

Title 10 ► Chapter 2

Bicycles and Play Vehicles

10-2-1	Definitions
10-2-2	Lighting and Other Equipment
10-2-3	Rules of the Road
10-2-4	Specific Skateboard, Roller Skate, In-Line Skate, Rollerblade and Roller Ski Regulations
10-2-5	Use of Motor Assisted Scooters
10-2-6	General Bicycle, Skateboard and In-Line Skate Regulations
10-2-7	Bicycle Penalties
10-2-8	Play Vehicle Penalties

Sec. 10-2-1 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Bicycle.** Every device propelled by the feet acting upon pedals and having wheels, any two (2) of which are not less than twenty (20) inches in diameter.
- (b) **Bicycles' Lane.** That portion of a roadway set aside for exclusive use of bicycles and so designated by appropriate signs and markings by the responsible governing body.
- (c) **Bike Route.** An area, street or trail designated by the Village Board and identified by appropriate signs and markings.
- (d) **Bicycle Way.** Any path or sidewalk, or portion thereof, designated for the use of bicycles by the Village Board.
- (e) **Carrier.** Any device attached to a bicycle designed for carrying articles.
- (f) **In-Line Skates.** Also known as rollerblades, means any apparatus designed to be worn on the user's foot and consists of a series of wheels arranged in a vertical plane with the bottom of the user's foot.
- (g) **Play Vehicles.** Any coaster, skateboard, roller skates, sled, toboggan, in-line skates, roller skis, scooter, electric-driven scooter, unicycle or toy vehicle upon which a person may ride.
- (h) **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.

10-2-1

- (i) **Roller Skates/Roller Blades.** A pair of shoes with a set of wheels attached for the purpose of moving by alternate action of the legs; considered to be a type of in-line skate.
- (j) **Roller Skis.** A pair of narrow strips of wood, metal, or plastic curving upward in the front with a set of wheels attached for the purpose of moving by alternate action of the legs.
- (k) **Skate Board.** A device consisting of a short, oblong board with a pair of wheels at each end, ridden in a standing position, and includes every type of device propelled by the feet and having wheels, including scooters.

Sec. 10-2-2 Lighting and Other Equipment.

No person shall operate a bicycle upon a highway or street in the Village of Elk Mound unless equipped as required in Sec. 347.81, Wis. Stats.

Sec. 10-2-3 Rules of the Road.

The provisions of Chs. 346 and 347, Wis. Stats., and applicable Village of Elk Mound ordinances shall govern the operation of bicycles, skateboards, scooters, play vehicles or in-line skates where appropriate. Every person driving a bicycle, skateboard, scooter, play vehicle or in-line skate upon a roadway shall be granted all the rights and shall be subject to all the duties applicable to the driver of a vehicle by the laws of the State of Wisconsin declaring rules of the road applicable to vehicles or by the traffic ordinances of the Village of Elk Mound applicable to the driver of the vehicle, except as to those provisions of laws and ordinances which by their nature can have no application.

Sec. 10-2-4 Specific Skateboard, Roller Skate, In-Line Skate, Rollerblade and Roller Ski Regulations.

- (a) **State Laws Adopted.** Specifically adopted by reference are the following statutes regulating in-line skates and play vehicles, as amended:
 - 349.235 Authority to Restrict Use of In-line Skates on Roadway
 - 349.94 In-Line Skates on Roadway
 - 340.01(24m) Definition on "In-Line Skates"
 - 340.02(43m)(b) Play Vehicles Does Not Include In-Line Skates
- (b) **Use Regulated.** It shall be unlawful for any person in the Village of Elk Mound to operate or ride a skateboard, roller skates, rollerblades, in-line skates, scooter, play vehicle or roller skis in any of the following places:
 - (1) On any Village streets, except while crossing a roadway at a crosswalk.

