



Office of the City Attorney

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June 5, 2026

Memorandum

To: Ordinance and License Committee
From: Brian Running
Re: Electric scooters, bikes, etc., on sidewalks

This matter is before the Committee on referral by Council Member Doreen Wigderson.

Recently, the popularity and use of electric-powered scooters and bikes has exploded in the City, apparently due to their prices dropping dramatically. These devices are capable of high speeds, and are increasingly being used by children and teenagers on sidewalks in ways that are endangering pedestrians. This is currently happening, it's not a hypothetical. Council Members, the Police Department, and a number of City staffers are receiving an increasing number of complaints from citizens.

Many communities around the state are experiencing the same thing and are passing legislation to deal with it. Many of the ordinances being passed are lengthy, comprehensive attempts to regulate the use of scooters. Our research has led us to a different approach, at least initially.

Most of the infractions we see in the City are already illegal under both state and City laws – speeding, running lights and stop signs, splitting lanes, etc. There's no need to address those issues with additional local regulation. The biggest gap in our regulation is the use of the devices on sidewalks, which is also where the greatest concern for safety is. Therefore, we are simply proposing a ban on the use of powered vehicles in sidewalks in Waukesha.

A draft ordinance is attached. The definition of "powered vehicle" is intentionally broad, because we don't want to force our police officers to distinguish among the various classes of vehicles that are out there – with more coming all the time. If it's something that can carry a person and it's powered by something other than the rider, then it falls within the definition of powered vehicle. It doesn't distinguish between electric, gas, or other methods of power.

There has to be an exclusion for electric wheelchairs, mobility scooters, etc., that are used by persons with disabilities. There's also an exclusion for "Barbie cars," the small toy cars that very young children can ride in, provided they can only move slowly.

Note that there's no prohibition of the use of regular, pedal-powered bikes or foot-powered scooters and skateboards in this ordinance. We have not experienced a significant problem with them on sidewalks, and it's best to keep young children on bikes and trikes on sidewalks and not

in the street. It's the high-speed capability of the powered devices that makes them a different threat. There's also no prohibition on their use on streets, where they remain subject to all traffic laws. Note that the use of pedal-powered bikes on sidewalks is already prohibited in the downtown business district.

We expect there will be opposition to this proposal, for example from parents that have invested in powered devices for their kids, and those who will complain about "nanny-state" regulation. This may be a case where the few spoil it for the many. However, the public is increasingly demanding that some action be taken for the protection of pedestrians, and this is a first step in addressing those demands.

Please let me know if you have any questions or comments about this proposal, and of course, do not discuss this among yourselves outside of a regular meeting.

City of Waukesha, Wisconsin

Ordinance No. 2026 – _____

**An Ordinance Creating Section 11.076 of the Waukesha Municipal Code,
Regarding the Prohibition of Certain Powered Vehicles on City Sidewalks**

Whereas the popularity and use of electric scooters, electric bikes, and other powered vehicles has recently grown dramatically; and

Whereas these powered vehicles are capable of speeds far in excess of the capability of human-powered scooters and bicycles; and

Whereas the use of such powered vehicles presents a real and present danger to pedestrians and other users of City sidewalks; and

Whereas the primary function of sidewalks is for use by pedestrians, not by powered vehicles; and

Whereas Wisconsin Statutes §346.94 prohibits the use of vehicles on sidewalks, and §349.237 expressly authorizes cities to prohibit the use of electric scooters on sidewalks; and

Whereas the Common Council of the City of Waukesha deems it in the best interests of the safety of pedestrians on sidewalks to prohibit the use of powered vehicles, including powered scooters, on sidewalks; now therefore

The Common Council of the City of Waukesha do ordain as follows:

Section 1. Section 11.076 of the Waukesha Municipal Code is created to read in its entirety as follows:

11.076 Powered Vehicle Use on Sidewalks Prohibited.

- (1) **Definition.** As used in this section, the term “Powered Vehicle” means any device designed, intended, or capable of carrying a person as a passenger, propelled by any means other than the physical effort of a passenger. The term includes, without limitation, e-scooters, e-bikes, mopeds, motor bicycles, and mini-bikes, whether powered by a gas engine or electric motor and regardless of their top speeds. “Powered Vehicle” does not include mobility devices used by persons having a disability; or toy vehicles intended for use by small children and not capable of speeds in excess of 5 miles per hour.

(2) General Prohibition. The use or operation of Powered Vehicles on sidewalks within City rights-of-way is prohibited.

(3) Exceptions. The prohibition in subsection (2) does not apply to trails and paths that are expressly intended for use by bicycles, as shown by signage or markings on pavement.

Section 2. All ordinances, or portions of ordinances, inconsistent with this ordinance are hereby repealed.

Section 3. This Ordinance shall be effective the day after its publication.

Passed the _____ day of _____, 2026.

Alicia Halvensleben, Mayor

Attest: Katie Panella, City Clerk

Publication date: _____