

TOWN OF MENASHA CODE

not meet the registration requirements and is not registered pursuant to Chapter 341, WI Stats., or similarly, is not equipped and suitable for registration under Chapter 347, WI Stats. No parent or guardian of any child shall authorize or knowingly permit such child to violate any of the provisions of this section.

- (3) This section shall not apply to the loading and unloading of a motor driven cycle, motor bicycle, motorcycle, A.T.V. or snowmobile, on or off the trailer when upon the private property of the owner of such vehicle.
- (4) This section shall not apply to the retail dealer's preparation or maintenance of a vehicle described in this section, provided operation or maintenance by a retail dealer does not cause or constitute a nuisance.
- (5) No owner or person having charge or control of a vehicle defined under this section shall authorize or permit any person to operate such vehicle upon private or public lands within the Town nor permit a person to operate such a vehicle who is not permitted under State law to operate any such vehicle or who is under the influence of an intoxicant or any dangerous or narcotic drug.
- (6) Exceptions to Ordinance 4.10

Motorized vehicles designed or modified for, and being used for;

- (a) Lawn care
- (b) Gardening
- (c) Agriculture
- (d) Snow removal
- (e) Maintenance purposes in multi-family developments
- (f) Town of Menasha Park maintenance
- (g) Other officially authorized/permitted town purposes
- (h) Motor bicycle being operated by person in possession of valid permit issued by Chief of Police. Permits will be reviewed annually.

*****4.11 ALLOWING NEIGHBORHOOD ELECTRIC VEHICLES** *[Added 9/8/2008]*

(1) Authority.

Pursuant to the authority granted to the Town of Menasha by Wisconsin Statute 349.26(2), the following sections are hereby created to read as follows.

(2) Definition.

Neighborhood Electric Vehicle shall have the definition provided in Wisconsin Statutes Section 349.26(1), including any amendments thereto.

(3) Regulation.

- (a) Neighborhood electric vehicles may be operated on all streets and connecting highways within the municipal boundary of the Town of Menasha, except as limited by State law and this section.
- (b) Each person operating a neighborhood electric vehicle on a public street in the Town of Menasha shall possess a valid driver's license.
- (c) Each person operating a Neighborhood Electric Vehicle on a public street in the Town of Menasha shall be granted all of the rights and be subject to all of the duties applicable to a driver of any motor vehicle in the State of Wisconsin, including maintaining insurance as required by State law, except as to the special regulations in this section, and except as to those provisions which by their nature do not apply to the operation of a neighborhood electric vehicle.
- (d) Each person operating a neighborhood electric vehicle on a public street in the Town of Menasha shall observe all traffic laws and local ordinances regarding the rules of the road. A neighborhood electric vehicle shall not be operated on any public roadway with a posted speed limit greater than thirty-five (35) miles per hour.
- (e) The Town shall create, and the Community Development Department shall, at all times, maintain a map highlighting those roadways within the Town boundaries on which neighborhood electric vehicle use is prohibited.

4.12 UNATTENDED SNOWMOBILES

No person shall leave or allow a snowmobile to remain unattended on any public highway or public property while the motor is running or with the starting key in the ignition.

4.13 SNOWMOBILE RENTER'S LICENSE

- (1) No person shall engage in the business of renting or leasing of snowmobiles to the public or of renting or leasing use of a snowmobile track or other private property to the public for the operation of snowmobiles thereon in the Town of Menasha unless they first obtain a license as provided in this section.
- (2) Application for snowmobile renters' licenses shall be filed with the Town Clerk and shall include the name of the owner of the premises on which such business will be conducted, the proposed period and hours of operation, the name of the person, firm or corporation which will conduct such business, the state registration number of such commercial owner, if any, and the registration numbers of any snowmobiles to be leased

CODE OF ORDINANCES

City of

NEENAH, WISCONSIN

Sec. 16-8. - Neighborhood electric vehicles.

