

LEGISLATIVE COMMITTEE MEETING
CITY OF WISCONSIN DELLS
JANUARY 21, 2019

Chairperson Mike Freel called the meeting to order at 6:15P.M. Notice of the meeting was provided to the *Dells Events*, WNNO Radio, and posted in accordance with State Statutes.

1. Present: Ald. Mike Freel, Mayor Ed Wojnicz, Ald. Ben Anderson and Ald. Brian Holzem

Others: Ald. Terry Marshall, City Clerk/Coordinator Nancy R. Holzem, Police Chief Jody Ward, City Planner/Zoning Administrator Chris Tollaksen, City Attorney Joseph Hasler, Fire Chief Pat Gavinski, Hongyan Li, and Christopher Jardine from the *Dells Events*.
2. Motion by Mayor Wojnicz seconded by Ald. Holzem to approve the November 13, 2018 meeting minutes. Motion carried unanimously.
3. Motion by Ald. Holzem seconded by Mayor Wojnicz to recommend to the Common Council for approval, the Original Class B Beer License application submitted by Lucy Hai, LLC, Hongyan Li agent, for Wei's Chinese Restaurant, 630 S. Frontage Rd, for the licensing period of January 22, 2019 through June 30, 2019. The business was sold and the license previously held by Stromberg Wei, LLC for that location was surrendered. Motion carried unanimously.
4. Motion by Ald. Anderson seconded by Ald. Holzem to recommend to the Common Council for approval, a proposed ordinance to add yield signs on Iowa at Capital Street. Chief Ward stated that this is one of the few uncontrolled 4-way intersections in the city. Motion carried unanimously.
5. Motion by Ald. Holzem seconded by Ald. Anderson to table until next month, a proposed ordinance presented by Attorney Hasler to regulate commercial pedal tour quadricycles. Motion carried unanimously.
6. Chief Ward presented proposed parameters that he came up with for denial of operator's (bartender) license applications. He suggested that this be added as a cover letter with the application form. This was in response to some council members questioning what criteria was being used for approvals and denials in the past. Chief Ward stated that these parameters should streamline the process. Ald. DeFosse stated that liked the parameters and felt that they are needed. Other committee members questioned if this will reduce the number of people that would qualify for a license as businesses are already struggling with staffing needs. They also questioned what would happen to existing license holders who would not meet the new criteria when their license comes up for renewal. Chief Ward stated that they could be grandfathered in. Attorney Hasler stated that there would be an appeal process as well. Motion by Ald. Anderson seconded by Ald. Holzem to approve the parameters for denial of an operator's (bartender) license applications as presented by Chief Ward. Motion carried unanimously.

7. Next meeting was scheduled for Monday, February 18, 2019 at 5:45pm.
8. Motion by Ald. Anderson seconded by Ald. Holzem to adjourn. Motion carried unanimously and the meeting adjourned at 6:40pm.

Nancy R. Holzem
City Clerk/Coordinator

City of Wisconsin Dells
Ordinance No. _____
(Commercial Quadricycles)

The City of Wisconsin Dells, Adams, Columbia, Juneau and Sauk Counties, Wisconsin, does hereby ordain as follows:

SECTION I: PURPOSE

To regulate and license commercial quadricycles.

SECTION II: PROVISION CREATED

Wisconsin Dells Code Sec. 16.37 is created.

SECTION III: PROVISION AS CREATED:

16.37 Commercial Pedal Tour Quadricycles.

(1) Definition. In this section the following terms shall mean:

Commercial Quadricycle.

A vehicle with fully operational pedals for propulsion entirely by human power, that has four 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 passengers providing pedal power to the drive train of the vehicle that is used for commercial purposes. (A pedal tour quadricycle may be motor assisted.)

Remove per chief Ward

(2) General Regulations.

- (a) Commercial quadricycles operating within the City shall comply with applicable City and State codes and regulations.
- (b) No person shall drive a commercial quadricycle upon any street, sidewalk or other public place in the City without first registering and obtaining a City license for such commercial quadricycle and securing a license/sticker which shall be displayed.
- (c) No person shall park a commercial quadricycle upon any sidewalk or undesignated parking stall.
- (d) No person shall drink from or have in their possession an open container of fermented malt beverage or intoxicating liquor while on a commercial quadricycle.

