



### Legislation Details (With Text)

**File #:** 01258      **Version:** 1      **Name:** amphibious motor vehicles - ducks  
**Type:** Ordinance      **Status:** Passed  
**File created:** 5/11/2005      **In control:** Traffic Engineering Division  
**On agenda:** 7/5/2005      **Final action:** 7/5/2005  
**Enactment date:** 7/22/2005      **Enactment #:** ORD-05-00127

**Title:** Amending Sections 11.02(1), 11.05(1), 11.06(3)(r) and 12.915(2) of the Madison General Ordinances to create exceptions in the definitions of "common motor carriers" and "public passenger vehicles", to permit certain amphibious motor vehicles to operate on city streets between lake access points.

**Sponsors:** Tim Bruer

**Indexes:**

**Code sections:**

**Attachments:**

Date	Ver.	Action By	Action	Result
7/5/2005	1	COMMON COUNCIL	Adopt	Pass
6/30/2005	1	Traffic Engineering Division	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	
5/17/2005	1	COMMON COUNCIL	Refer	
5/11/2005	1	Attorney's Office/Approval Group	Approved As To Form	
5/11/2005	1	Attorney's Office	Fiscal Note Required / Approval	
5/11/2005	1	Finance Dept/Approval Group	Approved Fiscal Note By The Comptroller's Office	
5/11/2005	1	Attorney's Office	Referred for Introduction	

**Fiscal Note**

No significant fiscal impact is anticipated.

**Title**

Amending Sections 11.02(1), 11.05(1), 11.06(3)(r) and 12.915(2) of the Madison General Ordinances to create exceptions in the definitions of "common motor carriers" and "public passenger vehicles", to permit certain amphibious motor vehicles to operate on city streets between lake access points.

**Body**

DRAFTER'S ANALYSIS: This ordinance creates exceptions to several existing ordinances, in order to allow amphibious motor vehicles, if licensed as a motor bus by the state DOT, to operate on city streets on a route between lake access points, including State Street.

Sections 11.02 and 11.05 currently require a city license to operate "common motor carriers" on fixed routes between fixed locations. Motor buses are considered "common motor carriers" if they transport passengers for hire, over fixed, regular routes. Sections 11.02 and 11.05 require City Council approval of the license and the specific routes. This ordinance creates an exception so that amphibious vehicles are not considered "common motor carriers" and therefore not required to obtain a city license or approval of the routes.

This ordinance also creates an exception to the definition of "public passenger vehicles" for purposes of driving on State Street. Sec. 12.915 establishes State Street as a "mass transit way" under state law, and describes the types of vehicles which may be operated on State Street. Motor buses are allowed to drive on State Street but 12.915 is currently unclear as to what kind of "motor buses" are allowed. The current ordinance specifically allows buses operating over fixed routes pursuant to authority granted by the City (i.e. approval under 11.02 or 11.05.) Because an amphibious bus would not

need city approval of its route under 11.02 or 11.05, this change to 12.915 makes it clear that they are exempt from the State Street vehicle restrictions, and therefore may drive on State Street if registered as a "motor bus." Finally, this amendment makes a similar change to Sec. 11.06 definition of "public passenger vehicle," for consistency.

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

1. Subsection (1) entitled "License" of Section 11.02 entitled "Motor Bus Transportation" of the Madison General Ordinances is amended to read as follows:

"(1) License. It shall be unlawful for any common motor carrier of passengers, that is, any person, firm, or corporation holding himself or itself out to the public, as willing to undertake for hire to transport persons by motor vehicle between fixed termini or over a regular route upon the public highways, where said operations take place entirely within the City of Madison and incorporated cities or villages contiguous to the City of Madison and in municipalities contiguous to the City of Madison when the motor carrier has its principal place of business therein, to operate any motor vehicle along and upon any public highway of the City of Madison, without first making application and procuring the consent of the Common Council of said City to so operate, and no consent shall be given except by means of license therefore as provided in Subsection (2) of Section 11.02 of the General Ordinances. The Common Council may at any time suspend or prohibit the right of common motor carriers of passengers to operate motor vehicles over any public highway of the City of Madison when necessary for the proper preservation or policing of the same. No common motor carrier of passengers shall operate any motor vehicle within or through the City of Madison, except in compliance with action taken by the Common Council of said City in relation to the routing of said common motor carrier over the streets of the City of Madison. For purposes of this ordinance, an amphibious motor vehicle properly registered and licensed as a motor bus by the Wisconsin Department of Transportation and operating on the highway over routes between lake access points shall not be considered a "common motor carrier" and therefore not subject to the provisions of this ordinance."

2. Subsection (1) of Section 11.05 entitled "Motor Buses - Consent of Council to Operate on Street" of the Madison General Ordinances is amended to read as follows:

"(1) No person, firm, or corporation shall operate any common motor carrier of property or of passengers within or through any street in the City of Madison except in compliance with action taken by the Common Council in relation to such street and route. For purposes of this ordinance, an amphibious motor vehicles properly registered and licensed as a motor bus by the Wisconsin Department of Transportation and operating on the highway over routes between lake access points shall not be considered a "common motor carrier or property or passengers" and therefore not subject to the provisions of this ordinance."

3. Subdivision (r) of Subsection (3) entitled "Definitions" of Section 11.06 entitled "Licensing and Regulating Public Passenger Vehicles, for Hire" of the Madison General Ordinances is amended to read as follows:

"(r) "Public passenger vehicle" shall mean any self-propelled vehicle, pedal-cab, or horse-drawn vehicle which is used for the transportation of passengers for hire, excepting: 1) those operated on fixed routes pursuant to authority granted by the City, State or Federal Government; 2) such vehicles as are rented to be driven by the renter or her/his agent, commonly known as rent-a-cars; 3) vehicles operated solely as funeral cars; ~~and~~ 4) carpool; and 5) amphibious motor vehicles properly registered and licensed by the Wisconsin Department of Transportation as motor buses and operating on the highway upon routes between lake access points."

4. Subdivision (2) entitled "Definitions" of Section 12.915 entitled "Traffic on State Street Restricted" of the Madison General Ordinances is amended by amending therein the following:

"Public passenger vehicle means a motor vehicle which is used for the transportation of passengers for hire except: those operated on fixed routes pursuant to authority granted by the city, state or federal government; rent-a-cars; vehicles operated solely as funeral cars; ~~and~~ carpool vans; and amphibious motor vehicles properly registered and licensed by the Wisconsin Department of Transportation as motor buses and operating on the highway upon routes between lake access points."