

**CITY OF SHEBOYGAN
ORDINANCE 39-24-25**

**DIRECT REFERRAL TO LICENSING, HEARINGS, AND PUBLIC SAFETY
COMMITTEE BY ALDERPERSONS RUST AND LA FAVE.**

MARCH 13, 2025.

AN ORDINANCE amending Chapter 58 of the Sheboygan Municipal Code to allow more forms of pedal cabs that can be licensed to carry passengers in the City.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

SECTION 1: AMENDMENT “Sec 58-20 Applicability” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 58-20 Applicability

This article shall not apply to ~~commercial quadricycles~~ pedal cabs, to vehicles operated over a regular route or fixed terminal, to vehicles rented to be driven by the renter or renter's agent (commonly known as rental cars), or to vehicles operated solely as funeral cars, or to paratransit buses.

(Code 1975, § 37-3; Code 1997, § 130-27)

SECTION 2: AMENDMENT “ARTICLE 58-III COMMERCIAL QUADRICYCLES” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

ARTICLE 58-III ~~COMMERCIAL QUADRICYCLES~~ PEDAL CABS

SECTION 3: AMENDMENT “DIVISION 58-III-1 COMMERCIAL QUADRICYCLES GENERALLY” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

DIVISION 58-III-1 ~~COMMERCIAL QUADRICYCLES~~ PEDAL CABS GENERALLY

SECTION 4: AMENDMENT “Sec 58-60 Definitions” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 58-60 Definitions

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

Alcohol beverages has the meaning given in Wis. Stats. § 125.02(1).

~~Commercial quadricycle~~ Pedal cab means a vehicle with fully operational pedals for propulsion entirely by human power, that has ~~four~~ three or more wheels and is operated in a manner similar to a bicycle, ~~and that is equipped with at least 12 seats for passengers, that is designed to be occupied by a driver and passengers providing pedal power to the drive train of the vehicle, and~~ that is operated by the vehicle owner or an employee of the owner. Pedal cabs may be equipped with a motor that provides assistance only when the operator is pedaling and that ceases to provide assistance when the pedal cab reaches the speed of 20 miles per hour.

~~Commercial quadricycle~~ Pedal cab business means an enterprise that owns a ~~commercial quadricycle~~ pedal cab or manages the operation of a ~~commercial quadricycle~~ pedal cab.

(Code 1997, § 130-130)

SECTION 5: AMENDMENT “Sec 58-61 Regulations” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 58-61 Regulations

- (a) *Responsibility.* The owner and operator of a ~~commercial quadricycle~~ pedal cab are both responsible for ensuring compliance with the requirements of this section. An owner and operator may both be cited and convicted for any violation of this section. The violation of any of the provisions of this section by an operator is prima facie evidence that the operator permitted the violation.
- (b) *In general.* In addition to any regulations in this article, and except as provided in this article, ~~commercial quadricycles~~ pedal cabs operating within the city shall comply with the provisions of article 52-VIII of chapter 52, and all rules of the road according to

Wis. Stats. ch. 346.

- (c) *License.* No person shall operate or permit the operation of a commercial ~~quadricycle~~pedal cab in the city unless the operator has a valid ~~commercial~~ ~~quadricycle~~pedal cab operator's license, unless such ~~commercial~~ ~~quadricycle~~pedal cab is licensed under this article, and unless a valid license/sticker is visible in the proper registration area. The fact that an unlicensed person is driving a vehicle for which a taxicab vehicle license has been issued or applied for is prima facie evidence that the owner of the vehicle is in violation of this subsection.
- (d) *Age.* No person shall operate or permit the operation of a ~~commercial~~ ~~quadricycle~~pedal cab in the city unless such person is at least 21 years of age.
- (e) *Valid driver's license required.* No person shall operate or permit the operation of a ~~commercial~~ ~~quadricycle~~pedal cab in the city unless the operator possesses a valid state driver's license which is not suspended, revoked, canceled or expired.
- (f) *Parking.* No person shall park or permit the parking of a ~~commercial~~ ~~quadricycle~~pedal cab upon any sidewalk or in any place not specifically designated for parking. The ~~commercial~~ ~~quadricycle~~pedal cab may occupy up to two designated parking stalls but shall pay the appropriate parking fee (including a metered parking fee) for both stalls.
- (g) *Equipment requirements.* No person shall operate or permit operation of a ~~commercial~~ ~~quadricycle~~pedal cab in the city unless the ~~commercial~~ ~~quadricycle~~ pedal cab is equipped with the following:
 - (1) Hip restraints as defined by the American National Standards Institute (ANSI)/National Golf Carts Manufacturers Association (NGCMA) shall be installed for every seat on the vehicle. The driver of the ~~commercial~~ ~~quadricycle~~pedal cab shall not operate the vehicle unless each passenger thereon is wearing a hip restraint. The failure of a passenger to wear a hip restraint shall not be considered evidence of negligence, comparative or otherwise, including apportionment of fault, on the part of the passenger, and shall not be evidence used to diminish any recovery for damages arising out of the ownership, maintenance, occupancy, or operation of a vehicle.
 - (2) Lighting on the vehicle which shall be the following:
 - a. A light on the front which shall emit a white light visible from a distance of 300 feet to the front.
 - b. A taillight mounted on the rear, which when lighted shall emit a red light plainly visible from a distance of 500 feet to the rear.
 - c. A brake light on the rear which shall emit a red light, and which shall be actuated upon application of the service (foot) brake and which may, but need not, be incorporated with a taillight. Every brake light shall be plainly visible and understandable from a distance of 300 feet to the rear regardless of the time of day.
 - (3) Rear signage which shall conform to state law and administrative standards and specifications for slow-moving vehicles or shall be an emblem of the same shape and size painted on such vehicle in a bright and conspicuous retro reflective red orange paint. Such emblem shall be mounted on the rear of such vehicles, in the approximate horizontal geometric center of the vehicle, at a height of three to five feet above the roadway and shall be maintained at all

