

CITY OF MADISON, WISCONSIN

AN ALTERNATE
ORDINANCE _____

PRESENTED
REFERRED

February 4, 2014

TPC

Amending Sections 11.06(1)(c),(4)(a) and (b), (5)(a), (7)(a),(b),(c) and (d)4.,(7)(j), (8)(b); and Creating Sections 11.06(3)(e) and (7)(k) of the Madison General Ordinances to permit passengers on a commercial quadricycle to carry on and consume fermented malt beverages.

Drafted by: Adriana Peguero

Date: March 18, 2014

SPONSOR: Alder Verveer

DRAFTER'S ANALYSIS: This ordinance permits a passenger on a commercial quadricycle to carry on and consume 24 ounces of fermented malt beverage. The only commercial quadricycle in the City of Madison that is currently licensed is currently licensed as a pedal-cab. At the time of application, the Madison General Ordinances did not define a commercial quadricycle. This draft contains the language commercial quadricycle to be consistent with State Statutes. This ordinance also places certain requirements on staff when fermented malt beverages are on board.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subdivision (c) Subsection (2) entitled "License Required" of Section 11.06 entitled "Licensing and Regulating Public Passenger Vehicles, For Hire" of the Madison General Ordinances is amended to read as follows:

(c) The City Traffic Engineer shall have the authority to issue a provisional license to Pedal-Cab and Commercial Quadricycle operators pending final approval of the Common Council if the Pedal-Cab or Commercial Quadricycle operator obtains a valid driver permit, provides proof of liability insurance coverage as required in Subsection (8)(b) of this ordinance, and passes a vehicle inspection.

2. Subdivision (e) of Subsection (3) entitled "Definitions" of Section 11.06 of the Madison General Ordinances is creating to read as follows:

(e) "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.

3. Subdivision (a) of Subsection (4) entitled "Licensing of Public Passenger Services" of Section 11.06 of the Madison General Ordinances is amended to read as follows:

Approved as to form:

(a) The fees for a license to engage in the business of transporting passengers for hire under this subsection, commencing with licenses issued in 2012 and thereafter, shall be as follows:

Type of Service	Initial license – 1 year	Initial License – 2 years	Renewal- 2 years
Meter Taxicab Service	\$1,200	\$2,075/ license	\$1,750/ license
Zone Taxicab Service	\$1,200	\$2,075/ license	\$1,750/ license
Airport Shuttle Service	\$1,200	\$2,075/ license	\$1,750/ license
Horse-Drawn Vehicle Service	\$1,200	\$1,800/ license	\$1,520/ license
Specialized Transportation Service	\$1,200	\$2,200/ license	\$1,850/ license
Pedal-Cab Service	\$125	\$200/ license	\$100/license
Commercial Quadricycle	\$300	\$500/license	\$400/license

4. Subdivision (b) entitled “ Application for Initial License to Engage in the Business of Transporting Passengers for Hire” of Subsection (4) of Section 11.06 of the Madison General Ordinances is amended to read as follows:

(b) Application for Initial License to Engage in the Business of Transporting Passengers for Hire. Any person wishing to obtain a license to engage in the business of transporting passengers for hire, whose rides originate within the City of Madison, shall present to the City Clerk a written application accompanied by proof of payment of the fee or fees established in Subdivision (a) above and by proof of liability insurance coverage as required in Subsection (8)(a) of this ordinance.

The application shall state the name and address of the applicant, the number and type of vehicles proposed to be operated, the method of charging, the schedule of rates of fare to be adopted, and such other pertinent information as the City Traffic Engineer may require.

The applicant shall identify the number and type of accessible vehicle(s) which will be furnished as part of applicant’s accessible taxicab service responsibilities; or, in the event this obligation will be fulfilled by contracting with another currently licensed operator in the business of public passenger vehicles for hire in the City of Madison, the applicant shall provide a copy of the agreement with that operator as evidence of compliance with the requirements in Section 11.06(7)(a). Applicants solely wishing to operate pedal-cabs, horse-drawn vehicles, or commercial quadricycles shall be exempt from this requirement as it pertains to accessible vehicle requirements.

