

**CHAPTER 102
BICYCLES AND SNOWMOBILES**

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SUBCHAPTER 1
BICYCLES

102-1. Adoption of State Laws. The city of Milwaukee adopts chs. 340, 341, 342, 343, 345, 346, 347, 348, 349, 350, Wis. Stats., and all subsequent amendments thereto defining and describing regulations with respect to bicycles for which the penalty is a forfeiture only, including but not limited to provisions for stipulation, conditions of deposit for bail, penalties for violation, unless other provisions for stipulation, conditions of deposit or bail, or penalties for violation are expressly provided in this chapter.

102-3 Definitions. In this subchapter: **1.** BICYCLE means any vehicle propelled by the feet acting upon pedals and having 2 or more wheels, any 2 of which are more than 14 inches in diameter.

2. BICYCLE DEALER means any business establishment, shop or store that, as part of its trade is involved in the retail selling of new or used bicycles.

3. BICYCLE LANE means that portion of a roadway set aside by action of the common council for the exclusive use of bicycles, electric assistive personal mobility devices, and other vehicles specified by the common council under the authority of s. 349.23, Wis. Stats.

4. BICYCLE WAY means any path or sidewalk, or portion of a path or sidewalk, designated by the common council for the use of bicycles.

5. ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE means a self-balancing, 2-nontandem-wheeled device that is designed to transport only one person and that has an electric propulsion system that limits maximum speed of the device to 15 miles per hour or less, the operation of which is accorded the same rights and responsibilities as the operation of bicycles under state statutes.

6. HOURS OF DARKNESS 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 or bicycle way at a distance of 500 feet.

7. JUNK BICYCLE means a bicycle which is incapable of operation or use upon a highway and has no resale value except as a source for parts or scrap and includes any bicycle for which the cost of repairs necessary to make the bicycle operational exceed the estimated fair market value.

8. PEDAL PUSHCART means a bicycle with a container, not including a bicycle basket or bag, that is securely fastened or incorporated at the front of the bicycle for carrying one or more persons or property.

9. RIGHT-OF-WAY means the privilege of the immediate use of the roadway.

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

11. TRAILER means a device designed and manufactured to be securely fastened to a bicycle for the purpose of towing one or more persons or property, but does not include a sled, toboggan, ski or similar device.

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12. VEHICLE means every device in, upon, or by which any person is transported or drawn upon a highway, except railroad trains. A snowmobile or electric personal assistive mobility device shall not be considered a vehicle except for those purposes made specifically applicable by state statute.

102-5. License. 1. MANNER OF ISSUANCE. The city clerk shall provide license stickers without fee or charge to be used as evidence of bicycle registration with the city. License stickers may be made available to the public at locations that include city libraries, the department of public works, police district stations, bicycle dealers, public schools and other locations and businesses convenient to the public, and shall be offered together with instructions about placement of the license sticker on the upper portion of the down or seat tube of the bicycle facing forward. Persons wishing to register bicycles shall also be provided with copies of city bicycle regulations or advised that the regulations in this chapter are available on the city website.

2. REGISTRATION. Registration shall be completed on a form provided on the city website and shall include the name and address of the bicycle owner, telephone number or other contact information, the make and color of the bicycle, serial number on the frame of the bicycle, and other information that the city clerk may require.

3. REMOVAL OR ALTERATION. License stickers may only be removed by the owner or with the consent of the owner of the registered bicycle, or by police in the event that the owner of a lost, stolen, abandoned or otherwise recovered bicycle can not be contacted or successfully identified within 30 days of recovery. No person may alter or mutilate a license sticker in a manner that changes or obscures the information on the license sticker except upon removal of the license sticker by the owner or with the consent of the owner.

4. TRANSFER, CONVEYANCE OR SALE. The owner of a registered bicycle shall notify the city clerk within 10 days of transfer, conveyance or sale of the bicycle to a new owner, and shall provide such information as the city clerk may require to appropriately identify the bicycle and the registration.

