

**VILLAGE OF WALDO
SHEBOYGAN COUNTY, WISCONSIN
ORDINANCE NO. 2026-10**

AN ORDINANCE REGULATING THE OPERATION OF ELECTRIC BICYCLES, E-MOTOS, AND OTHER ELECTRIC-POWERED VEHICLES WITHIN THE VILLAGE OF WALDO

WHEREAS, the Village Board of the Village of Waldo recognizes that electric bicycles have become an increasingly common means of transportation and recreation and that Class 1, Class 2, and Class 3 electric bicycles meeting the requirements of Wisconsin law may be lawfully operated subject to applicable state and local regulations; and

WHEREAS, the Village Board recognizes that electric bicycles are capable of traveling at speeds greater than conventional bicycles and that their safe operation requires operators to understand and comply with traffic laws, traffic-control devices, right-of-way requirements, and other rules of the road; and

WHEREAS, the Village Board has identified a need to promote greater awareness and understanding of bicycle and electric bicycle safety requirements, particularly among younger operators; and

WHEREAS, Wisconsin law prohibits a person under sixteen (16) years of age from operating a Class 3 electric bicycle; and

WHEREAS, certain electric-powered two-wheeled vehicles marketed or commonly referred to as “e-motos,” “electric dirt bikes,” “electric motorcycles,” or “Class 4 e-bikes” do not meet the statutory definition of an electric bicycle, including vehicles that lack fully operative pedals or otherwise exceed the specifications established for Class 1, Class 2, or Class 3 electric bicycles; and

WHEREAS, Wis. Stat. § 340.01(74) defines a “vehicle” as every device in, upon, or by which any person or property is or may be transported or drawn upon a highway; and

WHEREAS, Wis. Stat. § 349.115 authorizes municipalities to enact ordinances providing for the impoundment of vehicles involved in reckless driving or other statutory traffic violations; and

WHEREAS, the Village Board finds that the operation of electric bicycles, e-motos, and other electric-powered vehicles in disregard of traffic-control devices, right-of-way requirements, sidewalk safety, or reckless driving laws creates a direct risk to operators, pedestrians, bicyclists, motorists, and public safety; and

WHEREAS, Wis. Stat. § 349.18(2) and Wis. Stat. § 349.18(4)(a) authorize cities, villages, and towns to regulate the operation of bicycles, motor bicycles, and electric bicycles consistent with Wisconsin law; and

WHEREAS, Wis. Stat. § 349.18(2) authorizes the Village Board to enact local safety regulations for bicycle operation, and the Village Board finds that requiring protective helmets for minor operators and passengers promotes public safety and reduces the risk of severe head injuries; and

WHEREAS, the Village Board desires to distinguish between the lawful and responsible use of electric bicycles and the unlawful or unsafe operation of electric bicycles, e-motos, electric motorcycles, and other electric-powered vehicles; and

WHEREAS, the Village Board finds that reasonable regulation and enforcement consistent with Wisconsin law will promote the health, safety, and welfare of Village residents and the traveling public;

NOW, THEREFORE, the Village Board of the Village of Waldo, Sheboygan County, Wisconsin, does hereby ordain as follows:

SECTION 1. PURPOSE AND INTENT.

The purpose of this Ordinance is to promote the safe and responsible operation of electric bicycles and other electric-powered two-wheeled vehicles within the Village of Waldo; protect pedestrians, bicyclists, motorists, operators, and other members of the public; promote awareness of applicable traffic and bicycle safety laws; distinguish lawful electric bicycles from e-motos and other vehicles that do not qualify as electric bicycles under Wisconsin law; and establish appropriate enforcement measures consistent with Wisconsin law.

It is not the intent of this Ordinance to prohibit the lawful and responsible operation of electric bicycles within the Village.

SECTION 2. DEFINITIONS.

For purposes of this Ordinance, the following terms shall have the meanings provided below and, where applicable, the meanings established by the Wisconsin Statutes.

