

Two potential options for the Commercial Quadricycle resolution that seem viable:

- 1) Repeal and replace the current Commercial Quadricycle ordinance (ACO 9-55)ⁱ with an ordinance based off of the City of Green Bay's Commercial Quadricycles ordinance, or
- 2) Continue licensing Commercial Quadricycles as limousines and
 - a. Repeal current Commercial Quadricycle ordinance (ACO 9-55);

NOTE: There is no need to adopt Wis. Stat. §346.94(23)ⁱⁱ, as it has already been adopted in ACO 19-1(b)(61) as well as the penaltiesⁱⁱⁱ under ACO 19-1(b)(62).

- b. Expressly add that Commercial Quadricycles as defined in Wis. Stat. §340.01(8m)^{iv} shall be licensed as a limousine;
 - c. Create provision regarding the routes (2 likely options)
 - i. Copy the provisions that Green Bay uses in their ordinance regarding routes, or
 - ii. Identify locations where Commercial Quadricycles aren't allowed, possibly:
 1. All state highways, except for College Ave. between Division and Walnut Streets, or (NOTE: Oneida St. is not a State Highway north of 441)
 2. College Ave. except for area between Division and Walnut Streets; Oneida Street south of College Ave.; and N. Richmond St./S. Memorial Dr.
 - d. Create a provision that violations of the routes are punishable under the General Penalty provisions (ACO 1-16)
 - e. Amend ACO 9-729(d)^v to add language to the limousine licensing penalty to include that 3 violations of the routes provision within 1 year shall have the license automatically revoked.

ⁱ **ACO 9-55. Quadricycles.** No person may consume a fermented malt beverage while a passenger on a commercial quadricycle, as that term is defined in §340.01(8m), Wis. Stats. within the city of Appleton.

ⁱⁱ **Wis. Stat. §346.94(23) COMMERCIAL QUADRICYCLES.**

(a) In this subsection:

1. "Alcohol beverages" has the meaning given in s. 125.02 (1).
2. "Fermented malt beverages" has the meaning given in s. 125.02 (6).

(b) No driver of a commercial quadricycle may consume alcohol while the commercial quadricycle is occupied by passengers.

(c) No person may drive a commercial quadricycle while the person has an alcohol concentration of more than 0.02.

(d) No person may drive a commercial quadricycle occupied by passengers after 10:30 p.m. or after any earlier time established by ordinance under s. 349.18 (1) (d).

(e) 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.

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

(g) Upon conviction of a driver of a commercial quadricycle for a violation of this subsection, the court shall enter an order permanently prohibiting the person from driving a commercial quadricycle. No person may drive a commercial quadricycle in violation of such an order.”

ⁱⁱⁱ **Wis. Stat. §346.95(12)**

(a) Any person violating s. 346.94 (23) (b), (c), (d), (e), or (f) may be required to forfeit not less than \$200 nor more than \$500.

(b) Any person violating s. 346.94 (23) (g) may be required to forfeit not less than \$1,000 nor more than \$2,000.

^{iv} **Wis. Stat. §340.01(8m)** “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.

^v **ACO 9-729(d)** Any driver licensed under this section who shall be found guilty or shall plead guilty to violations of the traffic code of the City three (3) times within any one (1) year shall have his license automatically revoked. (Code 1965, §11.09(10); Ord 49-89, §1, 3-15-89; Ord 22-94, §1, 1-5-94, Ord 204-02, §1, 10-22-02) **Cross reference(s)**--Citation for violation of certain ordinances, §1-17; schedule of deposits for citation, §1-18.