

**Ann Arbor City Council Regular Session: June
6, 2016**

	A	B	Email Redactions List Pursuant to Council Resolution R-09-386			F	G
1	<u>Sent Time</u>	<u>Received Time</u>	<u>TO</u>	<u>From</u>	<u>CC</u>	<u>Redactions</u>	<u>Reason for Redaction</u>
2	7:01 PM		Chuck Warpehoski	Chip Smith			
3	7:05 PM		Chuck Warpehoski	Chip Smith			
4	7:09 PM		City Council, James Baird	Jacqueline Beaudry	Tom Crawford, Sara Higgins		
5	7:44 PM		Sumi Kailasapathy	Sara Higgins			
6	8:28 PM		Jacqueline Beaudry	Chip Smith			
7	8:28 PM		City Council	Jacqueline Beaudry	Tom Crawford		
8	8:31 PM		Jacqueline Beaudry	Chuck Warpehoski			
9	8:53 PM		Ryan Stanton	Jane Lumm		Email address, phone number	Privacy
10	9:10 PM		Sabra Briere, Kirk Westphal, Julie Grand, Graydon Krapohl, Jack Eaton, Chuck Warpehoski	Jane Lumm	Sumi Kailasapahty, Chip Smith, Zach Ackerman, Christopher Taylor, Renee Bush, Jacqueline Beaudry, Stephen Postema		
11	9:12 PM		City Council	Kyle lady		Email address, phone number	Privacy
12	9:14 PM		Mary Joan Fales	Chuck Warpehoski			
13	9:33 PM		Kyle Lady	Jane Lumm	City Council	Email address, phone number	Privacy
14	9:59 PM		Sabra Briere, Chip Smith	Matthew Naud			
15	10:20 PM		Jane Lumm	Jacqueline Beaudry			

**Ann Arbor City Council Regular Session: June
6, 2016**

	A	B	Email Redactions List Pursuant to		Council Resolution R-09-386	F	G
16	10:39 PM		Jacqueline Beaudry	Jane Lumm	Tom Crawford, Mary Joan Fales, Christopher Taylor, Sabra Briere, Sumi Kailasapathy, Kirk Westphal, Julie Grand, Zach Ackerman, Graydon Krapohl, Jack Eaton, Chip Smith, Chuck Warpehoski, Ryan Stanton		

Alexa, Jennifer

From: Smith, Chip
Sent: Monday, June 06, 2016 7:01 PM
To: Warpehoski, Chuck
Subject: Chapter 131 Commercial Quadricycle Alcohol seatbelt Amendment
Attachments: Chapter 131 Commercial Quadricycle Alcohol seatbelt Amendment.docx

An Ordinance to amend the Code of the City of Ann Arbor by Adding a New Chapter, which Chapter, Shall be Designated as Chapter 131, Commercial Quadricycles, of Title X of Said Code.

The City of Ann Arbor Ordains.

Section 1. That Chapter 131, Commercial Quadricycles, of Title X of the Code of the City of Ann Arbor be added to read as follows:

Chapter 131

COMMERCIAL QUADRICYCLES

10:211. Findings and Purpose

The transportation of persons by means of Commercial Quadricycles is a matter closely affecting the public interest. Due to the high volume of pedestrian, bicycle and vehicular traffic in the City of Ann Arbor, it is necessary to regulate the operation of Commercial Quadricycles on streets, highways, and thoroughfares within the City.

The public interest requires that Commercial Quadricycle operators be properly qualified persons, that the Commercial Quadricycles themselves be fit for their intended purpose and that the safety and welfare of passengers be protected in the operation of Commercial Quadricycles.

10:212. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "City Administrator" means the City Administrator of the City of Ann Arbor or his/her authorized subordinate.
2. "Commercial Quadricycle" means a vehicle that satisfies all of the following: (a) has fully operative pedals for propulsion entirely by human power; (b) has at least 4 wheels and is operated in a manner similar to a bicycle; (c) has at least 6 seats for passengers; (d) is designed to be occupied by a driver and powered either by passengers providing pedal power to the drive train of the vehicle or by a motor capable of propelling the vehicle in the absence of human power; (e) is used for commercial purposes; and (f) is operated by the owner of the vehicle or an employee of the owner of the vehicle.
3. "Commercial Quadricycle Owner" means a person who is the owner of a Commercial Quadricycle or Commercial Quadricycle business.
4. "Commercial Quadricycle Operator" means the business owner or employee operating the vehicle.

5. "Operating Permit" means a written permit issued by the City authorizing a person to operate a Commercial Quadricycle.

10:213. Operating Regulations.

No person shall drive or operate a Commercial Quadricycle for hire upon the streets, highways or thoroughfares of the City of Ann Arbor and no person who owns or controls a Commercial Quadricycle shall permit it to be so driven or operated unless the Commercial Quadricycle is operated in compliance with all of the requirements of this Section.

1. No person, firm or corporation shall operate a Commercial Quadricycle for hire without an operating permit.
2. No person under the age of 18 shall operate a Commercial Quadricycle.
3. No person shall drive or operate a Commercial Quadricycle unless that person has a current valid Michigan driver's license.
4. No person shall operate, or cause to be operated, a Commercial Quadricycle, in an unsafe condition.
5. Commercial Quadricycles are only permitted to be driven or operated in the city on designated streets, highways, or thoroughfares. All Commercial Quadricycle drivers are subject to all applicable traffic safety laws, rules, and regulations of the City of Ann Arbor and the State of Michigan. Commercial Quadricycles shall be operated at a speed of not more than 25 miles per hour.
6. A Commercial Quadricycle is not permitted to park on public property except as follows:
 - a. The City Administrator may designate a portion of a public street, alley, plaza, park or similar public place as a "Quadricycle stand" or other designated loading/unloading zones for the parking of Commercial Quadricycles.
 - b. In a legal parking space, provided that the fee for occupying said space is paid, if applicable.
 - c. A single Commercial Quadricycle may park temporarily at the curb only as long as necessary for passengers to board and exit the vehicle.
 - d. In all cases, Commercial Quadricycles shall be parked in a location that does not impede pedestrian or vehicular traffic.
7. A Commercial Quadricycle shall not board or allow passengers to exit the vehicle from a traffic travel lane.
8. A Commercial Quadricycle shall not be operated on a sidewalk or a designated path constructed for use by pedestrians.

9. Rides must be pre-arranged. Fares and/or rental fees must be agreed upon at or before the beginning of each trip. Commercial quadricycles are prohibited from picking up fares or otherwise acting as a taxicab.
10. No person shall use or allow any Commercial Quadricycle to be used, for any illegal purpose. No person shall use or permit or allow another to use any Commercial Quadricycle to aid or abet, any illegal act.
11. No Commercial Quadricycle Operator shall operate or knowingly permit any other person to operate any Commercial Quadricycle under the influence of intoxicating liquor, any controlled, exhilarating or stupefying substance or of any combination of substances mentioned herein.
12. No person shall operate a Commercial Quadricycle when the number of passengers exceeds the number of available seats. No person shall operate a Commercial Quadricycle unless all passengers are seated in a seat designed for that purpose ~~and using the seatbelt provided for in the seat.~~
13. Each Commercial Quadricycle Owner shall adopt and operate a system for the collection, storage and return of personal property left on-board a Commercial Quadricycle.

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10:214. Vehicle Regulations.

No person shall drive or operate a Commercial Quadricycle upon the streets, highways or thoroughfares of the City of Ann Arbor and no person who owns or controls a Commercial Quadricycle shall permit it to be so driven or operated unless the vehicle is in compliance with all of the requirements of this section.

1. All Commercial Quadricycle Owners must have the vehicle inspected by the City of Ann Arbor Police Department prior to operation. All vehicles must be construed for and have the structural integrity to support its operation. Each vehicle must be equipped with the following:
 - a. Front and rear turn signals.
 - b. Head lights.
 - c. Tail lights.
 - d. Rearview mirror.
 - e. A bell or horn.
 - ~~f. Seatbelts for passengers.~~
 - gf. Reflectors placed on each wheel and at each corner of the body of the vehicle.
 - hg. A proper braking system approved by the City Police Department

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- ih. Any other equipment required to comply with all applicable federal and state laws.
 - ij. A vehicle must not have any cracks, broken or missing parts, or other visible damage. All wheels must be firmly attached to the hub of the vehicle and all springs, axles, and supporting structures of each vehicle must be intact.
2. Each Commercial Quadricycle Owner shall, at all times, keep each Commercial Quadricycle vehicle clean and free of refuse and in safe operating condition. Prior to the operation of any Commercial Quadricycle, and at the beginning of each shift or each day of operation, the vehicle owner shall thoroughly inspect the vehicle for safe operating conditions. For any condition found then or at any other time that will prevent the safe operation of the Commercial Quadricycle, the owner shall immediately remove the vehicle from service and correct the condition before the Commercial Quadricycle is returned to service.
 3. Each Commercial Quadricycle shall have a City issued unique, non-transferable vehicle identification number at least four inches in height visible on both sides of the vehicle .
 4. Each Commercial Quadricycle Owner shall prepare a training program for its drivers covering, at a minimum, the safe operation of Commercial Quadricycle vehicles, customer service policies and the requirements of this chapter.
 5. Each Commercial Quadricycle Owner shall at all times maintain a policy of bodily injury and property damage liability insurance in the minimum combined single limit of ~~one~~two million dollars (\$~~1~~2,000,000.00) for all persons injured or for property damage arising out of the permitted operation or such other amount as the may be required by statute. The policy shall directly protect the City of Ann Arbor, its officers and employees and agents as additional named insureds, and shall provide that the insurance be primary insurance and that no other insurance purchased by the City will be called on to contribute to a loss covered by said policy. The policy shall further provide ten (10) days notice of cancellation or material change to the City Attorney. Evidence of insurance coverage must be provided before any permit is issued. Prior approval of the City of Ann Arbor is required. Each owner and operator shall further agree to hold the City harmless for any liability or claim arising out of his/her operation that is not covered by the required insurance. Any deviation from the listed insurance coverage is subject to the approval of the City of Ann Arbor.
 6. If a Commercial Quadricycle vehicle is involved in an accident or collision, the driver shall immediately notify the Commercial Quadricycle Owner (if the owner and operator are not the same individual) and the police department and remain at the scene until the accident or collision is investigated by the police. The Commercial Quadricycle Owner shall submit a full written report on the condition of the vehicle to the City Clerk within 72 hours after the occurrence. Before operating the Commercial Quadricycle again, its owner shall have the vehicle re-inspected by the City Police Department for safety.

