

# REQUEST FOR CONSIDERATION

**PUBLIC MTG/DATE:** BOARD OF TRUSTEES, JULY 16, 2018

**DESCRIPTION:** ORD No. 18-016: AN ORDINANCE AMENDING SECTION 82 ARTICLE III. BICYCLES FOR THE VILLAGE OF WESTON, MARATHON COUNTY.

**FROM:** MICHAEL WODALSKI, DEPUTY DIRECTOR OF PUBLIC WORKS

**QUESTION:** SHOULD THE BOARD OF TRUSTEES APPROVE THE AMENDED BICYCLE ORDINANCE TO INCLUDE THE OFFICIAL DESIGNATION OF ROSS AVENUE AS A BICYCLE LANE.

## BACKGROUND

IN 2013 THE VILLAGE BOARD ADOPTED A BICYCLE LANE ORDINANCE, HOWEVER, THE ORDINANCE DID NOT END UP GETTING PUBLISHED. THERE WAS NO SPECIFIC REASON FOR THE ORDINANCE TO NOT BE PUBLISHED, IT JUST FELL THROUGH THE CRACKS AND THE PROCESS WASN'T CARRIED OUT. DUE TO THIS, IN 2015 WHEN THE MUNICIPAL CODE WAS RENUMBERED, THE BICYCLE LANE ORDINANCE DID NOT CARRY OVER AND CURRENTLY DOES NOT EXIST. THE PURPOSE OF THE BICYCLE LANE ORDINANCE IS TO HAVE AN ENFORCEABLE ORDINANCE IN PLACE IN CASE THERE IS AN ISSUE WITH MOTOR VEHICLES OPERATING IN THE BICYCLE LANE.

**ATTACHED DOCS:** DRAFT ORDINANCE 18-016

**COMMITTEE ACTION:** RECOMMENDED BY PUBLIC SAFETY ON 6/25/2018

**FISCAL IMPACT:** NONE

**RECOMMENDATION:** DEPUTY DIRECTOR RECOMMENDS APPROVAL

## RECOMMENDED LANGUAGE FOR OFFICIAL ACTION

**I MOVE TO APPROVE THE ORDINANCE 18-016, AS AMENDED TO PROVIDE FOR THE DESIGNATION OF ROSS AVENUE AS A BICYCLE LANE.**

**ADDITIONAL ACTION:** SEND THE ORDINANCE TO THE WAUSAU DAILY HERALD FOR PUBLICATION (STAFF).



## VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

### ORDINANCE NO. 18-016

#### AN ORDINANCE AMENDING SECTION 82 ARTICLE III. BICYCLES

The Village Board of the Village of Weston, Marathon County, Wisconsin, do ordain as follows:

SECTION 1: The following subsections of Chapter 82, Sec. 82.300 through 82.307 are hereby amended and added to read as follows:

### ARTICLE III BICYCLES

#### Section 82.300. Definitions.

In this article, the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context clearly indicates a different meaning:

- (a) “Bicycle” means every vehicle propelled by feet or hands acting upon pedals or cranks and having wheels any two of which are not less than fourteen inches (14”) in diameter.
- (b) “Bicycle Lane” means that portion of a roadway set aside by the Village for the exclusive use of bicycles, electric personal assistive mobility devices, or pedestrians on foot or using rollerblades, and so designated by appropriate signs and markings.
- (c) “Bike Route” means any bicycle lane, bicycle way or highway which has been duly designated by the responsible governing body and identified by appropriate signs and markings.
- (d) “Bicycle Way” means any path or sidewalk or portion thereof designated for the use of bicycles and electric personal assistive mobility devices by the responsible governing body.
- (e) “Electric Personal Assistive Mobility Device” means 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 mph or less.

**Sec. 82.301. Penalty.**

The penalty provisions of Sec. 1.111 shall apply to any violation of this article.