102-7. Bicycle Regulations. 1. RIDING ON PUBLIC WAYS. No bicycle shall be operated upon any public sidewalk, any pedestrian path in the public parks, or upon any public school grounds or public playgrounds. This subsection shall not apply to bicycles when operated on school grounds or playgrounds when officially sanctioned functions are in progress; bicycles operated by police officers in the necessary discharge of their official duties; or to sidewalks or sidewalk areas designated by the common council and identified by signs or other clear markings as a bicycle way. Children less than 10 years of age who are supervised by an adult may ride on any sidewalk that does not abut a building. A further exception is made for any disabled person to permit riding upon any public sidewalk or playground while accompanied by a responsible adult. When operating a bicycle on a bicycle way every driver shall yield the right-of-way to any pedestrian and shall exercise due care and give an audible signal when passing a bicycle driver or pedestrian proceeding in the same direction.

2. OPERATING 2 OR MORE ABREAST. Persons riding bicycles or electric personal assistive mobility devices may ride 2 abreast in a single lane if the flow of traffic is not impaired, and may ride 2 or more abreast in a substandard width lane if the lane does not allow for safe passing of a single bicycle or electric personal assistive mobility device by an automobile. Persons may ride 2 abreast on a roadway in which 2 or more lanes permit traffic in the same direction but shall ride within a single lane. Persons may ride 2 or more abreast upon any path, trail, lane or other way set aside for the exclusive use of bicycles or electric personal assistive mobility devices including roadways temporarily set aside for racing, touring or similar permitted events.

3. RECKLESS OPERATION OF BICYCLES. The following rules apply to the operation of bicycles on all highways, bicycle lanes and bicycle ways:

a. Full Control. No person operating a bicycle shall remove both hands from the handlebars, or feet from the pedals, or practice any acrobatic or fancy riding on any street.

b. Operating upon or astride seat. No person operating a bicycle shall ride other than upon or astride a permanent and regular seat attached to the bicycle.

c. Passengers. No person operating a bicycle shall transport or carry more persons than the bicycle was designed to carry except a bicycle otherwise designed to carry only the operator may be used to carry or transport a child seated in an auxiliary child's seat designed for attachment to the bicycle if the seat is securely attached to the bicycle according to the directions of the manufacturer of the seat.

d. Attaching to vehicles. No person operating or riding upon a bicycle shall attach himself or herself or his or her bicycle to any vehicle upon a roadway.

e. No parent or guardian of a child shall authorize or knowingly permit the child to violate any provision of this subsection.

4. BICYCLE TRAILERS. No person shall operate a bicycle-trailer combination on any highway or bicycle lane or bicycle way unless such trailer is specifically designed to be attached securely to a bicycle and is attached in the manner recommended by the manufacturer of the trailer.

5. OPERATING WHERE PROHIBITED. No person may operate or use a bicycle on a highway or public path when a sign has been erected indicating that bicycle riding is prohibited.

6. ADDITIONAL RULES OF THE ROAD. a. Right-of-way. Every operator of a bicycle shall, upon entering on a highway, yield the right-of-way to motor vehicles. Every operator of a bicycle crossing a highway at a point other than a marked or unmarked crosswalk shall yield the right-of-way to any vehicle upon the roadway.

b. Exceptions. b-1. At intersections or crosswalks on divided highways or highways provided with safety zones where traffic is controlled by traffic control signals or by a traffic officer, the operator of any vehicle shall yield the right-of-way to bicyclists who have started to cross the roadway from the center strip near curb or shoulder, from the center dividing strip, or in a safety zone in compliance with a green "Walk" signal.

b-2. At intersections or crosswalks that are not controlled by traffic signals or a traffic officer, the operator of any vehicle shall yield the right-of-way to any person operating a bicycle in a manner consistent with the safe use of the crosswalk by pedestrians crossing the highway within a marked or unmarked crosswalk.

c. Traffic Control Signals. Every operator of a bicycle shall comply with all traffic signals with the exception that, upon waiting at a red light for more than 45 seconds, a bicyclist may proceed through the intersection with caution and upon yielding the right-of-way to any other vehicular or pedestrian traffic.

d. Bicycle Signaling. Any person operating a bicycle on the highway or any bicycle way shall signify turns, stops, and significant decreases in speed with an appropriate hand signal and in a manner which permits the safe operation of the bicycle while providing reasonable notice to other vehicle operators and pedestrians.

e. Passing Vehicles. Any person operating a bicycle upon a roadway shall exercise due care when passing a standing or parked vehicle proceeding in the same direction and, when passing a standing or parked vehicle that is a school bus that is displaying flashing red warning lights shall allow a minimum of 3 feet between the bicycle and the school bus.

f. Parking. Where possible without impeding the flow of pedestrian traffic, a bicycle may be parked on a sidewalk or in a bike rack or other similar area designated for bicycle parking.