(a)*Purpose.* The common council finds that when operated according to state and local rules of the road, neighborhood electric vehicles are a reasonably safe form of transportation, compatible with other users of certain city streets with moderate speed limits. Therefore, by authority granted in § 349.26, Wis. Stats., limited use of these vehicles is permitted as provided in this section.

(b)*Definition.*

(1)*Neighborhood electric vehicle* (or "NEV") means a self-propelled motor vehicle, excluding golf carts, that has successfully completed the Neighborhood Electric Vehicle America Test Program conducted by the Federal Department of Energy and that conforms to the definition and requirements for low-speed vehicles as adopted in the Federal Motor Vehicle Safety Standards for Low-speed Vehicle under 49 CFR 571.3(b) and 571.500 and which is authorized under Wis. Stats. § 349.26.

(2)A NEV shall be four-wheeled and have a speed range of at least 20 miles per hour and not more than 25 miles per hour on a paved surface and have a gross vehicle weight at rest of less than 3,000 pounds. NEV does not include an electric golf cart and shall have the following specifications:

a.Headlamps;

b.Front and rear turn signals;

c.Stop lamps;

d.Reflex reflectors, one red on each side as far to the rear as practicable and one red on the rear;

e.An exterior mirror mounted on the driver's side and either an exterior mirror on the passenger side or an interior rearview mirror;

f.Parking brake;

g.A windshield that conforms to the requirements of the federal motor vehicle safety standard on glazing materials (49 CFR 571.205);

h.A vehicle identification number (VIN) that complies with federal law 49 CFR 565;

i.A type 1 or type 2 seatbelt assembly conforming to 49 CFR 571.209 and federal motor vehicle standard no. 209 for each designated seating position; and

j.Meets the general test conditions under 49 CFR 571.500 S6.

(c)*Operation.* Neighborhood electric vehicles may be operated on any highway within the City of Neenah where the maximum speed limit does not exceed thirty-five 35 miles per hour except for that portion of the State Trunk Network (marked State Trunk Highway ("STH") route) commonly known as STH 114 (Winneconne Avenue), between South Green Bay Road westerly to centerline of the median of US Hwy. 41 inclusive and that portion of County Hwy. JJ (Winneconne Avenue) from the centerline of the median of US Hwy. 41 to the easterly right of way line of Westowne Place, inclusive.

(d)*Regulations applicable.* All operators of neighborhood electric vehicles shall conform to all regulations contained in this chapter, including the provisions of the state motor vehicles laws incorporated herein, except those provisions that by their express terms have no application to a neighborhood electric vehicle.

(e)*Registration of NEVs.* Neighborhood electric vehicles shall be registered, titled and license by the State.

(f)*Operators licensed.* All operators of neighborhood electric vehicles shall have a valid drivers license in the State.

(g)*Penalty.* Any person who violates any provision of this section shall be punished by forfeiture pursuant to [section 1-20](#)

(Ord. No. 1376, § 1, 12-3-2008)

OFFICE OF THE CITY ATTORNEY

CITY ATTORNEY
James P. Walsh



Deputy City Attorney
Ellen Totzke

Assistant City Attorneys
Christopher R. Behrens
Stacy Doucette

TO: Members of the Safety and Licensing Committee
FROM: Stacy Doucette, Assistant City Attorney *SD*
DATE: April 1, 2008
RE: Neighborhood Electric Vehicles (as known as Gem Cars)

Back in March of 2007, the Common Council adopted Ordinance 19-11 pertaining to neighborhood electric vehicles. Wisconsin State Statute 349.26 had given municipalities the authority to enact an ordinance that allowed the use of neighborhood electric vehicles on roadways within the municipalities jurisdiction that have a speed limit of 35 miles per hour or less. However, a discrepancy in the law regarding the registration of the vehicles existed when the Common Council adopted the ordinance. Due to that discrepancy, language was included in the ordinance that the ordinance would not be effective until the registration discrepancies were resolved.

