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Gen. Ord. No. 31 - 17 - 18. By Alderpersons Donohue, Rindfleisch and Trester. December 4, 2017.

AN ORDINANCE amending Chapter 130 of the Municipal Code so as to license commercial quadricycles, but to do so separately from the current taxicab regulations.

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

Section 1. Section 130-27 of the Municipal Code entitled "Exceptions" is hereby repealed and recreated so as to read as follows:

"Sec. 130-27. Exceptions.

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

Section 2. Article IV of Chapter 130 of the Municipal Code is hereby created to read as follows:

"ARTICLE IV. COMMERCIAL QUADRICYCLES

DIVISION 1. GENERALLY

Sec. 130-130. Definitions. As used in this section, the following terms shall have the meanings indicated:

ALCOHOL BEVERAGES: Has the meaning given in § 125.02(1), Wis. Stats.

COMMERCIAL QUADRICYCLE: A vehicle with fully operational pedals for propulsion entirely by human power, that has four 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 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.

COMMERCIAL QUADRICYCLE BUSINESS: Any enterprise that owns a commercial quadricycle or manages the operation of a commercial quadricycle.

Sec. 130-131. Regulations.

(a) Responsibility. The owner and operator of a commercial quadricycle are both responsible for ensuring compliance with the requirements of this section. An owner and operator may both be cited and

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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 said violation.

(b) *In general.* In addition to any regulations in this Article, and except as provided in this Article, commercial quadricycles operating within the city shall comply with the provisions of Article VIII of Chapter 118 of the Municipal Code, and all rules of the road according to Chapter 346, Wisconsin Statutes.

(c) *License.* No person shall operate or permit the operation of a commercial quadricycle in the city unless the operator has a valid commercial quadricycle operator's license, unless such commercial quadricycle 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 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 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 upon any sidewalk or in any place not specifically designated for parking. The commercial quadricycle 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 quadricycles in the City unless said commercial quadricycle 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 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 with those standards and specifications adopted by Trans 304 of the Wisconsin Administrative Code, for slow-moving vehicles by the American Society of Agricultural Engineers standard ASAE S276.3, 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 quadricycle on routes or in locations other than those approved by the Police Chief or his or her 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 quadricycle in the city except between the hours of sunrise and sunset.

(j) *Display.* No person shall operate or permit the operation of a commercial quadricycle in the city unless said quadricycle is conspicuously displaying on the exterior driver and passenger side of the vehicle the name or trade name and telephone number of the commercial quadricycle business. Additionally no person shall permit or permit the operation of a commercial quadricycle in the city unless the operator is conspicuously displaying within the front passenger compartment a display holder containing the operator's commercial quadricycle operator's license.

(k) *Possession of alcoholic beverages by passengers.* No passenger on a commercial quadricycle may possess on or carry onto the commercial quadricycle more than 36 ounces of fermented malt beverages as defined in §125.02(6), Wis. Stats. No passenger may possess, carry upon, or consume any other alcohol beverages, as defined in Chapter 125, Wis. Stats., upon a commercial quadricycle.

(l) *Requirements for operators regarding alcohol.*

(1) No person may operate a commercial quadricycle on which any alcohol beverages are carried or consumed other than fermented malt beverages in the amounts permitted in subsection (k).

(2) No person may operate a commercial quadricycle on which alcohol beverages are sold, nor may any person transport alcohol beverages on a commercial quadricycle for the purposes of sale or delivery upon sale.

(3) No operator of a commercial quadricycle may consume alcohol while the commercial quadricycle is occupied by passengers, nor shall any person operate a commercial quadricycle with an alcohol concentration of more than 0.02.

(4) The operator of a commercial quadricycle shall advise all passengers that no alcohol beverages shall be possessed on, carried upon, or consumed on a commercial quadricycle in violation of city ordinance or state statute, and shall conspicuously and legibly post a notice of these restrictions upon the commercial quadricycle.

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

Sec. 130-132. Penalties.

A violation of any of the provisions of this Article for which a penalty has not otherwise been specified shall subject the violator to a

forfeiture of not less than \$50.00 and not more than \$500.00, together with the costs of prosecution.

DIVISION 2. LICENSES

Sec. 130-140. Licenses required.

