



**TWO
RIVERS**
WISCONSIN

CITY COUNCIL WORK SESSION

Monday, September 26, 2022 at 6:00 PM

Council Chambers - City Hall, 3rd Floor
1717 E. Park Street, Two Rivers, WI 54241

AGENDA

NOTICE: Arrangements for Addressing the City Council by Telephone, During Public Hearings or Input from the Public can be made by Contacting the City Manager's Office at 920-793-5532 or City Clerk's Office at 920-793-5526 by 4:00 p.m. on the day of the meeting

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Councilmembers: Jeff Dahlke, Bill LeClair, Darla LeClair, Tracey Koach, Tim Petri, Jason Ring, Bonnie Shimulunas, Scott Stechmesser, Adam Wachowski

4. INVITED GUEST

- A. Diane Johnson, Two Rivers Public School Administrator--Community Survey and Upcoming November 8th Referendum

5. ACTION ITEMS

- A. Procurement Policy for Expenditure of Federal Funds--Required by Manitowoc County as a Condition for Sharing ARPA Funds for Lead Lateral Replacement
Recommended Action:
Motion to adopt the policy
- B. Review of City Ordinances and Issues Pertaining to Bicycles, E-bikes, Etc. on City Streets, Sidewalks and Trails

6. ADJOURNMENT

Motion to dispense with the reading of the minutes of this meeting and adjourn

Please note, upon reasonable notice, efforts will be made to accommodate the needs to disabled individuals through appropriate aids and services. For additional information or to request this service, please contact the Office of the City Manager by calling 793-5532.

It is possible that members of and possibly a quorum of governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no other action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.



Two Rivers School District Referendum

How We Got Here

- May 2021 hired Bray Architects and CG Schmidt to guide the district through a master planning process
 - A facilities study and assessment were conducted to evaluate the condition of all our schools' building systems, security, and classroom needs
- June – November 2021 Facility / Technology meetings held with the community to review and identify the needs of the district to be addressed
- February 2022 community survey
 - 888 responses
 - 53.5% of non-parent/non-staff stated “Definitely yes” or “Probably Yes” when asked if they would support a referendum



The Needs



L.B. Clarke Undersized Classrooms, Cafeteria, and Facilities



L.B. Clarke Outdated Tech Education “Shop” Classroom and Spaces



L.B. Clarke Congested & Inefficient Parking Lot



District-Wide Updates



L.B. Clarke Undersized Classrooms, Cafeteria, and Facilities

- Classrooms are undersized and crowded, and many do not have windows or natural light
- Hallways are over-crowded during passing periods with no personal space
- The undersized cafeteria can only hold one class at a time. The earliest lunch starts at 10:45 am, the last ends at 1:30 pm
- The gymnasium is too small to host athletic and extracurricular events



L.B. Clarke Outdated Tech Education “Shop” Classroom and Spaces

- The tech ed space is over 30 years old
- The shop area lacks adequate space and the current electrical system does not support modern equipment
- Unable to provide modern tech ed courses to students to build career development curriculum to prepare for youth apprenticeships and trade programs
- The current offering of courses in construction, woodworking, small engine, engineering, etc., is limited due to space



L.B. Clarke Congested & Inefficient Parking Lot

- The current configuration is inefficient and does not prioritize pedestrian traffic
- The parking lot is unable to accommodate parking needed for athletics and events
- Pick-up and drop-off traffic causes disruption to neighborhood streets and residents



Drone view of traffic,
backside of L.B. Clarke
Middle School

<https://www.youtube.com/watch?v=EHRaGbkm0Hc>



District Wide Safety, Security, and Accessibility

Section 4, Item A.

- Safety, security, and accessibility
- Technology infrastructure
- Building Systems: plumbing, heating + ventilation, electrical, etc.
- Playground equipment





The Solution

District-Wide

- **Improve Building Security**
 - Update the main entrances at Two Rivers High School, L. B. Clarke Middle School, Koenig Elementary, and Magee Elementary with controlled, monitored check-in
- **Update Building Systems and Technology Access**
 - Update/replace major building system components (e.g., heating, cooling and ventilation, electrical, plumbing, fire alarm) and replace roof sections, doors, and windows, as needed
 - Replace parking lots and sidewalks that are heaving
 - Install/replace equipment to enhance the technology infrastructure
- **Renovate Elementary and Middle School Playgrounds**
 - Update playgrounds at the elementary and middle schools, including specialized equipment to accommodate students of all abilities

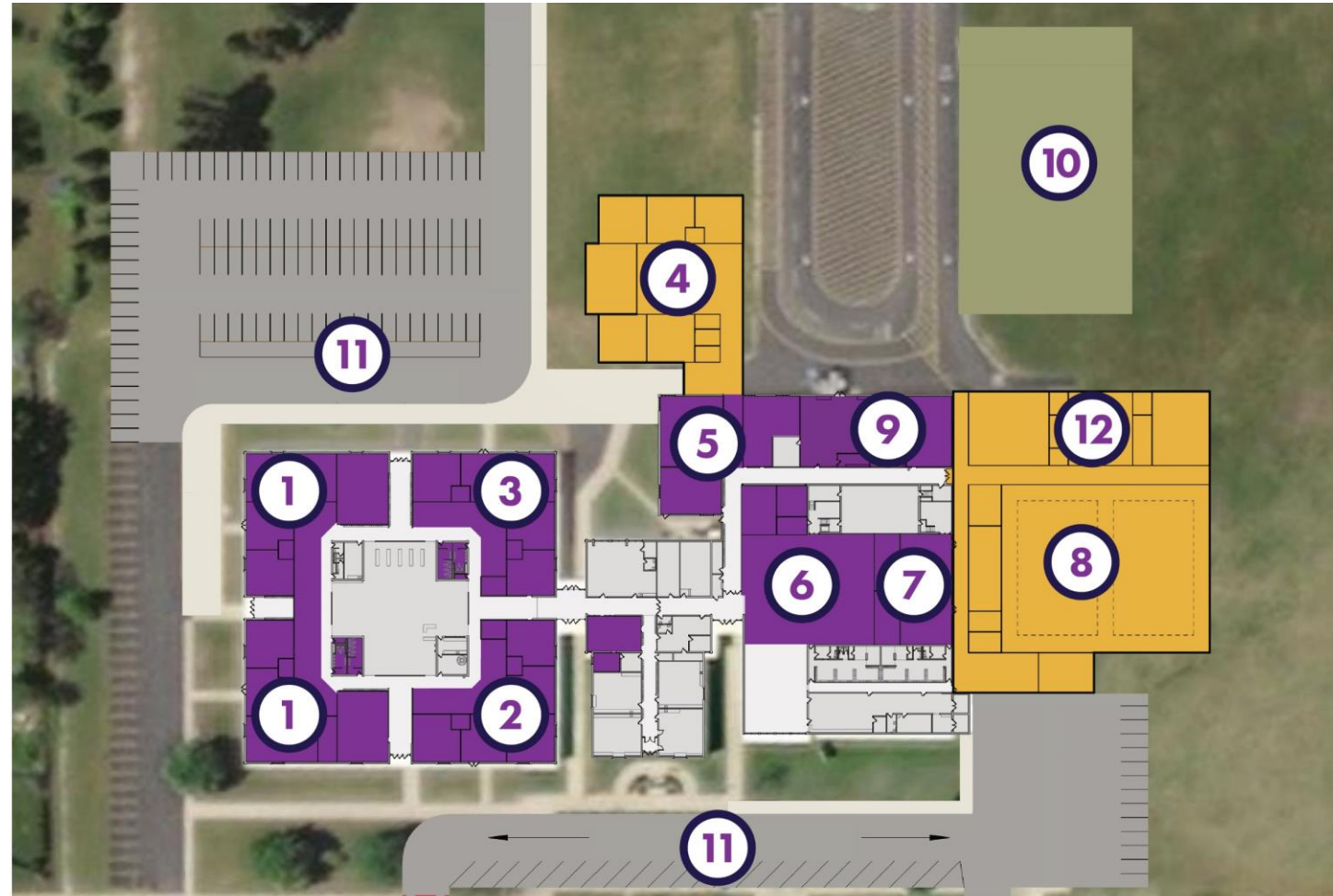


L.B. Clarke Middle School

Section 4, Item A.