Recently, Governor Doyle signed into law a bill that cleaned up the discrepancies. The bill, now known as Act 33 requires that neighborhood electric vehicles be licensed by DOT. Since the discrepancies have been eliminated, the language that currently prohibits the use of neighborhood electric vehicles can be eliminated.

Sec. 19-11. Neighborhood Electric Vehicles

- (a) **Definition.** Neighborhood electric vehicle means a self-propelled motor vehicle, excluding golf carts, that has successfully completed the neighborhood electric vehicle America test program conducted by the Federal Department of Energy and that conforms to the definition and requirements for low-speed vehicles as adopted in the federal motor vehicle safety standards for low-speed vehicle under 49 CFR 571.3(b) and 571.500 and which is authorized under Wis. Stat. § 349.26.
- (b) Neighborhood electric vehicles shall not be operated on any highway within the City of Appleton where the maximum speed limit exceeds twenty-five (25) miles per hour.
- (c) All operators of neighborhood electric vehicles shall conform to all regulations contained in this chapter, including the provisions of the state motor vehicles laws incorporated herein,

Appleton City government exists to provide quality services responsive to the needs of the community.
100 North Appleton Street . Appleton, WI 54911-4799 . Phone: 920/832-6423 . Fax: 920/832-5962

- (d) except those provisions which by their express terms have no application to a neighborhood electric vehicle.
- (e) All operators of neighborhood electric vehicles shall have a valid drivers license in the State of Wisconsin.
- (f) Penalty. Any person who violates any provision of this section shall be punished by a forfeiture not to exceed \$1,000 per occurrence.
- ~~(g) This ordinance shall not be effective until the Wisconsin State statutes resolve all registration discrepancies pertaining to the use of neighborhood electric vehicles.~~



Division of Transportation
System Development
Northeast Regional Office
944 Vanderperren Way
PO Box 28080
Green Bay, WI 54324-0080

Jim Doyle, Governor
Frank J. Busalacchi, Secretary
Internet web site: www.dot.wisconsin.gov

Telephone: (920)492-5623
Facsimile (FAX): (920)492-5640
E-mail: greenbay.dtd@dot.state.wi.us

August 21, 2008

STACY DOUCETTE
ASSISTANT CITY ATTORNEY
CITY OF APPLETON
222 SOUTH WALNUT STREET
APPLETON, WISCONSIN 54911-5899

Dear Stacy:

This letter is in response to your recently adopted Neighborhood Electric Vehicle ordinance.

The City of Appleton served notice to the Wisconsin Department of Transportation (Department) on August 4, 2008 regarding an ordinance authorizing the operation of Neighborhood Electric Vehicles on certain streets within the city.

Pursuant to §349.26(3)(a) 2, Stats., the Department hereby objects to paragraph (b) of ordinance Sec. 19-11. Neighborhood electric vehicles.

Objection to this section is due to omission of intersections identifying specific limits on STH 47, STH 96 and STH 125 where NEV use would be allowed.

Wisconsin law (§ 349.26, Stats.) provides town, village and city governments with the authority to allow by ordinance, operation of neighborhood electric vehicles on public roadways under their maintenance jurisdiction within the local governments boundaries, subject to objections to such use by the Department regarding connecting highways and crossing of state highways.

Since segments of STH 47, STH 96 and STH 125 in the City of Appleton are not under local maintenance jurisdiction, the Department would object to an ordinance that does not clearly preclude use of neighborhood electric vehicles on those segments.

My recommendation is to modify paragraph (b) in your NEV ordinance to allow NEVs on all City streets not on the State Trunk Network (marked STH route) that have posted speeds of 35 miles per hour or less. The ordinance should then define the State Trunk Network Connecting Highway routes where NEV use would be allowed. The Department would not object to NEV use on the following Connecting Highway segments:

1. STH 47, between Cherry Court northerly to Capitol Drive.
2. STH 96, between North Badger Avenue west to North Ballard Road (CTH E)
3. STH 125, between Linwood Avenue west to Richmond Street/Memorial Drive (STH 47).

