

**2013 DRAFTING REQUEST**

**Assembly Amendment (AA-ASA1-AB169)**

Received: 10/8/2013 Received By: agary  
Wanted: As time permits Same as LRB:  
For: Melissa Sargent (608) 266-0960 By/Representing: Aaron  
May Contact: Drafter: agary  
Subject: Beverages Addl. Drafters:  
Transportation - motor vehicles  
Transportation - traffic laws Extra Copies:

Submit via email: YES  
Requester's email: Rep.Sargent@legis.wisconsin.gov  
Carbon copy (CC) to: aaron.gary@legis.wisconsin.gov

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Alcohol on commercial quadricycles; prior ordinances

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**Instructions:**

Change provision requiring local government to reaffirm a prior ordinance; make it so prior ordinance remains valid

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	agary 10/8/2013	wjackson 10/8/2013	rschlue 10/8/2013	_____	srose 10/8/2013	srose 10/8/2013	

FE Sent For:

<END>

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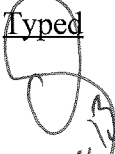
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/1	agary	1 WJ 10/8		==			

FE Sent For:

<END>



State of Wisconsin  
2013 - 2014 LEGISLATURE

Now



LRBa0930/1

ARG:.....  
wy

ASSEMBLY AMENDMENT,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 169

D-Note

1 At the locations indicated, amend the substitute amendment as follows:

2 ✓ 1. Page 3, line 2: delete "(a)".

3 ✓ 2. Page 3, line 4: delete "(a)".

4 ✓ 3. Page 3, line 7: delete lines 7 to 11.

5 (END)

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

LRBa0930/1dn

ARG:.....

Wly

Date

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-fb74d60-172851141.html](http://www.jsonline.com/news/milwaukee/pedal-tavern-loses-its-beer-power-fb74d60-172851141.html)

Created s. 125.10 (5) (b) in ASA1 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.

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.wisconsin.gov

**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

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