

## **ORDINANCE NO. 556**

### **An Ordinance of the Municipal Code of the City of Kiel Creating Section 11.11 Commercial Quadricycle Licensing**

The Common Council for the City of Kiel do ordain as follows:

**SECTION 1:** Section 11.11 is created to now read as follows:

#### **Commercial Quadricycle Licensing.**

##### (1) DEFINITIONS.

(a) “Applicant” means the individual applying for a license under this section or any person who is an officer of a corporation that is applying for a license under this section.

(b) “Commercial Quadricycle” means a vehicle with fully operative pedals for propulsion entirely by human power that:

1. has 4 wheels and is operated in a manner similar to a bicycle,
2. is equipped with at least 12 seats for passengers,
3. is designed to be occupied by a driver and by passengers providing pedal power to the drive train of the vehicle,
4. is used for commercial purposes, and
5. is operated by the vehicle owner or an employee of the owner.

(c) “Commercial Quadricycle Business” means any enterprise that owns a commercial quadricycle or manages the operation of a commercial quadricycle.

(d) “Commercial Quadricycle Operator’s License” means a public vehicle operator’s license as described in Kiel Municipal Code Section 11.11 (2).

(e) “Public Commercial Quadricycle Operator” means any person who operates a commercial quadricycle or commercial quadricycle which transport passengers for hire or compensation.

##### (2) LICENSES REQUIRED.

(a) Commercial Quadricycle Business License. No person may engage in a Commercial Quadricycle Business unless each Commercial Quadricycle used in the business is licensed. A Commercial Quadricycle Business license shall expire on December 31 of each year.

(b) Operator's License. No person may operate a Commercial Quadricycle for purposes upon a highway or public road unless the person is licensed as a Public Commercial Quadricycle Operator. The Public Commercial Quadricycle Operator's License shall expire on December 31 of each year.

(3) COMMERCIAL QUADRICYCLE BUSINESS APPLICATION PROCESS.

(a) Application. A person wishing to operate a Commercial Quadricycle Business shall apply to the City Clerk for a business license in 11.11 (2) (a) using an approved form and pay the Clerk a \$25 license fee for each Commercial Quadricycle managed by the person. The Clerk shall forward the application to the police department for review. The police department shall deny the application if any of the following applies:

1. The circumstances of a pending criminal charge against the Applicant substantially relate to the licensed activity.
2. The Applicant has been convicted of any felony, misdemeanor or other offense, the circumstances of which substantially relate to the particular job or licensed activity.
3. The Applicant made a false statement on the application.
4. The Applicant is under 18 years old.

(b) Route approval. If the police department approves the application for a Commercial Quadricycle Business License, the police department shall forward the application to the Common Council to approve, deny, or amend the proposed route.

(c) Appeal. If the police department denies an application for a Commercial Quadricycle Business license, the Applicant may appeal within 15 days after the police department mails a notice of denial to the Applicant. If the Applicant files a timely appeal with the Clerk, the Clerk shall schedule an appeal hearing before the Common Council.

(d) Hearing Before Council. The Common Council may approve any application placed on its agenda only if the Applicant is qualified under this section and may place conditions upon approval.

(e) Issuance. The Clerk shall issue the Commercial Quadricycle Business license if the applicant has been approved by the Common Council and has satisfied all other provisions of this section.

(f) Vehicle Inspection. Before a Commercial Quadricycle Business may operate a Commercial Quadricycle on a highway, the Applicant shall obtain a license sticker from the police department by passing an inspection. The police department shall collect \$25 for each Commercial Quadricycle inspection. This paragraph does not apply to a Commercial Quadricycle owned or operated by:

1. A nonprofit corporation that provides to the police department proof that the vehicle passed a state vehicle inspection.
2. An organization which is exempt from federal income tax under IRC § 501(c)(3) that provides to the police department proof that the vehicle passed a state vehicle inspection.

(g) Maintain liability insurance coverage for the Commercial Quadricycle containing the limits of not less than \$500,000 per occurrence combined single limit bodily injury and property damage, issued by a company authorized to do business in the State of Wisconsin. A certificate of insurance coverage specific to each Commercial Quadricycle shall be filed with the Risk Management Division.

(h) Police Department Review. The police department shall affix a license sticker to the rear of each inspected Commercial Quadricycle if the department determines that the Commercial Quadricycle is:

1. Licensed with the City Clerk.
2. In a safe operating condition.
3. Insured as required by this section.
4. Conspicuously displaying on the exterior driver and passenger side of the vehicle:
  - a. The name or trade name of the public vehicle business.
  - b. The phone number of the public vehicle business.
  - c. A unique number assigned by the Commercial Quadricycle Business that identifies the particular vehicle.
5. Conspicuously displaying within the front passenger

compartment:

- a. A display holder within which Commercial Quadricycle Operators can show their licenses while operating the Commercial Quadricycle.

(4) COMMERCIAL QUADRICYCLE OPERATOR'S LICENSE APPLICATION PROCESS.

(a) Application. A person wishing to obtain a Commercial Quadricycle Operator's License shall apply to the City Clerk using a Common Council approved form and pay to the Clerk the proper license fee and submit an acceptable passport-sized photo. The Clerk shall forward the application to the police department for review. If the police department approves the application, it shall forward its recommendation to the Common Council. The police department shall deny the application if any of the following applies:

1. The circumstances of a pending criminal charge against the Applicant substantially relate to the licensed activity.
2. The Applicant has been convicted of any felony, misdemeanor or other offense the circumstances of which substantially relate to the particular job or licensed activity.
3. The Applicant made a false statement on the application.
4. The Applicant is under 18 years old.

(b) Appeal. If the police department denies an application for a Commercial Quadricycle Operator's License, the Applicant may appeal within 15 days after the police department mails a notice of denial to the Applicant. If the Applicant files a timely appeal with the Clerk, the Clerk shall schedule an appeal hearing before the Common Council. The Council shall approve the application only if the Applicant is qualified under this section and may place conditions upon approval.

(c) Issuance. The Clerk shall issue a Commercial Quadricycle Operator's License if the Applicant has been approved by the the Common Council and has satisfied all other provisions of this section.

(5) COMMERCIAL QUADRICYCLE REGULATIONS. The owner and operator of a Commercial Quadricycle are both responsible for ensuring compliance with this subsection.

- (a) Licensees must adhere to the routes specified in their submitted

application. New routes must be applied for and approved by the Common Council before a licensee may use the new routes. Temporary routes must be applied for and approved by the Common Council. A temporary route application must be submitted in writing and include a proposed map no later than fifteen (15) days prior to the applicant's proposed first date of operation of the temporary route. No Licensee shall operate a Commercial Quadricycle on a street closed off to public traffic regardless of whether the street is included in an approved route. Any deviation from a route without approval shall be a violation of this section.

(b) Commercial Quadricycle operation is permitted between the hours of 10:00 a.m. and 10:30 p.m. Commercial Quadricycle operation does not include the use of a Commercial Quadricycle for maintenance, inspection, or without passengers.

(c) It is unlawful for any person to operate or to permit another to operate a Commercial Quadricycle at other times or in other locations than those approved by the Common Council.

(d) No Public Commercial Quadricycle Operator shall drive, or be permitted by a Public Commercial Quadricycle Operator to drive, a Commercial Quadricycle without a valid Wisconsin driver's license, or a valid driver's license issued by any other state in the United States.

(e) Passengers on a Commercial Quadricycle may possess on or carry onto the Commercial Quadricycle no more than 36 ounces of fermented malt beverages as defined in Wis. Stat. § 125.02(6). No other alcohol beverages, as defined in Ch. 125, Wis. Stats., may be possessed on, carried upon, or consumed upon a Commercial Quadricycle.

(f) No glass containers may be carried on a Commercial Quadricycle.

(g) Restrictions on possession, transportation and consumption of alcohol beverages in the operation of Commercial Quadricycles upon city highways and public places shall apply to operation of Commercial Quadricycles when used for non-revenue producing events or transportation in addition to regular commercial activities.

(h) No driver of a Commercial Quadricycle may consume alcohol while the Commercial Quadricycle is occupied by passengers.

(i) No person may drive a Commercial Quadricycle with an alcohol concentration of more than 0.02.

(j) No person may drive a Commercial Quadricycle on which any alcohol beverages are carried or consumed other than fermented malt beverages

under this section.

(k) No person may drive a Commercial Quadricycle on which alcohol beverages are sold and may not transport alcohol beverages on a Commercial Quadricycle for the purposes of sale or delivery upon sale.

(l) Passengers shall be advised by the operator, driver or other person responsible for the operation of the Commercial Quadricycle 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 post a notice of these restrictions upon the Commercial Quadricycle in a form and manner approved by the city.

(m) The operator of the Commercial Quadricycle shall hold a valid operator's license pursuant to Section 11.11 (4), Kiel Municipal Code.

(n) The operator of the Commercial Quadricycle shall operate the vehicle at all times in compliance with applicable local and state traffic and parking laws.

(o) Failure of a person to comply with the regulations of this section or to operate in accordance with the approved plan of operation shall constitute grounds for revocation or suspension as provided in Section 11.09, Kiel Municipal Code.

(p) The Common Council may adopt and from time to time amend the regulations relating to Commercial Quadricycles and their operations, including, but not limited to, hours of operations, routes, vehicle markings and safety equipment.

SECTION 2: This ordinance shall take effect upon passage and publication in accordance of law.

Ordinance No. 556 introduced on January 15, 2019 by Alderperson \_\_\_\_\_, seconded by Alderperson\_\_\_\_\_.

Upon a call of votes thereof, the result was as follows:

\_\_\_\_\_ Votes Cast  
\_\_\_\_\_ Votes Aye  
\_\_\_\_\_ Votes Nay

The Mayor declared Ordinance No. 556 introduced and approved this 15 day of January, 2019.

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MICHAEL STEINHARDT, Mayor

COUNTERSIGNED:

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JAMIE J. AULIK, City Administrator