7. Each Commercial Quadricycle Owner must file an application and business information form with the City Clerk prior to operation. The City Clerk shall provide the application forms.
8. All Commercial Quadricycle Drivers must display an identification badge. Each identification badge must contain the following information:
 - a. Name;
 - b. Age;
 - c. Height;
 - d. Weight; and
 - e. Photograph.

A Commercial Quadricycle Driver shall wear respectable attire and a shirt that includes the name of the Commercial Quadricycle business, or other identifying information on his/her person (i.e. name tag or similar device)..

10:215. Application for Operating Permit.

The operating permit application form shall be prescribed by the City. Any application that does not include all information requested by the application form or is not supported by the materials required in this chapter shall be denied.

1. Every person desiring to obtain an operating permit is required to make written application for a permit to the City Clerk. The applicant shall truthfully and fully provide the information requested on the application, including but not limited to:
 - a. The applicant's full name and residence address;
 - b. The applicant's date of birth;
 - c. The applicant's driver's license and number
 - d. The name of any business entity applying for an operating permit;
 - e. A certificate of insurance satisfying the requirements of this Chapter;
 - f. A map of the city showing proposed routes, stands, or pick up points;
 - g. A list of each authorized driver, including name, address, date of birth driver's license number, the length of time such driver has been a resident of Michigan, and certification that the driver shall complete the required training program established by this Chapter;

- h. A description of the Commercial Quadricycle, including trade name, number of seats, serial number, if any, and body style; and
- i. Such other information as the City may require.

2. If the applicant is a corporation, limited liability company, partnership or such other business entity, the person who will be acting as principal in charge of the business to be licensed shall sign the application and all owners of the business entity shall meet all of the requirements for individual applicants.

Upon receipt of an application for a license or an application for renewal, the City Clerk shall request an investigation by City service units (Police, Public Services, Treasury, City Attorney's Office) to determine conditions related to the health, safety and welfare of the City. In determining whether a permit should be issued, the application and applicant shall be evaluated on the following grounds:

1. Whether the proposed activities comply with all of the provisions of this chapter and City Code;
2. Whether the proposed activities involve the safe use of streets by the public for vehicles and pedestrians; and
3. Whether the applicant has not previously violated the provisions of this chapter or City Code.

No license or renewal thereof shall be granted without the approval of the routes and vehicle in accordance with the provisions of this chapter.

Upon completion of investigation, the City Clerk shall either issue the license or a denial of the license. If the license is denied, the reasons for denial shall be given to the applicant in writing.

10:216. Validity of Operating Permit; Renewal

Operating permits shall be valid for a period of one year expiring on the next March 1 immediately following the date the permit was issued. Operating permits shall become invalid immediately if the operating permit is defaced, altered, forged or counterfeited.

The permit holder, at the expiration of any license year, shall be entitled to a renewal of the permit for the ensuing year by the City Clerk upon compliance with this chapter. The permit holder shall submit an application for renewal, and such information as shall be required by the City.

10:217. Commercial Quadricycle Identification Number and Decal.

It is unlawful for any owner to lease, rent, or allow a Commercial Quadricycle to be operated for hire without first having obtained a decal from the City. The decal shall be affixed in a manner prescribed by the City. Each Commercial Quadricycle shall have a unique, non-transferable

vehicle identification number at least four inches in height visible on both sides of the vehicle. The decal form shall be prescribed by the City.

An application for a decal and identification number must include the following information:

1. The full name and address of the applicant;
2. The names and address of all legal and registered owners of the quadricycle;
3. A description of the vehicle, include trade name, if any serial number and body style;
4. Proof of insurance in accordance with the provisions of this Code; and
5. Such other information as the city may require.

10:218. Permit and Decal Fee.

The City shall charge a non-refundable fee to recover the cost of activities associated with the administration, regulation and issuance of decals and operating permits. The fee shall be determined by resolution of City Council upon the recommendation of the City Administrator.

10:219. Grounds for Denial, Suspension or Revocation of Operating Permit or Decal.

Operating permits or decals may be denied, suspended or revoked by the City based upon any of the following grounds:

1. The operator or owner of the Commercial Quadricycle fails or has failed to comply with the application provisions of this chapter;
2. The operator has been convicted of any felony involving force and violence; any misdemeanor or felony reckless driving or driving under the influence offense; or any crime reasonably related to the qualifications, functions, or duties of the passenger transport business or the ability of the operator to safely transport passengers; unless five years has elapsed from the successful completion of the sentence for any such convictions;
3. The operator or owner has knowingly made a false statement of material fact, or knowingly failed to state a material fact in the application process for the operating permit or decal;
4. The operator's ability to drive lawfully in Michigan is currently expired, suspended or revoked;
5. The operator has engaged in activity that, in the judgment of the City Administrator, constitutes a serious threat to public health, safety or welfare. Such threat may be indicated by, but is not limited to:

- a. an arrest for driving under the influence of alcohol or a controlled substance while operating a Commercial Quadricycle;
 - b. an arrest for a crime, that if convicted, would require registration as a sex offender, and where a Commercial Quadricycle was used in the planning of, perpetration of, or fleeing from the offense;
 - c. a report from a law enforcement agency that the vehicle or vehicle operator was involved in a vehicle accident involving a Commercial Quadricycle, where the Commercial Quadricycle passengers were injured; or
6. The operator or owner is in default to the City, including being delinquent in the payment of any taxes, fees or other City charges.

10:220. Notification of Suspension or Revocation of Operating Permit; Appeals.

Any operating permit issued by the City may be suspended or revoked by the City Clerk for cause as herein defined. In either case, a hearing shall be scheduled to be held by the City Administrator. Depending on the necessity for prompt action, the hearing shall be held in accordance with one of the following provisions:

1. If there is no immediate threat to the public health, safety or welfare, the hearing shall be held to determine whether the operating permit should be suspended or revoked. The holder of the operating permit shall be notified of the time, date and place of the hearing and shall be notified of the reason(s) for the proposed suspension or revocation. The operating permit holder shall be entitled to be represented by counsel, to submit evidence, to cross-examine testifying witnesses, and to make arguments concerning the factual and legal issues. The City Administrator shall render a written decision stating the reasons for the decision; or
2. If there is an immediate threat to the public health, safety or welfare, the operating permit may be suspended prior to the hearing. If a license or permit is suspended prior to the hearing, the hearing shall be commenced as soon as practical, but in no case more than ten days after the suspension. The hearing shall be held to determine whether to terminate or extend the suspension or whether the suspension should be converted into a revocation of the operating permit. The holder of the operating permit shall be notified of the time, date and place of the hearing and shall be notified of the reason(s) for the already-imposed suspension and for any contemplated future action. The operating permit holder shall be entitled to be represented by counsel, to submit evidence, to cross-examine testifying witnesses, and to make arguments concerning the factual and legal issues. The City Administrator shall render a written decision stating the reasons for the decision.

In any hearing held pursuant to the provisions of this chapter, the rules of evidence shall be followed as far as practicable, but a hearing officer or body may admit and give probative effect to evidence of a type commonly relied upon by reasonably prudent people in the conduct of

their affairs. Irrelevant, immaterial or unduly repetitious evidence may be excluded. Notice may be taken of facts within the general knowledge of the community.

Any person dissatisfied with the decision of the City Administrator may appeal to the City Council, provided that a written request for such an appeal shall be filed within seven days of the date of the decision to be appealed. The City Council shall schedule a hearing on the appeal within eight days of the receipt of the request for appeal by the City Clerk. The hearing shall be scheduled and held before the entire City Council or hearing officer, as the City Council shall determine. The factual record made in the hearing below shall constitute the basic record for the appeal. The City Council or designated hearing officer may, but need not, allow for the presentation of additional evidence. Argument as to relevant factual and legal issues shall be permitted. If the hearing is conducted by the City Council, the decision of the City Council shall be by majority vote. If the hearing is conducted by a designated hearing officer, it shall be the responsibility of the hearing officer to make a recommendation to the City Council for the Council's final review and decision. The City Council may affirm, reverse or modify any action taken relative to a license. The decision of the City Council shall be final.

10:221. Preliminary Breath Test.

A sworn police officer who has reasonable cause to believe that a person is or was operating a Commercial Quadricycle upon a public highway or other place open to the public or generally accessible to a Commercial Quadricycle, including an area designated for the parking of vehicles, and that the person by the consumption of alcoholic liquor may have affected his/her ability to operate a Commercial Quadricycle may require the person to submit to a preliminary chemical breath analysis. A Commercial Quadricycle Operator's refusal to take or failure to properly take a preliminary chemical breath analysis as required by this section is a violation.

10:222. Seat Belt Use Violation

Permitting or failing to require a passenger of a Commercial Quadricycle to use a seat belt only shall be a municipal civil infraction.

10:223. Area of Operation.

1. Operation of a Commercial Quadricycle with the city limits of the City of Ann Arbor shall be limited to designated streets, highways, or thoroughfares within the City with a posted speed limit of 25 mph or less. Designated areas/routes may be established, altered or prohibited when necessary for the safety and welfare of the public by resolution of City Council. A map of the designated area/routes shall be on file with the City Clerk and attached to any application for a permit under this chapter:
2. Operation of a Commercial Quadricycle within the designated area/routes or on a specific street within the designated area/routes of the City of Ann Arbor shall be specifically prohibited:
 - a. On any date which City Council has authorized a street closed in connection with an approved City Special Event Permit;

- b. On all University of Michigan Stadium event days, including but not limited to University of Michigan home football game days;
 - c. On any date designated or within the boundaries of the Art Fair;
 - d. On any City park pathway or within any City park parking area;
 - e. On a highway or street with a speed limit of more than 25 miles per hour except for the purpose of crossing that highway or street;
 - f. On any highway or street under the jurisdiction of the Michigan Department of Transportation has designated prohibited in the interest of public safety; and
 - g. On Main Street within the central business district during the hours of 4:00 – 6:00 p.m., Monday through Friday.
3. Within the designated area/routes of operation each person operating a Commercial Quadricycle upon a roadway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle under the Michigan Vehicle Code, 1949 P.A. 300, as amended, except for the provision therein that by their nature do not apply and except for the special regulations of this chapter.

10:224. Transfers

No permit or interest therein shall be transferred directly or indirectly without the consent of the City Clerk. Transfers shall be construed and processed as a new application for a permit.

10:225. Other Licenses and Permits.