- | | |
|------------------------------------|----------------------------|
| 1 8 th Grade Classrooms | 7 Multi-Purpose |
| 2 7 th Grade Classrooms | 8 2-Station Gymnasium |
| 3 6 th Grade Classrooms | 9 Music Department |
| 4 5 th Grade Classrooms | 10 Playground |
| 5 Main Office | 11 Parent Pick-up/Drop-off |
| 6 Cafeteria Expansion | 12 Tech Ed. and Art |



Addition



Renovation



Two Rivers Public School District Referendum

VOTE ★ NOVEMBER 8



The Cost

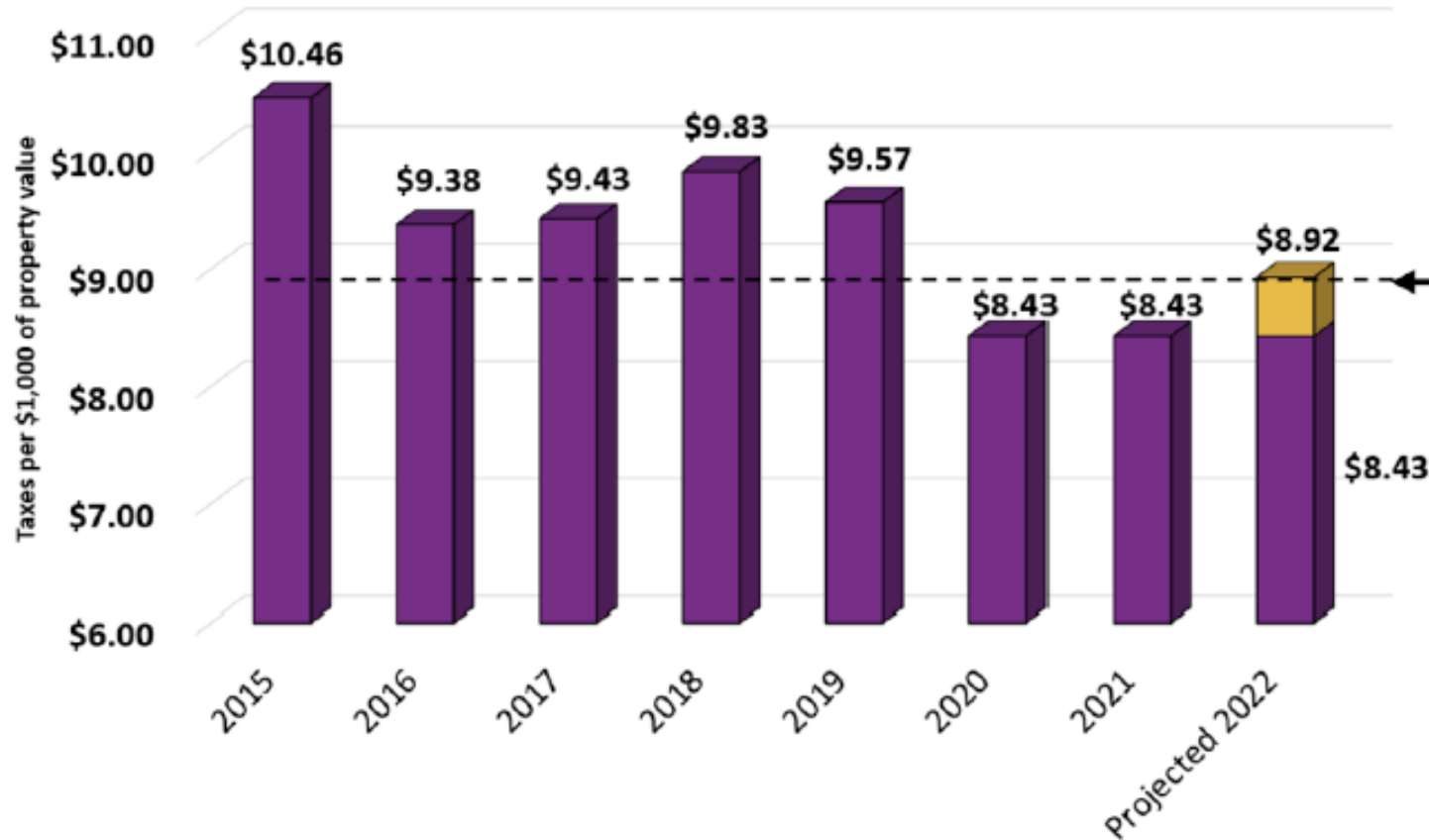
Financial Accountability

- Successful referenda over the past 24 years
 - 1998: \$6 million remodeled Middle School & Elementary Schools
 - 2000: \$19.8 million new High School, *paid off in March of 2020*
 - 2016: \$3.7 million upgrades and remodeling throughout the district, *will be paid off in March of 2023*
- Over the past 7 years the District's tax mill rate has declined \$2.03 from \$10.46 to \$8.43 per \$1,000 of equalized market property value



Tax Impact

Two Rivers Public School District
Recent & Projected Tax Mill Rate Impact



A \$38.7 million referendum would increase the property tax mill rate \$0.49 over the current level or \$49 for each \$100,000 of property value.



