

ORDINANCE NO. 2015-01

**AN ORDINANCE CREATING SECTION 125.0003,
OF CHAPTER 125, UNDERAGE AND INTOXICATED PERSONS:
POSSESSION: PROOF OF AGE: AND PRESENCE ON LICENSED PREMISES
RELATING TO FERMENTED MALT BEVERAGES OR INTOXICATING
LIQUOR ON PUBLIC PROPERTY AND COMMERCIAL QUADRICYCLES
OF THE VILLAGE OF ALLOUEZ MUNICIPAL CODE**

**THE VILLAGE BOARD OF THE VILLAGE OF ALLOUEZ, BROWN COUNTY,
WISCONSIN, DOES ORDAIN THAT SEC. 125.0003 BE CREATED TO READ AS
FOLLOWS:**

**SECTION 1. Sec. 125.0003. FERMENTED MALT BEVERAGES OR INTOXICATING
LIQUOR ON PUBLIC PROPERTY AND COMMERCIAL QUADRICYCLES
PROHIBITED; EXCEPTIONS**

- A. No fermented malt beverages or intoxicating liquor shall be sold, given away, dispensed, consumed, stored in or brought onto any public property of the Village.
- B. No person shall drink from, open a container of, or have in his possession an open container of fermented malt beverage or intoxicating liquor:
- (1) On a public highway including the sidewalks adjacent thereto;
 - (2) In or on a publicly owned or privately owned parking lot or ramp to which the public is invited;
 - (3) While on a commercial quadricycle, as defined as defined at §340.01(8m), Wis. Stats.;
 - (4) In or on any school grounds within the Village, consistent with §125.09(2), Wis. Stats.
- C. Exceptions. The provisions of this section shall not apply to the following:
- (1) Licensing requirements of Chapter 23 of this Code;
 - (2) Any area that has been temporarily licensed for consumption of intoxicating liquor or fermented malt beverages under Chapter 23 of this Code;
 - (3) A person licensed to serve fermented malt beverages or intoxicating liquor who, while working as an employee of a licensed establishment, is carrying an open container of a fermented malt beverage or intoxicating liquor between a licensed establishment and a sidewalk café for the sole purpose of serving patrons within the sidewalk café;
 - (4) Green Isle Park.

SECTION 2. Severability. In the event any section, subsection, clause, phrase or portion of this ordinance is for any reason held illegal, invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and

such holding shall not affect the validity of the remainder of this ordinance. It is the legislative intent of the Village Board that this ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

SECTION 3. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect upon its adoption and publication.

Approved and adopted this 6th day of January, 2014.

Steven VandenAvond, Village President

ATTEST:

Debra M. Baenen, Village Clerk

DATE OF PUBLICATION:



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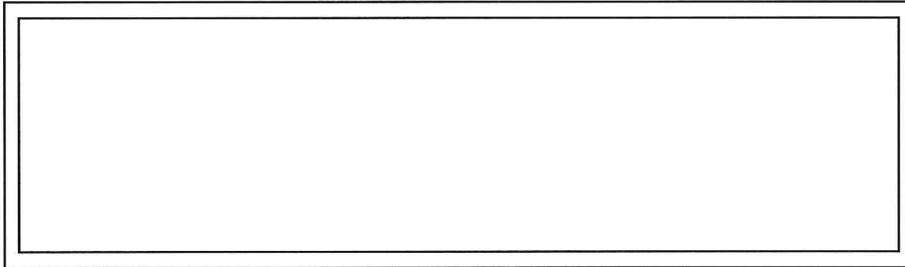
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June 2014 Note

Municipalities Can Regulate Newly Authorized "Pedal Pubs"

Question: What has a driver, four wheels, operates in a manner similar to a bicycle, has at least 12 passenger seats with fully operative pedals for propulsion by human power, and allows passengers to consume beer as they pedal along enjoying the sights in your community and perhaps stopping at various locations? Answer: A commercial quadricycle.

Commercial quadricycles, defined in Wis. Stat. sec. 340.01(8m) and regulated by sec. 346.94(23), were the subject of news stories following enactment of 2013 Wis. Act 106, which became effective January 1, 2014. If you haven't seen a commercial quadricycle in your community yet, it's possible you may see one soon. Commercial quadricycles where fermented malt beverages are consumed are often referred to as "pedal pubs."

Governing bodies can and will disagree regarding the wisdom of pedal pubs. But whether your municipality thinks pedal pubs are an economic boon or a disaster waiting to happen, here are some important things to know about the new law:

- Alcohol is **not** sold on the commercial quadricycle.
- No person may drive a commercial quadricycle on which any alcohol beverages other than fermented malt beverages (beer) are carried or consumed; No person may possess on, or carry onto, a commercial quadricycle more than 36 fluid ounces of fermented malt beverages.
- No driver of a commercial quadricycle may drive with an alcohol concentration of more than 0.02. or consume alcohol while the quadricycle is occupied by passengers.
- 2013 Wis. Act 103 created sec. 125.10(5)(a) which allows municipalities to prohibit the consumption of fermented malt beverages on commercial quadricycles by ordinance. However, a municipal ordinance regulating possession or consumption of open containers of alcohol beverages in public places and enacted before January 1, 2014 may not prohibit the possession or consumption of alcohol beverages by passengers on a commercial quadricycle. Furthermore, an ordinance inconsistent with sec. 125.10(5)(b) may not be enforced. Therefore, **municipalities will need to amend their existing ordinance or enact a new ordinance in order to regulate commercial quadricycles.**
- No person may drive a commercial quadricycle occupied by passengers after 10:30 p.m. or after any earlier time established by ordinance under sec. 349.18(1)(d), which grants additional traffic authority to local governments in specific areas.
- A commercial quadricycle driver convicted for violating sec. 346.94(23) is subject to forfeitures. Upon conviction, the law requires the court to enter an order permanently prohibiting the person from driving a commercial quadricycle, and the law prohibits a person from driving a commercial quadricycle in violation of such an order.

[Intoxicating Liquor 947](#)

[Intoxicating Liquor 948](#)

[Traffic Regulations 431](#)

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