- (2) On any sidewalk or public way within the Village of Elk Mound primarily commercial in nature.
 - (3) In any public parking ramp or parking lot.
 - (4) On private property, unless permission has been received from the owner, lessee or person in charge of that property.
- (c) **Yield to Pedestrians.** Operators or riders of skateboards, roller skates, roller skis, roller blades, in-line skates, or other play vehicles shall yield the right-of-way to other pedestrians using Village sidewalks, and shall not otherwise endanger or interfere with normal pedestrian traffic on those sidewalks.
- (d) **Play Vehicles Not to be Pulled by Moving Vehicles.** No person riding upon any coaster, roller skates, skateboard, roller skis, sled, toboggan, roller blades, in-line skates, or play vehicle shall attach the same or himself/herself to any vehicle upon a roadway.
- (e) **Traffic Law Compliance.** Any person riding on or propelling themselves by means or use of any skateboard, roller skates, rollerblades, in-line skates, roller skis or other similar device, on any street within the corporate limits of the Village of Elk Mound shall obey all lawful traffic laws, rules and regulations.
- (f) **Improper Devices.** No persons shall erect, maintain or use any ramp, scaffold, jump or other device used for the purpose of skateboarding, roller skating, roller skiing, roller blading, in-line skating or using other like devices, except on private property with the consent of the owner or at a specially designed municipal facility.
- (g) **Penalty.** The penalty for violation of this Section shall be a forfeiture of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) plus applicable court costs and assessments. Upon violation of this Section and upon issuance of a citation, law enforcement officers shall have the authority to confiscate the skateboard, roller skates, in-line skates, rollerblades, roller ski of any person found to be a minor and shall retain the same at the Police Department until the forfeiture is paid and further may require that the parent or legal guardian of said minor appear in person or contact the Police Department by other means before releasing the confiscated item to said minor.

Sec. 10-2-5 Use of Motor Assisted Scooters.

- (a) **Definitions.** As used in this Section, "motor assisted scooter means a self-propelled device with:
- (1) Two (2) wheels in tandem in contact with the ground during operation;
 - (2) A braking system capable of stopping the device under typical operating conditions;
 - (3) An electric motor not exceeding forty (40) cubic centimeters;
 - (4) An unoccupied weight of less than seventy-five (75) pounds;
 - (5) A deck designed to allow a person to stand or sit while operating the device; and
 - (6) The ability to be propelled by human power alone.

10-2-5

- (b) **Exception.** This Section does not include "personal assistive mobility devices" as defined in Section 340.01(15pm), Wis. Stats.
- (c) **Prohibition on Use in Certain Places.** No person may operate or ride a motor assisted scooter in any of the following places:
 - (1) On a public highway, street, road or alley;
 - (2) On any public property;
 - (3) On any designated bicycle path/way with the power unit in operation; or
 - (4) On any private property unless written permission has been received from the owner, lessee or person in charge of that property. Written permission must be carried with the person operating the motor assisted scooter on that property during such use.
- (d) **Sidewalk Use Limited.** It shall be unlawful for operators of motor assisted scooters to use Village-owned sidewalks with the power unit in operation.
- (e) **Crosswalk Exception.** This Section shall not apply to or restrict a person from riding upon a motor assisted scooter while crossing a roadway at a crosswalk.

Sec. 10-2-6 General Bicycle, Skateboard, and In-Line Skate Regulations.

- (a) **Parental Responsibility.** No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of Sections 10-2-3, 10-2-4, 10-2-5 and this Section.
- (b) **Street Operation.**
 - (1) **Rules for Turning.**
 - a. The operator of a bicycle, skateboard, scooter, play vehicle or in-line skates intending to turn to the right at an intersection shall approach the point of turning in the traffic lane nearest the right-hand edge or curb of the street and, in turning, shall keep as closely as practicable to the right-hand edge or curb of the highway.
 - b. The operator of a bicycle, skateboard, scooter, play vehicle, or in-line skates intending to turn to the left of an intersection or into a private driveway shall make such turn from the traffic lane immediately to the right or next to the center of the intersection, passing as closely as practicable to the left of the center of the intersection immediately to the right of the center of the intersection of the street.
 - c. At any intersection where traffic is controlled by a traffic control signal, it shall be unlawful for any such operator of such bicycle, skateboard, scooter, play vehicle or in-line skates upon any street to disobey the instruction of any official traffic sign or signal.
 - (2) **Single-File Operation.** Every person when operating a bicycle, scooter or play vehicle upon a roadway shall ride such bicycle in single file.
 - (3) **Towing.** Bicycles, skateboards, scooters, play vehicles or a person using in-line skates shall not be pulled by moving vehicles. No person riding upon a bicycle, skateboard,