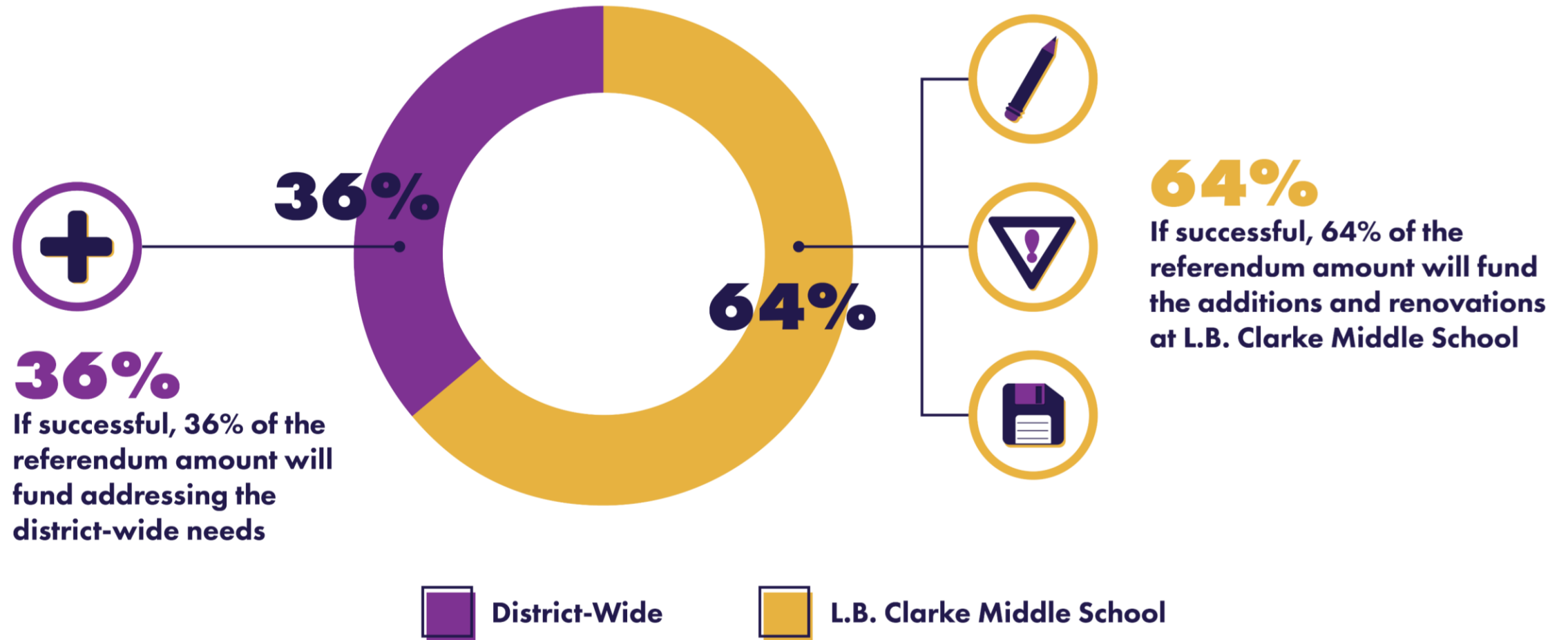
The Cost

Assumptions | Utilizes a multi-phased borrowing approach amortized over 21 years using planning interest rates of 4.75%. Mill rate based on 2021 Equalized Valuation (TID-OUT) of \$666,411,200 with annual growth of 2.00% for 3 years and 1.00% thereafter. Tertiary Aid Impact: 49.52% (2022-23 July Aid Estimates). *Impact represents the increase in levy for referendum debt service over the 2021-22 levy for debt service of \$2.58.

Referendum Amount		Not to Exceed \$38,700,000	
Mill Rate Per \$1,000	\$0.49		
Equalized Property Value	Estimated Annual	Estimated Monthly	
\$100,000	\$49.00	\$4.08	
\$150,000	\$73.50	\$6.13	
\$200,000	\$94.00	\$7.83	
\$250,000	\$122.50	\$10.21	
\$300,000	\$147.00	\$12.25	



The Investment





The Question

The Question

Shall the Two Rivers Public School District, Manitowoc County, Wisconsin be authorized to issue pursuant to Chapter 67 of the Wisconsin Statutes, general obligation bonds in an amount not to exceed \$38,700,000 for the public purpose of paying the cost of a school facility improvement project consisting of: construction of additions, including classrooms and a gymnasium, and renovations at L.B. Clarke Middle School: district-wide safety, security and site improvements and building systems and technology upgrades; playground updates at the elementary and middle schools; and acquisition of furnishings, fixtures and equipment?

☐

Yes

☐

No



The Referendum Does Not Include

- This project does not include the additional ideas that were in the community survey but did not receive community support at this time, including:
 - Auditorium
 - Four-year-old kindergarten (4k)
 - Elementary lunchrooms
 - Synthetic turf on the football field
 - Update baseball field
 - Add softball field





[Learn More](#)

Community Info Sessions

Section 4, Item A.

- **Wednesday, September 7**
 - 8:00 PM | American Legion, 3rd Floor City Hall
- **Tuesday, September 13**
 - 7:00 AM | Rotary Club, Fire Department Meeting Room
- **Tuesday, September 13**
 - 6:00 PM | Lester Library Community Room
- **Wednesday, September 21**
 - 6:00 PM | Auxiliary Group, Manitowoc Airport EAA Building #22
- **Tuesday, September 27**
 - 6:00 PM | City of Two Rivers Council Session, City Hall
- **Wednesday, September 28**
 - 8:00 PM | VFW Post 1248, Westshore Sportsman's Club
- **Monday, October 3**
 - 8:30 AM | Senior Center
- **Thursday, October 6**
 - 7:30 AM | TRBA, Community House basement
- **Thursday, October 13**
 - 6:00-7:00 PM | L.B. Clarke Middle School IMC
- **Friday, October 14**
 - 9:00-10:00 AM | Magee Elementary School Library
- **Friday, October 14**
 - 11:00 AM-12:00 PM | Koenig Elementary School Library
- **Friday, October 14**
 - 2:00-3:00 PM | Two Rivers High School Library
- **Tuesday, October 18**
 - 6:00 PM | Optimist, TRHS Curriculum Room
- **Thursday, October 20**
 - 12:00 PM | Kiwanis Club, Kurtz's Pub basement





Contact Us

Diane Johnson | District Administrator

- 920.793.4560
- diane.johnson@tworivers.school

Facebook: @TRSchoolsWI



www.trschools.k12.wi.us/district/facilities-planning.cfm



Contact

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L.B. Clarke Middle School, IMC

Friday, October 14 • 9:00 - 10:00 am
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Friday, October 14 • 2:00 - 3:00 pm
Two Rivers High School Library

November 8th Referendum

Two Rivers Public School District

How We Got Here?

May 2021, the district hired Bray Architects and CG Schmidt to guide the district through a master planning process

A facilities study and assessment were conducted to evaluate the condition of all our schools' building systems, security, and classroom needs.

June - November 2021 Facility / Technology meetings held with the community to review and identify the needs of the district to be addressed

- February 2022 community survey sent
- 888 responses
- 53.5% of non-parent/non-staff stated "Definitely Yes" or "Probably Yes" when asked if they would support a referendum

Spring 2022 Community Engagement Sessions

The district held 14 community engagement sessions to present and discuss the project options to support future academic programs, address maintenance needs, and create safer learning environments in our schools.



DID YOU KNOW?

L.B. Clarke Middle School building is **half the size** of the Two Rivers High School building while educating approximately the same number of students?

This referendum **does not** include the additional ideas that were in the community survey but did not receive community support at this time, including:

- Auditorium
- Four-year-old kindergarten (4k)
- Elementary lunchrooms
- Synthetic turf on the football field
- Update baseball field
- Add softball field

SCAN HERE!

Learn more about the upcoming referendum



The Needs



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District Wide

- Safety, security, and accessibility
- Technology infrastructure
- Building Systems: plumbing, heating + ventilation, electrical, etc.
- Playground equipment

The Cost

- Over the past 7 years, the tax mill rate has declined \$2.03 from \$10.46 to \$8.43 per \$1,000 of fair market property value
- In March 2020, we made our final loan payment on the high school building project, and the 2016 referendum will be paid off in March 2023

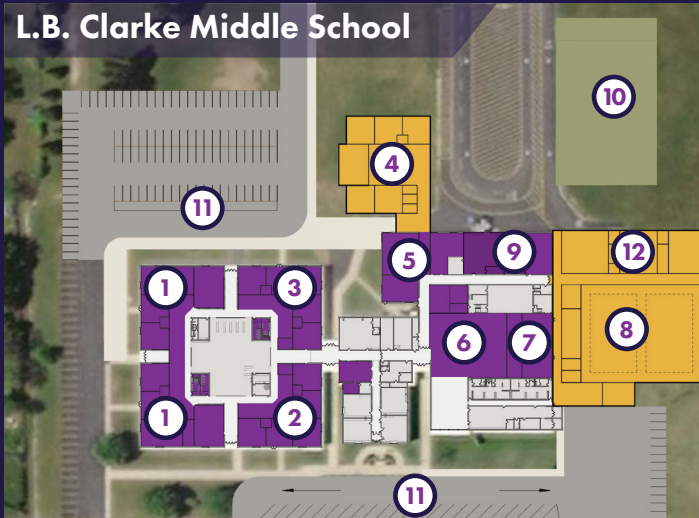
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The Solution

L.B. Clarke Middle School



1 8th Grade Classrooms

2 7th Grade Classrooms

3 6th Grade Classrooms

4 5th Grade Classrooms

5 Main Office

6 Cafeteria Expansion

7 Multi-Purpose

8 2-Station Gymnasium

9 Music Department

10 Playground

11 Parent Pick-up/Drop-off

12 Tech Ed. and Art



Addition



Renovation

Official Ballot
Partisan Office and Referendum
November 8, 2022

Section 4, ItemA.

