



LEGAL SERVICES DEPARTMENT

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TO: Members of the Safety and Licensing Committee

FROM: Stacy Doucette, Assistant City Attorney *SD*

DATE: March 4, 2014

RE: Commercial Quadricycles

On December 13, 2013, Assembly Bill 169 was enacted. This bill adds commercial quadricycles to the list of unlicensed public places where alcohol beverages may be consumed. A quadricycle is a four-wheeled vehicle with seats for at least 12 passengers and an operator. The passenger seats are equipped with pedals connected to the vehicle's drive train, such that the vehicle is powered entirely by the passengers, while the operator controls steering and braking.

The exemption for alcohol consumption on a commercial quadricycle applies only to the consumption of fermented malt beverages and only in municipalities that have not adopted an ordinance to prohibit the practice. The bill also authorizes a municipality to prohibit the consumption of fermented malt beverages on commercial quadricycles, but a municipality may not enforce such a prohibition in a previously existing ordinance. Therefore, the City's current ordinance for open intoxicants does not apply.

If a municipality does not adopt an ordinance prohibiting the consumption of fermented malt beverages on a commercial quadricycle the following rules apply:

- No driver of a commercial quadricycle may consume alcohol while the commercial quadricycle is occupied by passengers or drive a commercial quadricycle while the person has an alcohol concentration of more than .02.
- No person may drive a commercial quadricycle occupied by passengers after 10:30 pm or after any earlier time established by a local ordinance.
- No person may drive a commercial quadricycle on which any alcohol beverages other than fermented malt beverages are carried or consumed.
- No person may drive a commercial quadricycle on which any alcohol beverages are sold, including delivery on the commercial quadricycle of alcohol beverages previously sold by a caterer.

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- No person may possess on, or carry onto, a commercial quadricycle more than 36 fluid ounces of fermented malt beverages.

Therefore, the purpose of this memo is to generate discussion and determine what direction the City would like to take. The Safety and Licensing Committee and Council can (1) ban fermented malt beverages from quadricycles, (2) allow fermented malt beverages but make the rules more restrictive or (3) allow fermented malt beverages without any restrictions above and beyond the new state statute.

Based upon the Safety and Licensing Committee's and Council's decision, ordinance language would then be drafted by the Legal Services Department.