- (e) No glass beverage containers shall be carried on a commercial quadricycle while operated on the public way.
- (f) Hours of operation. No person shall operate a commercial quadricycle except between the hours of 10:00 a.m. to 10:00 p.m. daily.

(3) License and registration required.

- (a) Application for registration and license for a commercial quadricycle shall be made by the owner of the quadricycle, in writing, upon forms furnished by the City. Such application shall be signed by the owner and approved by the City Council on an annual basis. The fee for an annual license shall be set by resolution of the City Council and paid to the City prior to issuance of a license. Such license shall be issued on the 15th day of April each year, or thereafter when applied for, and shall expire on the 14th day of April following its issuance.
- (b) Upon payment of the necessary fees and approval of the City Council, the City may issue or cause to be issued a proper license plate/sticker. Transfer of the license to another person is prohibited.
- (c) Revocation. A license may be revoked by the City for any of the following reasons:
 - 1. Failure to comply with any of the provisions of this section of the code.
 - 2. Violating any state statutes or City Code violations.
- (d) Any applicant whose license has been denied or revoked under the provisions of this section may appeal said denial or revocation to the Common Council.

(4) Equipment Requirements. Commercial quadricycles operating within the City shall be equipped with the following:

- (a) Hip restraints as defined by the American National Standards Institute (ANSI)/National Gold Carts Manufacturers Association (NGCMA) shall be installed for every seat on the vehicle. The driver of the commercial quadricycle shall not operate the vehicle unless each passenger thereon is wearing a hip restraint. The failure of a passenger to wear a hip restraint shall not be considered evidence of negligence, comparative or otherwise,

Remove per chief Ward.

including apportionment of fault, on the part of the passenger, and shall not be evidence used to diminish any recovery for damages arising out of the ownership, maintenance, occupancy or operation of a vehicle.

- (b) Lighting on the vehicle which shall be the following:
 - 1. A light on the front which shall emit a white light visible from a distance of 300 feet to the front.
 - 2. A taillight mounted on the rear, which when lighted shall emit a red light plainly visible from a distance of 500 feet to the rear.
 - 3. A 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, both during normal sunlight and at nighttime.
 - (c) Rear signage which shall conform with those standards and specifications adopted by Ch. Trans 304, Wis. Adm. Code, for slow-moving vehicles by the American Society of Agricultural Engineers standard ASAE, S276.3, or shall be an emblem of the same shape and size painted on such vehicle in a bright and conspicuous retro reflective red orange paint. Such emblem shall be mounted on the rear of such vehicles, in the approximate horizontal geometric center of the vehicle, at a height of three to five feet above the roadway, and shall be maintained at all times in a clean and reflective condition.
 - (d) A mirror capable of showing the driver a view of the roadway for a distance of 200 feet to the rear of the vehicle.
 - (e) A braking system, operable by the driver, that is capable of overriding all methods of propulsion and bringing the vehicle to a complete stop.
 - (f) A barrier on both sides of bench seating that restricts sliding beyond seating capacity.
- (5) Insurance. All quadricycles operating for commercial purposes must maintain the following insurance:

- (a) No owner of a commercial quadricycle or any other person shall operate or authorize any other person to operate a quadricycle for commercial purposes within the City unless the owner 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, which policy provides for the payment of damages for bodily injury, loss of consortium or death of a person, and for injury to or destruction of property of a person or entity, due to the liability of the owner or operator of a quadricycle arising out of the ownership, operation, use, or maintenance of a quadricycle. The policy shall provide coverage with limits in an amount of not less than \$1,000,000.00 per accident. The policy shall provide that the insurer shall give notice of any cancellation or nonrenewal of a policy which is due names insured.
- (b) The owner of a quadricycle shall maintain on file with the City Clerk's office a copy of the current policy of comprehensive general liability insurance required by subparagraph (1) above. Failure to comply with this provision shall result in the immediate suspension of the owner's rights and privileges to operate the quadricycle commercially within the City.

(6) Operator.