A	Manitowoc County	B	State of Wisconsin	C	November 8, 2022
<p>Notice to voters: If you are voting on Election Day, your ballot must be initialed by two (2) election inspectors. If you are voting absentee, your ballot must be initialed by the municipal clerk or deputy clerk. Your ballot may not be counted without initials (see end of ballot for initials).</p>					
General Instructions		Statewide (cont.)		County	
<p>If you make a mistake on your ballot or have a question, ask an election inspector for help (absentee voters: contact your municipal clerk).</p> <p>To vote for a name on the ballot, fill in the oval next to the name like this: <input type="radio"/></p> <p>To vote for a name that is not on the ballot, write the name on the line marked "write-in" and fill in the oval next to the name like this: <input type="radio"/></p>		Secretary of State Vote for 1		Sheriff Vote for 1	
		<input type="radio"/> Doug La Follette (Democratic)		<input type="radio"/> Dan Hartwig (Republican)	
		<input type="radio"/> Amy Lynn Loudenbeck (Republican)		<input type="radio"/> write-in:	
		<input type="radio"/> Neil Harmon (Libertarian)		Coroner Vote for 1	
		<input type="radio"/> Sharyl R. McFarland (Wisconsin Green Party)		<input type="radio"/> Curt Green (Democratic)	
		<input type="radio"/> write-in:		<input type="radio"/> write-in:	
		State Treasurer Vote for 1		Clerk of Circuit Court Vote for 1	
		<input type="radio"/> Aaron Richardson (Democratic)		<input type="radio"/> Lynn Zigmunt (Democratic)	
		<input type="radio"/> John S. Leiber (Republican)		<input type="radio"/> April R. Higgins (Republican)	
		<input type="radio"/> Andrew Zuelke (Constitution)		<input type="radio"/> write-in:	
<input type="radio"/> write-in:		Referendum			
Statewide		Congressional		To vote in favor of a question, fill in the oval next to "Yes," like this: <input type="radio"/>	
<p>When voting for Governor and Lieutenant Governor, you have one of two choices:</p> <ul style="list-style-type: none">• Vote for candidates on one ticket, or• Write in names of persons on both write-in lines <p>A write-in vote for only a Lieutenant Governor candidate will not be counted.</p>		United States Senator Vote for 1		To vote against a question, fill in the oval next to "No," like this: <input type="radio"/>	
		<input type="radio"/> Mandela Barnes (Democratic)			
		<input type="radio"/> Ron Johnson (Republican)			
		<input type="radio"/> write-in:			
Governor / Lieutenant Governor Vote for 1		School District			
<input type="radio"/> Tony Evers / Sara Rodriguez (Democratic)		Representative in Congress District 6 Vote for 1		Question 1 Shall the Two Rivers Public School District, Manitowoc County, Wisconsin be authorized to issue pursuant to Chapter 67 of the Wisconsin Statutes, general obligation bonds in an amount not to exceed \$38,700,000 for the public purpose of paying the cost of a school facility improvement project consisting of: construction of additions, including classrooms and a gymnasium, and renovations at L.B. Clarke Middle School; district-wide safety, security and site improvements and building systems and technology upgrades; playground updates at the elementary and middle schools; and acquisition of furnishings, fixtures and equipment?	
<input type="radio"/> Tim Michels / Roger Roth (Republican)		<input type="radio"/> Glenn Grothman (Republican)			
<input type="radio"/> write-in:		<input type="radio"/> write-in:			
<input type="radio"/> Joan Ellis Beglinger / No Candidate (Independent)		Legislative			
<input type="radio"/> write-in (Governor)		State Senator District 1 Vote for 1			
<input type="radio"/> write-in (Lieutenant Governor)		<input type="radio"/> Andrea Gage-Michaels (Democratic)		<input type="radio"/> Yes	
		<input type="radio"/> André Jacque (Republican)		<input type="radio"/> No	
		<input type="radio"/> write-in:			
Attorney General Vote for 1		Representative to the Assembly District 2 Vote for 1			
<input type="radio"/> Josh Kaul (Democratic)		<input type="radio"/> Renee Gasch (Democratic)			
<input type="radio"/> Eric Toney (Republican)		<input type="radio"/> Shae Sortwell (Republican)			
<input type="radio"/> write-in:		<input type="radio"/> write-in:			
Continue voting at top of next column.		Continue voting at top of next column.			

PROCUREMENT POLICY FOR EXPENDITURE OF FEDERAL FUNDS CITY OF TWO RIVERS, WISCONSIN

PURPOSE

The purpose of this Policy is to establish guidelines that meet or exceed the procurement requirements for purchases of goods, services, and construction or repair projects when federal funds are being used in whole or in part to pay for the cost of the contract.

GENERAL PROCUREMENT STANDARDS

[§ 200.318]

A. Responsibility and Oversight *[§ 200.318(b)]*. The City of Two Rivers staff is responsible for developing all contracts in accordance with the policy, applicable state statutes, and in conformance with applicable Federal Law and Uniform Guidance Standards, to ensure a full awareness and understanding by affected employees. The department head in charge of any approved contract will oversee that contractors perform in accordance with the terms, conditions, and specifications of their contracts and purchase orders.

B. Conflicts of Interest *[§ 200.318(c)(1)]*. No employee, officer, or agent of the City of Two Rivers shall participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the City of Two Rivers shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, unless the financial interest is not substantial or the gift is an unsolicited item of nominal value. Disciplinary actions shall be applied for violations of such standards by officers, employees, or agents of the City of Two Rivers.

C. Procurement Under Federal Awards *[§ 200.318(d) through (k)]*. Procurement of goods and services whose costs are charged to federal awards received by the City of Two Rivers shall be subject to the following policies:

1. The City of Two Rivers shall avoid acquisition of unnecessary or duplicative items. When feasible, consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. *[§ 200.318(d)]*.

2. Where appropriate, the City of Two Rivers will make an analysis of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach. *[§ 200.318(d)]*.

3. The City of Two Rivers may consider entering into state and local intergovernmental agreements where appropriate for procurement or use of common or shared goods and services. *[§ 200.318(e)]*.

4. The City of Two Rivers may use federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs. [§ 200.318(f)].

5. The City of Two Rivers may use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reduction. [§ 200.318(g)].

6. The City of Two Rivers shall award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. [§ 200.318(h)].

7. The City of Two Rivers shall maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. [§ 200.318(i)].

8. The City of Two Rivers may use time and material type of contracts only after the department director determines that no other contract is suitable. Time and material contracts shall have a “not to exceed price” where the contractor exceeds at its own risk. Further, the department director shall assert a high degree of oversight to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls. [§ 200.318(j)(1) and (2)].

9. The City of Two Rivers shall be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. [§ 200.318(k)].

COMPETITION

[§ 200.319]

A. Full and Open Competition [§ 200.319(a) and (b)]. The City of Two Rivers shall conduct all procurement transactions in a manner providing full and open competition and which is consistent with the standards of 2 C.F.R. § 200.319 and 320. Situations considered to be restrictive of competition include, but are not limited to:

1. Placing unreasonable requirements on firms in order for them to qualify to do business;
2. Requiring unnecessary experience and excessive bonding;
3. Noncompetitive pricing practices between firms or between affiliated companies;
4. Noncompetitive contracts to consultants that are on retainer contracts;
5. Organizational conflicts of interest;

6. Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurements; and

7. Any arbitrary action in the procurement process.

B. Contractor’s Conflict of Interest [§ 200.319(b)]. Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals shall be excluded from competing for such procurements.

C. Geographic Preference [§ 200.319(c)]. When federal funds are involved, the City of Two Rivers prohibits the use of statutorily or administratively imposed state or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. Notwithstanding the foregoing, when contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

D. Procurement Standards [§ 200.319(d)]. As applicable, all solicitation for projects using federal funds shall:

1. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features that unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand that must be met by offers must be clearly stated; and

2. Identify all requirements that offerors must fulfill and all other factors to be used in evaluating bids or proposals.

E. Prequalification Lists [§ 200.319(e)]. All prequalified lists of persons, firms, or products used in acquiring goods and services shall be current and include enough qualified sources to ensure maximum open and free competition. The City of Two Rivers shall not preclude potential bidders from qualifying during the solicitation period.