7. RESPONSIBILITIES OF MOTOR VEHICLE OPERATORS AND PASSENGERS.

a. No person may open any door of a motor vehicle located on a highway without first taking due precaution to ensure that his or her act will not interfere with the movement of traffic or endanger any other person or vehicle.

b. The operator of a motor vehicle located on a highway may not permit any person under 16 years of age to open any door of the motor vehicle without the operator first taking due precaution to ensure that opening the door will not interfere with the movement of traffic or endanger any other person or vehicle.

102-9. Equipment on Bicycles. 1. BRAKES.

No person shall operate a bicycle on a highway, bicycle lane or bicycle way unless it is equipped with a brake in good working condition, adequate to control the movement of and to stop the bicycle whenever necessary.

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2. EQUIPMENT WHILE OPERATING DURING HOURS OF DARKNESS. No person shall operate a bicycle on a highway, bicycle lane or bicycle way during hours of darkness unless the bicycle is equipped with, or the operator is wearing, a lamp emitting a white light visible from a distance of at least 500 feet from the front of the bicycle. The bicycle shall also be equipped with a red reflector that has a diameter of at least 2 square inches of surface area mounted on the rear and maintained in a manner to be visible from all distances from 50 to 500 feet to the rear of the bicycle when directly in front of lawful upper beams of headlamps on a motor vehicle. A red lamp or flashing amber light may be used, but shall not be a substitute for a rear reflector.

3. SIRENS AND COMPRESSION WHISTLES. No bicycle may be equipped with, and no person operating or riding upon a bicycle shall use, any siren or compression whistle.

4. TRAILER EQUIPMENT. No bicycle with an attached trailer shall be operated during hours of darkness if the trailer obscures the rear bicycle reflector unless a reflector meeting the requirements of sub. 2 is attached at the rear of the trailer.

5. BICYCLE DEALERS. All bicycle dealers, including any business that is involved in the retail selling of new or used bicycles, shall provide information to the purchaser of any new or used bicycle setting forth the bicycle equipment requirements of this subchapter.

102-11. Disposition of Lost, Stolen and Abandoned Bicycles.

1. ABANDONMENT PROHIBITED. No person shall abandon any bicycle on any highway or on any public or private property within the city, and no person shall leave any bicycle unattended on any highway or property within the city for such time and under such circumstances as to cause the bicycle reasonably to appear to have been abandoned.

2. PLACARDING. Whenever it should appear that a bicycle has been abandoned or lost on a highway or any public place, the chief of police or commissioner of public works or persons authorized by the chief of police or commissioner of public works shall placard the bicycle with a suitable sign or sticker providing

notice that the bicycle may be removed and impounded by the police department after the expiration of 7 days unless otherwise claimed by the owner or owner's representative. Any person placing a placard upon a bicycle on authority of the commissioner of public works shall notify the police department of the time and place of such placarding. The notice shall inform the owner, or person acting on behalf of the owner of the bicycle, the manner in which police may be contacted if the bicycle is not abandoned.

3. REMOVAL AND IMPOUNDMENT WITHOUT PLACARD. If a bicycle is locked or otherwise attached to any item in a manner that impedes vehicular or pedestrian traffic on a public way, or if a bicycle is parked, locked or left on the public way in a manner that blocks or impedes entrance or exit to a building or lawfully parked motor vehicle, or in a manner that constitutes a threat to public health or safety, the bicycle may be immediately removed in the absence of the bicycle owner or person authorized by the owner to operate or have possession of the bicycle. The bicycle may be removed by persons acting under the authority of the chief of police or the commissioner of public works and shall be impounded in facilities designated by the police department.