- (a) The operator of a commercial quadricycle must have a valid Wisconsin Driver's license to drive/operate a commercial quadricycle in the City.
- (b) No operator of a commercial quadricycle may consume alcohol while the commercial quadricycle is occupied by passengers.
- (c) No operator may operate a commercial quadricycle while the person has a blood alcohol concentration of more than 0.02.
- (d) No operator may operate a commercial quadricycle on which any alcohol beverages are carried or consumed.
- (e) No person may operate a commercial quadricycle on which any alcohol beverages other than fermented malt beverages are carried or consumed.
- (f) The owner or operator of a commercial quadricycle shall advise passengers that they may not consume alcohol on quadricycles and shall conspicuously post a notice of these restrictions upon the commercial

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quadricycle in a form and manner approved by the Wisconsin Dells Policy Chief.

(7) Passengers.

- (a) No passenger may occupy a commercial quadricycle on a seat equipped with a pedal unless such person is physically able to sit upright in the seat and operate the pedals which power the vehicle.
- (b) Every passenger on a commercial quadricycle must have access to protective headgear approved by the American National Standards Institute (ANSI) or the Snell Memorial Foundation.

(8) Quadricycle route.

- (a) The plan of operation of a licensed commercial quadricycle shall be reviewed by City staff and approved by the Chief of Police. The plan of operation must include the geographic area in which the quadricycle shall routinely operate and may include a description of procedures for notifying police or other authorities when anticipated operation of a commercial quadricycle deviates from customary routes.
- (b) Any deviation from this route may include a description of procedures for notifying police or other authorities when anticipated operation of a quadricycle deviates from customary routes.

- (9) Failure of a licensee to comply with the regulations of this section shall constitute grounds for nonrenewal, suspension or revocation of the license.

SECTION IV: VALIDITY

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION V: CONFLICTING PROVISIONS REPEALED

All ordinances in conflict with any provisions of this ordinance are hereby repealed.

SECTION VI: EFFECTIVE DATE

This ordinance shall be in force from and after its introduction and publication and as provided by statute.

SECTION VII: PART OF CODE

This ordinance becomes a part of Wisconsin Dells Code, Chapter 16.

Edward Wojnicz, Mayor

Nancy R. Holzem, City Clerk

First Reading Passed:
Second Reading Passed:
Published:

Nancy Holzem

From: Jody Ward [jward@wdpd.com]
Sent: Tuesday, February 05, 2019 3:42 PM
To: Joe Hasler; Nancy Holzem; 87 Perry Mayer; Dan Anchor
Subject: Quadricycle Ordinance

Joe,

I will be unavailable for the next Public Safety meeting. Perry will be attending. I reviewed the ordinance on quadricycles and I recommend the following:

- 1) Remove the option of it being motor assisted.
- 2) Remove the "hip restraint" paragraph.
- 3) Remove the "Wisconsin" from the driver's license requirement.
- 4) Remove (6)(e)

Thanks,

Jody



Jody J. Ward, Chief of Police
Wisconsin Dells Police Department
jward@wdpd.com 608.253.1611

City of Madison

Commercial Quadricycle Vehicle Operator License Application

Pursuant to Madison General Ordinance 11.06

Fee: \$200/two years (\$500/initial year) +
\$50/vehicle/year
Renewal Fee: \$400/two years +
\$50/vehicle/year

1. Applicant Name Kai Kaapro E-Mail Address kai@trolleypub.com Home Phone # 520 241 9053
Home Address 241 New Bern Pl #101 Raleigh NC 27601

2. Company Name Capitol Pedicyle LLC
Business Address 323 W Davie St Raleigh NC 27601
Business Telephone Number 520 241 9053

3. Indicate method type of fare or gratuity collection (select or explain how customers are charged for trip):

Gratuity/Tip _____
Gratuity with Minimal Charge _____
Per hour charge \$187.50 per hour
Per mile charge _____
Per Block _____
Other- explain _____

4. Describe the pedal cab vehicle (Make, model, type, age).

#1 2011 Fiets bike - Pedal
#2 2014 Crawler - Pedal

6. Name of Insurance Company
Name of Insurance Agent

Business Address

Business Telephone Number

E-Mail Address kai@trolleypub.com

Nielsen Insurance Co
Taira Stronach
12587 SW 68th Ave Tigard OR 97223
503 684 6598

8. Is applicant a corporation? _____ Yes X No

If yes, give names and addresses of board of directors, and address of corporation:

Name	Address

9. Is applicant a ^{LLC} partnership? X Yes _____ No

If yes, give names and address of all partners:

Name	Address
Trolley Pub Holdings LLC	323 W Davie St Raleigh NC 27601

Does the applicant agree that he/she has read and is thoroughly familiar with the ordinances of the City of Madison pertaining to the licensing and regulating of pedal cabs in the City of Madison, and agrees to abide by these and all other ordinances of the City and laws of the State of Wisconsin?

