

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa0930/1dn  
ARG:wlj:rs

October 8, 2013

In Wisconsin, many communities, including Madison, prohibit people from carrying “open containers” of alcohol along sidewalks and in other public places. These open container laws are enacted by local ordinance, not statute, and have been used to shut down the operation of existing “pedal pubs” or “pedal taverns” that permitted drinking on the vehicle. The newspapers have reported that, in the city of Milwaukee, the Milwaukee Police Department cracked down on pedal taverns under the theory that they were violating the city’s open container ordinance. The *Milwaukee Journal Sentinel* reported on October 5, 2012, that the city attorney “said having intoxicants on the Pedal Tavern violates the law against having open intoxicants on the street.” “City Cracks Down on Drinking Aboard Pedal Tavern,” at

[www.jsonline.com/news/milwaukee/pedal-tavern-loses-its-beer-power-fb74d6o-172851141.html](http://www.jsonline.com/news/milwaukee/pedal-tavern-loses-its-beer-power-fb74d6o-172851141.html).

Created s. 125.10 (5) (b) in ASA 1 to AB 169 was drafted to nullify these existing open container ordinances as applied to commercial quadricycles unless the municipality reaffirmed the ordinance after enactment of the bill. This amendment eliminates created s. 125.10 (5) (b) so that existing local ordinances will continue to apply to commercial quadricycles unless the municipality decides to change the ordinance.

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