



MEMO

Department

To: Common Council
From: Tim Greenwood, City Attorney
Date: April 8, 2026
Re: 7.09 – Neighborhood Electric Vehicles and Other Motorized Vehicles Ordinance Update

Background information:

At the June 16, 2025 Legislative Committee meeting, members discussed the growing need to update City ordinances to address the increasing use of electric bicycles, electric scooters, and similar motorized personal-transportation devices within the community. A subcommittee was created to study the issue and recommend policy updates. Membership included Mayor Penterman, Alder Antoine, Alder Moore, Police Chief Graff, School Resource Officer (SRO) Lambie, and the City Attorney.

The subcommittee met four times, reviewing comparable ordinances from municipalities including Appleton and Oshkosh to evaluate regional best practices. After the framework was drafted, SRO Lambie met with ten students from the Riverview Middle School Eagle Council to obtain youth feedback, which was reported back to the subcommittee. Chief Graff and the City Attorney also met with Municipal Judge Hufschmid to discuss the potential ordinance and penalties for any violations.

The sub-committee had a good base to work from with the language existing in 7.09 already and incorporating language from Ordinance 7.11 Bicycles and other state statute to craft a new ordinance that is able to accurately categorize the different potential types of electric-powered vehicles based on their characteristics.

Electric bicycles, electric scooters, and personal motorized mobility devices are able to be operated in the same style and manner the regular peddle bicycles are able to be operated, except for at the City's Skate Park due to potential risk operating that type of equipment on the skate equipment. The sub-committee also considered restriction for multiple riders or having a pet on a device; along with considerations for safety features on the devices like front-facing lights and rear lights or reflective tape.

For purposes of enforcement against dangerous operation of the device, the sub-committee ended up recommending a “careless operation” standard where officers are able to have discretion to give citations that create an unnecessary risk.

Strategic Plan:

This change provides the City with an actionable ordinance to protect residents and riders of e-bikes, e-scooters, and similar vehicles from creating situations of unnecessary risk while the City, and the rest of the state, await the state legislature providing more explicit guidance on how the state wants to address these concerns.

Budget: N/A

Staff Recommended Action:

Recommend approval of the amendment to Ordinance 7.09 to the Common Council.

**CITY OF KAUKAUNA
ORDINANCE 1954-2026**

**ORDINANCE REPEALING AND REPLACING SECTION 7.09
NEIGHBORHOOD ELECTRIC VEHICLES AND OTHER MOTORIZED VEHICLES**

WHEREAS, the City's existing Ordinance 7.09 addressed only Neighborhood Electric Vehicles (NEV) and did not contemplate the rapid growth of other small electric transportation devices now commonly used within the community; and

WHEREAS, the State of Wisconsin has not provided clear state-level guidelines on how to regulate these other small electric transportation devices; and

WHEREAS, on June 16, 2025, the Legislative Committee initiated a focused review of the City's regulations and formed a subcommittee to study best practices and recommend updates to the City ordinance to govern these devices; and

WHEREAS, the proposed ordinance updates align City definitions with Wisconsin Statutes, including definitions for electric bicycles (Class 1, 2, and 3) under Wis. Stat. § 340.01(15ph), electric scooters under Wis. Stat. § 340.01(15ps), motor bicycles under Wis. Stat. § 340.01(30), and incorporate NEV authorization consistent with Wis. Stat. § 349.26, thereby ensuring consistency with state law and clarity for users and enforcement; and

WHEREAS, to promote safety and provide a workable enforcement tool, the ordinance adopts a careless operation standard applicable to personal motorized mobility devices, allowing officers to address behavior that creates unnecessary risk regardless of the specific device type

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Kaukauna, State of Wisconsin, that Section 7.09 Neighborhood Electric Vehicles and Other Motorized Vehicles, of the City of Kaukauna Municipal Code is hereby repealed and replaced as follows:

7.09 Neighborhood Electric Vehicles and Personal Motorized Mobility Devices

1. *Definition.*

- a. "Electric bicycle" (see Wis. Stat. § 340.01(15ph)) 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:

1. 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.

2. 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.
3. Class 3 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.

Any electric bicycle modified to exceed 28 miles per hour or equipped with a motor exceeding 750 watts shall not be considered an electric bicycle under Wis. Stat. § 340.01(15ph) and may be classified as an “electric motorcycle” as defined below and subject to licensing and registration requirements.

- b. “Electric motorcycle” means a motor vehicle manufactured with an electric motor with more than 750 watts, a seat or saddle requiring the rider to sit astride, not more than 3 wheels in contact with the ground, steering controlled by handlebars, and acceleration and braking controlled with handlebar and/or foot controls and is capable of speeds in excess of 30 miles per hour. Motor vehicles meeting this description shall be considered motorcycles under Wis. Stat. § 340.01(32) and shall require a valid Class M motorcycle license for operation on public roads. Operation without a valid license may constitute a violation of Wis. Stat. § 343.05 and may be subject to enforcement and penalties under state law, including fines and demerit points.
- c. “Electric scooter” (see Wis. Stat § 340.01(15ps)) means a device weighing less than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not more than 20 miles per hour on 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.

Any electric scooter modified to exceed 20 miles per hour shall no longer be considered an electric scooter under Wis. Stat. § 340.01(15ps) and may be

classified as an “electric motorcycle” as defined above and subject to licensing and registration requirements.