A permit obtained under this chapter shall not relieve any person of the responsibility for obtaining any other permit, license or authorization required by another ordinance, statute or administrative rule.

~~10:226. Transportation or Possession of Alcoholic Liquor~~

~~A person who is an operator or occupant of a Commercial Quadricycle shall not transport, consume or possess alcoholic liquor within any area of a Commercial Quadricycle upon a highway, or in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in the City of Ann Arbor.~~

~~This section does not apply to a passenger in a chartered vehicle authorized to operate by the state transportation department.~~

10:226 Transport, Possession, or Consumption of Alcohol

A passenger of a Commercial Quadricycle may transport, possess or consume alcohol from a container that is open or uncapped or upon which the seal is broken within the passenger area of a Commercial Quadricycle. A passenger in a Commercial Quadricycle shall not transport or possess alcohol other than beer, wine, spirits, or mixed spirits drink. No beverage may be

transported or possessed in a glass container. A passenger may not depart a Commercial Quadricycle with any container that is open or uncapped or upon which the seal is broken containing alcohol.

10:227. Penalty

A person operating a Commercial Quadricycle in the City of Ann Arbor without an Operating Permit approved by the City is responsible for a civil infraction. The Court, in its discretion, may impose the following sanctions:

- (i) For a first violation: a civil fine of not more than Fifty dollars (\$50.00)
- (ii) For a second or subsequent violation: a civil fine of not more than One hundred dollars (\$100.00)

~~A person who violation Section 10:226 is guilty of a misdemeanor. As part of the sentence, the person may be ordered to perform community service and undergo substance abuse screening and assessment at his/her own expense as described in section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703.~~

Section 2. Severability. If any Section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate and distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect July 1, 2016.

Alexa, Jennifer

From: Smith, Chip
Sent: Monday, June 06, 2016 7:05 PM
To: Warpehoski, Chuck
Subject: Chapter 131 Commercial Quadricycle Alcohol seatbelt Amendment
Attachments: Chapter 131 Commercial Quadricycle Alcohol seatbelt Amendment.docx

Updated numbering etc – use this one

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 3. Each Commercial Quadricycle shall have a City issued unique, non-transferable vehicle identification number at least four inches in height visible on both sides of the vehicle .
 4. Each Commercial Quadricycle Owner shall prepare a training program for its drivers covering, at a minimum, the safe operation of Commercial Quadricycle vehicles, customer service policies and the requirements of this chapter.
 5. Each Commercial Quadricycle Owner shall at all times maintain a policy of bodily injury and property damage liability insurance in the minimum combined single limit of ~~one~~two million dollars (\$~~1~~2,000,000.00) for all persons injured or for property damage arising out of the permitted operation or such other amount as the may be required by statute. The policy shall directly protect the City of Ann Arbor, its officers and employees and agents as additional named insureds, and shall provide that the insurance be primary insurance and that no other insurance purchased by the City will be called on to contribute to a loss covered by said policy. The policy shall further provide ten (10) days notice of cancellation or material change to the City Attorney. Evidence of insurance coverage must be provided before any permit is issued. Prior approval of the City of Ann Arbor is required. Each owner and operator shall further agree to hold the City harmless for any liability or claim arising out of his/her operation that is not covered by the required insurance. Any deviation from the listed insurance coverage is subject to the approval of the City of Ann Arbor.
 6. If a Commercial Quadricycle vehicle is involved in an accident or collision, the driver shall immediately notify the Commercial Quadricycle Owner (if the owner and operator are not the same individual) and the police department and remain at the scene until the accident or collision is investigated by the police. The Commercial Quadricycle Owner shall submit a full written report on the condition of the vehicle to the City Clerk within 72 hours after the occurrence. Before operating the Commercial Quadricycle again, its owner shall have the vehicle re-inspected by the City Police Department for safety.

7. Each Commercial Quadricycle Owner must file an application and business information form with the City Clerk prior to operation. The City Clerk shall provide the application forms.
8. All Commercial Quadricycle Drivers must display an identification badge. Each identification badge must contain the following information:
 - a. Name;
 - b. Age;
 - c. Height;
 - d. Weight; and
 - e. Photograph.

A Commercial Quadricycle Driver shall wear respectable attire and a shirt that includes the name of the Commercial Quadricycle business, or other identifying information on his/her person (i.e. name tag or similar device)..

10:215. Application for Operating Permit.

The operating permit application form shall be prescribed by the City. Any application that does not include all information requested by the application form or is not supported by the materials required in this chapter shall be denied.

1. Every person desiring to obtain an operating permit is required to make written application for a permit to the City Clerk. The applicant shall truthfully and fully provide the information requested on the application, including but not limited to:
 - a. The applicant's full name and residence address;
 - b. The applicant's date of birth;
 - c. The applicant's driver's license and number
 - d. The name of any business entity applying for an operating permit;
 - e. A certificate of insurance satisfying the requirements of this Chapter;
 - f. A map of the city showing proposed routes, stands, or pick up points;
 - g. A list of each authorized driver, including name, address, date of birth driver's license number, the length of time such driver has been a resident of Michigan, and certification that the driver shall complete the required training program established by this Chapter;

- h. A description of the Commercial Quadricycle, including trade name, number of seats, serial number, if any, and body style; and
 - i. Such other information as the City may require.
 2. If the applicant is a corporation, limited liability company, partnership or such other business entity, the person who will be acting as principal in charge of the business to be licensed shall sign the application and all owners of the business entity shall meet all of the requirements for individual applicants.

Upon receipt of an application for a license or an application for renewal, the City Clerk shall request an investigation by City service units (Police, Public Services, Treasury, City Attorney's Office) to determine conditions related to the health, safety and welfare of the City. In determining whether a permit should be issued, the application and applicant shall be evaluated on the following grounds:

1. Whether the proposed activities comply with all of the provisions of this chapter and City Code;
2. Whether the proposed activities involve the safe use of streets by the public for vehicles and pedestrians; and
3. Whether the applicant has not previously violated the provisions of this chapter or City Code.

No license or renewal thereof shall be granted without the approval of the routes and vehicle in accordance with the provisions of this chapter.

Upon completion of investigation, the City Clerk shall either issue the license or a denial of the license. If the license is denied, the reasons for denial shall be given to the applicant in writing.

10:216. Validity of Operating Permit; Renewal

Operating permits shall be valid for a period of one year expiring on the next March 1 immediately following the date the permit was issued. Operating permits shall become invalid immediately if the operating permit is defaced, altered, forged or counterfeited.

The permit holder, at the expiration of any license year, shall be entitled to a renewal of the permit for the ensuing year by the City Clerk upon compliance with this chapter. The permit holder shall submit an application for renewal, and such information as shall be required by the City.

10:217. Commercial Quadricycle Identification Number and Decal.

It is unlawful for any owner to lease, rent, or allow a Commercial Quadricycle to be operated for hire without first having obtained a decal from the City. The decal shall be affixed in a manner prescribed by the City. Each Commercial Quadricycle shall have a unique, non-transferable

vehicle identification number at least four inches in height visible on both sides of the vehicle. The decal form shall be prescribed by the City.

An application for a decal and identification number must include the following information:

1. The full name and address of the applicant;
2. The names and address of all legal and registered owners of the quadricycle;
3. A description of the vehicle, include trade name, if any serial number and body style;
4. Proof of insurance in accordance with the provisions of this Code; and
5. Such other information as the city may require.

10:218. Permit and Decal Fee.

The City shall charge a non-refundable fee to recover the cost of activities associated with the administration, regulation and issuance of decals and operating permits. The fee shall be determined by resolution of City Council upon the recommendation of the City Administrator.

10:219. Grounds for Denial, Suspension or Revocation of Operating Permit or Decal.

Operating permits or decals may be denied, suspended or revoked by the City based upon any of the following grounds:

1. The operator or owner of the Commercial Quadricycle fails or has failed to comply with the application provisions of this chapter;
2. The operator has been convicted of any felony involving force and violence; any misdemeanor or felony reckless driving or driving under the influence offense; or any crime reasonably related to the qualifications, functions, or duties of the passenger transport business or the ability of the operator to safely transport passengers; unless five years has elapsed from the successful completion of the sentence for any such convictions;
3. The operator or owner has knowingly made a false statement of material fact, or knowingly failed to state a material fact in the application process for the operating permit or decal;
4. The operator's ability to drive lawfully in Michigan is currently expired, suspended or revoked;
5. The operator has engaged in activity that, in the judgment of the City Administrator, constitutes a serious threat to public health, safety or welfare. Such threat may be indicated by, but is not limited to:

- a. an arrest for driving under the influence of alcohol or a controlled substance while operating a Commercial Quadricycle;
 - b. an arrest for a crime, that if convicted, would require registration as a sex offender, and where a Commercial Quadricycle was used in the planning of, perpetration of, or fleeing from the offense;
 - c. a report from a law enforcement agency that the vehicle or vehicle operator was involved in a vehicle accident involving a Commercial Quadricycle, where the Commercial Quadricycle passengers were injured; or
6. The operator or owner is in default to the City, including being delinquent in the payment of any taxes, fees or other City charges.

10:220. Notification of Suspension or Revocation of Operating Permit; Appeals.

Any operating permit issued by the City may be suspended or revoked by the City Clerk for cause as herein defined. In either case, a hearing shall be scheduled to be held by the City Administrator. Depending on the necessity for prompt action, the hearing shall be held in accordance with one of the following provisions:

1. If there is no immediate threat to the public health, safety or welfare, the hearing shall be held to determine whether the operating permit should be suspended or revoked. The holder of the operating permit shall be notified of the time, date and place of the hearing and shall be notified of the reason(s) for the proposed suspension or revocation. The operating permit holder shall be entitled to be represented by counsel, to submit evidence, to cross-examine testifying witnesses, and to make arguments concerning the factual and legal issues. The City Administrator shall render a written decision stating the reasons for the decision; or
2. If there is an immediate threat to the public health, safety or welfare, the operating permit may be suspended prior to the hearing. If a license or permit is suspended prior to the hearing, the hearing shall be commenced as soon as practical, but in no case more than ten days after the suspension. The hearing shall be held to determine whether to terminate or extend the suspension or whether the suspension should be converted into a revocation of the operating permit. The holder of the operating permit shall be notified of the time, date and place of the hearing and shall be notified of the reason(s) for the already-imposed suspension and for any contemplated future action. The operating permit holder shall be entitled to be represented by counsel, to submit evidence, to cross-examine testifying witnesses, and to make arguments concerning the factual and legal issues. The City Administrator shall render a written decision stating the reasons for the decision.

