of funds received for bicycle, e-bikes and e-scooters registration fees, and all such fees shall be paid to the clerk-treasurer for deposit as city revenues.

d) *Bicycles, e-bikes and e-scooters to be kept in safe condition.* No bicycle, e-bike or e-scooter shall be registered in the city which is in an unsafe mechanical condition. Before any bicycle, e-bike or e-scooter shall be registered, the mechanical condition of such bicycle, e-bike or e-scooter shall be examined by the police department. If the police department finds such bicycle, e-bike, or e-scooter to be in an unsafe mechanical condition, the police department may refuse to issue such license until such bicycle, e-bike or e-scooter is placed in a proper mechanical condition. The chief of police shall have authority to suspend the registration of and remove the identification tag from any bicycle, e-bike or e-scooter, or to impound any bicycle, e-bike or e-scooter operated contrary to law or ordinance, or which is being operated in an unsafe mechanical condition. The registration shall not be reinstated or such identification tag replaced while such bicycle, e-bike or e-scooter is in an unsafe condition. Such suspension and removal shall be in addition to other penalties provided in this division.

e) *Change of ownership.* Within ten days after a bicycle, e-bike or e-scooter registered under this section shall have changed ownership or been dismantled and taken out of operation, such information shall be reported to the police department by the person in whose name the bicycle, e-bike or e-scooter was registered. In the event of the sale or other transfer of a bicycle, e-bike or e-scooter which is registered in the city, the new owner shall, within five days after the sale or transfer of such bicycle, e-bike or e-scooter, make application for registration, and a new registration and tag shall be issued for the bicycle, e-bike or e-scooter. The fee for such change of ownership and registration shall be as set forth in the fee schedule adopted by the common council on file in the city clerk-treasurer's office.

f) *Registration to be displayed.* The identification tag issued under this section shall be affixed to the registered bicycle, e-bike or e-scooter in such a manner as to be plainly seen and read, and shall remain affixed in such manner until it is ordered to be removed by the police department, for cause, or until expiration of the registration. In the case of theft or loss of the bicycle, e-bike or e-scooter, a replacement tag shall be issued upon payment of a fee, which shall be as set forth in the fee schedule adopted by the common council on file in the city clerk-treasurer's office.

g) *Exemption from registration.* A nonresident may operate a bicycle, e-bike or e-scooter which is duly registered in any municipality without obtaining local registration if a valid identification tag is attached to such bicycle, e-bike or e-scooter.

h) *Removal and alteration of identification tags.*

1. No person shall remove an identification tag from a bicycle, e-bike or e-scooter during the period for which such tag is issued except upon a transfer of ownership, or when the bicycle, e-bike or e-scooter is dismantled and no longer operated upon any highway within the city.

2. No person shall alter or counterfeit a bicycle, e-bike or e-scooter identification tag.

SECTION 8: Chapter 70 of the City of Berlin Municipal Code entitled "Traffic Vehicles," Article III entitled "Bicycles and Play Vehicles," Division 3 entitled "Inline Skates," Section 70-153 entitled "Cling to moving vehicles" is hereby repealed and recreated as follows:

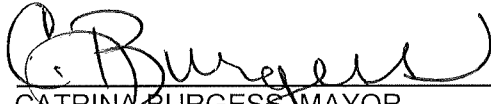
It shall be unlawful for any person using inline skates within the city to cling or attach to any bicycle, e-bike or e-scooter or other moving vehicle upon a public roadway

SECTION 9: SEVERABILITY. The several sections of this ordinance to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 10: EFFECTIVE DATE. This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

PASSED, APPROVED, AND ADOPTED THIS 13th DAY OF October, 2026.

CITY OF BERLIN



CATRINA BURGESS, MAYOR

ATTEST:



JESSI BALCOM, CITY ADMINISTRATOR/CLERK