times in a clean and reflective condition.

- (4) A mirror capable of showing the driver a view of the roadway for a distance of 200 feet to the rear of the vehicle.
 - (5) A braking system, operable by the driver, that is capable of overriding all methods of propulsion and bringing the vehicle to a complete stop.
 - (6) A barrier on both sides of bench seating that restricts sliding beyond seating capacity.
- (h) *Routes.* No person shall operate or permit the operation of a ~~commercial~~ quadricyclepedal cab on routes or in locations other than those approved by the police chief or designee. The police chief shall not approve any route that includes any residential neighborhood, recreational trail, or park.
- (i) *Time of operation.* No person shall operate or permit the operation of a ~~commercial~~ quadricyclepedal cab in the city except between the hours of 10:00 a.m. and 10:00 p.m.
- (j) *Display.* No person shall operate or permit the operation of a ~~commercial~~ quadricyclepedal cab in the city unless the ~~quadricyclepedal cab~~ is conspicuously displaying on the exterior driver and passenger side of the vehicle the name or trade name and telephone number of the ~~commercial-quadricyclepedal cab~~ business. Additionally, no person shall permit or permit the operation of a ~~commercial~~ quadricyclepedal cab in the city unless the operator is conspicuously displaying within the front passenger compartment a display holder containing the operator's ~~commercial~~ quadricyclepedal cab operator's license.
- (k) *Possession of alcoholic beverages by passengers.* No passenger on a ~~commercial~~ quadricyclepedal cab may possess on or carry onto the ~~commercial-quadricyclepedal cab~~ more than 36 ounces of fermented malt beverages as defined in Wis. Stats. § 125.02(6). No passenger may possess, carry upon, or consume any other alcohol beverages, as defined in Wis. Stats. ch. 125, upon a ~~commercial-quadricyclepedal cab~~.
- (l) *Requirements for operators regarding alcohol.*
- (1) No person may operate a ~~commercial-quadricyclepedal cab~~ on which any alcohol beverages are carried or consumed other than fermented malt beverages in the amounts permitted in subsection (k) of this section.
 - (2) No person may operate a ~~commercial-quadricyclepedal cab~~ on which alcohol beverages are sold, nor may any person transport alcohol beverages on a ~~commercial-quadricyclepedal cab~~ for the purposes of sale or delivery upon sale.
 - (3) No operator of a ~~commercial-quadricyclepedal cab~~ may consume alcohol while the ~~commercial-quadricyclepedal cab~~ is occupied by passengers, nor shall any person operate a ~~commercial-quadricyclepedal cab~~ with an alcohol concentration of more than 0.02.
 - (4) The operator of a ~~commercial-quadricyclepedal cab~~ shall advise all passengers that no alcohol beverages shall be possessed on, carried upon, or consumed on a ~~commercial-quadricyclepedal cab~~ in violation of city ordinance or state statute, and shall conspicuously and legibly post a notice of these restrictions upon the ~~commercial-quadricyclepedal cab~~.

- (m) *Glass containers.* No person shall carry, possess, or permit the carrying or possession of any glass container on a ~~commercial quadricycle~~ pedal cab.

(Code 1997, § 130-131)

SECTION 6: AMENDMENT “Sec 58-83 Licenses Required” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 58-83 Licenses Required

- (a) *Business license.* No person or business may engage in a ~~commercial quadricycle~~ pedal cab business without first obtaining a ~~commercial quadricycle~~ pedal cab business license and after full compliance with this article.
- (b) *Vehicle license.* No person shall operate or permit the operation of a ~~commercial quadricycle~~ pedal cab upon any street, sidewalk or other public place unless a ~~commercial quadricycle~~ pedal cab vehicle license has been issued for the ~~commercial quadricycle~~ pedal cab, and unless the ~~commercial quadricycle~~ pedal cab has a valid license/sticker visible in the proper registration area.
- (c) *Operator's license.* No person shall drive or operate a ~~commercial quadricycle~~ pedal cab upon any street, sidewalk or other public place in the city without first obtaining a ~~commercial quadricycle~~ pedal cab operator's license.

