

CITY OF MADISON, WISCONSIN

A 2ND SUBSTITUTE ORDINANCE _____

Creating Section 12.792 entitled "Neighborhood Electric Vehicles Allowed" to permit and regulate the operation of such vehicles on Madison streets and amending Section 1.08(3)(a) to establish a bail deposit amount for violations of the section.

PRESENTED August 1, 2006 _____

REFERRED Public Safety Review Board; Pedestrian/Bicycle/Motor Vehicle Commission; Municipal Judge (To review bail deposit amounts) _____

RULES SUSPENSION _____

PUBLIC HEARING _____

Drafted by: Steven Brist

Date: June 27, 2007

SPONSORS: Ald. King

DRAFTER'S ANALYSIS: This ordinance will permit the operation of neighborhood electric vehicles on Madison streets. The City was granted authority to permit the operation of neighborhood electric vehicles by 2005 Wisconsin Act 329. The Act defines "neighborhood electric vehicle" as a self-propelled motor vehicle that meets the definition and safety standards for low-speed vehicles under federal law and that has completed a specified test program of the federal Department of Energy. A neighborhood electric vehicle may only be operated on streets where the speed limit is 25 miles an hour or less (as recommended by the Public Safety Review Board in this 2nd Substitute) and must have its headlight and tail lamp on when operated. A person registering a neighborhood electric vehicle must have a valid operator's license. The term neighborhood electric vehicle does not include golf carts.

The Common Council of the City of Madison do hereby ordain as follows:

1. Section 12.792 entitled "Neighborhood Electric Vehicles Allowed" of the Madison General Ordinances is created to read as follows:

"12.792 NEIGHBORHOOD ELECTRIC VEHICLES ALLOWED.

- (1) Definition. "Neighborhood Electric Vehicle" means a vehicle subject to Sec. 349.26 (1), Wis. Stats.
(2) Motor Vehicle. A Neighborhood Electric Vehicle is a motor vehicle for the purposes of Madison General Ordinances. The operation of a Neighborhood Electric Vehicle shall comply in all respects with Chapter 12 of Madison General Ordinances, including those provisions adopted and incorporated by Section 12.011, Madison General Ordinances, except where those ordinances or provisions conflict with this Section 12.792.
(3) Operation. A neighborhood electric vehicle may be operated only on a roadway for which the speed limit is 25 (twenty-five) miles per hour or less, and that has been designated for use by a neighborhood electric vehicle by the Madison Police Department. A neighborhood electric vehicle may cross a roadway at an intersection where the roadway being crossed has a speed limit of more than 25 (twenty-five) miles per hour, at locations designated by the Madison Police Department.
(4) Driver's License Required. An individual must have a valid driver's license in order to operate a neighborhood electric vehicle on streets or highways in the City of Madison.
(5) Designated Street List.
(a) Department to Prepare Designated Street List. The Madison Police Department shall designate those streets having a speed limit of not more than 25 (twenty-five) miles per hour where neighborhood electric vehicles may be operated and locations where

Approved as to form:

neighborhood electric vehicles may cross a street or highway upon which a neighborhood electric vehicle may not be operated. The Madison Police Department shall prepare a list of those streets and crossings to be known as the "Designated Street List". This Designated Street List shall be distributed along with every application for a new or renewal license for a neighborhood electric vehicle issued by the City of Madison. The front of the designated street list shall contain the following statement, "NOTICE. Neighborhood Electric Vehicles shall not be operated on any street or highway that is not on this list. Neighborhood Electric Vehicles shall not cross any street or highway at a crossing not on this list. An operator of a Neighborhood Electric vehicle must carry a copy of this Designated Street List with them when operating on streets or highways within the City of Madison. Violations may subject you to traffic forfeitures as provided by law." Changes in the designation of streets or crossings for use by neighborhood electric vehicles shall not be effective unless included in this list by the Madison Police Department, and then not until after May 15 of each year. The Designated Street List shall contain a statement indicating that the list is valid until May 14 of the following year.