In any hearing held pursuant to the provisions of this chapter, the rules of evidence shall be followed as far as practicable, but a hearing officer or body may admit and give probative effect to evidence of a type commonly relied upon by reasonably prudent people in the conduct of

their affairs. Irrelevant, immaterial or unduly repetitious evidence may be excluded. Notice may be taken of facts within the general knowledge of the community.

Any person dissatisfied with the decision of the City Administrator may appeal to the City Council, provided that a written request for such an appeal shall be filed within seven days of the date of the decision to be appealed. The City Council shall schedule a hearing on the appeal within eight days of the receipt of the request for appeal by the City Clerk. The hearing shall be scheduled and held before the entire City Council or hearing officer, as the City Council shall determine. The factual record made in the hearing below shall constitute the basic record for the appeal. The City Council or designated hearing officer may, but need not, allow for the presentation of additional evidence. Argument as to relevant factual and legal issues shall be permitted. If the hearing is conducted by the City Council, the decision of the City Council shall be by majority vote. If the hearing is conducted by a designated hearing officer, it shall be the responsibility of the hearing officer to make a recommendation to the City Council for the Council's final review and decision. The City Council may affirm, reverse or modify any action taken relative to a license. The decision of the City Council shall be final.

10:221. Preliminary Breath Test.

A sworn police officer who has reasonable cause to believe that a person is or was operating a Commercial Quadricycle upon a public highway or other place open to the public or generally accessible to a Commercial Quadricycle, including an area designated for the parking of vehicles, and that the person by the consumption of alcoholic liquor may have affected his/her ability to operate a Commercial Quadricycle may require the person to submit to a preliminary chemical breath analysis. A Commercial Quadricycle Operator's refusal to take or failure to properly take a preliminary chemical breath analysis as required by this section is a violation.

~~10:222. Seat Belt Use Violation~~

~~Permitting or failing to require a passenger of a Commercial Quadricycle to use a seat belt only shall be a municipal civil infraction.~~

Formatted: Strikethrough

10:223222. Area of Operation.

1. Operation of a Commercial Quadricycle with the city limits of the City of Ann Arbor shall be limited to designated streets, highways, or thoroughfares within the City with a posted speed limit of 25 mph or less. Designated areas/routes may be established, altered or prohibited when necessary for the safety and welfare of the public by resolution of City Council. A map of the designated area/routes shall be on file with the City Clerk and attached to any application for a permit under this chapter:
2. Operation of a Commercial Quadricycle within the designated area/routes or on a specific street within the designated area/routes of the City of Ann Arbor shall be specifically prohibited:
 - a. On any date which City Council has authorized a street closed in connection with an approved City Special Event Permit;

- b. On all University of Michigan Stadium event days, including but not limited to University of Michigan home football game days;
 - c. On any date designated or within the boundaries of the Art Fair;
 - d. On any City park pathway or within any City park parking area;
 - e. On a highway or street with a speed limit of more than 25 miles per hour except for the purpose of crossing that highway or street;
 - f. On any highway or street under the jurisdiction of the Michigan Department of Transportation has designated prohibited in the interest of public safety; and
 - g. On Main Street within the central business district during the hours of 4:00 – 6:00 p.m., Monday through Friday.
3. Within the designated area/routes of operation each person operating a Commercial Quadricycle upon a roadway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle under the Michigan Vehicle Code, 1949 P.A. 300, as amended, except for the provision therein that by their nature do not apply and except for the special regulations of this chapter.

10:224223. Transfers

No permit or interest therein shall be transferred directly or indirectly without the consent of the City Clerk. Transfers shall be construed and processed as a new application for a permit.

10:225224. Other Licenses and Permits.

A permit obtained under this chapter shall not relieve any person of the responsibility for obtaining any other permit, license or authorization required by another ordinance, statute or administrative rule.

10:226. ——— Transportation or Possession of Alcoholic Liquor

~~A person who is an operator or occupant of a Commercial Quadricycle shall not transport, consume or possess alcoholic liquor within any area of a Commercial Quadricycle upon a highway, or in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in the City of Ann Arbor.~~

~~This section does not apply to a passenger in a chartered vehicle authorized to operate by the state transportation department.~~

10:2265 Transport, Possession, or Consumption of Alcohol

A passenger of a Commercial Quadricycle may transport, possess or consume alcohol from a container that is open or uncapped or upon which the seal is broken within the passenger area of a Commercial Quadricycle. A passenger in a Commercial Quadricycle shall not transport or possess alcohol other than beer, wine, spirits, or mixed spirits drink. No beverage may be

transported or possessed in a glass container. A passenger may not depart a Commercial Quadricycle with any container that is open or uncapped or upon which the seal is broken containing alcohol.

10:227226. Penalty

A person operating a Commercial Quadricycle in the City of Ann Arbor without an Operating Permit approved by the City is responsible for a civil infraction. The Court, in its discretion, may impose the following sanctions:

- (i) For a first violation: a civil fine of not more than Fifty dollars (\$50.00)
- (ii) For a second or subsequent violation: a civil fine of not more than One hundred dollars (\$100.00)

~~A person who violation Section 10:226 is guilty of a misdemeanor. As part of the sentence, the person may be ordered to perform community service and undergo substance abuse screening and assessment at his/her own expense as described in section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703.~~

Section 2. Severability. If any Section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate and distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect July 1, 2016.

Alexa, Jennifer

From: Beaudry, Jacqueline
Sent: Monday, June 06, 2016 7:09 PM
To: Baird, James; *City Council Members (All)
Cc: Crawford, Tom; Higgins, Sara
Subject: RE: Police Response to HRC memo

This was added to the packet and the web as AC-4.

From: Baird, James
Sent: Monday, June 6, 2016 5:32 PM
To: *City Council Members (All)
Cc: Crawford, Tom; Higgins, Sara; Beaudry, Jacqueline
Subject: Police Response to HRC memo

Please see attached response to HRC report.

Alexa, Jennifer

From: Higgins, Sara
Sent: Monday, June 06, 2016 7:44 PM
To: Kailasapathy, Sumi
Subject: Re: Agenda Responses - June 6, 2016

Thank you, Sumi. I will correct the question and add it to the packet.

On Jun 6, 2016, at 5:50 PM, Kailasapathy, Sumi <SKailasapathy@a2gov.org> wrote:

Page 8, DC-4 question is the wrong one

From: Higgins, Sara
Sent: Monday, June 06, 2016 4:50 PM
To: *City Council Members (All)
Cc: Crawford, Tom; Delacourt, Derek; Williams, Debra; Turner-Tolbert, Lisha; Wilkerson, Robyn; Hupy, Craig; Slotten, Cresson; Lawson, Jennifer; Harrison, Venita; Postema, Stephen; Fales, Mary Joan; Frost, Christopher; Landefeld, Josh; Cooper, Eli; Hutchinson, Nicholas; Brett Lenart; Larcom, Kristen
Subject: Agenda Responses - June 6, 2016

Mayor and Council,

Attached are staff responses to June 6 Council Agenda questions. The referenced attachment is at the end of the document.

Thank you,

Sara Higgins
Assistant to City Administrator
City of Ann Arbor
City Administrator's Office
Phone: (734) 794-6110
Internal Number: 41102

Alexa, Jennifer

From: Smith, Chip
Sent: Monday, June 06, 2016 8:28 PM
To: Beaudry, Jacqueline
Subject: FW: Chapter 131 Commercial Quadricycle 042616 cs redline
Attachments: Chapter 131 Commercial Quadricycle redline mjf 060116 (2).docx

Importance: High

From: Fales, Mary Joan
Sent: Wednesday, June 1, 2016 5:06 PM
To: Smith, Chip
Cc: Postema, Stephen
Subject: RE: Chapter 131 Commercial Quadricycle 042616 cs redline
Importance: High

Chip - Doing a line-by-line review I identified 1 additional reference to seat belts in Section 10:213. I have revised the motion accordingly:

Move to amend Chapter 131 to remove any reference to the requirement of seatbelts for passages by amending Section 10:213(12) deleting "and using the seatbelt provided for in the seat", Section 10:214 to delete item f, seatbelts, in subsection 1 and renumber subsection 1 to reflect its deletion, and the deletion of Section 10:222 in its entirety and the renumbering of the chapter to reflect its deletion.

An updated red-line is attached.

Mary Joan

Please note that I cannot send or receive emails in excess of 25MB. If you send me an email >25MB, you will get a bounce notice but I will not. If you need to send me an email with a large attachment or if you get a bounce notice for one you sent, please contact me to arrange for you to get the attachment(s) to me.

Mary Joan Fales, Senior Assistant City Attorney
City of Ann Arbor / 301 E. Huron St., POB 8647/ Ann Arbor, MI 48107-8647 / email: mfales@a2gov.org/ Office (734) 794-6170 ext. 41887/ Direct (734) 794-6187 / Fax (734) 994-4954

CONFIDENTIALITY NOTICE: The information in this transaction is intended for the individual or entity named above. It may be legally privileged and confidential. If you have received this information in error, please notify me immediately and delete this transmission and any other documents, files and information transmitted herewith. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution or copying of this communication or its contents is strictly prohibited. Internet communications are not guaranteed to be secure or error-free.

From: Fales, Mary Joan
Sent: Wednesday, June 01, 2016 4:03 PM
To: Smith, Chip
Cc: Postema, Stephen
Subject: RE: Chapter 131 Commercial Quadricycle 042616 cs redline

Chip - Should you wish to move to amend Chapter 131 to remove the requirement for seatbelts for passengers the motion would be:

Move to amend Chapter 131 to remove any reference to the requirement of seatbelts for passages by amending Section 10:214 to delete item f, seatbelts, in subsection 1 and renumber subsection 1 to reflect its deletion and the deletion of Section 10:222 in its entirety and the renumbering of the chapter to reflect its deletion.

I've attached a redline that reflects the motion above.

Let me know if I can be of further assistance.

Mary Joan

Please note that I cannot send or receive emails in excess of 25MB. If you send me an email >25MB, you will get a bounce notice but I will not. If you need to send me an email with a large attachment or if you get a bounce notice for one you sent, please contact me to arrange for you to get the attachment(s) to me.