(Code 1997, § 130-140)

SECTION 7: AMENDMENT “Sec 58-84 Application” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 58-84 Application

- (a) *Business license.*
 - (1) Application for a ~~commercial quadricycle~~ pedal cab business license shall be made in writing to the city clerk, upon blanks furnished by the clerk, which the owner of the business shall sign. For a partnership, the name of the business and the names and addresses of the partners must also be given, and one of the partners shall sign the application. For an LLC or a corporation, the applicant shall also provide the names and addresses of the principal officers, and the president and secretary shall sign the application.

- (2) The license application shall identify each ~~commercial~~ quadricycle pedal cab owned by the license holder. Should the holder of a ~~commercial~~ quadricycle pedal cab business license wish to obtain a ~~commercial~~ quadricycle pedal cab not listed at the time of application, the license holder shall provide an amendment to the application for a ~~commercial~~ quadricycle pedal cab business license before putting the ~~commercial~~ quadricycle pedal cab into service.
 - (3) The license application shall identify the proposed route or routes over which the ~~commercial~~ quadricycle pedal cab shall operate. No license shall be issued under this section until the police chief or the chief's designee has approved the proposed route. Should the holder of a ~~commercial~~ quadricycle pedal cab business license wish to modify a route or add a new route, the license holder shall make a new license application and pay the required fee.
 - (4) Any license issued pursuant to this subsection shall be granted and issued by the city clerk after consulting with the chief of police and the city attorney or their designees and shall expire on December 31 following its issuance.
- (b) *Vehicle license.*
- (1) Application for a ~~commercial~~ quadricycle pedal cab vehicle license shall be made by the owner of the ~~quadricycle pedal cab~~, in writing, upon forms furnished by the city. Such application shall be signed by the owner and granted by the city council on an annual basis. Such license shall be issued upon granting and shall expire on the December 31 following its issuance.
 - (2) At the time of application, the applicant shall provide evidence of compliance with the requirements of section 58-61(c), certified by an employee of a bicycle repair shop located within the county.
 - (3) Upon payment of the necessary fees and after consulting with the chief of police and the city attorney or their designees, the city clerk may issue or cause to be issued a proper license plate/sticker. Transfer of the license to another person is prohibited.
 - (4) Any license issued pursuant to this subsection shall be issued upon granting and shall expire on December 31 following its issuance.
- (c) *Commercial ~~quadricycle~~ Pedal cab operator's license.* Written application for a ~~taxi~~ cab driver pedal cab operator's license shall be made to the city clerk on blanks forms furnished by the clerk, giving the name, residence address, date of birth and state driver's license number of the applicant. No such license shall be issued to a person who is less than 21 years of age or who does not possess a valid state driver's license which is not suspended, revoked, canceled or expired. Any license issued pursuant to this subsection shall be issued upon granting and shall expire on the December 31 following its issuance.
- (d) *Granting licenses.* The city clerk shall issue a license under this section only if all requirements have been met and if issuance is in the best interests of the city. The clerk may deny any license under this section in the full discretion in the interest in public safety or if the application is not in the best interests of the city. The city clerk shall take into account any objections from the city administrator, the police chief, the fire chief, a building inspector, the director of planning and development, or their

designees. If the city clerk denies a license, the applicant may appeal the denial to the ~~law and~~ licensing, hearings, and public safety committee of the common council.

(Code 1997, § 130-141)

SECTION 8: AMENDMENT “Sec 58-86 Insurance” of the Sheboygan Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 58-86 Insurance

- (a) No owner of a ~~commercial quadricycle~~ pedal cab or any other person shall operate or authorize any other person to operate a ~~quadricycle~~ pedal cab for commercial purposes within the city unless the owner has in effect a policy of comprehensive general liability insurance issued by an insurance company duly authorized to do business in the state, which policy provides for the payment of damages for bodily injury, loss of consortium or death of a person, and for injury to or destruction of property of a person or entity, due to the liability of the owner or operator of a pedal cab ~~quadricycle~~ arising out of the ownership, operation, use, or maintenance of a ~~quadricycle~~ pedal cab. The policy shall provide coverage with limits in an amount of not less than \$1,000,000.00 per accident. The policy shall provide that the insurer shall give the city notice of any cancellation or nonrenewal of the policy which is due the named insured.
- (b) The owner of a ~~quadricycle~~ pedal cab operated for commercial purposes within the city shall maintain on file with the city clerk's office a copy of the current policy of comprehensive general liability insurance required by subsection (a) of this section. Failure to comply with this provision shall result in the immediate suspension of the owner's rights and privileges to operate the ~~quadricycle~~ pedal cab commercially within the city.

(Code 1997, § 130-143)

SECTION 9: REPEALER CLAUSE All ordinances or resolutions or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 10: EFFECTIVE DATE This Ordinance shall be in effect from and after its passage and publication according to law.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

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Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan