

**ORDINANCE NO. 2021-01**

**AN ORDINANCE CREATING CHAPTER 7 OF TITLE 10 OF THE  
CITY OF CEDARBURG CODE OF ORDINANCES  
RELATING TO COMMERCIAL QUADRICYCLES**

The Common Council of the City of Cedarburg do ordain as follows:

- 1. Creation of Chapter 7 of Title 10.** Title 10 of the City of Cedarburg Code of Ordinances, entitled “Motor Vehicles and Traffic,” is hereby amended to create a new Chapter 7 entitled “Commercial Quadricycles.”
- 2. Text of Chapter 7.** The text of Chapter 7, Commercial Quadricycles, shall be as follows:

**CHAPTER 7**  
Commercial Quadricycles

**SEC. 10-7-1 DEFINITIONS.**

In this chapter:

- (a) The term “alcohol beverages” shall have the meaning set forth in Wis. Stat. § 125.02(1).
- (b) The term “commercial quadricycle” shall have the meaning set forth in Wis. Stat. § 340.01(8m).
- (c) The term “commercial quadricycle business” or “owner” shall mean the owner of a commercial quadricycle, regardless of whether the owner is an individual person, partnership, corporation, or other type of business entity, however formed.
- (d) The term “driver” shall mean the person who is at the steering controls of a commercial quadricycle.
- (e) The term “person or business” shall mean any natural person, sole proprietorship, partnership, limited liability company, corporation or association or the owner of a single-owner entity that is disregarded as a separate entity.
- (f) The term “withdrawal” shall mean a cancelation, suspension, or revocation.

**SEC. 10-7-2 STATE LAWS ADOPTED.**

- (a) Wis. Stat. § 346.94(23), setting forth regulations for commercial quadricycles, is hereby incorporated by reference.
- (b) A commercial quadricycle is a vehicle, as defined by Wis. Stat. § 340.01(74).  
Therefore, the driver of a commercial quadricycle shall comply with Chapter 1 of this Title to the extent any particular state traffic law applies to a commercial quadricycle.

**SEC. 10-7-3 VEHICLE LICENSING.** No person or business shall operate a commercial quadricycle in the City unless the commercial quadricycle is licensed by the City pursuant to this section.

- (a) A maximum of one (1) vehicle license is available for issuance under this section.
- (b) Application shall be made to the City Clerk on the form authorized by the City for this purpose.
- (c) Each applicant shall provide the full legal name and home address of the person or business that owns the commercial quadricycle and, if a business entity, the full legal name of the business entity and the full legal names and home addresses of the business entity's officers, directors, members and/or partners.
- (d) If the person or entity that will be operating the commercial quadricycle is different than the owner of the commercial quadricycle, the applicant shall also provide the full legal name and home address of the person or business that will operate the commercial quadricycle and, if a business entity, the full legal name of the business entity and the full legal names and home addresses of the business entity's officers, directors, members and/or partners.
- (e) Each applicant shall furnish a certificate of insurance showing that the applicant 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, indemnifying the applicant in an amount not less than \$500,000.00 for damage to property, \$500,000.00 for injury to one person, and \$1,000,000.00 for injury to more than one person caused by the operation of a commercial quadricycle in the City, due to the liability of the owner or operator of a commercial quadricycle arising out of the ownership, operation, use, or maintenance of a quadricycle. The policy shall provide that the insurer shall give the city 30 days' notice of any cancellation or nonrenewal of the policy. All certificates of insurance must list the City of Cedarburg as an additional insured.
- (f) The applicant shall furnish identifying information regarding the commercial quadricycle, including at a minimum the serial or vehicle identification number and name of the manufacturer.
- (g) The applicant shall certify the commercial quadricycle meets the equipment requirements of this chapter.
- (h) The applicant shall furnish evidence that the commercial quadricycle was inspected within 60 days prior to application by a reputable bicycle repair shop or other facility qualified to repair commercial quadricycles which states that the commercial quadricycle is in good working order.
- (i) Renewal application shall be made on an annual basis.

**SEC. 10-7-4 DRIVER LICENSING.**

No person shall drive a commercial quadricycle within the City unless the person holds a valid automobile driver's license issued by Wisconsin or another jurisdiction and the person also holds a valid commercial quadricycle driver's license issued by the City Clerk pursuant to this section.

- (a) No person may be issued a commercial quadricycle driver's license unless the person has reached 21 years of age.
- (b) No person may hold a commercial quadricycle driver's license unless the person holds a valid automobile driver's license issued by Wisconsin or another jurisdiction.
- (c) No person may hold a commercial quadricycle driver's license if the person is subject to a court order under Wis. Stat. § 346.94(23)(g).

- (d) Each applicant must provide their full legal name and current home address.
- (e) Renewal application shall be made on an annual basis.
- (f) The Chief of Police may recommend that the City Clerk not issue or renew a license under this section if the applicant's driving record reveals a history of one or more convictions relating to impaired driving, alcohol concentration, restricted controlled substance, implied consent, reckless driving, fleeing or eluding an officer, hit & run, suspensions due to accumulation of demerit points, suspensions due to safety responsibility, or revocation due to being a habitual traffic offender. The City Clerk shall notify the applicant or licensee in writing of the reasons for the non-issuance or non-renewal. The applicant or licensee has 30 days from the date of the notice of non-issuance or non-renewal to file an appeal of the non-issuance or non-renewal to the Common Council.

**SEC. 10-7-5 EQUIPMENT REQUIREMENTS.** A commercial quadricycle operated within the City shall have the following equipment in proper working order:

- (a) At least one light on the front which shall emit a white light visible from a distance of 300 feet to the front. When the quadricycle is operating, if the front light does not remain on at all times, it must be manually lit 30 minutes before dusk.
- (b) At least one taillight mounted on the rear, which shall emit a red light plainly visible from a distance of 500 feet to the rear. When the quadricycle is operating, if the taillight does not remain on at all times, it must be manually lit 30 minutes before dusk.
- (c) At least one 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.
- (d) A sign bearing the slow moving vehicle emblem, as defined by Wis. Admin Code § Trans 304 shall be mounted on the rear, in the approximate horizontal geometric center of the commercial quadricycle, at a height of three to five feet above the roadway, and shall always be maintained in a clean and reflective condition.
- (e) A mirror capable of showing the driver a view of the roadway for a distance of 200 feet to the rear of the vehicle.
- (f) A braking system, operable by the driver, that can override all methods of propulsion and bring the vehicle to a complete and abrupt stop.
- (g) Reflectors placed on each side of the quadricycle.

**SEC. 10-7-6 REGULATIONS.**

- (a) **Hours of operation.** No person or business may drive or operate a commercial quadricycle in the City with passengers aboard outside the hours of 5:00 p.m. - 9:00 p.m. Thursday and Friday, 11:00 a.m. - 9:00 p.m. Saturday, and 11:00 a.m. - 5:00 p.m. on Sunday.
- (b) **Operation during special events prohibited.** No person or business may drive or operate a commercial quadricycle in the City with passengers aboard during special events as may be designated by the Chief of Police.

- (c) **Routes.** No person or business may drive or operate a commercial quadricycle in the City except upon streets or routes authorized by the Common Council.
- (d) **Underage presence prohibited.** No person under the age of 21 may be aboard a commercial quadricycle if any other passenger is in the possession of an alcohol beverage.
- (e) **Posting of business name and licenses.** No person or business may drive or operate a commercial quadricycle unless the quadricycle:
  - 1. Displays the name of the commercial quadricycle business and telephone number on the left and right hand sides of the quadricycle; and
  - 2. Displays in a conspicuous location the vehicle license of the commercial quadricycle business and the driver's quadricycle driver's license issued under this chapter.
- (f) **Glass containers prohibited.** No person or business may carry, possess, or permit the carrying or possession of any glass container upon a commercial quadricycle.
- (g) **Collection of refuse and recyclables.** The commercial quadricycle business shall furnish receptacles upon or within the quadricycle for passengers to dispose of refuse and recyclables. The driver shall ensure all passengers properly dispose of such items.
- (h) **Parking.** The parking regulations located in Chapter 1 of this Title apply to commercial quadricycles.

**SEC. 10-7-7 FEES, ENFORCEMENT AND PENALTIES.**

- (a) **Fees.** Fees for initial and renewal vehicle licenses and driver's licenses under this chapter shall be set forth by separate resolution of the Common Council.
- (b) **Business and Driver Jointly Liable.** The commercial quadricycle business and driver may both be cited and convicted for any violation of this chapter. The violation of any provision of this section by the driver is prima facie evidence that the violation was permitted by the commercial quadricycle business.
- (c) **Penalties.** The penalties set forth in Section 1-1-7 of the Municipal Code apply to any violation of this section.
- (d) **Withdrawal of Vehicle License.**
  - (1) The City Clerk shall immediately cancel a vehicle license upon notice that the owner's general liability insurance is canceled if no successive certificate of insurance is on file.
  - (2) The City Clerk shall immediately temporarily suspend a vehicle license upon notice from the police department that a commercial quadricycle does not meet any equipment or safety regulation of this chapter or state law. The City Clerk shall reinstate the license upon notice from the police department that the commercial quadricycle has corrected the defect and is again in compliance.
  - (3) The City Clerk may temporarily suspend or permanently revoke a vehicle license upon a complaint from the police department setting forth one or more violations of the municipal code or of state law, or of any misrepresentations discovered in the application process, or of nonuse of the license.

(4) The City Clerk shall provide written notice to the licensee upon the withdrawal. The licensee may appeal the withdrawal to the Common Council by filing with the City Clerk a notice of appeal within 30 days of the date of the written notice.

(e) **Withdrawal of Driver License.**

(1) The City Clerk shall immediately cancel a commercial quadricycle driver license upon notice that the licensee's automobile driving privilege is expired, canceled, suspended, or revoked.

(2) The City Clerk may temporarily suspend or permanently revoke a vehicle license upon a complaint from the police department setting forth one or more violations of the municipal code or of state law, or of any misrepresentations discovered in the application process.

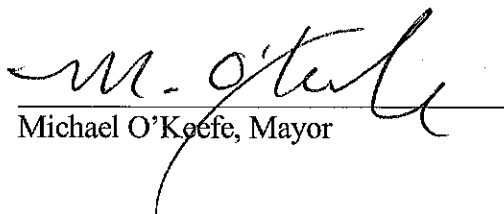
(3) The City Clerk shall permanently revoke a vehicle license upon receiving notice that a court has entered an order permanently prohibiting the person from driving a commercial quadricycle, pursuant to Wis. Stat. § 346.94(23)(g).

(4) The City Clerk shall provide written notice to the licensee upon the withdrawal. Except for revocations under subsection (3), the licensee may appeal the withdrawal to the Common Council by filing with the City Clerk a notice of appeal within 30 days of the date of the written notice.

**SECTION 2. SEVERABILITY.** The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

Passed and adopted this 25<sup>th</sup> day of January 2021.

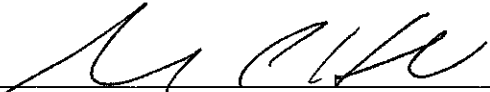
  
Michael O'Keefe, Mayor

Attest:



Tracie Sette, City Clerk

Approved as to form:



Michael P. Herbrand, City Attorney