All such applications shall be received by the City Clerk and shall be referred to the City Traffic Engineer. The Traffic Engineer shall make such investigations as s/he deems necessary and shall furnish the application and any additional relevant information and his/her recommendation to the Transit and Parking Commission for its consideration, with the exception of Pedal-Cab operators. The City Traffic Engineer shall have the authority to issue a provisional license to pedal-cab and commercial quadricycle operators pursuant to Sec. 11.06(2)(c).

5. Subsection (5) entitled “Licensing of Public Passenger Vehicles” of Section 11.06 of the Madison General Ordinances is amended to read as follows:

(a) Public Passenger Vehicle Permit Fees. The fees under this subsection are hereby fixed as follows:

Commencing with the 2004 licensing year, and subsequent thereto, the following fees shall be in effect:

Meter Taxicab	\$60/vehicle/year
Zone Taxicab	\$60/vehicle/year
Airport Shuttle Vehicle	\$60/vehicle/year
Horse-Drawn Vehicle	\$60/vehicle/year
Specialized Transportation Vehicle	\$60/vehicle/year
Transfer of Permit	\$20/transfer
Pedal-Cab Vehicle	\$30/vehicle/year
<u>Commercial Quadricycle</u>	<u>\$50/vehicle/year</u>

6. Subdivisions (a) entitled "Hours of Service to be Provided" (b) entitled "Rest Periods" and (c) of Subsection (7) entitled "Operating Requirements" of Section 11.06 of the Madison General Ordinances is amended to read as follows:

(a) Hours Service to be Provided. It shall be a condition of any meter or zone taxicab service operating license granted hereunder that the licensee shall furnish adequate twenty-four (24) hour taxicab service throughout the City of Madison and shall provide a twenty-four (24) hour telephone number. It shall also be a condition of any meter or zone taxicab service operating license granted hereunder that the licensee shall furnish adequate twenty-four (24) hour accessible taxicab service, i.e. public passenger vehicle for hire service using an accessible vehicle, throughout the City of Madison. The licensee's accessible taxicab service obligations may be fulfilled directly by providing an accessible vehicle in its regular operating fleet or by contracting with another licensed operator to provide it. In all cases the licensee shall remain responsible for compliance with all applicable rules of operation and other applicable ordinance requirements under this Chapter. Conditions of horse-drawn vehicle operating licenses, pedal-cab vehicle operating licenses, and commercial quadricycle operating licenses are contained in Subdivisions (i), (j) and (k), respectively, below.

(b) Rest Periods. Every driver of a public passenger vehicle shall have at least one rest period, as defined in Subsection (3)(r), in every 24-hour period, except where a different period is set forth in Subdivisions (i), ~~and (j)~~ and (k) for drivers of horse-drawn vehicles, pedal-cab vehicles, and commercial quadricycles. No licensee may permit its drivers, whether employees or contractors, to violate this Subdivision (b).

(c) The driver of a public passenger vehicle is "on duty" if s/he is either transporting a passenger or available to respond to a call or hail. No driver of a public passenger vehicle may remain on duty more than twelve (12) continuous hours, except where a different period is set forth in Subdivisions (i), ~~and (j)~~ and (k) for drivers of horse-drawn vehicles, ~~and pedal-cab vehicles, and commercial quadricycles.~~ In determining whether a driver has been on duty for twelve (12) continuous hours, no break lasting less than one (1) hour may be subtracted from the sum of hours on duty.

7. Paragraph 4 of Subdivision (d) entitled "Daily Logs" of Subsection (7) of Section 11.06 of the Madison General Ordinances is amended to read as follows:

4. Pedal-cab and commercial quadricycle operators shall be exempt from this requirement.

8. Subdivision (k) entitled "Special Rules for the Operation of Commercial Quadricycles" of Subsection (7) entitled "Operating Requirements" of Section 11.06 of the Madison General Ordinances is created as follows:

(k) Special Rules for the Operation of Commercial Quadricycles.