(Ord. of 2-21-1983, § 6) [Amended via Ord. 15-016, 9/10/2015; Ord. No 15-027, 11/18/2015]

**Sec. 82.302. Registration required.**

- (a) No person shall operate a bicycle upon any street, alley, public highway, sidewalk, bicycle lane, bicycle route, bicycle way or other public right-of-way in the village unless the bicycle is registered and has affixed a registration plate as provided in this article.
- (b) This article shall apply to all permanent and temporary residents of the village and to such nonresidents who operate bicycles upon the streets of the village habitually or frequently, either in going to or from school, or to and from work, or for other purposes, but shall not apply to casual travelers or tourists passing through the village on their bicycles, nor to those residents of cities, villages and townships adjacent to the village who are validly and currently registered within their respective jurisdictions.

(Ord. of 2-21-1983, § 2) [Amended via Ord. No 15-016, 9/10/2015; Ord. No 15-027, 11/18/2015]

**Sec. 82.303. Registration; fee; inspection.**

- (a) Registration shall be made with the police department, who shall provide the appropriate forms. Upon payment of a registration fee provided in the village fee schedule, the police department shall issue a registration plate for the bicycle, which shall permit the bicycle to be operated within the village as provided in this article.
- (b) The registration shall be permanent from the date of issuance provided the bicycle remains with the registered owner and at the registered address. In the event of a sale or other transfer of the bicycle to a new owner, a transfer of registration must be completed in conformity with the provisions of Sec. 82.117.
- (c) No person shall be entitled to register a bicycle when that person is believed by the Everest Metro Police Department to have no claim to, or evidence of, ownership of the bicycle or have no right to possession of such bicycle.
- (d) The Everest Metro Police Department may inspect each bicycle before registering it, and the department may refuse to register any bicycle that the registering officer believes to be in an unsafe mechanical condition.

(Ord. of 2-21-1983, § 2) [Amended via Ord. 15-016, 9/10/2015; Ord. No 15-027, 11/18/2015]

**Sec. 82.304. Display of registration plate.**

- (a) No bicycle shall be considered registered until a registration plate, which shall remain legible at all times is affixed to the bicycle, which shall remain so affixed until the bicycle is either dismantled, destroyed or removed by the Everest Metro Police Department for cause. Such license shall be attached securely to the rear of the operator's seat or to the rear fender of the bicycle.
- (b) No person shall intentionally destroy, mutilate or alter the identification plate affixed to any bicycle or remove, without the permission of the owner, any identification plate from any bicycle. If a replacement plate must be issued, the fee shall be as provided in the village fee schedule.

(Ord. of 2-21-1983, § 3) [Amended via Ord. 15-016, 9/10/2015; Ord. No 15-027, 11/18/2015]

**Sec. 82.305. Transfer and cancellation of registration.**

Within ten days after any bicycle registered under this article changes ownership, is transferred or dismantled and/or taken out of operation, the person in whose name the bicycle has been registered shall report such information to the Everest Metro Police Department. In the event of a change of ownership or other transfer of the bicycle wherein the bicycle remains in use in the village, the license plate will remain with the bicycle. Every such person who transfers the title of any bicycle shall endorse upon the bottom of the registration card the name and address of the transferee, the date of the transfer and the name of the transferor. The transferee shall re-register the bicycle and shall pay a transfer fee as provided in the village fee schedule. If a bicycle is dismantled and/or taken out of operation, the license plate will not remain with the bicycle but shall be immediately destroyed by the person disposing of or dismantling the bicycle.

(Ord. of 2-21-1983, § 4) [Amended via Ord. 15-016, 9/10/2015; Ord. No 15-027, 11/18/2015]

**Sec. 82.306. Buying or selling bicycles.**

Every person engaged in the business of buying, selling or exchanging bicycles in the village shall maintain for three years from the date of the transaction a record containing the brand name, color, type and serial number of each bicycle bought, sold or exchanged and shall record the name and address of each person buying, selling or exchanging a bicycle. This record shall be open to inspection by a representative of the Everest Metro Police Department during reasonable business hours.