- scooter, play vehicle or using in-line skates shall cling or attach himself/herself or his/her bicycle or skateboard to any other moving vehicle upon a street or highway, nor shall the operator of any such bicycle, skateboard, scooter, play vehicle or in-line skates tow or draw any coaster wagon, sled, person on roller skates, play vehicles or any other similar vehicle on such highway.
- (4) **Passengers.** No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. Infant seats are permitted if securely attached to the frame at the top mount and to the axle and frame at the rear bottom mount and if provided with hand holds, foot rests, foot guards and safety belt. The use of a back pack for carrying an infant is permitted. Persons are not permitted to be located on a bicycle in front of the operator of the bicycle.
 - (5) **Unsafe Cargo.** No person operating a bicycle shall carry any package, bundle or article which prevents the safe operation of the bicycle with at least one hand on the handlebars at all times.
 - (6) **Control Required.** No rider of a bicycle shall remove both hands from the handlebars or feet from the pedals, or practice any acrobatic or fancy riding on any street. No person shall operate a bicycle upon the streets and sidewalks of the Village of Elk Mound without having manual control of the handlebars or operate a bicycle in any other manner which necessitates the element of unusual extraordinary skill and involves unnecessary risk.
 - (7) **Required Use of Bicycle Paths.** Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.
- (c) **Bicycle Parking.** No bicycle shall be parked upon any street or public way except in an upright position in bicycle stalls, which are provided therefor. Until such time as sufficient stalls are provided to meet the demand therefor, which determination shall be made by the Police Department, bicycles may be parked in an upright position, parallel to the curb line. No person shall leave a bicycle at such a place or in such a way as to create a hazard to pedestrians, automobile operators or to anyone else.
- (d) **Required Equipment.**
- (1) **Brakes.** Every bicycle, when operated upon a highway, shall be equipped with a brake adequate to control the movement of and to stop such vehicle whenever necessary. Such brake shall be maintained in good working order at all times.
 - (2) **Warning Device.** Every bicycle, when operated upon a highway, shall be equipped with a horn or bell in good working order, capable of emitting sound audible under normal conditions for a distance of not less than one hundred (100) feet, and it shall be unlawful for any bicycle to be equipped with a siren or whistle, or to use any such bell or horn otherwise than as a reasonable warning to other users of the highway.
 - (3) **Lighting.** No person shall operate a bicycle upon a Village street unless equipped as required by Sec. 347.81, Wis. Stats.