X Yes _____ No

WAKE COUNTY N.C
Subscribed and sworn before me

this day of 1 Feb, 20 17

Notary Public John Reynolds John Reynolds

My Commission Expires 11/28/2017

[Handwritten Signature]

Applicant's Signature



Pedal Cab Filing Affidavit

State of Wisconsin)
)
County of Dane)

Hai Haapro, being first duly sworn on oath, deposes and says:

1. That the affiant owns X, operates _____, or manages X a pedal cab business in the City of Madison, doing business as Trolley Pub Madison.
2. That as of the date of this Affidavit, (Company Name) Capitol Pedicycle LLC (Address) 323 W Davis St Raleigh NC, Madison, Wisconsin, doing business as Trolley Pub Madison, was the owner of the vehicles listed on Schedule A shown on the reverse side of this Affidavit and incorporated herein.
3. That the schedule of fares to be charged in the operation of each of the vehicles as pedal cab is: (check boxes to indicate which pedal cab rates, gratuities, or minimum charges are applicable)
 Gratuity only
 Gratuity with minimal charge (list amount)
 Per hour charge 187.50, 2 hr minimum
 Per Mile charge
 Per trip charge
4. a) That attached to this Affidavit for deposit with the City Clerk is a Policy or Certificate of Liability Insurance specifying insurance coverage of the types and amounts required by Section 11.06(8) (b) of the Madison General Ordinances, and specifically indicating that said insurance coverage is applicable to the vehicle identified on the said Schedule A; and
b) That also attached to said Policy or Certificate of Liability Insurance is a Certificate of Compliance from the State of Wisconsin Office of the Commissioner of Insurance showing the insurance company is licensed and authorized to transact pedal cab insurance coverage in the State of Wisconsin; and
c) That said insurance policy contains a provision that the same may not be cancelled before the expiration of its term except upon thirty days' written notice to the City of Madison.
5. That this Filing Affidavit is made to comply with the provisions of Section 11.06 of the Madison General Ordinances described herein.

WAKE COUNTY N.C
Subscribed and sworn before me

this 1 day of Feb, 20 17
John Reynolds John Reynolds
Notary Public
My Commission Expires 11/20/2017



Haar, Jennifer

From: Antonio Tang [REDACTED]
Sent: Sunday, November 04, 2018 1:00 PM
To: licensing
Subject: against license renewal for Trolley Pub with photo
Attachments: 20181027_171525.jpg; 20181027_171526.jpg

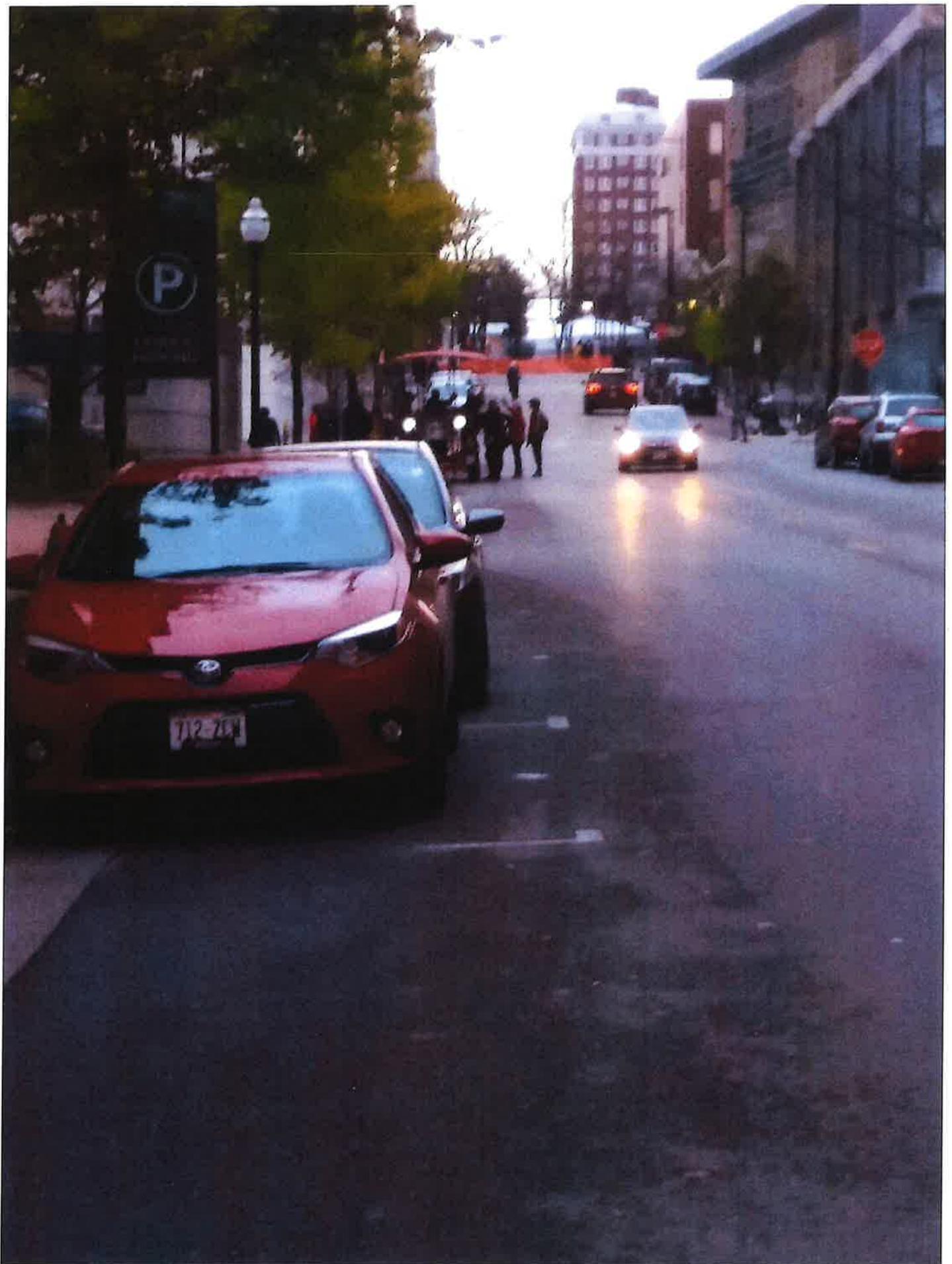
Categories: Jim

I am writing to report and provide documentation of Trolley Pub Madison's dangerous interruption to traffic at W. Mifflin and N. Henry Street on Saturday, October 27, around 5:15 p.m. I was preparing to leave my Metropolitan Place condo around 5. At this time, I could already hear much cheering and drunken "WOOOOOOs." Around 5:12, I reached the front entrance of my building and could still hear and now see the revelry across the street. While waiting to cross the road to the senior center side from MP's front entrance on Mifflin, I watched five cars coming down on Mifflin, heading southwest, having to dodge the trolley's passengers who were spilling onto the road. The last of the five cars had rounded the corner from N. Henry, heading southeast, onto Mifflin. Two other cars that came from N. Broom heading northeast also had to dodge these passengers. Before I had crossed the street, one of the passengers on the road yelled "Drive Slower!" at a car even though all cars were going below the speed limit to avoid hitting them. After I crossed W. Mifflin, I took the photo that I've attached. None of the passengers bothered to move the entire time I watched them, and the trolley worker did not do anything about this situation. The noise from the passengers were constant and loud.

For the record, I do not support renewal of this business's license. This business is a hazard to our neighborhood. Further, I have a baby due in a few days and would not appreciate having to keep the baby asleep amidst screaming drunks on a daily basis three seasons a year.

Regards,

Greta Tang and spouse Antonio Tang [REDACTED]



Haar, Jennifer

From: Jim Charne [REDACTED]
Sent: Monday, October 22, 2018 7:53 PM
To: licensing
Subject: Beer Trolley licenses

I am a resident at [REDACTED].