Mary Joan Fales, Senior Assistant City Attorney

City of Ann Arbor / 301 E. Huron St., POB 8647/ Ann Arbor, MI 48107-8647 / email: mfales@a2gov.org/ Office (734) 794-6170 ext. 41887/ Direct (734) 794-6187 / Fax (734) 994-4954

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From: Smith, Chip
Sent: Thursday, May 26, 2016 1:26 PM
To: Fales, Mary Joan
Subject: Chapter 131 Commercial Quadricycle 042616 cs redline

My redline of the quad ordinance attached

An Ordinance to amend the Code of the City of Ann Arbor by Adding a New Chapter, which Chapter, Shall be Designated as Chapter 131, Commercial Quadricycles, of Title X of Said Code.

The City of Ann Arbor Ordains.

Section 1. That Chapter 131, Commercial Quadricycles, of Title X of the Code of the City of Ann Arbor be added to read as follows:

Chapter 131

COMMERCIAL QUADRICYCLES

10:211. Findings and Purpose

The transportation of persons by means of Commercial Quadricycles is a matter closely affecting the public interest. Due to the high volume of pedestrian, bicycle and vehicular traffic in the City of Ann Arbor, it is necessary to regulate the operation of Commercial Quadricycles on streets, highways, and thoroughfares within the City.

The public interest requires that Commercial Quadricycle operators be properly qualified persons, that the Commercial Quadricycles themselves be fit for their intended purpose and that the safety and welfare of passengers be protected in the operation of Commercial Quadricycles.

10:212. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "City Administrator" means the City Administrator of the City of Ann Arbor or his/her authorized subordinate.
2. "Commercial Quadricycle" means a vehicle that satisfies all of the following: (a) has fully operative pedals for propulsion entirely by human power; (b) has at least 4 wheels and is operated in a manner similar to a bicycle; (c) has at least 6 seats for passengers; (d) is designed to be occupied by a driver and powered either by passengers providing pedal power to the drive train of the vehicle or by a motor capable of propelling the vehicle in the absence of human power; (e) is used for commercial purposes; and (f) is operated by the owner of the vehicle or an employee of the owner of the vehicle.
3. "Commercial Quadricycle Owner" means a person who is the owner of a Commercial Quadricycle or Commercial Quadricycle business.

4. "Commercial Quadricycle Operator" means the business owner or employee operating the vehicle.
5. Operating Permit" means a written permit issued by the City authorizing a person to operate a Commercial Quadricycle.

10:213. Operating Regulations.

No person shall drive or operate a Commercial Quadricycle for hire upon the streets, highways or thoroughfares of the City of Ann Arbor and no person who owns or controls a Commercial Quadricycle shall permit it to be so driven or operated unless the Commercial Quadricycle is operated in compliance with all of the requirements of this Section.

1. No person, firm or corporation shall operate a Commercial Quadricycle for hire without an operating permit.
2. No person under the age of 18 shall operate a Commercial Quadricycle.
3. No person shall drive or operate a Commercial Quadricycle unless that person has a current valid Michigan driver's license.
4. No person shall operate, or cause to be operated, a Commercial Quadricycle, in an unsafe condition.
5. Commercial Quadricycles are only permitted to be driven or operated in the city on designated streets, highways, or thoroughfares. All Commercial Quadricycle drivers are subject to all applicable traffic safety laws, rules, and regulations of the City of Ann Arbor and the State of Michigan. Commercial Quadricycles shall be operated at a speed of not more than 25 miles per hour.
6. A Commercial Quadricycle is not permitted to park on public property except as follows:
 - a. The City Administrator may designate a portion of a public street, alley, plaza, park or similar public place as a "Quadricycle stand" or other designated loading/unloading zones for the parking of Commercial Quadricycles.
 - b. In a legal parking space, provided that the fee for occupying said space is paid, if applicable.
 - c. A single Commercial Quadricycle may park temporarily at the curb only as long as necessary for passengers to board and exit the vehicle.
 - d. In all cases, Commercial Quadricycles shall be parked in a location that does not impede pedestrian or vehicular traffic.
7. A Commercial Quadricycle shall not board or allow passengers to exit the vehicle from a traffic travel lane.

8. A Commercial Quadricycle shall not be operated on a sidewalk or a designated path constructed for use by pedestrians.
9. Rides must be pre-arranged. Fares and/or rental fees must be agreed upon at or before the beginning of each trip. Commercial quadricycles are prohibited from picking up fares or otherwise acting as a taxicab.
10. No person shall use or allow any Commercial Quadricycle to be used, for any illegal purpose. No person shall use or permit or allow another to use any Commercial Quadricycle to aid or abet, any illegal act.
11. No Commercial Quadricycle Operator shall operate or knowingly permit any other person to operate any Commercial Quadricycle under the influence of intoxicating liquor, any controlled, exhilarating or stupefying substance or of any combination of substances mentioned herein.
12. No person shall operate a Commercial Quadricycle when the number of passengers exceeds the number of available seats. No person shall operate a Commercial Quadricycle unless all passengers are seated in a seat designed for that purpose, ~~and using the seatbelt provided for in the seat.~~
13. Each Commercial Quadricycle Owner shall adopt and operate a system for the collection, storage and return of personal property left on-board a Commercial Quadricycle.

10:214. Vehicle Regulations.

No person shall drive or operate a Commercial Quadricycle upon the streets, highways or thoroughfares of the City of Ann Arbor and no person who owns or controls a Commercial Quadricycle shall permit it to be so driven or operated unless the vehicle is in compliance with all of the requirements of this section.

1. All Commercial Quadricycle Owners must have the vehicle inspected by the City of Ann Arbor Police Department prior to operation. All vehicles must be construed for and have the structural integrity to support its operation. Each vehicle must be equipped with the following:
 - a. Front and rear turn signals.
 - b. Head lights.
 - c. Tail lights.
 - d. Rearview mirror.
 - e. A bell or horn.
 - f. ~~Seatbelts for passengers.~~

- gf. Reflectors placed on each wheel and at each corner of the body of the vehicle.
 - hg. A proper braking system approved by the City Police Department
 - ih. Any other equipment required to comply with all applicable federal and state laws.
 - ji. A vehicle must not have any cracks, broken or missing parts, or other visible damage. All wheels must be firmly attached to the hub of the vehicle and all springs, axles, and supporting structures of each vehicle must be intact.
2. Each Commercial Quadricycle Owner shall, at all times, keep each Commercial Quadricycle vehicle clean and free of refuse and in safe operating condition. Prior to the operation of any Commercial Quadricycle, and at the beginning of each shift or each day of operation, the vehicle owner shall thoroughly inspect the vehicle for safe operating conditions. For any condition found then or at any other time that will prevent the safe operation of the Commercial Quadricycle, the owner shall immediately remove the vehicle from service and correct the condition before the Commercial Quadricycle is returned to service.
 3. Each Commercial Quadricycle shall have a unique, non-transferable vehicle identification number at least four inches in height visible on both sides of the vehicle.
 4. Each Commercial Quadricycle Owner shall prepare a training program for its drivers covering, at a minimum, the safe operation of Commercial Quadricycle vehicles, customer service policies and the requirements of this chapter.
 5. Each Commercial Quadricycle Owner shall at all times maintain a policy of bodily injury and property damage liability insurance in the minimum combined single limit of one million dollars (\$1,000,000.00) for all persons injured or for property damage arising out of the permitted operation or such other amount as the may be required by statute. The policy shall directly protect the City of Ann Arbor, its officers and employees and agents as additional named insureds, and shall provide that the insurance be primary insurance and that no other insurance purchased by the City will be called on to contribute to a loss covered by said policy. The policy shall further provide ten (10) days notice of cancellation or material change to the City Attorney. Evidence of insurance coverage must be provided before any permit is issued. Prior approval of the City of Ann Arbor is required. Each owner and operator shall further agree to hold the City harmless for any liability or claim arising out of his/her operation that is not covered by the required insurance. Any deviation from the listed insurance coverage is subject to the approval of the City of Ann Arbor.
 6. If a Commercial Quadricycle vehicle is involved in an accident or collision, the driver shall immediately notify the Commercial Quadricycle Owner (if the owner and operator are not the same individual) and the police department and remain at the scene until the accident or collision is investigated by the police. The Commercial Quadricycle Owner shall submit a full written report on the condition of the vehicle to the City Clerk within 72

hours after the occurrence. Before operating the Commercial Quadricycle again, its owner shall have the vehicle re-inspected by the City Police Department for safety.

7. Each Commercial Quadricycle Owner must file an application and business information form with the City Clerk prior to operation. The City Clerk shall provide the application forms.
8. All Commercial Quadricycle Drivers must display an identification badge. Each identification badge must contain the following information:
 - a. Name;
 - b. Age;
 - c. Height;
 - d. Weight; and
 - e. Photograph.

A Commercial Quadricycle Driver shall wear respectable attire and a shirt that includes the name of the Commercial Quadricycle business, or other identifying information on his/her person (i.e. name tag or similar device)..

10:215. Application for Operating Permit.

The operating permit application form shall be prescribed by the City. Any application that does not include all information requested by the application form or is not supported by the materials required in this chapter shall be denied.

1. Every person desiring to obtain an operating permit is required to make written application for a permit to the City Clerk. The applicant shall truthfully and fully provide the information requested on the application, including but not limited to:
 - a. The applicant's full name and residence address;
 - b. The applicant's date of birth;
 - c. The applicant's driver's license and number
 - d. The name of any business entity applying for an operating permit;
 - e. A certificate of insurance satisfying the requirements of this Chapter;
 - f. A map of the city showing proposed routes, stands, or pick up points;
 - g. A list of each authorized driver, including name, address, date of birth driver's license number, the length of time such driver has been a resident of Michigan, and

certification that the driver shall complete the required training program established by this Chapter;

- h. A description of the Commercial Quadricycle, including trade name, number of seats, serial number, if any, and body style; and
 - i. Such other information as the City may require.
2. If the applicant is a corporation, limited liability company, partnership or such other business entity, the person who will be acting as principal in charge of the business to be licensed shall sign the application and all owners of the business entity shall meet all of the requirements for individual applicants.

Upon receipt of an application for a license or an application for renewal, the City Clerk shall request an investigation by City officials to determine conditions related to the health, safety and welfare of the City. In determining whether a permit should be issued, the application and applicant shall be evaluated on the following grounds:

1. Whether the proposed activities comply with all of the provisions of this chapter and City Code;
2. Whether the proposed activities involve the safe use of streets by the public for vehicles and pedestrians; and
3. Whether the applicant has not previously violated the provisions of this chapter or City Code.

