

Memo

To: Village Board

Fr: Mark Roberts, Code and Safety Coordinator

Re: Neighborhood Electric Vehicle

Date: March 19, 2014

The state of Wisconsin must abide by Federal Regulations when adopting statutes. The Code of **Federal Regulations** concerning low speed vehicles is as follows:

§ 571.3 Definitions.

(a) *Statutory definitions.* All terms defined in section 102 of the Act are used in their statutory meaning.

(b) *Other definitions.* As used in this chapter—

Low-speed vehicle (LSV) means a motor vehicle,

(1) That is 4-wheeled,

Wisconsin Statute 349.26 - Authority to allow or prohibit the operation of low-speed vehicles - allows each municipality to adopt an ordinance allowing NEV's to operate on their streets. NEVs fall under the United States Department of Transportation classification for **low-speed vehicles**. NEV is a U.S. denomination of LSV.

Until the Federal Government updates their regulations, three wheeled electric vehicles are not permitted to operate on public streets.

Village Board is asked to amend the ordinance allowing for changes to the NEV ordinance.

ORDINANCE NO. 2014-07

**AN ORDINANCE REPEALING AND RECREATING SECTION 3.23,
NEIGHBORHOOD ELECTRIC VEHICLES OF CHAPTER 3, STREETS AND
SIDEWALKS OF THE VILLAGE OF ALLOUEZ MUNICIPAL CODE**

The Village Board of the Village of Allouez, Brown County, Wisconsin, does ordain as follows:

SECTION 1. Sections 3.23, Neighborhood Electric Vehicles shall be repealed and recreated to read:

3.23 NEIGHBORHOOD ELECTRIC VEHICLES

1. Neighborhood electric vehicle (NEV) means a self-propelled motor vehicle 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 vehicles under 49 CFR 571.3(b) and 571.500 and which is authorized under Wis. Stats § 349.26. as amended time to time.
 - (a) Shall be four-wheeled and have a speed range of at least 20 miles per hour and not more than 35 miles per hour on a paved surface. NEV does not include an electric golf cart.
 - (b) Neighborhood electric vehicles shall only be operated on public roads within the Village of Allouez by persons holding a valid operator's license issued by the Wisconsin Department of Transportation or similar agency of any other State of the United States of America.
 - (c) Every operator of a neighborhood electric vehicle shall maintain financial responsibility on such low speed vehicle if the low speed vehicle is to be operated upon the roadways of this village in the form and amounts required by Wisconsin law for motor vehicles.
 - (d) Every person operating a neighborhood electric vehicle shall be granted the rights and shall be subject to all duties, fines and penalties applicable to the driver of a motor vehicle except as to the special regulations in this section and except as to those provisions which by their nature can have no application.
 - (e) The operator of a neighborhood electric vehicle shall observe and be subject to all traffic laws and local ordinances regarding the rules of the road.

- (f) No person shall operate a neighborhood electric vehicle: (1) in any careless way as to endanger the person or property of another; or (2) while under the influence of alcohol or any controlled substance.
- (g) Neighborhood electric vehicles shall not be operated on sidewalks, bike paths, or pedestrian walkways.
- (h) Neighborhood electric vehicles shall not be parked on any sidewalk, bike path, or pedestrian walkway.
- (i) Neighborhood electric vehicles shall abide by all Village of Allouez parking ordinances.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect upon its adoption and publication.

Dated this 1st day of April, 2014.

Steven VandenAvond, Village President

ATTEST:

Debra M. Baenen, Village Clerk

Date of Publication: _____