Additionally, the Department would not object to NEVs crossing at the following locations:

1. STH 96: CTH A.
2. STH 125: CTH P/West Valley Road and West Grove Street/West Calumet Street.

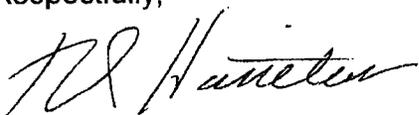
Conditional consent to an amended ordinance, addressing the Departments objections and recommendations, are based on the roadway system as it exists at the date of this notice and subject to review based on new construction, significant changes in operating conditions, and other changes affecting the safety of the highway system. The Department reserves the right to raise additional or new objections in the event of such changes.

Pursuant to § 349.26(3)(b), Stats. in its version presented to the Department, the city of Appleton's proposed Neighborhood Electric Vehicle ordinance is invalid to the extent it conflicts with this written objection.

If you choose to amend the ordinance to comply with the above comments, please submit the revised ordinance for our review and response.

If you would like to discuss this matter, please contact Rod Hamilton 920-492-5652 or via email at rodney.hamilton@dot.state.wi.us

Respectfully,



 Brett Wallace, PE
Systems Planning & Highway Operations Chief
Wisconsin Department of Transportation

Cc: Alvin Geurts, Outagamie County Highway Commissioner
Phil DeCabooter, WisDOT Bureau of Highway Operations
Bob Schuurmans, WisDOT Regional Traffic Engineer

From: "Hamilton, Rodney" <rodney.hamilton@dot.state.wi.us>
To: "Stacy Doucette" <Stacy.Doucette@appleton.org>
Date: 8/25/2008 6:56 AM
Subject: RE: WisDOT NEV comments

CC: "Hamilton, Rodney" <rodney.hamilton@dot.state.wi.us>
Stacy -

Sorry for the confusion....

Item 1. below should be STH 125.
Item 2 below should be for STH 47.

I think this should make more sense... Please let me know.

Thanks

Rod

-----Original Message-----

From: Stacy Doucette [mailto:Stacy.Doucette@appleton.org]
Sent: Friday, August 22, 2008 2:42 PM
To: Rodney Hamilton
Subject: Re: WisDOT NEV comments

Rod,

Thanks for the update. We are working on the changes to our ordinance. However, I am slightly confused by the portion whereby the NEVs are allowed on certain crossings.

1. STH 96: CTH A - Although they cross this is not within the City of Appleton. STH 125 and CTH A are in the City?
2. STH 125: CTH P/West Valley Road and West Grove/West Calumet St. - These do not cross CTH 125, they cross STH 47.

Am I interpreting this information wrong?

Thanks Stacy

Stacy Doucette
Assistant City Attorney
City of Appleton
(920) 832-1580
stacy.doucette@appleton.org

>>> "Hamilton, Rodney" <rodney.hamilton@dot.state.wi.us> 8/21/2008 1:16 PM
>>>
Hello Stacy -

Attached is our response to the Appleton NEV ordinance. Comments are very similar to others I have reviewed. I will also be sending a hard copy via certified USPS.

Rod

<<Appleton NEW Ordinance response.pdf>>

Rod Hamilton, P.E.
Traffic Engineer
> Wisconsin Department of Transportation
> DTSD NE Region Traffic
944 Vanderperren Way, P.O. Box 28080
Green Bay, WI 54324-0080
920-492-5652, 920-492-5711 (fax)
rodney.hamilton@dot.state.wi.us