No license or renewal thereof shall be granted without the approval of the routes and vehicle in accordance with the provisions of this chapter.

Upon completion of investigation, the City Clerk shall either issue the license or a denial of the license. If the license is denied, the reasons for denial shall be given to the applicant in writing.

10:216. Validity of Operating Permit; Renewal

Operating permits shall be valid for a period of one year expiring on the next March 31 immediately following the date the permit was issued. Operating permits shall become invalid immediately if the operating permit is defaced, altered, forged or counterfeited.

The permit holder, at the expiration of any license year, shall be entitled to a renewal of the permit for the ensuing year by the City Clerk upon compliance with this chapter. The permit holder shall submit an application for renewal, and such information as shall be required by the City.

10:217. Commercial Quadricycle Identification Number and Decal.

It is unlawful for any owner to lease, rent, or allow a Commercial Quadricycle to be operated for hire without first having obtained a decal from the City. The decal shall be affixed in a manner

prescribed by the City. Each Commercial Quadricycle shall have a unique, non-transferable vehicle identification number at least four inches in height visible on both sides of the vehicle. The decal form shall be prescribed by the City.

An application for a decal and identification number must include the following information:

1. The full name and address of the applicant;
2. The names and address of all legal and registered owners of the quadricycle;
3. A description of the vehicle, include trade name, if any serial number and body style;
4. Proof of insurance in accordance with the provisions of this Code; and
5. Such other information as the city may require.

10:218. Operating Permit and Decal Fee.

The City shall charge a non-refundable fee to recover the cost of activities associated with the administration, regulation and issuance of decals and operating permits. The fee shall be determined by resolution of City Council.

10:219. Grounds for Denial, Suspension or Revocation of Operating Permit or Decal.

Operating permits or decals may be denied, suspended or revoked by the City based upon any of the following grounds:

1. The operator or owner of the Commercial Quadricycle fails or has failed to comply with the application provisions of this chapter;
2. The operator has been convicted of any felony involving force and violence; any misdemeanor or felony reckless driving or driving under the influence offense; or any crime reasonably related to the qualifications, functions, or duties of the passenger transport business or the ability of the operator to safely transport passengers; unless five years has elapsed from the successful completion of the sentence for any such convictions;
3. The operator or owner has knowingly made a false statement of material fact, or knowingly failed to state a material fact in the application process for the operating permit or decal;
4. The operator's ability to drive lawfully in Michigan is currently expired, suspended or revoked;
5. The operator has engaged in activity that, in the judgment of the City Administrator, constitutes a serious threat to public health, safety or welfare. Such threat may be indicated by, but is not limited to:

- a. an arrest for driving under the influence of alcohol or a controlled substance while operating a Commercial Quadricycle;
 - b. an arrest for a crime, that if convicted, would require registration as a sex offender, and where a Commercial Quadricycle was used in the planning of, perpetration of, or fleeing from the offense;
 - c. a report from a law enforcement agency that the vehicle or vehicle operator was involved in a vehicle accident involving a Commercial Quadricycle, where the Commercial Quadricycle passengers were injured; or
6. The operator or owner is in default to the City, including being delinquent in the payment of any taxes, fees or other City charges.

10:220. Notification of Suspension or Revocation of Operating Permit; Appeals.

Any operating permit issued by the City may be suspended or revoked by the City Clerk for cause as herein defined. In either case, a hearing shall be scheduled to be held by the City Administrator. Depending on the necessity for prompt action, the hearing shall be held in accordance with one of the following provisions:

1. If there is no immediate threat to the public health, safety or welfare, the hearing shall be held to determine whether the operating permit should be suspended or revoked. The holder of the operating permit shall be notified of the time, date and place of the hearing and shall be notified of the reason(s) for the proposed suspension or revocation. The operating permit holder shall be entitled to be represented by counsel, to submit evidence, to cross-examine testifying witnesses, and to make arguments concerning the factual and legal issues. The hearing officer or body shall render a written decision stating the reasons for the decision; or
2. If there is an immediate threat to the public health, safety or welfare, the operating permit may be suspended prior to the hearing. If a license or permit is suspended prior to the hearing, the hearing shall be commenced as soon as practical, but in no case more than ten days after the suspension. The hearing shall be held to determine whether to terminate or extend the suspension or whether the suspension should be converted into a revocation of the operating permit. The holder of the operating permit shall be notified of the time, date and place of the hearing and shall be notified of the reason(s) for the already-imposed suspension and for any contemplated future action. The operating permit holder shall be entitled to be represented by counsel, to submit evidence, to cross-examine testifying witnesses, and to make arguments concerning the factual and legal issues. The hearing officer or body shall render a written decision stating the reasons for the decision.

In any hearing held pursuant to the provisions of this chapter, the rules of evidence shall be followed as far as practicable, but a hearing officer or body may admit and give probative effect to evidence of a type commonly relied upon by reasonably prudent people in the conduct of

their affairs. Irrelevant, immaterial or unduly repetitious evidence may be excluded. Notice may be taken of facts within the general knowledge of the community.

Any person dissatisfied with the decision of the hearing officer or body may appeal to the City Council, provided that a written request for such an appeal shall be filed within seven days of the date of the decision to be appealed. The City Council shall schedule a hearing on the appeal within eight days of the receipt of the request for appeal by the City Clerk. The hearing shall be scheduled and held before the entire City Council or Hearing Officer, as the City Council shall determine. The factual record made in the hearing below shall constitute the basic record for the appeal. The City Council or designated Hearing Officer may, but need not, allow for the presentation of additional evidence. Argument as to relevant factual and legal issues shall be permitted. If the hearing is conducted by the City Council, the decision of the City Council shall be by majority vote. If the hearing is conducted by a designated Hearing Officer, it shall be the responsibility of the Hearing Officer to make a recommendation to the City Council for the Council's final review and decision. The City Council may affirm, reverse or modify any action taken relative to a license. The decision of the City Council shall be final.

10:221. Preliminary Breath Test.

A peace officer who has reasonable cause to believe that a person is or was operating a Commercial Quadricycle upon a public highway or other place open to the public or generally accessible to a Commercial Quadricycle, including an area designated for the parking of vehicles, and that the person by the consumption of alcoholic liquor may have affected his/her ability to operate a Commercial Quadricycle may require the person to submit to a preliminary chemical breath analysis. A Commercial Quadricycle Operator's refusal to take or failure to properly take a preliminary chemical breath analysis as required by this section is a violation.

~~10:222. Seat Belt Use Violation~~

~~Permitting or failing to require a passenger of a Commercial Quadricycle to use a seat belt only shall be a municipal civil infraction.~~

10:2232. Area of Operation.

1. Operation of a Commercial Quadricycle with the city limits of the City of Ann Arbor shall be limited to designated streets, highways, or thoroughfares within the City with a posted speed limit of 25 mph or less. Designated areas/routes may be established, altered or prohibited when necessary for the safety and welfare of the public by resolution of City Council. A map of the designated area/routes shall be on file with the City Clerk and attached to any application for a permit under this chapter:
2. Operation of a Commercial Quadricycle within the designated area/routes or on a specific street within the designated area/routes of the City of Ann Arbor shall be specifically prohibited:
 - a. On any date which City Council has authorized a street closed in connection with an approved City Special Event Permit;

- b. On all University of Michigan Stadium event days, including but not limited to University of Michigan home football game days;
 - c. On any date designated or within the boundaries of the Art Fair;
 - d. On any City park pathway or within any City park parking area;
 - e. On a highway or street with a speed limit of more than 25 miles per hour except for the purpose of crossing that highway or street;
 - f. On any highway or street under the jurisdiction of the Michigan Department of Transportation has designated prohibited in the interest of public safety; and
 - g. On Main Street within the central business district during the hours of 4:00 – 6:00 p.m., Monday through Friday.
3. Within the designated area/routes of operation each person operating a Commercial Quadricycle upon a roadway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle under the Michigan Vehicle Code, 1949 P.A. 300, as amended, except for the provision therein that by their nature do not apply and except for the special regulations of this chapter.

10:2243. Fee.

A non-refundable application fee shall be established by resolution of City Council upon the recommendation of the City Administrator. Permit fees and related fees will be established by resolution of the City Council.

10:2254. Transfers

No permit or interest therein shall be transferred directly or indirectly without the consent of the City Clerk. Transfers shall be construed and processed as a new application for a permit.

10:2265. Other Licenses and Permits.

A permit obtained under this chapter shall not relieve any person of the responsibility for obtaining any other permit, license or authorization required by another ordinance, statute or administrative rule.

10:2276. Transportation or Possession of Alcoholic Liquor

A person who is an operator or occupant of a Commercial Quadricycle shall not transport, consume or possess alcoholic liquor within any area of a Commercial Quadricycle upon a highway, or in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in the City of Ann Arbor.

This section does not apply to a passenger in a chartered vehicle authorized to operate by the state transportation department.

10:2287. Penalty

A person operating a Commercial Quadricycle in the City of Ann Arbor without an Operating Permit approved by the City is responsible for a civil infraction. The Court, in its discretion, may impose the following sanctions:

- (i) For a first violation: a civil fine of not more than Fifty dollars (\$50.00)
- (ii) For a second or subsequent violation: a civil fine of not more than One hundred dollars (\$100.00)

A person who violation Section 10:2276 is guilty of a misdemeanor. As part of the sentence, the person may be ordered to perform community service and undergo substance abuse screening and assessment at his/her own expense as described in section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703.

Section 2. Severability. If any Section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate and distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect ten days after passage and publication.

Alexa, Jennifer

From: Beaudry, Jacqueline
Sent: Monday, June 06, 2016 8:28 PM
To: *City Council Members (All)
Cc: Crawford, Tom
Subject: FW: Chapter 131 Commercial Quadricycle 042616 cs redline
Attachments: Chapter 131 Commercial Quadricycle redline mjf 060116 (2).docx

Importance: High

From: Smith, Chip
Sent: Monday, June 6, 2016 8:28 PM
To: Beaudry, Jacqueline
Subject: FW: Chapter 131 Commercial Quadricycle 042616 cs redline
Importance: High

From: Fales, Mary Joan
Sent: Wednesday, June 1, 2016 5:06 PM
To: Smith, Chip
Cc: Postema, Stephen
Subject: RE: Chapter 131 Commercial Quadricycle 042616 cs redline
Importance: High

Chip - Doing a line-by-line review I identified 1 additional reference to seat belts in Section 10:213. I have revised the motion accordingly:

Move to amend Chapter 131 to remove any reference to the requirement of seatbelts for passages by amending Section 10:213(12) deleting "and using the seatbelt provided for in the seat", Section 10:214 to delete item f, seatbelts, in subsection 1 and renumber subsection 1 to reflect its deletion, and the deletion of Section 10:222 in its entirety and the renumbering of the chapter to reflect its deletion.