1. Licensees must adhere to the routes specified in their application for an operating license. New or temporary routes must be applied for and approved by the Transportation Department and filed with the City Clerk before a licensee may use the new or temporary routes. Any deviation from these applications without the approval of the Transportation Department and filing with the City Clerk shall be a violation of this section.
2. No operator shall be allowed to drive a commercial quadricycle for more than a period of ten hours in any twenty-four hour day.
3. Commercial quadricycle operation is prohibited between 6:00 a.m. and 6:00 p.m. Monday through Friday, unless approved by the City Traffic Engineer, and during such additional weekday and weekend hours designated by the City Traffic Engineer in the interest of pedestrian and traffic safety and the safe and orderly flow of traffic.
4. 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 City Traffic Engineer.
5. No commercial quadricycle operator shall drive, or be permitted by a 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
6. The driver of a commercial quadricycle shall operate the vehicle at all times in compliance with applicable city and state traffic laws as provided in Sec. 12.06(3) of the Madison General Ordinances and Sec. 346.02(4), Wis. Stats.
7. Passengers on a commercial quadricycle are permitted to carry onto the commercial quadricycle no more than twenty-four (24) ounces of fermented malt beverages, as defined in Sec. 125.02(6), Wis. Stats.
8. No other alcohol beverages, as defined in Sec. 125.02(1), Wis. Stats., may be carried onto a commercial quadricycle.
9. No glass containers may be carried on a commercial quadricycle.
10. A minimum of two employees of the licensed carrier must be on board a commercial quadricycle if fermented malt beverages are carried on.
11. No alcohol beverages, including fermented malt beverages, shall be possessed, carried on, or consumed on a commercial quadricycle if any passenger of the commercial quadricycle has not attained the legal drinking age, as defined in Sec. 125.02(8m), unless that person is accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age.
12. No driver of a commercial quadricycle, or employee riding on a commercial quadricycle, may consume alcohol while they are hired to transport passengers.
13. No driver of a commercial quadricycle, or employee riding on a commercial quadricycle, may have a blood alcohol concentration of more than 0.00 while they are hired to transport passengers.
14. The City Traffic Engineer may adopt and from time to time amend rules and regulations relating to commercial quadricycles and their operation, including but not limited to, hours of operation, routes, vehicle markings and safety equipment. It shall be unlawful for any person to violate the rules and regulations adopted by the City Traffic Engineer hereunder.

9. Subdivision (b) of Subsection (8) entitled "Financial Responsibility" of Section 11.06 of the Madison General Ordinances is hereby amended as follows:

(b) It shall be unlawful for pedal-cab or commercial quadricycle operators to operate a pedal-cab or commercial quadricycle for the conveyance of passengers for hire or permit the same to be operated, nor shall any license be issued hereunder until and unless the applicant for a license deposits with the City Clerk a policy or certificate of commercial general liability insurance coverage. Insurance policies shall be issued by a company or companies authorized to do business in the state of Wisconsin and licensed by the State of Wisconsin Office of the Commissioner of Insurance. Coverage shall be provided for in the minimum amount of one million dollars (\$1,000,000) per occurrence, shall be primary and non-contributory, and shall list the City of Madison, its officers, officials, and employees as additional insureds. Each insurance policy shall contain a provision that the same may not be canceled before the expiration of its term except upon thirty (30) days written notice to the City Clerk, City of Madison, Wisconsin. Every day upon which any pedal-cab is operated for the conveyance of passengers for hire without an insurance policy as required herein being in effect and on file with the City Clerk, City of Madison, shall be deemed a separate violation, and every person, firm, or corporation operating or permitting such operation shall be subject to a forfeiture of not more than two hundred dollars (\$200) for each offense.