(Ord. of 2-21-1983, § 5) [Amended via Ord. 15-016, 9/10/2015; Ord. No 15-027, 11/18/2015]

**Section 82.307. Bicycle Lanes.**

- (a) Designation. Pursuant to Wis. Stat. § 349.23(2), the Village hereby designates those clearly marked portions of Ross Avenue between Cut-off Road and Babl Lane as a Bicycle Lane.
- (b) Permitted Use. The Ross Avenue Bicycle Lane may be used by Bicycles, Electric Personal Assistive Mobility Devices, or pedestrians on foot or using other human propelled devices such as rollerblades.
- (c) Movement. Bicycles and Electric Personal Assistive Mobility Devices shall move within the Bicycle Lane in the same direction as motor vehicle traffic on the roadway next to the Bicycle Lane and pedestrians shall move within the Bicycle Lane in the opposite direction of, or facing motor vehicle and bicycle traffic.

SECTION 2: The amendment effectuated by this Ordinance shall apply within the municipal limits of the Village.

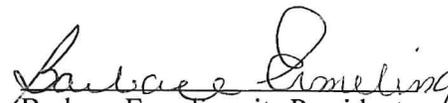
SECTION 3: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 16 day of July, 2018

WESTON VILLAGE BOARD

By:

  
Barbara Ermeling, its President

Attest:

  
Sherry Weinkauff, its Clerk

APPROVED: 7-16-18

PUBLISHED: 7-19-18

map described in subsection 2(a) of this section. Except for the non-access roadways shown on the said map, snowmobile operation at speeds not exceeding ten miles per hour shall be permitted upon those village streets and roadways, and shoulders thereof, which are located within the "access buffer zone" solely as a means of providing access for persons traveling by snowmobile from a residence within the limits of the buffer zone to the nearest snowmobile trail or route closest to that residence. Any operation of a snowmobile on any road or street other than for immediate access to a snowmobile trail or route within the access buffer zone is prohibited.

- (3) **Penalty.** Any person who violates any provision of this section shall upon conviction thereof, be subject to the following forfeitures and costs.
- (a) For a first or second violation, a forfeiture of not more than \$250.00 for each offense.
  - (b) For any person who violates any provision of this section who, within the last three years prior to the conviction for the current violation, was two or more times previously convicted for violating the same provision of this ordinance, a forfeiture of not more than \$500.00.
  - (c) In addition to the foregoing forfeitures a person convicted shall be subject to costs of prosecution and in default of payment of said forfeitures and/or costs of prosecution, imprisonment in the Marathon County Jail for a period not to exceed 90 days or until such forfeiture and costs are paid.

(Ord. of 11-20-2000, § 1; Ord. of 11-5-2001, § 1) [Amended via Ord. 15-016, 9/10/2015; Ord. No 15-027, 11/18/2015]

### ARTICLE III BICYCLES

#### Sec. 82.300. Definitions.

In this article, the following words and phrases have the designated meanings unless a different meaning is expressly provided or the context clearly indicates a different meaning:

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- (b) "Bicycle Lane" means that portion of a roadway set aside by the Village for the exclusive use of bicycles, electric personal assistive mobility devices, or pedestrians on foot or using rollerblades, and so designated by appropriate signs and markings.

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(c) “Bike Route” means any bicycle lane, bicycle way or highway which has been duly designated by the responsible governing body and identified by appropriate signs and markings.

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(d) “Bicycle Way” means any path or sidewalk or portion thereof designated for the use of bicycles and electric personal assistive mobility devices by the responsible governing body.

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(e) “Electric Personal Assistive Mobility Device” means 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 mph or less.

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(Ord. of 2-21-1983, § 6) [Amended via Ord. 15-016, 9/10/2015; Ord. No 15-027, 11/18/2015]

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- (b) This article shall apply to all permanent and temporary residents of the village and to such nonresidents who operate bicycles upon the streets of the village habitually or frequently, either in going to or from school, or to and from work, or for other purposes, but shall not apply to casual travelers or tourists passing through the village on their bicycles, nor to those residents of cities, villages and townships adjacent to the village who are validly and currently registered within their respective jurisdictions.

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