An updated red-line is attached.

Mary Joan

Please note that I cannot send or receive emails in excess of 25MB. If you send me an email >25MB, you will get a bounce notice but I will not. If you need to send me an email with a large attachment or if you get a bounce notice for one you sent, please contact me to arrange for you to get the attachment(s) to me.

Mary Joan Fales, Senior Assistant City Attorney
City of Ann Arbor / 301 E. Huron St., POB 8647/ Ann Arbor, MI 48107-8647 / email: mfales@a2gov.org/ Office (734) 794-6170 ext. 41887/ Direct (734) 794-6187 / Fax (734) 994-4954

CONFIDENTIALITY NOTICE: The information in this transaction is intended for the individual or entity named above. It may be legally privileged and confidential. If you have received this information in error, please notify me immediately and delete this transmission and any other documents, files and information transmitted herewith. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution or copying of this communication or its contents is strictly prohibited. Internet communications are not guaranteed to be secure or error-free.

From: Fales, Mary Joan
Sent: Wednesday, June 01, 2016 4:03 PM
To: Smith, Chip
Cc: Postema, Stephen
Subject: RE: Chapter 131 Commercial Quadricycle 042616 cs redline

Chip - Should you wish to move to amend Chapter 131 to remove the requirement for seatbelts for passengers the motion would be:

Move to amend Chapter 131 to remove any reference to the requirement of seatbelts for passages by amending Section 10:214 to delete item f, seatbelts, in subsection 1 and renumber subsection 1 to reflect its deletion and the deletion of Section 10:222 in its entirety and the renumbering of the chapter to reflect its deletion.

I've attached a redline that reflects the motion above.

Let me know if I can be of further assistance.

Mary Joan

Please note that I cannot send or receive emails in excess of 25MB. If you send me an email >25MB, you will get a bounce notice but I will not. If you need to send me an email with a large attachment or if you get a bounce notice for one you sent, please contact me to arrange for you to get the attachment(s) to me.

Mary Joan Fales, Senior Assistant City Attorney
City of Ann Arbor / 301 E. Huron St., POB 8647/ Ann Arbor, MI 48107-8647 / email: mfales@a2gov.org/ Office (734) 794-6170 ext. 41887/ Direct (734) 794-6187 / Fax (734) 994-4954

CONFIDENTIALITY NOTICE: The information in this transaction is intended for the individual or entity named above. It may be legally privileged and confidential. If you have received this information in error, please notify me immediately and delete this transmission and any other documents, files and information transmitted herewith. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution or copying of this communication or its contents is strictly prohibited. Internet communications are not guaranteed to be secure or error-free.

From: Smith, Chip
Sent: Thursday, May 26, 2016 1:26 PM
To: Fales, Mary Joan
Subject: Chapter 131 Commercial Quadricycle 042616 cs redline

My redline of the quad ordinance attached

An Ordinance to amend the Code of the City of Ann Arbor by Adding a New Chapter, which Chapter, Shall be Designated as Chapter 131, Commercial Quadricycles, of Title X of Said Code.

The City of Ann Arbor Ordains.

Section 1. That Chapter 131, Commercial Quadricycles, of Title X of the Code of the City of Ann Arbor be added to read as follows:

Chapter 131

COMMERCIAL QUADRICYCLES

10:211. Findings and Purpose

The transportation of persons by means of Commercial Quadricycles is a matter closely affecting the public interest. Due to the high volume of pedestrian, bicycle and vehicular traffic in the City of Ann Arbor, it is necessary to regulate the operation of Commercial Quadricycles on streets, highways, and thoroughfares within the City.

The public interest requires that Commercial Quadricycle operators be properly qualified persons, that the Commercial Quadricycles themselves be fit for their intended purpose and that the safety and welfare of passengers be protected in the operation of Commercial Quadricycles.

10:212. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "City Administrator" means the City Administrator of the City of Ann Arbor or his/her authorized subordinate.
2. "Commercial Quadricycle" means a vehicle that satisfies all of the following: (a) has fully operative pedals for propulsion entirely by human power; (b) has at least 4 wheels and is operated in a manner similar to a bicycle; (c) has at least 6 seats for passengers; (d) is designed to be occupied by a driver and powered either by passengers providing pedal power to the drive train of the vehicle or by a motor capable of propelling the vehicle in the absence of human power; (e) is used for commercial purposes; and (f) is operated by the owner of the vehicle or an employee of the owner of the vehicle.
3. "Commercial Quadricycle Owner" means a person who is the owner of a Commercial Quadricycle or Commercial Quadricycle business.

4. "Commercial Quadricycle Operator" means the business owner or employee operating the vehicle.
5. Operating Permit" means a written permit issued by the City authorizing a person to operate a Commercial Quadricycle.

10:213. Operating Regulations.

No person shall drive or operate a Commercial Quadricycle for hire upon the streets, highways or thoroughfares of the City of Ann Arbor and no person who owns or controls a Commercial Quadricycle shall permit it to be so driven or operated unless the Commercial Quadricycle is operated in compliance with all of the requirements of this Section.

1. No person, firm or corporation shall operate a Commercial Quadricycle for hire without an operating permit.
2. No person under the age of 18 shall operate a Commercial Quadricycle.
3. No person shall drive or operate a Commercial Quadricycle unless that person has a current valid Michigan driver's license.
4. No person shall operate, or cause to be operated, a Commercial Quadricycle, in an unsafe condition.
5. Commercial Quadricycles are only permitted to be driven or operated in the city on designated streets, highways, or thoroughfares. All Commercial Quadricycle drivers are subject to all applicable traffic safety laws, rules, and regulations of the City of Ann Arbor and the State of Michigan. Commercial Quadricycles shall be operated at a speed of not more than 25 miles per hour.
6. A Commercial Quadricycle is not permitted to park on public property except as follows:
 - a. The City Administrator may designate a portion of a public street, alley, plaza, park or similar public place as a "Quadricycle stand" or other designated loading/unloading zones for the parking of Commercial Quadricycles.
 - b. In a legal parking space, provided that the fee for occupying said space is paid, if applicable.
 - c. A single Commercial Quadricycle may park temporarily at the curb only as long as necessary for passengers to board and exit the vehicle.
 - d. In all cases, Commercial Quadricycles shall be parked in a location that does not impede pedestrian or vehicular traffic.
7. A Commercial Quadricycle shall not board or allow passengers to exit the vehicle from a traffic travel lane.

8. A Commercial Quadricycle shall not be operated on a sidewalk or a designated path constructed for use by pedestrians.
9. Rides must be pre-arranged. Fares and/or rental fees must be agreed upon at or before the beginning of each trip. Commercial quadricycles are prohibited from picking up fares or otherwise acting as a taxicab.
10. No person shall use or allow any Commercial Quadricycle to be used, for any illegal purpose. No person shall use or permit or allow another to use any Commercial Quadricycle to aid or abet, any illegal act.
11. No Commercial Quadricycle Operator shall operate or knowingly permit any other person to operate any Commercial Quadricycle under the influence of intoxicating liquor, any controlled, exhilarating or stupefying substance or of any combination of substances mentioned herein.
12. No person shall operate a Commercial Quadricycle when the number of passengers exceeds the number of available seats. No person shall operate a Commercial Quadricycle unless all passengers are seated in a seat designed for that purpose, ~~and using the seatbelt provided for in the seat.~~
13. Each Commercial Quadricycle Owner shall adopt and operate a system for the collection, storage and return of personal property left on-board a Commercial Quadricycle.

10:214. Vehicle Regulations.

No person shall drive or operate a Commercial Quadricycle upon the streets, highways or thoroughfares of the City of Ann Arbor and no person who owns or controls a Commercial Quadricycle shall permit it to be so driven or operated unless the vehicle is in compliance with all of the requirements of this section.

1. All Commercial Quadricycle Owners must have the vehicle inspected by the City of Ann Arbor Police Department prior to operation. All vehicles must be construed for and have the structural integrity to support its operation. Each vehicle must be equipped with the following:
 - a. Front and rear turn signals.
 - b. Head lights.
 - c. Tail lights.
 - d. Rearview mirror.
 - e. A bell or horn.
 - f. ~~Seatbelts for passengers.~~

- gf. Reflectors placed on each wheel and at each corner of the body of the vehicle.
 - hg. A proper braking system approved by the City Police Department
 - ih. Any other equipment required to comply with all applicable federal and state laws.
 - ji. A vehicle must not have any cracks, broken or missing parts, or other visible damage. All wheels must be firmly attached to the hub of the vehicle and all springs, axles, and supporting structures of each vehicle must be intact.
2. Each Commercial Quadricycle Owner shall, at all times, keep each Commercial Quadricycle vehicle clean and free of refuse and in safe operating condition. Prior to the operation of any Commercial Quadricycle, and at the beginning of each shift or each day of operation, the vehicle owner shall thoroughly inspect the vehicle for safe operating conditions. For any condition found then or at any other time that will prevent the safe operation of the Commercial Quadricycle, the owner shall immediately remove the vehicle from service and correct the condition before the Commercial Quadricycle is returned to service.
 3. Each Commercial Quadricycle shall have a unique, non-transferable vehicle identification number at least four inches in height visible on both sides of the vehicle.
 4. Each Commercial Quadricycle Owner shall prepare a training program for its drivers covering, at a minimum, the safe operation of Commercial Quadricycle vehicles, customer service policies and the requirements of this chapter.
 5. Each Commercial Quadricycle Owner shall at all times maintain a policy of bodily injury and property damage liability insurance in the minimum combined single limit of one million dollars (\$1,000,000.00) for all persons injured or for property damage arising out of the permitted operation or such other amount as the may be required by statute. The policy shall directly protect the City of Ann Arbor, its officers and employees and agents as additional named insureds, and shall provide that the insurance be primary insurance and that no other insurance purchased by the City will be called on to contribute to a loss covered by said policy. The policy shall further provide ten (10) days notice of cancellation or material change to the City Attorney. Evidence of insurance coverage must be provided before any permit is issued. Prior approval of the City of Ann Arbor is required. Each owner and operator shall further agree to hold the City harmless for any liability or claim arising out of his/her operation that is not covered by the required insurance. Any deviation from the listed insurance coverage is subject to the approval of the City of Ann Arbor.
 6. If a Commercial Quadricycle vehicle is involved in an accident or collision, the driver shall immediately notify the Commercial Quadricycle Owner (if the owner and operator are not the same individual) and the police department and remain at the scene until the accident or collision is investigated by the police. The Commercial Quadricycle Owner shall submit a full written report on the condition of the vehicle to the City Clerk within 72

hours after the occurrence. Before operating the Commercial Quadricycle again, its owner shall have the vehicle re-inspected by the City Police Department for safety.