(a) *Commercial quadricycle business license.* No person or business may engage in a commercial quadricycle business without first obtaining a commercial quadricycle business license and after full compliance with this article.

(b) *Commercial quadricycle vehicle license.* No person shall operate or permit the operation of a commercial quadricycle upon any street, sidewalk or other public place unless a commercial quadricycle vehicle license has been issued for said commercial quadricycle, and unless the commercial quadricycle has a valid license/sticker visible in the proper registration area.

(c) *Commercial quadricycle operator's license.* No person shall drive or operate a commercial quadricycle upon any street, sidewalk or other public place in the City without first obtaining a commercial quadricycle operator's license.

Sec. 130-141. Application.

(a) *Commercial quadricycle business license.*

(1) Application for a commercial quadricycle 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 owned by the license holder. Should the holder of a commercial quadricycle business license wish to obtain a commercial quadricycle not listed at the time of application, the license holder shall provide an amendment to the application for a commercial quadricycle business license before putting the commercial quadricycle into service.

(3) The license application shall identify the proposed route or routes over which the commercial quadricycle shall operate. No license shall be issued under this section until the Police Chief or his/her designee has approved the proposed route. Should the holder of a commercial quadricycle 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 issued upon granting and shall expire on the 31st day of December following its issuance.

(b) Commercial quadricycle vehicle license.

(1) Application for a commercial quadricycle vehicle license shall be made by the owner of the quadricycle, 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 31st day of December following its issuance.

(2) At the time of application, the applicant shall provide evidence of compliance with the requirements of section 130-131(c) of this code, certified by an employee of a bicycle repair shop located within Sheboygan County.

(3) Upon payment of the necessary fees and approval of the City Council, the City 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 the 31st day of December following its issuance.

(c) Commercial quadricycle operator's license. Written application for a taxicab driver's license shall be made to the city clerk on blanks 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 31st day of December 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 interest of the City. He or she may deny any license under this section in his/her full discretion in the interest in public safety or if the application is not in the best interest 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 said denial to the Law and Licensing Committee of the Common Council.

Sec. 130-142. Fees.

(a) The fee for a commercial quadricycle business license required by this article shall be \$25.00 per year or any fractional part thereof.

(b) The fee for a commercial quadricycle vehicle license required by this article shall be \$10.00 per vehicle per year or fractional part thereof.

(c) The fee for a commercial quadricycle operator's license required by this article shall be \$17.00 per year or fractional part thereof.

Sec. 130-143. Insurance.

(a) No owner of a commercial quadricycle or any other person shall operate or authorize any other person to operate a quadricycle 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 of Wisconsin, 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 quadricycle arising out of the ownership, operation, use, or maintenance of a quadricycle. The policy shall provide coverage with limits in an amount of not less than \$1,000,000 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 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). Failure to comply with this provision shall result in the immediate suspension of the owner's rights and privileges to operate the quadricycle commercially within the City.

OFFICE OF THE CITY CLERK
Sheboygan, Wisconsin
CITY HALL

I hereby certify that this is a true copy of a
document from the Common Council
proceedings of the City of Sheboygan.

Susan Richards
City Clerk

Sec. 130-144. Revocation.

(a) A license may be revoked by the City Clerk or his/her designee for any of the following reasons:

(1) Failure to comply with any of the provisions of this Article;

(2) Violating any state statutes or City Code violations;

(3) By request of a Building Inspector, Fire Inspector, Fire Chief, Police Chief, municipal prosecutor, or any of their designees, when said request provides evidence any of the reasons in subsections (1) or (2) above.

(b) Any applicant whose license has been denied or revoked under the provisions of this Article may appeal said denial or revocation to the Law and Licensing Committee of Common Council."

Section 3. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, and this ordinance shall be in effect from and after its passage and publication.

Louise Marie Trester
Scott Luvansky

I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the 18th day of December, 2017.

Dated December 20, 2017. Susan Richards, City Clerk

Approved December 20, 2017. Michael J. Ventresca, Mayor

Proceedings Published December 23, 2017.

Ordinances Published December 23, 2017.

Certified December 21, 2017 to - Atty.; Ord. Book; Mun. Code Corp.; Mayor; Police Dept.; Det. Div.; Fin. Dir.; CA.; Clerks