I understand the licenses for the Beer Trollys will be coming up for reconsideration or renewal shortly.

I do not believe these so-called "vehicles" should be loading and unloading passengers in the 300 block of West Mifflin Street, which is a residential neighborhood.

Particularly at the end of their runs (but also at the start), passengers have been loud and sometimes quite boisterous, as we would expect from a party vehicle serving alcohol. I have heard about, but not witnessed, public urination from beer drinking trolley patrons in the bushes on Mifflin Street.

If these businesses continue, loading and unloading should be restricted to State Street, which is primarily commercial, and has limited traffic.

Thank you for your consideration here.



Arizona Defines Motorized Quadricycles as Limos

by Personal Injury Attorneys PLLC / Wednesday, 16 April 2014 / Published in Bicycle Accidents, Motorcycle Accident, Personal Injury, Quadricycle



House transit committee chairperson Rep Karen Fann has introduced an amendment to SB1201 that defines and creates regulations for commercial multiple-person, pedaled, motor-assisted quadricycles.

The quadricycles come with least four wheels, 16 to 28 pedals, and can be operated by both leg and electric power. These quadricycles are often referred to as “party busses” where riders are able to drink while pedaling around while the driver, presumably remains sober.

Quadricycles Undefined But Now Might Be Defined as Limos

The bill SB1201 previously defined an Autocycle as essentially an enclosed 3-wheeled motorcycle, but as Fann points out these quadricycle devices are completely un-defined in Arizona law. “They are not classified as a vehicle,” she said. “It’s not a motorcycle, it’s not a bicycle. It’s a new kind of vehicle.” SB 1201, given preliminary House approval, classifies the vehicle as a limousine. Which means they would have to be built by a licensed manufacturer as well as operated by someone qualified to drive a limo.

Drinking Just an Aspect

These party-bike type services run Phoenix, Tucson, and Flagstaff and serve as an alternative to walking from one pub to another. But Robert Mayer, president of Tucson-based Pedal Crawler LLC, said his vehicles, like limos, are rented out by people who want to treat themselves and their guests to an unusual way of getting around and the ability to bring along your own beer while doing that is part of the experience.

Quadricycles Follow Same Rules as Limos

“Limousines have to go through certain regulations that have to do with insurance, requirements as to who the driver is, things like that,” says Fann. “If they are classified as a limousine, they have to follow the same rules to make sure that all of these passengers are safe and the vehicle’s being maintained safely.”

If you’re involved in a quadricycle accident, you need the expert advice of quadricycle accident attorneys such as those at Personal Injury Attorneys PLLC.

Source: Arizona Bike Law, Arizona Legislature considers defining motorized quadricycles, April 13, 2014

CITY OF WISCONSIN DELLS
ORDINANCE NO. _____
(BID Committee Structure)

The City of Wisconsin Dells, Adams, Columbia, Juneau and Sauk Counties, Wisconsin, does hereby ordain as follows:

SECTION I: PURPOSE

The purpose of this ordinance is to reduce the number of Business Improvement District Committee members by one starting with the April 2019 appointments.

SECTION II: PROVISION AMENDED

Wisconsin Dells Code sec. 1.11(3) is amended.

SECTION III: PROVISION AS AMENDED:

1.11 BUSINESS IMPROVEMENT DISTRICT

- (3) The board shall consist of ~~ten (10)~~ **nine (9)** members appointed by the Mayor and confirmed by the Common Council. ~~Nine (9)~~ **Eight (8)** of the members shall serve staggered terms of three years and a member of the Common Council shall be appointed annually. A majority of the board shall own or occupy real property in the district.

SECTION IV: VALIDITY

Should any section, clause or provision of the ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION V: CONFLICTING PROVISIONS REPEALED

All ordinances in conflict with any provisions of this ordinance are hereby repealed.

SECTION VI: EFFECTIVE DATE

This ordinance shall be in force from and after its introduction and publication and as provided by statute.

SECTION VII: PART OF CODE

This ordinance becomes a part of Wisconsin Dells Code, Chapter 1.

Edward E. Wojnicz, Mayor

Nancy R. Holzem, Clerk/Coordinator

First Reading Passed:

Second Reading Passed:

Publication: