

ORDINANCE

An Ordinance to create Chapter 6-14 entitled "Licensing of Commercial Quadricycles (Pedal Pubs)", and amend Section 1-2-1, entitled "Fees" to create a procedure for licensing Quadricycles (Pedal Pubs) and license fees.

SECTION 1. Chapter 6-14 of the Municipal Code of the City of Two Rivers is hereby created to read as follows:

LICENSING OF COMMERCIAL QUADRICYCLE

§ 6-14-2. Definitions.

A. The provisions of Wis. Stats. §§ 346.94 and 346.95, relating to the operation of Commercial Quadricycles are adopted as a portion of this chapter as far as they are applicable, except as otherwise provided herein.

§ 6-14-2. Definitions.

A. The following definitions apply unless specifically modified:

1. CITY CLERK — The City Clerk of the City of Two Rivers or their designee.
2. COMMERCIAL QUADRICYCLE — means a vehicle with fully operative pedals for propulsion entirely by human power, that has 4 wheels and is operated in a manner similar to a bicycle, that is equipped with at least 12 seats for passengers, that is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle, that is used for commercial purposes, and that is operated by the vehicle owner or an employee of the owner. The vehicle is operated only on approved roadways and in compliance with motor vehicle laws.
3. APPLICANT — Shall include a corporation, firm, partnership, association, organization, limited liability company and any other group acting as a unit as well as individuals, including a personal representative, receiver or other representative appointed according to law. Whenever the word person is used in any section of this code prescribing a penalty or fine, as to partnerships, limited liability companies or associations, the word shall include the partners or members hereof, and as to corporations, shall include the officers, agents or shareholders thereof who are responsible for any violation of such section.
4. DRIVER — An individual who is at least 18 years of age, holds a valid driver's license, and responsible for steering, operations and functions of a Commercial Quadricycle. The "driver" can not be a passenger who is pedaling or has the opportunity to pedal.
5. FERMETED MALT BEVERAGES — Any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing 0.5 percent or more of alcohol by volume.

§ 6-14-3. Commercial Quadricycle License Required

A. No person shall maintain, manage or operate a Commercial Quadricycle within the City of Two Rivers without a license issued by the City of Two Rivers pursuant to this section. Licenses are issued on a calendar year basis and expire on December 31 of each year. There shall be no pro rata or other reductions for applications made, or for the termination of operations during the calendar year. Licenses are non-transferable. If an Applicant owns more than one Commercial Quadricycle, the Applicant shall obtain a License for each Commercial Quadricycle. The License shall be prominently displayed on the Commercial Quadricycle so that the public, passengers, and City employees or representatives may easily view the content of the license.

§ 6-14-4. Application for a Commercial Quadricycle License

A. Applications for a license shall follow the following procedures:

(1) All applicants for a License shall submit an application on a form provided by the City Clerk and pay a nonrefundable application fee of \$50.00.

a) Applications must include the following minimum information:

- i. Name, address, and telephone number of the applicant. If the applicant is a legal entity, then the application must also identify the person who is authorized to act in all respects for the entity.
- ii. The serial number of the Commercial Quadricycle and the number of persons the Commercial Quadricycle is designed to carry.
- iii. A detailed description map of the proposed route which the Commercial Quadricycle is operated, including the pickup and drop off locations of the passengers and where the Commercial Quadricycle will be parked.
- iv. Proof of liability insurance in the amounts referenced in this section.
- v. Any additional information that may be required from the City.

(2) Upon receipt of each application, the City Clerk shall forward the application to the City of Two Rivers Police Department for inspection of the vehicle and approval of the proposed route. No vehicle shall be licensed until it has been annually examined by the Chief of Police or their designee. The Commercial Quadricycle must be in a thoroughly satisfactory and safe condition for the transportation of passengers, clean, of good appearance and well-painted, and that the Commercial Quadricycle complies with all other provisions in this chapter. If such examination and inspection shows that the Commercial Quadricycle does not comply with any of the provisions of this section, no license shall be issued.

(3) If the application is approved by the City Council, and the Two Rivers Police Department finds the Commercial Quadricycle to be in compliance with this section, the City Clerk shall issue a License for the Commercial Quadricycle.

(4) The Licensee must comply with the route and other conditions of the License. New or temporary routes must be approved by the City Council. There shall be no fee for amended applications from the same license.

(5) The applicant shall undergo a criminal records inspection and background check by the Chief of Police, or their designee and the Chief of Police shall make and complete an investigation of the statements made in such registration.

§ 6-14-5. Restrictions on Operations of Commercial Quadricycles

- A. Commercial quadricycles shall be driven by persons having in their possession proof of insurance and a valid driver's license.
- B. Commercial quadricycles shall only be operated on routes specified in the approved license application.
- C. Commercial quadricycles shall not use any public street or any other public property as a loading, unloading, parking, or waiting area unless such area is a legal motor vehicle parking space.
- D. Commercial quadricycles shall be operated in compliance with applicable State and local traffic and parking laws and in a manner so as to assure the safety of persons and property.
- E. Commercial quadricycles shall have adequate lighting and reflectors to notify motor vehicle operators of their presence.
- F. Commercial quadricycles shall not be driven by anyone that consumes alcohol while the commercial quadricycle is occupied by passengers, including any stops, breaks, or transport to and from active operations. Drivers of commercial quadricycles shall maintain absolute sobriety for the duration of the operation period.
- G. No glass containers are allowed on a commercial quadricycle.
- H. No alcohol beverages other than fermented malt beverages shall be carried or consumed on a commercial quadricycle.
- I. No alcohol beverages shall be sold on a commercial quadricycle. This includes the prohibition of delivery on the commercial quadricycle of alcohol beverages previously sold by a caterer.
- J. Each passenger on a commercial quadricycle may carry onto the commercial quadricycle up to 36 ounces of fermented malt beverages. No other alcohol beverages may be possessed on, carried upon, or consumed on the commercial quadricycle by passengers. Any fermented malt beverages brought on the commercial quadricycle may only be consumed on the quadricycle and may not be removed from the quadricycle at any time. This includes consuming the fermented malt beverages between the commercial quadricycle and any licensed establishment.
- K. Any police officer of the City, County, or State may, at all reasonable times, inspect any commercial quadricycle that is licensed under this chapter and may prohibit the use of any commercial quadricycle that is found to be unsafe, not in proper repair, or not otherwise in compliance with this chapter or State law.

- L. All existing lights are in working order, or a minimum of two headlights/taillights with directionals and stop lights installed so as to not conflict with oncoming traffic's vision if not driving during daylight hours. All lighting must be capable of being observed from a distance of 500 feet.
- M. Commercial quadricycles shall not be occupied by passengers or available to carry passengers between 10:00 p.m. and 10:00 a.m.
- N. Commercial quadricycles must comply with the City of Two Rivers noise ordinance as outlined in Municipal Code Chapter 9 Section 9-2-5

§ 6-14-6. Insurance required.

- A. It shall be unlawful to operate a Commercial Quadricycle within the boundaries of the City, nor shall any license be issued hereunder, until and unless the applicant for a license deposits with the City Clerk a certificate of liability insurance to be acceptable and approved by the City Clerk and issued by a company authorized to do business in the State of Wisconsin, indemnifying the applicant in the amount of \$1,000,000 for one person and \$1,000,000 for any number of persons injured or killed in one accident and \$100,000 for damage to property caused by the operation of the Commercial Quadricycle in the City.

§ 6-14-7. Revocation of license; appeals

- A. *Revocation.* Licenses granted under Chapter 6-14 may be suspended or revoked at any time by the Chief of Police for any violation of this chapter. When a Commercial Quadricycle license is revoked or canceled as herein provided, the Chief of Police shall immediately notify the owner to cease at once to operate the Commercial Quadricycle for which the license has been revoked.
- B. *Appeals.* Any person who receives a revocation of license and objects to all or part thereof may appeal to the City Council within seven days of the receipt of the order, and the City Council shall hear such appeal within thirty (30) days of receipt of such written notice of the appeal. After such hearing, the City Council may reverse, affirm or modify the order or determination.

§ 6-14-8. Prohibited Streets

- A. Commercial Quadricycles may not operate on any street with a speed limit in excess of 25 miles per hour.
- B. Commercial Quadricycles may not operate on any trails within the city limits
- C. Commercial Quadricycles may not operate on any state highway with the exception of Washington Street from 16th Street to 21st Street or to cross a state highway.

SECTION 2. That Section 1-2-1 of the Municipal Code shall hereby be amended as follows:

Code Section	License/Permit	Fee
6-14-1	Commercial Quadricycle	\$50

SECTION 3. This ordinance shall take effect the next day, following its date of passage and publication.

Adam Wachowski
President, City Council

Gregory E. Buckley
City Manager

Attest:

Amanda Baryenbruch
City Clerk

Approved as to form and legality:

John M. Bruce
City Attorney