10-2-6

- (e) **Speed.** No person shall operate a bicycle at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit.
- (f) **Operation on Sidewalks.** Bicycles are allowed to be operated on the sidewalks in the Village of Elk Mound but operators shall yield to pedestrians at all times.
- (g) **Operation While Hearing Obstructed.** No person may operate a bicycle, skateboard, scooter, play vehicle or in-line skates upon a highway while such operator is using any audio device attached directly to ear or ears of such operator that materially impairs the ability of such operator to hear traffic signals or warnings.
- (h) **Mopeds Prohibited on Bicycle Ways.** No person may ride a moped, powered scooter or motor bicycle with the power unit in operation upon a bicycle trail.
- (i) **Riding Bicycle in Bicycle Lanes.**
 - (1) **Direction of Travel.** Unless two-way traffic is authorized by the Village Board on any portion of a roadway which it has set aside as a bicycle lane and appropriate traffic signs are installed, every person operating a bicycle upon a bicycle lane shall ride in the same direction in which vehicular traffic on the lane of the roadway nearest the bicycle lane is traveling.
 - (2) **Bicycle Lanes.**
 - a. Unless otherwise provided under Subsection (i)(2)b below, a person operating a bicycle may enter or leave a bicycle lane only at intersections or at driveways adjoining the bicycle lane.
 - b. A person may leave a bicycle at any point by dismounting from the bicycle and walking it out of the lane. A person may enter a bicycle lane at any point by walking his/her bicycle into the lane and then mounting it.
 - (3) **Passing.** Every person operating a bicycle upon a bicycle lane shall exercise due care and give an audible signal when passing a bicycle rider proceeding in the same direction.
 - (4) **Yielding Right-of-Way.** Every operator of a bicycle entering a bicycle lane shall yield the right-of-way to all bicycles in the bicycle lane. Upon leaving a bicycle lane, the operator of a bicycle shall yield the right-of-way to all vehicles and pedestrians.
- (j) **Riding Bicycle on Bicycle Way/Path/Trail.**
 - (1) **Exercising Due Care.** Every person operating a bicycle upon a bicycle way, path or trail shall:
 - a. Exercise due care and give an audible signal when passing a bicycle rider or a pedestrian proceeding in the same direction.
 - b. Obey each traffic signal or sign facing a roadway which runs parallel and adjacent to a bicycle way.
 - (2) **Direction of Travel.** Every person operating a bicycle upon a bicycle way open to two-way traffic shall ride on the right side of the bicycle way.
 - (3) **Yielding Right-of-Way.** Every operator of a bicycle entering a bicycle way shall yield the right-of-way to all bicycles and pedestrians in the bicycle way.

- (k) **Yield to Pedestrians.** Operators or riders of skateboards, roller skates, roller skis, or other play vehicles shall yield the right-of-way to other pedestrians using Village sidewalks, and shall not otherwise endanger or interfere with normal pedestrian traffic on those sidewalks.

Sec. 10-2-7 Bicycle Penalties.

The following penalties shall be applicable for bicycle violations:

- (a) Any person sixteen (16) years of age or older who shall violate any provision of this Chapter may be issued a Uniform Traffic Citation and be subject to the penalties provided by the Uniform State Traffic Deposit Schedule.
- (b) Any person fourteen (14) years of age through fifteen (15) years of age who shall violate any provisions of this Chapter may be issued a citation and be subject to the penalties provided by the Deposit Schedule and, upon conviction thereof, may be required to forfeit not more than Twenty-five Dollars (\$25.00), together with the cost of the prosecution and, in default of such payment, the Court may suspend the child's operating privileges, as defined in Sec. 340.01, Wis. Stats., for not less than thirty (30) days nor more than ninety (90) days.
- (c) Any person under fourteen (14) years of age who shall violate any provision of this Chapter may be issued a special Bicycle Violation Warning Notice along with the following additional actions:
- (1) First to third offense in one (1) year: A warning letter sent to the parent or guardian.
 - (2) Fourth and subsequent offense in the same year: Referral to the Juvenile Court System.
- (d) All violations shall be determined based on the preceding twelve (12) month period to establish which violation has occurred.
- (e) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Sec. 346.77 and 346.82(1), Wis. Stats.

Sec. 10-2-8 Play Vehicle Penalties.

The following penalties shall be applicable for play vehicle violations:

- (a) Any person fourteen (14) years of age and over who shall violate any provisions of this Chapter may be issued a citation and be subject to the penalties provided by the deposit schedule and, upon conviction thereof, may be required to forfeit not more than Twenty-five Dollars (\$25.00), together with the costs of prosecution.
- (b) Any person under fourteen (14) years of age who shall violate any provisions of this Chapter may receive an officer's report warning notice along with the following additional actions:

10-2-8

- (1) First offense in one (1) year: a warning letter sent to the parent or guardian.
 - (2) Second or third offense in the same year: the play vehicle may be impounded by law enforcement authorities.
 - (3) Fourth and subsequent offense in the same year: Referral to the Juvenile Court System.
- (c) Any parent or guardian of any child who authorizes or knowingly permits such child to violate any of the provisions of this Chapter may be subject to the provisions of Secs. 346.77 and 346.82(1), Wis. Stats.