F. Noncompetitive Procurements [§ 200.319(f)]. The City of Two Rivers shall only award noncompetitive procurements in accordance with 2 C.F.R. § 200.320 and the “Methods of Procurement” section of this policy.

METHODS OF PROCUREMENT

[§ 200.320]

The City of Two Rivers shall use one of the following methods of procurement for the acquisition of property or services required under a federal award or sub-award.

A. Informal Procurement Methods [§ 200.320(a)].

1. Micro-purchases [§ 200.320(a)(1)]. Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed \$10,000 or \$2,000 in the case of acquisitions for construction subject to the Davis-Bacon Act. Procurement by micro-purchase shall meet the following guidelines:

i. Distribution [§ 200.320(a)(1)(i)]. To the extent practicable, The City of Two Rivers will distribute micro-purchases equitably among qualified suppliers.

ii. Micro-purchase Awards [§ 200.320(a)(1)(ii)]. Micro-purchases may be awarded without soliciting competitive quotations if the City of Two Rivers considers the price to be reasonable based on research, experience, purchase history, or other applicable information.

2. Small Purchases [§ 200.320(a)(2)]. Procurement by small purchase is the acquisition of supplies or services where the aggregate dollar amount is more than the micro-purchase threshold (*i.e.* \$10,000) but does not exceed \$250,000 or \$750,000 in the case of acquisitions used to facilitate defense against or recovery from cyber-attack. Procurement by small purchase shall meet the following guideline:

i. When using the small purchase method of procurement, the City of Two Rivers shall obtain price or rate quotations from an adequate number of qualified sources. [§ 200.320(a)(2)(i)].

B. Formal Procurement Methods [§ 200.320(b)]. When the value of the procurement for property or services under a federal financial assistance award exceeds the small purchase threshold, the City of Two Rivers shall use one of the formal procurement methods below.

1. Sealed Bids [§ 200.320(b)(1)]. The sealed bid procurement method is one in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the lowest responsible bidder whose bid conforms with all the material terms and conditions of the invitation for bids. Generally, the sealed bid method is the preferred method for procuring construction.

i. For sealed bidding to be feasible, the following conditions should be present [§ 200.320(b)(1)(i)]:

(a) A complete, adequate, and realistic specification or purchase description;

(b) Two or more responsible bidders that are willing and able to compete effectively for the business; and

(c) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

ii. If sealed bids are used, the following requirements shall apply [§ 200.320(b)(1)(ii)]:

(a) Bids shall be solicited from an adequate number of qualified sources, providing sufficient response time before the date set for opening the bids;

(b) The invitation for bids shall be publicly advertised;

(c) The invitation for bids, which shall include any specifications and pertinent attachments, shall define the items or services for the bidder to properly respond;

(d) All bids shall be publicly opened at the time and place prescribed in the invitation for bids;

(e) A firm fixed price contract award shall be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts shall only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(f) Any or all bids may be rejected if there is a sound documented reason.

2. Proposals [§ 200.320(b)(2)]. The proposal procurement method is one in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. If sealed bids are used, the following requirements shall apply:

(i) Requests for proposals shall be publicized and identify all evaluation factors and their relative importance [§ 200.320(b)(2)(i)];

(ii) Proposals shall be solicited from an adequate number of qualified sources [§ 200.320(b)(2)(ii)];

(iii) Any response to publicized requests for proposals shall be considered to the maximum extent practical [§ 200.320(b)(2)(i)];

(iv) The department responsible for issuing the request for proposal shall have a written method for conducting technical evaluations of the proposals received and for selecting recipients [§ 200.320(b)(2)(ii)];

(v) Contracts shall be awarded to the responsible firm whose proposal is most advantageous to the City of Two Rivers, with price and other factors considered [§ 200.320(b)(2)(iii)]; and

(vi) The City of Two Rivers may use the competitive proposal procedure for qualifications-based procurement of architectural/engineering (“A/E”) professional services, whereby competitors’ qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. This method, where price is not used as a selection factor, can only be used in the procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms that are a potential source to perform the proposed project [§ 200.320(b)(2)(iv)].

C. Noncompetitive Procurement. [§ 200.320(c)]. Noncompetitive procurement shall be used only if one or more of the following circumstances apply:

1. The item is available only from a single source;
2. Public exigency or emergency will not permit a delay resulting from competitive solicitation;
3. The federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the City of Two Rivers; or
4. After solicitation of a number of sources, competition is determined inadequate.

**CONTRACTING WITH SMALL AND MINORITY BUSINESSES, WOMEN’S BUSINESS ENTERPRISES,
AND LABOR SURPLUS AREA FIRMS**
[§ 200.321]

The City of Two Rivers shall take all necessary affirmative steps to assure that minority businesses, women’s business enterprises, and labor surplus area firms are used when possible. Affirmative steps shall include the following:

1. Placing qualified small and minority businesses and women’s business enterprises on solicitation lists;
2. Assuring that small and minority businesses, and women’s business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women’s business enterprises;
4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women’s business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs 1. through 5. of this section.

DOMESTIC PREFERENCE

[§ 200.322]

To the extent consistent with law, the City of Two Rivers shall, to the greatest extent practicable under a federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section shall be included in all contracts and purchase orders for work or products under a federal award.

RECOVERED MATERIALS

[§ 200.323]

The City of Two Rivers and its contractors shall comply with Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines. The decision not to procure such items shall be based on a determination that such procurement items: (a) are not reasonably available within a reasonable period of time; (b) fail to meet the performance standards set for the applicable specifications or fail to meet the reasonable performance standards of the procuring agencies; or (c) are only available at an unreasonable price.

CONTRACT COST AND PRICE

[§ 200.324]

A. Cost Analysis *[§§ 200.324(a) and (c)]*. The City of Two Rivers shall perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold as defined in 2 C.F.R. § 200.1 and 48 C.F.R. Part 2, subpart 2.1 (“Simplified Acquisition Threshold”) including contract modifications. The method and degree of analysis shall be dependent on the facts surrounding the particular procurement situation, but as a starting point, the City of Two Rivers shall make independent estimates before receiving bids or proposals. Costs or prices based on estimated costs for contracts under the federal award shall be allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the City of Two Rivers under 2 C.F.R. Part 200, subpart E (“Cost Principles”). The City of Two Rivers may reference its own cost principles that comply with the federal cost principles.

B. Profit *[§ 200.324(b)]*. The City of Two Rivers shall negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where a cost analysis is performed. To establish a fair and reasonable profit, consideration shall be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor’s investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

C. Procurement by Cost Plus Percentage [§ 200.324(d)]. The City of Two Rivers shall not use either the “cost plus a percentage of cost” or the “percentage of construction cost” method of contracting.

AGENCY REVIEW
[§ 200.325]

A. Technical Specifications [§ 200.325(a)]. The City of Two Rivers shall make available, upon request of the federal awarding agency or pass-through entity, technical specifications on proposed procurements where the federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition.

B. Pre-procurement Review [§ 200.325(b)]. The City of Two Rivers shall make available upon request for pre-procurement review by the federal awarding agency or pass-through entity procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

1. The City of Two Rivers’s procurement procedures or operation fails to comply with the procurement standards in this part;
2. The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;
3. The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a “brand name” product;
4. The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
5. A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.

BONDING
[§ 200.326]

For construction or facility improvement contracts that exceed the Simplified Acquisition Threshold, the City of Two Rivers shall require, at a minimum, the following:

1. A bid guarantee from each bidder equivalent to five percent of the bid price. The bid guarantee shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified [§ 200.326(a)];
2. A performance bond from the contractor for 100 percent of the contract price. The “performance bond” shall be executed in connection with the contract to secure fulfillment of all the contractor’s requirements under such contract [§ 200.326(b)]; and

3. A payment bond from the contractor for 100 percent of the contract price. The payment bond shall be executed in connection with the contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract [§ 200.326(c)].

CONTRACT PROVISIONS

[§ 200.327]

As applicable, contracts made by the City of Two Rivers, along with all related subcontracts, shall contain the following provisions:

A. Remedies [§ 200 Appendix II (A)]. All contracts in excess of the Simplified Acquisition Threshold shall contain contractual provisions or conditions that allow for administrative, contractual, or legal remedies in instances in which a contractor violates or breaches the contract terms, and provide for such sanctions and penalties as appropriate.

B. Termination [§ 200 Appendix II (B)]. All contracts in excess of \$10,000 shall contain suitable provisions for termination for cause and for convenience, including the manner by which termination shall be effected and the basis for settlement.

C. Equal Employment Opportunity [§ 200 Appendix II (C)]. All contracts that meet the definition of “federally assisted construction contract” in 41 C.F.R. Part 60-1.3 shall include the equal opportunity clause provided under 41 C.F.R. § 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 C.F.R. Part, 1964-1965 Comp., p. 339) as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and as implemented by regulations at 41 C.F.R. Part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”

D. Davis-Bacon Act, as Amended (40 U.S.C. §§ 3141-3148) [§ 200 Appendix II (D)]. When required by federal program legislation, all prime construction contracts in excess of \$2,000 awarded by the City of Two Rivers shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. §§ 3141–3144, and 3146–3148) as supplemented by Department of Labor regulations (29 C.F.R. Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. Additionally, contractors shall be required to pay wages not less than once a week. The City of Two Rivers shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract shall be conditioned upon the acceptance of the wage determination. The City of Two Rivers shall report all suspected or reported violations to the federal awarding agency. The contracts shall also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. § 3145), as supplemented by Department of Labor regulations (29 C.F.R. Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The City of Two Rivers shall report all suspected or reported violations of the Copeland “Anti-Kickback” Act to the federal awarding agency.

E. Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 3701-3708) [§ 200 Appendix II (E)]. Where applicable, all contracts awarded by the City of Two Rivers in excess of \$100,000 that involve the employment of mechanics or laborers shall include a provision for compliance with 40 U.S.C. §§ 3702 and 3704, as supplemented by Department of Labor regulations (29 C.F.R Part 5). The requirements of 40 U.S.C. § 3704 shall be applicable to construction work and shall provide that no laborer or mechanic is required to work in surroundings or under working conditions that are unsanitary, hazardous, or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

F. Rights to Inventions Made Under a Contract or Agreement [§ 200 Appendix II (F)]. If the federal award meets the definition of “funding agreement” under 37 C.F.R. § 401.2(a) and the City of Two Rivers wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment, or performance of experimental, developmental, or research work under that “funding agreement,” shall comply with the requirements of 37 C.F.R. Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

G. Clean Air Act (42 U.S.C. §§ 7401-7671q) and the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 -1387), as Amended [§ 200 Appendix II (G)]. Contracts in excess of \$150,000 shall contain a provision that requires the contractor to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act (42 U.S.C. § 7401–7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. § 1251–1387). Violations shall be reported to the federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

H. Debarment and Suspension (Executive Orders 12549 and 12689) [§ 200 Appendix II (H)]. The City of Two Rivers shall not make a contract award to any party listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 C.F.R. § 180 that implement Executive Orders 12549 (3 C.F.R. Part 1986 Comp., p. 189) and 12689 (3 C.F.R. Part 1989 Comp., p. 235), “Debarment and Suspension.”

I. Byrd Anti-Lobbying Amendment (31 U.S.C. § 1352) [§ 200 Appendix II (I)]. Contractors that apply or bid for an award exceeding \$100,000 shall file the required Byrd Anti-Lobbying certification. Each tier shall certify to the tier above that it will not and has not used federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any federal contract, grant or any other award covered by 31 U.S.C. § 1352. Each tier shall also disclose any lobbying with non-federal funds that takes place in connection with obtaining any federal award.

I. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment [§ 200 Appendix II (K)]. The City of Two Rivers shall not procure or enter into a contract to procure equipment, services, or systems that use telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities) as a substantial or essential component of any system, or as critical technology as part

of any system. Further, the City of Two Rivers shall not procure or enter into a contract to procure video surveillance or telecommunications equipment and services produced or provided by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities). Additionally, the City of Two Rivers shall not procure or enter into a contract to procure video surveillance equipment or telecommunications or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

Adopted by The City of Two Rivers Board: _____

Sec. 8-3-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bicycle. Every device propelled by the feet or hands acting upon pedals or cranks and having wheels, any two of which are not less than 14 inches in diameter. A bicycle for purposes of this chapter may have any number of wheels two or more.

Bicycle lane. That portion of a roadway set aside by the governing body of any city, town, village, or county for the exclusive use of bicycles, electric scooters, electric personal assistive mobility devices, or other modes of travel where permitted, absent gasoline power, and so designated by appropriate signs and pavement markings.

Bicycle patrol officer. A police officer patrolling by use of bicycle, electric scooter, electric personal assistive mobility device.

Bicycle way or public recreation trail. Any path or sidewalk or portion thereof where permitted, off roadway, or property owned or leased by the city where permitted, and designated for use by pedestrians, bicycles, electric scooters, and electric personal assistive mobility devices, or any other human or electric powered recreation, absent gasoline power, by the governing body of any city, town, village, or county.

Bike route. Any bicycle lane, bicycle way or highway which has been duly designated by the responsible governing body and identified by appropriate signs and markings.

Carrier. Any device attached to a bicycle, electric scooter, electric personal assistive mobility device designed for carrying articles.

E-bike or electric bicycle. Any bicycle that is equipped with fully operative pedals for propulsion by human power and an electric motor of 750 watts or less and that meets the requirements of any of the following classifications:

- A. Class 1 electric bicycle is an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 20 miles per hour.
- B. Class 2 electric bicycle is an electric bicycle that may be powered solely by the motor and is not capable of providing assistance when the bicycle reaches the speed of 20 miles per hour.
- C. Class 3 electric bicycle is an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches the speed of 28 miles per hour.

Electric personal assistive mobility device. A self-balancing, two-nontandem-wheeled device that is designed to transport only one person and that has an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less. "Segway" is an example of an electric personal assistive mobility device for purposes of this chapter.

Electric scooter. A device weighing less than 100 pounds that has handlebars and an electric motor, is powered solely by the electric motor and human power, and has a maximum speed of not more than 20 miles per hour on a paved level surface when powered solely by the electric motor. "Electric scooter" does not include an electric personal assistive mobility device, motorcycle, motor bicycle, electric bicycle, or moped.

Identification tag. A metal plate or sticker indicating that a bicycle is registered.

Operator. Every person who drives or is in actual physical control of a device or vehicle as covered in this chapter.

Owner. A person, other than a lienholder, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

Pedestrian. Any person afoot or any person in a wheelchair, either manually or mechanically propelled, or other low- powered, mechanically propelled vehicle designed specifically for use by a physically disabled person.

Rental agency. A city authorized business offering rental or hire of bicycles, electric scooters, or electric personal assistive mobility devices to a third party for a limited time.

Right-of-way. The right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

Roadway. That portion of a highway between the regularly established curb lines or that portion which is improved, designed, or ordinarily used for vehicular travel, excluding the berm or shoulder.

Sidewalk. That portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway.

([Ord. of 4-4-2022\(1\)](#), § 1)

Sec. 8-3-2. - Registration of bicycles, e-bikes, electric scooters, and electric personal assistive mobility devices.