- A. **Bicycle.** "Bicycle" shall have the meaning provided by Wis. Stat. § 340.01.
- B. **Electric Bicycle.** "Electric bicycle" means a bicycle meeting the definition provided by Wis. Stat. § 340.01, including a bicycle equipped with fully operative pedals for propulsion by human power and an electric motor of 750 watts or less that qualifies as a Class 1, Class 2, or Class 3 electric bicycle.
- C. **Class 1 Electric Bicycle.** "Class 1 electric bicycle" shall have the meaning provided by Wis. Stat. § 340.01.
- D. **Class 2 Electric Bicycle.** "Class 2 electric bicycle" shall have the meaning provided by Wis. Stat. § 340.01.
- E. **Class 3 Electric Bicycle.** "Class 3 electric bicycle" shall have the meaning provided by Wis. Stat. § 340.01.

- F. **E-Moto or Non-Qualifying Electric Vehicle.** “E-moto” means a two-wheeled electric-powered vehicle that does not qualify as a Class 1, Class 2, or Class 3 electric bicycle under Wisconsin law. The term may include vehicles commonly or commercially described as “e-motos,” “electric dirt bikes,” “electric motorcycles,” or “Class 4 e-bikes.”
- G. **Operator.** “Operator” means any person who rides, operates, or is in actual physical control of an electric bicycle or other vehicle regulated by this Ordinance.
- H. **Serious Safety Violation / Reckless Operation.** “Serious safety violation” or “reckless operation” means operation of any vehicle or electric-powered device in a negligent or reckless manner that creates a substantial and unreasonable risk of injury to the operator or another person (consistent with Wis. Stat. § 346.62), including, but not limited to:
1. Reckless or dangerous operation that endangers public safety;
 2. Excessive speed under existing conditions;
 3. Failure to yield when required by law when such failure creates an immediate hazard;
 4. Disregarding a stop sign, traffic signal, or other traffic-control device in a manner creating an immediate hazard;
 5. Operating against the lawful direction of traffic;
 6. Dangerous weaving between vehicles, bicycles, or pedestrians;
 7. Performing wheelies, stunts, or similar maneuvers where such conduct interferes with traffic or creates a safety hazard;
 8. Carrying passengers in a manner for which the vehicle was not designed;
 9. Fleeing or attempting to elude a law enforcement officer; or
 10. Other operation creating a substantial and unreasonable risk to public safety.
- I. **Vehicle.** “Vehicle” shall have the meaning provided by Wis. Stat. § 340.01(74).

SECTION 3. ELECTRIC BICYCLE CLASSIFICATIONS AND AGE RESTRICTIONS.

- A. **Class 1 and Class 2 Electric Bicycles.** Class 1 and Class 2 electric bicycles may be operated within the Village subject to Wisconsin law and this Ordinance.
- B. **Class 3 Electric Bicycles.** Pursuant to Wis. Stat. § 346.806(4), no person under sixteen (16) years of age may operate a Class 3 electric bicycle.
- C. **Operators Age Sixteen and Older.** A person sixteen (16) years of age or older may operate a Class 3 electric bicycle subject to Wisconsin law and this Ordinance.
- D. **Lawful Use Protected.** Nothing in this Ordinance shall prohibit the lawful operation of an electric bicycle solely because the bicycle is electrically assisted.

SECTION 4. E-MOTOS AND NON-QUALIFYING ELECTRIC VEHICLES.

- A. **Classification.** A vehicle does not qualify as an electric bicycle merely because it is marketed, advertised, sold, labeled, or commonly described as an “e-bike” or “Class 4 e-bike.”

- B. **Non-Qualifying Vehicles.** A two-wheeled electric-powered vehicle shall not be considered an electric bicycle if it fails to satisfy the requirements established by Wisconsin law for a Class 1, Class 2, or Class 3 electric bicycle, including a vehicle that:
1. Does not have fully operative pedals capable of propelling the vehicle by human power;
 2. Is manufactured or modified without a functional pedal-drive system;
 3. Is equipped with an electric motor exceeding the maximum power permitted for an electric bicycle under Wisconsin law (750 watts);
 4. Provides motor assistance at speeds exceeding those permitted for a Class 1, Class 2, or Class 3 electric bicycle; or
 5. Has been manufactured, altered, modified, or configured so that it otherwise fails to meet the statutory definition of an electric bicycle.
- C. **Nonfunctional Pedals.** The addition of ornamental, disconnected, nonfunctional, or otherwise inoperative pedals shall not cause an electric-powered vehicle to qualify as an electric bicycle.
- D. **Lawful Operation Required.** An e-moto or other non-qualifying electric-powered vehicle may be operated upon a public highway or other public location within the Village only when such operation is permitted by Wisconsin law and the vehicle and operator satisfy all registration, licensing, equipment, and other requirements applicable to the vehicle's legal classification.
- E. **State Classification Controls.** Nothing in this section shall be interpreted as locally classifying an e-moto as a motorcycle, moped, motor bicycle, or other particular class of vehicle. The legal classification of the vehicle shall be determined under Wisconsin law.

SECTION 5. RULES OF OPERATION.

- A. **Compliance With State Law.** Every person operating an electric bicycle within the Village shall comply with all applicable provisions of Chapters 340 through 351 of the Wisconsin Statutes and applicable provisions of the Village Code, except a person operating an electric bicycle is not subject to the provisions under Chapters 341 through 344 relating to financial responsibility, operator's licenses, registrations, or certificates of title.
- B. **Safe Operation.** No person shall operate an electric bicycle in a careless, reckless, or dangerous manner that creates an unreasonable risk of injury or collision.
- C. **Sidewalk Operation Restricted.**
1. *Electric Bicycles, E-Motos, and Motorized Vehicles Prohibited.* Pursuant to Wis. Stat. § 346.94(1) and Wis. Stat. § 349.18(4)(a), no person shall operate any Class 1, Class 2, or Class 3 electric bicycle, e-moto, motor bicycle, moped, or other motorized or electric-powered vehicle upon any public sidewalk within the Village, except for electric mobility devices operated by persons with mobility disabilities pursuant to applicable federal or state law.
 2. *Conventional Bicycles.* Conventional human-powered pedal bicycles are prohibited on public sidewalks within the Village, **except that children ten (10) years of age or**

younger may operate a conventional human-powered pedal bicycle upon public sidewalks.

3. *Pedestrian Right-of-Way.* Any child lawfully operating a conventional pedal bicycle upon a sidewalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing a pedestrian.

D. **Traffic Laws.** Operators shall obey applicable traffic-control devices, right-of-way requirements, direction-of-travel requirements, lighting requirements, and other rules applicable to bicycles and electric bicycles under Wisconsin law.

E. **Dangerous Maneuvers.** No operator shall perform a wheelie, stunt, dangerous weaving maneuver, or similar maneuver upon a public roadway or sidewalk when the maneuver interferes with traffic or creates an unreasonable risk of injury or collision.

F. **Pedestrians.** An operator shall exercise due care when approaching or passing pedestrians and shall yield to pedestrians whenever required by Wisconsin law.

G. **Passengers.** No person shall carry a passenger upon an electric bicycle unless the bicycle is designed and equipped to accommodate the passenger.

H. **Helmet Requirement for Minors.**

1. *Mandatory Use.* No person under eighteen (18) years of age shall operate or ride as a passenger upon any bicycle, electric bicycle, or electric-powered vehicle upon any public highway, sidewalk, bikeway, or public property within the Village unless such person is wearing a properly fitted and fastened protective helmet meeting the standards of the Consumer Product Safety Commission (CPSC) or equivalent recognized safety organization.

2. *Parental Duty.* No parent, guardian, or legal custodian of a minor shall knowingly permit such minor to violate the provisions of this subsection.

I. **Lawful Recreational Use.** Nothing in this section shall prohibit ordinary recreational bicycle or electric bicycle operation that is otherwise lawful and does not create a safety hazard.

SECTION 6. SAFETY EDUCATION AND COMMUNITY OUTREACH.

A. **Voluntary Outreach.** The Village may provide or make available voluntary bicycle and electric bicycle safety information, educational materials, training opportunities, or community safety programs for residents and operators.

B. **Educational Topics.** Voluntary education materials may address rules of the road, traffic signals, right-of-way, hand signals, night visibility, safe speeds, age limits, helmet safety, and legal differences between e-bikes and e-motos.

C. **No Pre-Condition to Operation.** Completion of any safety course or program shall remain strictly voluntary and shall not be required as a pre-condition for operating a bicycle or electric bicycle within the Village.

SECTION 7. ENFORCEMENT AND PARENTAL NOTIFICATION.