- d. “Hours of darkness” (see Wis. Stat. § 340.01(23)) means the period of time from one-half hour after sunset to one-half hour before sunrise and all other times when there is not sufficient natural light to render clearly visible any person or vehicle upon a highway at a distance of 500 feet.
- e. “Motor bicycle” (see Wis. Stat. § 340.01(30)) means 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.
- f. “Neighborhood electric vehicle” means any self-propelled electrically-powered motor vehicle, excluding golf carts, that has a maximum speed of 20 to 25 miles per hour and conforms to the definition and safety requirements for low-speed vehicles under 49 CFR 571.3(b) and 571.500.
- g. “Personal motorized mobility device” means any self-propelled device designed to transport one person, powered in whole or in part by an electric or combustion motor. This term includes, but is not limited to:
 - 1. Electric bicycles.
 - 2. Motor bicycles.
 - 3. Electric Scooters.

This term does not include:

- 1. Neighborhood electric vehicles.
 - 2. Operation of a vehicle properly licensed by the Department of Transportation.
 - 3. Operation of mobility aids used by people with disabilities.
 - 4. Operation of motorized farm equipment.
 - 5. Operation of lawn equipment.
 - 6. Operation of garden equipment.
2. *Limitations.* Neighborhood electric vehicles, authorized pursuant to Wis. Stats. § 349.26, are allowed to be operated on all public roads with posted speeds of 35 miles per hour or less within the city, except not on those city streets on the state trunk

network, marked with S.T.H. or U.S.H. route. Notwithstanding the above, such operation is permitted on:

- a. S.T.H. "55" north of C.T.H. "CE" and south of Desnoyer Street.
 - b. S.T.H. "96" from the west city limits to Claribel Street.
3. State driver's license and registration required for Neighborhood Electric Vehicles.
 - a. Any person who operates a neighborhood electric vehicle on any city street must hold a valid state driver's license.
 - b. Any person who operates a neighborhood electric vehicle on any city street must register the neighborhood electric vehicle with the state, if required by state law.
 4. Operation of Personal Motorized Mobility Devices.
 - a. *Careless Operation.* No person shall operate a Personal Motorized Mobility Device upon a street, sidewalk, alley, or trail in the City carelessly or heedlessly in disregard of, or in danger to, the rights or safety of other's property or person. No person shall operate a Personal Motorized Mobility Device upon the streets of the City without having manual control of the handlebars (if the Personal Motorized Mobility Device is equipped with such maneuvering apparatus) in any manner that necessitates the element of unusual or extraordinary skill or involves unnecessary risk.
 - b. No person shall operate a Personal Motorized Mobility Device at speeds greater than is reasonable and prudent under the conditions and circumstances and having regard for the actual and potential hazards then existing.
 5. Operation at the City's Skate Park.
 - a. No person shall operate any motorized vehicle, whether powered by a combustion or electric motor, within the boundaries of any city-owned skate park. This prohibition includes, but is not limited to, electric bicycles, electric scooters, motor bicycles, mopeds, motorcycles, and personal motorized mobility devices.
 - b. Mobility aids used by individuals with disabilities are permitted within the skate park for access and observation. However, for safety reasons, such devices shall not be operated on skate park equipment, including ramps, rails, or other elevated structures designed for skating or biking. This

restriction is based on legitimate safety concerns and does not limit general access to the skate park.

- c. This section does not apply to city maintenance vehicles performing official duties.
6. Single Rider and Pet Restriction. No personal motorized mobility device, as defined above, shall be operated with more than one rider. The transportation of pets on such devices is strictly prohibited.
7. Sidewalk Operation Restrictions for Personal Motorized Mobility Devices
- a. Business Districts. Operation is prohibited on sidewalks in downtown business areas.
 - b. Other Districts. Operation is only allowed for:
 - 1. Children under 13
 - 2. A person over the age of 12 years who is accompanying a bicycle rider who is under the age of 13 years.
 - 3. Newspaper carriers performing duties.
 - c. Physically handicapped persons. Exempt when using mobility aids like scooters, wheelchairs, or three-wheeled bicycles.
 - d. Right-of-way. All persons operating or riding a bicycle on a sidewalk shall yield the right-of-way to any pedestrian and, within a crosswalk, to any motor vehicle, and shall give an audible signal before passing any pedestrian or bicycle rider proceeding in the same direction.
8. Lamps and other equipment on electric bicycles and other vehicles and devices.
- a. No person may operate an electric bicycle, electric motorcycle, electric scooter, motor bicycle, neighborhood electric vehicle, or personal motorized mobility device during hours of darkness unless the electric bicycle or other vehicle or device listed 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 the electric bicycle or other vehicle or device listed.
 - b. The electric bicycle or other vehicle or device listed shall also be equipped with a red reflector that has a diameter of at least 2 inches of surface area or a strip of reflective tape that has at least 2 square inches of surface area, on the rear of the vehicle or device so mounted or

maintained as to be visible from all distances 50 to 500 feet to the rear when directly in front of lawful upper beams of headlamps of a motor vehicle. A lamp emitting a steady or flashing red light visible from a distance of 500 feet to the rear may be used in lieu of the red reflector.

- 9. Penalties.
 - a. Any person who violates this section shall be subject to the following forfeitures:
 - 1. Under 16 years old:
 - a. First offense - \$62.00.
 - b. Second and subsequent offenses- \$124.00.
 - 2. Over 16 years old:
 - a. First offense - \$124.00.
 - b. Second and subsequent offenses - \$248.00.

PASSED AND ADOPTED BY THE CITY OF KAUKAUNA COMMON COUNCIL
April 8th, 2026.

Presiding Officer

Attest

Anthony J. Penterman, Mayor,
City of Kaukauna

Kayla Nessmann, Clerk,
City of Kaukauna