- A. *Registration required.* No person who resides within the City of Two Rivers shall operate or propel a bicycle, e-bike, electric scooter or electric personal assistive mobility device upon any public highway, public recreation trail, bicycle way or bicycle path within the city, or on property owned or leased by the city, which has not been duly registered and licensed as provided in this chapter. The owner shall apply for registration within ten days of purchase and delivery of the bicycle, e-bike, electric scooter or electric personal assistive mobility device. A rental agency shall not rent or offer any bicycle, e-bike, electric scooter or electric personal assistive mobility device, for rent unless registered and an identification tag is attached thereto as provided herein and such bicycle, e-bike, electric scooter or electric personal assistive mobility device has not been modified from the original manufacturer in such a way as to make said device unsafe.
- B. *How made.* Registration shall be made by filing with the police department on forms provided by the city, giving the name, address and date of birth of the owner and a complete description of the bicycle, e-bike, electric scooter or electric personal assistive mobility device, including the name of the manufacturer, style, model, serial number, and color. If the bicycle, e-bike, electric scooter or electric personal assistive mobility device has no serial number, the police department shall assign one.
- C. *Registration fee.* The fee for registration and license of a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall be as provided for in chapter 1-2, fees, of this Code. Police patrol bicycles and other city owned vehicles or devices are exempt from this provision.
- D. *Identification tag.* The registering employee or officer shall issue to the registrant an identification tag. The identification tag shall be immediately affixed to the registered bicycle, e-bike, electric scooter or electric personal assistive mobility device, and shall be firmly attached to the bicycle, e-bike, electric scooter or electric personal assistive mobility device for which issued and kept visible and clean at all times. The identification tag shall permit the bicycle, e-bike, electric scooter or electric personal assistive mobility device to be operated upon the city streets, public recreation trail, bicycle path or bicycle way within the city, or on property owned or leased by the city.
- E. *Unsafe bicycles, e-bikes, electric scooters or electric personal assistive mobility devices not to be registered.* No bicycle, e-bike, electric scooter or electric personal assistive mobility device shall be registered which is in an unsafe mechanical condition.

- F. *Owner to register.* The licensing authority shall not register any bicycle, e-bike, electric scooter or electric personal assistive mobility device which it knows or has reasonable grounds to believe is not owned by or lawfully in the possession of the applicant.
- G. *Change of ownership.*
- (1) Within ten days after any bicycle, e-bike, electric scooter or electric personal assistive mobility device registered as provided herein is sold or transferred to a new owner, the new owner shall report such information to the police department and shall apply for and obtain the transfer of the registration through the police department. Within ten days after any bicycle, e-bike, electric scooter or electric personal assistive mobility device is dismantled or taken out of operation, the person in whose name the bicycle, e-bike, electric scooter or electric personal assistive mobility device is registered shall report such information to the police department. The Police Department shall thereupon cancel the registration of the bicycle, e-bike, electric scooter or electric personal assistive mobility device.
 - (2) Every person who transfers the title of any bicycle, e-bike, electric scooter or electric personal assistive mobility device shall endorse upon the form provided by the city the name, address, and date of birth of the transferee, the date of the transfer and the identification tag number affixed to the bicycle, e-bike, electric scooter or electric personal assistive mobility device. The transferee, upon registration, shall pay a transfer fee as provided for in chapter 1-2, fees, of this Code. The bicycle, e-bike, electric scooter or electric personal assistive mobility device identification tag remains with the bicycle, e-bike, electric scooter or electric personal assistive mobility device and is not transferable to a different bicycle, e-bike, electric scooter or electric personal assistive mobility device.

([Ord. of 4-4-2022\(1\)](#), § 2)

Sec. 8-3-3. - Responsibility of parent, guardian, or rental agency.

No parent or guardian of any child, or rental agency shall authorize or knowingly permit a child to violate any of the provisions of this chapter or of any ordinance or state law applicable to the registration or operation of bicycles, e-bikes, electric scooters or electric personal assistive mobility devices, and shall be responsible for the safety and maintenance of said device.

Disclaimer; liability.

- A. Any person, who owns, operates or rides upon a bicycle, e-bike, electric scooter or electric personal assistive mobility device on a city street, public recreation trail, bicycle path or bicycle way within the city, or on property owned or leased by the city, does so at that person's own risk and peril and assumes all liability resulting from the operation of the device. The city in no way shall be liable for accidents, injuries or death involving the operation of the device.
- B. Rental agencies whom rent or offer any bicycle, e-bike, electric scooter or electric personal assistive mobility device, shall be insured for liability for property damage and personal injury by a reputable insurer satisfactory to the city. A certificate of insurance verifying insurance coverage shall be filed with the city with each application for registration or renewal. Such insurance shall provide for policy limits of at least \$1,000,000.00 for one person and \$3,000,000.00 for any number of persons injured or killed in one accident and \$100,000.00 property damage per incident. Additionally, it shall be agreed that the city is released from liability for any accidents involving the registered bicycle, e-bike, electric scooter or electric personal assistive mobility device and to indemnify and hold the city harmless from any claims arising from any such use.

([Ord. of 4-4-2022\(1\)](#), § 3)

Sec. 8-3-4. - Display of registration.

The identification tag issued under this chapter shall be affixed to the registered bicycle, e-bike, electric scooter or electric personal assistive mobility device so as to be plainly seen and read and shall remain so affixed until ordered removed by the police department for cause or until expiration of the registration. In the case of theft or loss of the identification tag, a replacement tag shall be issued upon payment of a fee as provided for in chapter 1-2, fees, of this Code.

([Ord. of 4-4-2022\(1\)](#), § 4)

Sec. 8-3-5. - Exemption from registration.

Any nonresident of the city who has duly registered his/her bicycle, e-bike, electric scooter or electric personal assistive mobility device in another jurisdiction, or who resides in another jurisdiction which has no registration requirements, may operate his/her bicycle, e-bike, electric scooter or electric personal assistive mobility device in the city without obtaining local registration.

([Ord. of 4-4-2022\(1\)](#), § 5)

Sec. 8-3-6. - Removal and alteration of identification tags.

- A. *Removal prohibited.* No person shall remove an identification tag from a bicycle, e-bike, electric scooter or electric personal assistive mobility device during the period for which it is issued.
- B. *Alteration prohibited.* No person shall alter or counterfeit any identification tag.

([Ord. of 4-4-2022\(1\)](#), § 6)

Sec. 8-3-7. - Unclaimed or unidentified bicycles, e-bikes, electric scooters or electric personal assistive mobility devices.

All abandoned or unidentified bicycles, e-bikes, electric scooters or electric personal assistive mobility devices shall be delivered to the police department for storage, and all such bicycles, e-bikes, electric scooters or electric personal assistive mobility devices remaining in the hands of the police department after 60 days shall be sold at the next scheduled police auction.

([Ord. of 4-4-2022\(1\)](#), § 7)

Sec. 8-3-8. - Operating rules.

No person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device upon any city street, public recreation trail, bicycle path or bicycle way within the city, or on property owned or leased by the city, shall fail to observe any applicable traffic regulations of the municipality and state or to comply with the following regulations:

- A. *Operator and passenger.* The manufacturer's recommended operator and seating capacity shall not be exceeded. Bicycle operators shall not use a bicycle to carry another person in excess of manufacturer's recommended capacity; however, a bicycle operator may carry or transport a child seated in an auxiliary child's seat or trailer designed for attachment to a bicycle if the seat or trailer is securely attached to the bicycle according to the directions of the manufacturer of the seat or trailer. No child under age 16 may operate a class 3 electrical bicycle and no class 3 electrical bicycle may be operated on any public recreation trail, bicycle path or bicycle way within the city, or on property owned or leased by the City, except upon any city street.
- B. *Stunt or trick riding.* No person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall participate in any trick or stunt riding or racing on any city street,

public recreation trail, bicycle path or bicycle way within the city, or on property owned or leased by the city, unless such race or contest is held pursuant to permission granted by the authority having jurisdiction over the highway, or with the express written consent of the city council.

- C. *Towing.* No person riding or operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall tow, drag or cause to be drawn behind the bicycle, e-bike, electric scooter or electric personal assistive mobility device, any person on roller skates, coaster sled, or any other type of conveyance not designed to be towed by a bicycle, e-bike, electric scooter or electric personal assistive mobility device.
- D. *Obedience to traffic control devices.* Any person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall obey the instructions of all official traffic control devices unless otherwise directed by a law enforcement officer.
- E. *Stopping, turning and signaling.*
 - (1) *Signal required.* No bicycle, e-bike, electric scooter or electric personal assistive mobility device operator shall suddenly stop, slow down, or turn without giving proper signal, or when the vehicle or device is not equipped with traffic signals by the manufacturer, an arm signal is required by state law for the operation of vehicles or devices on roadways. No person shall turn a bicycle, e-bike, electric scooter or electric personal assistive mobility device into an intersection unless the bicycle, e-bike, electric scooter or electric personal assistive mobility device is in proper position upon the roadway or turn to enter a private roadway or driveway unless the bicycle, e-bike, electric scooter or electric personal assistive mobility device is in proper position on the roadway as required or suddenly turn a bicycle, e-bike, electric scooter or electric personal assistive mobility device upon a roadway unless and until such movement can be made with reasonable safety. If other traffic may be affected by such movement, no person shall so turn any bicycle, e-bike, electric scooter or electric personal assistive mobility device without giving an appropriate signal in the manner provided. Such signal shall be given continually during not less than 50 feet before turning. When given by arm and hand signals, such signals shall be given from left side of bicycle, e-bike, electric scooter or electric personal assistive mobility device in the following manner and shall indicate as follows:
 - (a) Left turn: hand and arm extended horizontally.
 - (b) Right turn: hand and arm extended upward.
 - (c) Stop or decrease speed: hand and arm extended downward.
 - (2) *Prohibited turns.* Whenever a uniform traffic control device indicates that no right or left turn or U-turn is permitted, no person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall disobey the direction of such device, except after dismounting from the bicycle, e-bike, electric scooter or electric personal assistive mobility device to make such turn, in which event said person shall then obey the regulations, ordinances and laws applicable to pedestrians.
 - (3) *Right turns.* Every person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device intending to turn to the right at an intersection, alley, or driveway shall approach the turning point in the line of traffic nearest the right-hand curb of the street.
 - (4) *Left turns.* Every person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device intending to turn left at an intersection or to enter an alley or driveway shall approach the point of turning in that lane farthest to the left which is lawfully available to traffic moving in the direction of travel of the bicycle, e-bike, electric scooter or electric personal assistive mobility device about to turn left, unless otherwise directed by official traffic control devices. At intersections where traffic is moving in the opposite direction, if it is not safe for the operator to make a left turn as above-described, he or she shall stay in the right-hand lane and drive to the opposite corner, dismount and walk the bicycle, e-bike, electric scooter or electric personal assistive mobility device to the left-hand corner and proceed. A bicycle, e-bike, electric scooter or electric personal assistive mobility

device operator may also make a left turn by driving to the opposite corner and then turning left and driving in a normal driving position.

- (5) *Use of crosswalks.* Crosswalks shall be used when walking a bicycle, e-bike, electric scooter or electric personal assistive mobility device through an intersection.
- F. *Speed.* No person shall operate a bicycle, e-bike, electric scooter or electric personal assistive mobility device at a speed greater than is reasonable and prudent under existing conditions or in excess of any posted speed limit. No person may operate a bicycle, e-bike, electric scooter, electric personal assistive mobility device, or other vehicle off roadway but on property owned by the city, including but not limited to city parks and public recreation trails, in excess of 15 mph.
- G. *Clinging to moving vehicles.* It shall be unlawful for any person riding upon a bicycle, e-bike, electric scooter or electric personal assistive mobility device to cling or attach themselves to any moving vehicle.
- H. *Single file riding.* Every person when operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device on a public highway shall ride such bicycle, e-bike, electric scooter or electric personal assistive mobility device in a single file and at no time shall ride two or more abreast.
- I. *Racing.* No person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall participate in any race, speed or endurance contest with another bicycle, e-bike, electric scooter or electric personal assistive mobility device or with any other vehicle on a city street, public recreation trail, or on property owned or leased by the city, except in connection with a special event upon permission granted by the city council after a report by the chief of police.
- J. *Removal of hands from handlebars.* No person operating a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall remove both hands from handlebars or feet from pedals nor practice any fancy or acrobatic riding or stunts in the operation of said bicycles, e-bikes, electric scooters or electric personal assistive mobility devices.
- K. *Lights; reflectors.* No person may operate a bicycle, e-bike, electric scooter or electric personal assistive mobility device upon a highway, bicycle lane or bicycle way during hours of darkness unless such bicycle, e-bike, electric scooter or electric personal assistive mobility device is equipped with or the operator is wearing a lamp emitting a white light visible from a distance of at least 500 feet to the front of such bicycle, e-bike, electric scooter or electric personal assistive mobility device. Such bicycle, e-bike, electric scooter or electric personal assistive mobility device shall also be equipped with a red reflector that has a diameter of at least two inches of surface area on the rear, so mounted and maintained as to be visible from all distances from 50 to 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to, but not in lieu of, the red reflector.
- L. *Operation on roadway edge.* The rider of a bicycle, e-bike, electric scooter or electric personal assistive mobility device shall ride as near as practicable to within five feet of the right-hand curb or edge of the roadway, except when passing another vehicle or in making a left-hand turn in an intersection.

([Ord. of 4-4-2022\(1\)](#)), § 8)

Sec. 8-3-9. - Parking.

No person shall park any bicycle, e-bike, electric scooter or electric personal assistive mobility device against windows or in the main traveled portion of any sidewalk or highway nor in such manner as to constitute a hazard to pedestrians, traffic or property. If there is no bicycle rack or other facility intended to be used for the parking of bicycles, e-bikes, electric scooters or electric personal assistive mobility devices in the vicinity, the operator may park a bicycle, e-bike, electric scooter or electric personal

assistive mobility device on the sidewalk in the upright position parallel to and within 24 inches of the curb.

([Ord. of 4-4-2022\(1\)](#), § 9)

Sec. 8-3-10. - Operation on sidewalks.

- A. No person shall operate any bicycle, e-bike, electric scooter or electric personal assistive mobility device on any sidewalk within the city, except bicycles with wheels 20 inches in diameter or less in residential areas for the purpose of learning, or bicycles being operated by a police bicycle patrol officer or other city vehicle operating within the performance of his city duties.
- B. Bicycles, e-bikes, electric scooters or electric personal assistive mobility devices may be operated on bridge sidewalks, but shall maintain the right-of-way to pedestrians.
- C. Notwithstanding subsection A. hereof, the city council may, by motion or resolution, permit the operation of bicycles, e-bikes, electric scooters or electric personal assistive mobility devices on designated sidewalks of the city, in its discretion, when it believes permitting such operation is appropriate and consistent with public health and safety. Copies of any such resolution or motion shall be maintained at the office of the city clerk and shall be available for public inspection during normal office hours. Such permission shall be subject to signage or other requirements imposed by applicable law.

([Ord. of 4-4-2022\(1\)](#), § 10)

Sec. 8-3-11. - Violations and penalties.

Any person who shall violate any of the provisions of this chapter shall be punished by any of the following methods, subject to the requirements of state law:

- A. Any person over the age of 12 who violates any provision of this chapter shall be subject to the following penalties:
 - (1) First offense penalty shall forfeit not less than \$5.00 nor more than \$1,500.00.
 - (2) Second offense penalty shall forfeit not less than \$10.00 nor more than \$1,500.00.
 - (3) Third offense penalty shall forfeit not less than \$20.00 nor more than \$1,500.00.

([Ord. of 4-4-2022\(1\)](#), § 11)

CHAPTER 8-4. - ABANDONED VEHICLES^{[4](#)}

Footnotes:

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Editor's note— Adopted by the city council of the City of Two Rivers (Title 8, Ch. 4, of the 1981 Code). Amendments noted where applicable.