- A. **Minor Violations.** When appropriate considering the circumstances, a law enforcement officer may provide a warning or safety information for a minor violation. Nothing in this subsection requires a warning before a citation or other lawful enforcement action.
- B. **Repeated Violations.** Repeated violations may result in citation, forfeiture, or other enforcement authorized by Wisconsin law.
- C. **Serious Safety Violations.** A serious safety violation may result in immediate citation or other enforcement action authorized by Wisconsin law regardless of whether the operator has previously received a warning or citation.
- D. **E-Moto and Non-Qualifying Vehicle Violations.** Unlawful operation of an e-moto or non-qualifying vehicle on public roadways or sidewalks shall be subject to enforcement under applicable state motor vehicle statutes, impoundment provisions, and Village ordinance.
- E. **Parental Notification.** Whenever a minor operator is issued a written warning or citation for a violation of this Ordinance, law enforcement shall attempt to provide written notice or a copy of the citation/warning to the minor's parent or legal guardian to establish an administrative record for repeat violations.
- F. **State Enforcement Authority Preserved.** Nothing in this Ordinance shall restrict or limit the authority of a law enforcement officer to enforce Wisconsin traffic, vehicle registration, licensing, equipment, impoundment, or other applicable state laws.

SECTION 8. PARENTAL RESPONSIBILITY.

- A. No parent, guardian, or person having custody or control of a minor shall knowingly permit the minor to operate or ride as a passenger upon bicycle, electric bicycle, or other electric-powered vehicle in a manner the parent or guardian knows is prohibited by Wisconsin law or this Ordinance.
- B. Nothing in this section shall impose liability upon a parent or guardian beyond that authorized by Wisconsin law.

SECTION 9. PENALTIES AND VEHICLE IMPOUNDMENT AUTHORITY.

- A. **Forfeiture Penalties.** Any person who violates this Ordinance shall be subject to the applicable forfeiture established by the Village Code or other applicable Village enactment, together with applicable costs and assessments. Each separate occurrence may constitute a separate violation.
- B. **Impoundment of Non-Qualifying Vehicles and E-Motos.** Pursuant to Wis. Stat. § 349.115 and the Village's authority over vehicles defined under Wis. Stat. § 340.01(74), any non-qualifying electric vehicle, e-moto, motor bicycle, or unregistered motor vehicle operated unlawfully, without required state licensing/registration, or used in violation of reckless driving provisions (Wis. Stat. § 346.62 or local conforming ordinances) may be cited and immediately impounded by law enforcement.
- C. **Impoundment Costs and Release.** Any vehicle impounded under this section may be retained in impound until all towing costs, storage fees, and outstanding fines or forfeitures owed by the vehicle owner are paid in full, pursuant to Wis. Stat. § 349.115.

D. **Bicycle Impoundment Prohibited.** Pursuant to state law limitations, nothing in this Ordinance shall authorize local confiscation or impoundment of a qualifying Class 1, Class 2, or Class 3 electric bicycle as a local Village penalty, except as authorized under state reckless driving impoundment laws.

SECTION 10. RELATIONSHIP TO STATE LAW.

This Ordinance shall be interpreted and enforced consistently with Chapters 340 through 351 of the Wisconsin Statutes and other applicable state law. Nothing in this Ordinance shall:

1. Authorize operation of a vehicle in a manner prohibited by Wisconsin law;
2. Prohibit conduct that falls beyond the Village's authority to regulate under Wisconsin law;
3. Reclassify a vehicle differently from its classification under Wisconsin law;
4. Limit or restrict statutory impoundment, towing, or seizure authority granted to law enforcement under Wis. Stat. § 349.115 or other applicable Wisconsin statutes.

In the event of a conflict between this Ordinance and Wisconsin law, Wisconsin law shall control.

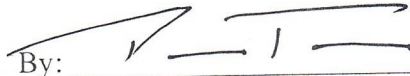
SECTION 11. SEVERABILITY.

If any section, subsection, sentence, clause, or provision of this Ordinance is determined by a court of competent jurisdiction to be invalid or unenforceable, such determination shall not affect the validity or enforceability of the remaining provisions.

SECTION 12. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication or posting as required by law.

Passed and adopted by the Village Board of the Village of Waldo, Sheboygan County, Wisconsin, this 14th day of September, 2026.

By: 
Travis Thomas – Village President

Attest: 
Lisa Gillette – Village Clerk/Treasurer