Intersections where City of Appleton Streets cross State Trunk Highway
7/31/2008

On Street	At Street		
STH 10	Meadow Grove Blvd.	} Not approved	
STH 10	Prim Rose Ln.		
STH 10	Midway Rd. (CTH AP)		
STH 125	Memorial St. / Richmond St.	} Approved	
STH 125	Locust St.		
STH 125	Bennett St.		
STH 125	Badger Av. / Story St.		
STH 125	Summit St.		
STH 125	Spruce St.		
STH 125	Mason St.		
STH 125	Outagamie St.		
STH 125	Douglas St.		
STH 125	Victoria St.		
STH 125	Linwood St.		
STH 125	Perkins St. - not approved		} Intersection approved
STH 125	Lynndale Dr (CTH A) - Intersection approved		
STH 125	Lilas Dr. - not approved		
STH 47	Cherry Ct.	} All approved	
STH 47	Verbrick St.		
STH 47	Ravinia Pl.		
STH 47	Seymour St.		
STH 47	West Riverview Dr.		
STH 47	River Rd.		
STH 47	Front St.		
STH 47	Prospect Av.		
STH 47	Third St.		
STH 47	Fourth St.		
STH 47	Fifth St.		
STH 47	Badger Av / Sixth St.		
STH 47	Seventh St.		
STH 47	Eighth St.		
STH 47	Lawrence St.		
STH 47	College Av.		
STH 47	Washington St.		
STH 47	Franklin St.		
STH 47	Harris St.		
STH 47	Packard St.		
STH 47	Lorain St.		
STH 47	Elsie St.		
STH 47	Atlantic St.		
STH 47	Oklahoma St.		
STH 47	Winnebago St.		
STH 47	Commercial St.		
STH 47	Spring St.		
STH 47	Summer St.		
STH 47	Wisconsin Av.		
STH 47	Kamps Av.		

STH 47	Brewster St.	
STH 47	Hawes Av.	
STH 47	Bell Av.	
STH 47	Grant St.	
STH 47	Parkway Blvd.	
STH 47	Glendale Av.	
STH 47	Frances St.	
STH 47	Marquette St.	
STH 47	Lindbergh St.	
STH 47	Weiland Av.	
STH 47	Northland Av.	
STH 47	Ridgeview Dr.	
STH 47	Park Ridge Av.	
STH 47	Sunset Av.	
STH 47	Capitol Dr.	
STH 47	Seneca Dr.	- Not approved
STH 47	Calumet St.	- Intersection approved
STH 47	Gardener's Row	
STH 47	Ayken St.	
STH 47	Gmeiner Rd.	> Not approved
STH 47	Tuckaway Ln.	
STH 47	Valley Rd./CTH P	- Intersection approved

All approved

STH 96	Wayne St.	
STH 96	Charolette St.	
STH 96	Ullman St.	
STH 96	Owaissa St.	
STH 96	Kenilworth Av.	
STH 96	McDonald St.	
STH 96	Plateau St.	
STH 96	Leminwah St.	
STH 96	Jardin Ct.	
STH 96	Wisconsin Ct.	
STH 96	Rankin St.	
STH 96	Randall St.	
STH 96	Meade St.	
STH 96	Lawe St.	
STH 96	Union St.	
STH 96	Drew St.	
STH 96	Durkee St.	
STH 96	Morrison St.	
STH 96	Oneida St.	
STH 96	Appleton St.	
STH 96	Superior St.	
STH 96	Clark St.	
STH 96	Division St.	
STH 96	Harriman St.	
STH 96	Alvin St.	
STH 96	State St.	
STH 96	Erb St.	
STH 96	Richmond St.	
STH 96	Locust St.	
STH 96	Bennett St.	

All approved

STH 96
STH 96

Story St.
Summit St.
Mason St.
Gillett St.
Douglas St.
Linwood St.
Badger Av.
Leona St.

> All approved
- not approved

Connecting State Trunk Highways in Appleton with SL of 35 or Less
7/31/2008

On	From	To
STH 125	Lilas Dr	STH 47 - portions approved
STH 47	STH 441	1500' N of CTH JJ - portions approved
STH 10	STH 441	CTH AP - not approved
STH 96	Badger Av	Leona St - portions approved