4. BICYCLES ABANDONED UPON PREMISES. a. Whenever it appears, based upon condition of disrepair or other circumstances, that a bicycle has been discarded or abandoned upon any premises, any person acting under authority of the commissioner of neighborhood services, the chief of police or the commissioner of public works may treat the discarded or abandoned bicycle in the same manner as is provided in s. 79-12 for litter deposited on any premises and may issue orders and citations to the property owner or other responsible person. Special charges may be assessed if the bicycle is removed by the city due to failure of the owner or responsible party to do so within a reasonable time.

b. If the owner or person responsible for the premises fails to comply with an order to remove a discarded or abandoned bicycle, and if the bicycle is removed by any person authorized to do so by the commissioner of neighborhood services, chief of police or commissioner of

public works, a determination will be made whether the bicycle is serviceable or can be made serviceable with reasonable repair. A serviceable bicycle, or a bicycle that could be made serviceable with reasonable repair, shall be impounded by the police department and treated in the same manner as other lost, stolen or abandoned bicycles. All other bicycles removed under this paragraph shall be considered junk bicycles and treated as scrap.

5. PERIOD OF IMPOUNDMENT.

a. Upon impoundment by the police department, a bicycle shall be held a minimum of 30 days unless earlier redeemed by the identified owner or person acting on behalf of the identified owner upon payment of the redemption fee provided in s. 81-11.5. The redemption fee may be waived if the bicycle is determined to have been stolen and is redeemed within 10 days of impoundment.

b. During impoundment, the police department shall make reasonable effort to identify and notify the owner utilizing the serial number on the frame of the bicycle, license information, if any, and any other means.

c. If an impounded bicycle is determined to be a junk bicycle by any member of the police department, the bicycle may be scrapped at any time after impoundment.

6. DISPOSITION OF UNREDEEMED BICYCLES. The chief of police may dispose of impounded bicycles that are not redeemed within 30 days in any of the following ways:

a. Public auction or sale.

b. Donation to a suitable nonprofit organization for charitable, educational or other eleemosynary purposes.

c. Maintaining the bicycle for police purposes.

d. Scrapping a bicycle that cannot be disposed of through any other reasonable means.

7. PUBLIC AUCTION OR SALE. The department of public works shall provide assistance as requested by the police department in organizing and implementing any sale or auction of impounded bicycles, and is authorized to accept the proceeds of such sale for deposit in the police bicycle equipment special purpose fund created under s. 304-25.5.

102-13. Penalties. Any person violating any of the provisions of s. 102-1 may upon conviction thereof be subject to a forfeiture within the range of forfeitures provided by statute for violation of the section. For a conviction for violating any of the provisions of s. 102-7-1 to 6, a person may be subject to a forfeiture of not less than \$10 nor more than \$20. Any person violating the provisions of s. 102-7-7 may upon conviction thereof be subject to a forfeiture of not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

102-15. Bicycle Riding Permitted on Designated Sidewalks, Bicycle Lanes and Bicycle Ways. **1.** The common council designates the following sidewalk areas as bicycle ways:

a. All sidewalk areas within the Hank Aaron State Trail.

b. All sidewalks on grated bridges that are not equipped with bicycle surface plate lanes.

c. All sidewalks on the viaducts and roadways over the Menominee River Valley on 6th Street, 16th Street, 27th Street and 35th Street.

d. All sidewalks along Commerce Ave. in areas designated the Beerline bike trail.

e. All sidewalks on bridges over the Milwaukee River on East North Avenue and East Locust Street except the sidewalk on the north side of the Locust Street bridge.

2. The common council may designate additional sidewalks as bicycle ways in the same manner as bicycle lanes within the roadways are designated under s. 101-21.5.

3. Except for those sidewalks set aside for the use of children less than 10 years of age as provided in s. 102-7-1, the commissioner of public works shall cause signs to be erected identifying all bicycle ways designated by the common council after which time bicycles may be operated on the bicycle way. The department of public works shall maintain a listing of all designated bicycle ways.

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**SUBCHAPTER 2
SNOWMOBILES**

102-21. Adoption of State Laws and Penalties. In this subchapter: 1. The city of Milwaukee adopts chs. 340, 341, 342, 343, 345, 346, 347, 348, 349, 350, Wis. Stats., and all subsequent amendments thereto defining and describing regulations with respect to snowmobiles for which the penalty is a forfeiture only, including but not limited to provisions for stipulation, conditions of deposit or bail, penalties unless another provision for such penalties, provisions for stipulation, conditions of deposit or bail is provided in this subchapter.

2. Any person who violates any provision of this subchapter may be fined not more than \$250, except that any person violating s. 102-25-5-c may be fined not more than \$200.

102-23. Definitions. 1. FERMENTED MALT BEVERAGE has the meaning designated in s. 125.02(6), Wis. Stats.

2. HEAD LAMP has the meaning designated in s. 340.01(21), Wis. Stats.

3. HIGHWAY has the meaning designated in s. 340.01(22), Wis. Stats.

4. HOURS OF DARKNESS has the meaning designated in s. 340.01(23), Wis. Stats.

5. INTOXICATING LIQUOR has the meaning designated in s. 125.02(8), Wis. Stats.

6. NARCOTIC DRUGS has the meaning designated in s. 961.01(15), Wis. Stats.

7. SNOWMOBILE has the meaning designated in s. 340.01(58a), Wis. Stats.

8. STATE TRUNK HIGHWAY has the meaning designated in s. 340.01(60), Wis. Stats.

9. STREET has the meaning designated in s. 340.01(64), Wis. Stats.

10. TAIL LAMP has the meaning designated in s. 340.01(66), Wis. Stats.

102-25. Snowmobile Regulations.

1. CROSSING HIGHWAYS. No person shall operate a snowmobile upon any highway or cross highway, except as provided for in sub. 3, other than to drive directly across a 2 or 3-lane highway, and then only after stopping and yielding the right-of-way to all vehicles operating upon the highway.

2. IN VICINITY OF HIGHWAY. No person shall operate a snowmobile on any highway, but a snowmobile may be operated outside the ditchline on a 2 or 3-lane highway except as provided in sub. 1.

3. PERSON UNDER 16. There shall be no age limitation for the operation of a snowmobile except that no person under the age of 16 shall drive a snowmobile across any highway, and no person under the age of 16 shall drive a snowmobile across any state trunk highway or connecting street thereto.

4. OWNER PERMITTING OPERATION. No owner or person having charge or control of a snowmobile shall knowingly authorize or permit any person to operate such snowmobile who is incapable, by reason of age, physical or mental disabilities, or is under the influence of intoxicating liquor, fermented malt beverage, narcotics or other drugs.

5. MISCELLANEOUS PROVISIONS. No person shall operate a snowmobile in the following manner:

a. At a rate of speed that is unreasonable or improper under the circumstances.

b. In any careless way so as to endanger the person or property of another.

c. While under the influence of intoxicating liquor, fermented malt beverages, narcotics, or other drugs.

d. In such a way that the exhaust of the motor makes an excessive or unusual noise.

e. Without a functioning muffler.

6. HOURS OF OPERATION. No person shall operate a snowmobile in the city between the hours of 10:00 p.m. and 6:00 a.m.

102-27. Equipment on Snowmobiles. Any snowmobile crossing or driving along the right-of-way, operated during hours of darkness, shall display a lighted head lamp and tail lamp.

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Bicycles and Snowmobiles 102--(HISTORY)

LEGISLATIVE HISTORY CHAPTER 102

Abbreviations:

am = amended
cr = created

ra = renumbered and amended
rc = repealed and recreated

rn = renumbered
rp = repealed

| <u>Section</u> | <u>Action</u> | <u>File</u> | <u>Passed</u> | <u>Effective</u> |
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| 102-2 | am | 900924 | 10/16/90 | 11/2/90 |
| 102-3 | am | 000974 | 11/28/2000 | 1/1/2001 |
| 102-3 | rc | 020794 | 10/15/2002 | 1/1/2003 |
| 102-3-1 | am | 900924 | 10/16/90 | 11/2/90 |
| 102-4 | rc | 900924 | 10/16/90 | 11/2/90 |
| 102-4 | rp | 020794 | 10/15/2002 | 1/1/2003 |
| 102-4-1 | am | 000974 | 11/10/2000 | 1/1/2001 |
| 102-4-2 | rp | 000974 | 11/10/2000 | 1/1/2001 |
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| 102-8-2 | am | 920083 | 6/16/92 | 7/3/92 |
| 102-10 | rc | 940545 | 11/7/94 | 11/24/94 |
| 102-13 | rp | 020794 | 10/15/2002 | 1/1/2003 |
| 102-13 | am | 091312 | 2/9/2010 | 2/26/2010 |
| 102-14 | am | 901930 | 4/23/91 | 5/10/91 |
| 102-20-1-b | am | 001458 | 2/27/2001 | 3/16/2001 |
| 102-21-2 | am | 091312 | 2/9/2010 | 2/26/2010 |

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