- (b) Operator Shall Carry Designated Street List. No person shall operate a Neighborhood Electric Vehicle in the City of Madison unless the operator is carrying a copy of the current Designated Street List prepared by the Madison Police Department pursuant to 12.792(5), MGO.
- (6) Registration and Licensing of Neighborhood Electric Vehicles. No person shall operate a neighborhood electric vehicle upon any public way within the City of Madison unless said neighborhood electric vehicle shall have been properly licensed by the City of Madison as herein provided.
- (7) License Application Form. Every owner or operator of any neighborhood electric vehicle within the City of Madison shall, prior to operating such vehicle in the City of Madison, file with the Director of Transportation or her/his designee a complete description including make, model, color, serial number and additional information as required and name and address of purchaser of such neighborhood electric vehicle, upon a form to be provided for that purpose. The registrar shall verify serial number and name and address. Such registration shall be serially numbered and kept on file by the Department of Transportation in its office as a public record. The registration shall be cross-referenced so that a neighborhood electric vehicle can be identified by all of the following methods:
 - (a) Neighborhood electric vehicle serial number.
 - (b) License number.
 - (c) Name of owner.
 - (d) License. Immediately upon the registration of a neighborhood electric vehicle, the registrar shall issue to the owner of such neighborhood electric vehicle a serially numbered license indicating the period of registration. Such license shall be affixed to the rear of the neighborhood electric vehicle so that it is plainly visible and shall be kept reasonably clean at all times. It shall thereafter remain affixed to such neighborhood electric vehicle until the expiration or the cancellation of the registration.

A fee of ten dollars (\$10.00) shall be charged for the registration of any neighborhood electric vehicle under this ordinance. No person shall willfully remove, deface or destroy any such license.
- (e) License Period. Neighborhood electric vehicles shall be licensed for one year, from May 15 until May 14 of the following year. An owner or operator who seeks to license a neighborhood electric vehicle after May 15 shall pay the entire license fee and shall not be entitled to pay a pro rata fee for the remaining portion of the license year.
- (f) Lost License and Ownership Transfer. In case of theft or loss of a license, a new license shall be obtained. Upon the sale or transfer of a registered neighborhood electric vehicle, the new owner shall report the sale or transfer to the Director of Transportation, or his or her designee, indicating her/his name and address as well as the name and address of the person from whom the neighborhood electric vehicle was acquired.
- (g) Notification of Change in Address. Whenever the owner of a registered neighborhood electric vehicle moves or changes address, s/he shall notify the Director of Transportation, or his or her designee, in writing of the new address within ten (10) days.
- (h) Neighborhood Electric Vehicle. To Be In Safe Mechanical Condition. The Director of Transportation or her/his designee shall refuse to register or shall suspend the registration of any neighborhood electric vehicle found to be in unsafe mechanical condition or not

equipped or registered as herein required until proof is given that the defect or defects are corrected.

- (i) Acknowledgement.. Any owner or operator applying for a neighborhood electric vehicle license or renewing a license shall acknowledge the following as part of the license application:
 "I acknowledge that neighborhood electric vehicles may only be operated by persons who have a valid Operator's license and that neighborhood electric vehicles may only be operated on those roadways designated by the Madison Police Department. I acknowledge receipt of the Designated Street List of streets or highways where neighborhood electric vehicles may be operated, and which also includes the locations where neighborhood electric vehicles may cross other streets or highways. I understand that the driver of a neighborhood electric vehicle must carry this Designated Street List with them at any time they are operating a neighborhood electric vehicle in the City of Madison. I understand that operation of neighborhood electric vehicle on an illegal roadway or crossing is subject to penalties as provided by law."
- (8) Agreements for Shared Jurisdiction Roadways. Pursuant to Sec. 349.26(2), Wis. Stats., the City of Madison shall enter into agreements with, or obtain the consent of, each governing body that shares jurisdiction over a roadway within the City of Madison, to permit neighborhood electric vehicles to use or cross the roadway.
- (9) Penalties Any person violating any provision of Section 12.792 may be required to forfeit not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00)."
- (10) Effective Date. This ordinance shall not be effective until 180 days after approval by the Common Council."

3. Subdivision (a) of Subsection (3) entitled "Schedule of Deposits" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended by adding therein the following:

<u>"Offense</u>	<u>Ord. No.</u>	<u>Deposit</u>
Operating a neighborhood electric vehicle on illegal roadway.	12.792(2)	\$100
Operating a neighborhood electric vehicle without a permit	12.79(3)	\$100
Operating a neighborhood electric vehicle without a valid operator's license.	12.792(4)	\$100, 1st; \$200, 2nd; \$300, 3rd and subsequent
Willfully removing, destroying or defacing neighborhood electric vehicle license.	12.792(7)(d)	\$100
Failure to provide notification of change of address.	12.792(7)(g)	\$30"

EDITOR'S NOTE: New or amended bail deposits must be approved by the Municipal Judge prior to adoption. These deposits are pending his review.