7. Each Commercial Quadricycle Owner must file an application and business information form with the City Clerk prior to operation. The City Clerk shall provide the application forms.
8. All Commercial Quadricycle Drivers must display an identification badge. Each identification badge must contain the following information:
 - a. Name;
 - b. Age;
 - c. Height;
 - d. Weight; and
 - e. Photograph.

A Commercial Quadricycle Driver shall wear respectable attire and a shirt that includes the name of the Commercial Quadricycle business, or other identifying information on his/her person (i.e. name tag or similar device)..

10:215. Application for Operating Permit.

The operating permit application form shall be prescribed by the City. Any application that does not include all information requested by the application form or is not supported by the materials required in this chapter shall be denied.

1. Every person desiring to obtain an operating permit is required to make written application for a permit to the City Clerk. The applicant shall truthfully and fully provide the information requested on the application, including but not limited to:
 - a. The applicant's full name and residence address;
 - b. The applicant's date of birth;
 - c. The applicant's driver's license and number
 - d. The name of any business entity applying for an operating permit;
 - e. A certificate of insurance satisfying the requirements of this Chapter;
 - f. A map of the city showing proposed routes, stands, or pick up points;
 - g. A list of each authorized driver, including name, address, date of birth driver's license number, the length of time such driver has been a resident of Michigan, and

certification that the driver shall complete the required training program established by this Chapter;

- h. A description of the Commercial Quadricycle, including trade name, number of seats, serial number, if any, and body style; and
 - i. Such other information as the City may require.
2. If the applicant is a corporation, limited liability company, partnership or such other business entity, the person who will be acting as principal in charge of the business to be licensed shall sign the application and all owners of the business entity shall meet all of the requirements for individual applicants.

Upon receipt of an application for a license or an application for renewal, the City Clerk shall request an investigation by City officials to determine conditions related to the health, safety and welfare of the City. In determining whether a permit should be issued, the application and applicant shall be evaluated on the following grounds:

- 1. Whether the proposed activities comply with all of the provisions of this chapter and City Code;
- 2. Whether the proposed activities involve the safe use of streets by the public for vehicles and pedestrians; and
- 3. Whether the applicant has not previously violated the provisions of this chapter or City Code.

No license or renewal thereof shall be granted without the approval of the routes and vehicle in accordance with the provisions of this chapter.

Upon completion of investigation, the City Clerk shall either issue the license or a denial of the license. If the license is denied, the reasons for denial shall be given to the applicant in writing.

10:216. Validity of Operating Permit; Renewal

Operating permits shall be valid for a period of one year expiring on the next March 31 immediately following the date the permit was issued. Operating permits shall become invalid immediately if the operating permit is defaced, altered, forged or counterfeited.

The permit holder, at the expiration of any license year, shall be entitled to a renewal of the permit for the ensuing year by the City Clerk upon compliance with this chapter. The permit holder shall submit an application for renewal, and such information as shall be required by the City.

10:217. Commercial Quadricycle Identification Number and Decal.

It is unlawful for any owner to lease, rent, or allow a Commercial Quadricycle to be operated for hire without first having obtained a decal from the City. The decal shall be affixed in a manner

prescribed by the City. Each Commercial Quadricycle shall have a unique, non-transferable vehicle identification number at least four inches in height visible on both sides of the vehicle. The decal form shall be prescribed by the City.

An application for a decal and identification number must include the following information:

1. The full name and address of the applicant;
2. The names and address of all legal and registered owners of the quadricycle;
3. A description of the vehicle, include trade name, if any serial number and body style;
4. Proof of insurance in accordance with the provisions of this Code; and
5. Such other information as the city may require.

10:218. Operating Permit and Decal Fee.

The City shall charge a non-refundable fee to recover the cost of activities associated with the administration, regulation and issuance of decals and operating permits. The fee shall be determined by resolution of City Council.

10:219. Grounds for Denial, Suspension or Revocation of Operating Permit or Decal.

Operating permits or decals may be denied, suspended or revoked by the City based upon any of the following grounds:

1. The operator or owner of the Commercial Quadricycle fails or has failed to comply with the application provisions of this chapter;
2. The operator has been convicted of any felony involving force and violence; any misdemeanor or felony reckless driving or driving under the influence offense; or any crime reasonably related to the qualifications, functions, or duties of the passenger transport business or the ability of the operator to safely transport passengers; unless five years has elapsed from the successful completion of the sentence for any such convictions;
3. The operator or owner has knowingly made a false statement of material fact, or knowingly failed to state a material fact in the application process for the operating permit or decal;
4. The operator's ability to drive lawfully in Michigan is currently expired, suspended or revoked;
5. The operator has engaged in activity that, in the judgment of the City Administrator, constitutes a serious threat to public health, safety or welfare. Such threat may be indicated by, but is not limited to:

- a. an arrest for driving under the influence of alcohol or a controlled substance while operating a Commercial Quadricycle;
 - b. an arrest for a crime, that if convicted, would require registration as a sex offender, and where a Commercial Quadricycle was used in the planning of, perpetration of, or fleeing from the offense;
 - c. a report from a law enforcement agency that the vehicle or vehicle operator was involved in a vehicle accident involving a Commercial Quadricycle, where the Commercial Quadricycle passengers were injured; or
6. The operator or owner is in default to the City, including being delinquent in the payment of any taxes, fees or other City charges.

10:220. Notification of Suspension or Revocation of Operating Permit; Appeals.

Any operating permit issued by the City may be suspended or revoked by the City Clerk for cause as herein defined. In either case, a hearing shall be scheduled to be held by the City Administrator. Depending on the necessity for prompt action, the hearing shall be held in accordance with one of the following provisions:

1. If there is no immediate threat to the public health, safety or welfare, the hearing shall be held to determine whether the operating permit should be suspended or revoked. The holder of the operating permit shall be notified of the time, date and place of the hearing and shall be notified of the reason(s) for the proposed suspension or revocation. The operating permit holder shall be entitled to be represented by counsel, to submit evidence, to cross-examine testifying witnesses, and to make arguments concerning the factual and legal issues. The hearing officer or body shall render a written decision stating the reasons for the decision; or
2. If there is an immediate threat to the public health, safety or welfare, the operating permit may be suspended prior to the hearing. If a license or permit is suspended prior to the hearing, the hearing shall be commenced as soon as practical, but in no case more than ten days after the suspension. The hearing shall be held to determine whether to terminate or extend the suspension or whether the suspension should be converted into a revocation of the operating permit. The holder of the operating permit shall be notified of the time, date and place of the hearing and shall be notified of the reason(s) for the already-imposed suspension and for any contemplated future action. The operating permit holder shall be entitled to be represented by counsel, to submit evidence, to cross-examine testifying witnesses, and to make arguments concerning the factual and legal issues. The hearing officer or body shall render a written decision stating the reasons for the decision.

In any hearing held pursuant to the provisions of this chapter, the rules of evidence shall be followed as far as practicable, but a hearing officer or body may admit and give probative effect to evidence of a type commonly relied upon by reasonably prudent people in the conduct of

their affairs. Irrelevant, immaterial or unduly repetitious evidence may be excluded. Notice may be taken of facts within the general knowledge of the community.

Any person dissatisfied with the decision of the hearing officer or body may appeal to the City Council, provided that a written request for such an appeal shall be filed within seven days of the date of the decision to be appealed. The City Council shall schedule a hearing on the appeal within eight days of the receipt of the request for appeal by the City Clerk. The hearing shall be scheduled and held before the entire City Council or Hearing Officer, as the City Council shall determine. The factual record made in the hearing below shall constitute the basic record for the appeal. The City Council or designated Hearing Officer may, but need not, allow for the presentation of additional evidence. Argument as to relevant factual and legal issues shall be permitted. If the hearing is conducted by the City Council, the decision of the City Council shall be by majority vote. If the hearing is conducted by a designated Hearing Officer, it shall be the responsibility of the Hearing Officer to make a recommendation to the City Council for the Council's final review and decision. The City Council may affirm, reverse or modify any action taken relative to a license. The decision of the City Council shall be final.

10:221. Preliminary Breath Test.

A peace officer who has reasonable cause to believe that a person is or was operating a Commercial Quadricycle upon a public highway or other place open to the public or generally accessible to a Commercial Quadricycle, including an area designated for the parking of vehicles, and that the person by the consumption of alcoholic liquor may have affected his/her ability to operate a Commercial Quadricycle may require the person to submit to a preliminary chemical breath analysis. A Commercial Quadricycle Operator's refusal to take or failure to properly take a preliminary chemical breath analysis as required by this section is a violation.

~~10:222. Seat Belt Use Violation~~

~~Permitting or failing to require a passenger of a Commercial Quadricycle to use a seat belt only shall be a municipal civil infraction.~~

10:2232. Area of Operation.

1. Operation of a Commercial Quadricycle with the city limits of the City of Ann Arbor shall be limited to designated streets, highways, or thoroughfares within the City with a posted speed limit of 25 mph or less. Designated areas/routes may be established, altered or prohibited when necessary for the safety and welfare of the public by resolution of City Council. A map of the designated area/routes shall be on file with the City Clerk and attached to any application for a permit under this chapter:
2. Operation of a Commercial Quadricycle within the designated area/routes or on a specific street within the designated area/routes of the City of Ann Arbor shall be specifically prohibited:
 - a. On any date which City Council has authorized a street closed in connection with an approved City Special Event Permit;

- b. On all University of Michigan Stadium event days, including but not limited to University of Michigan home football game days;
 - c. On any date designated or within the boundaries of the Art Fair;
 - d. On any City park pathway or within any City park parking area;
 - e. On a highway or street with a speed limit of more than 25 miles per hour except for the purpose of crossing that highway or street;
 - f. On any highway or street under the jurisdiction of the Michigan Department of Transportation has designated prohibited in the interest of public safety; and
 - g. On Main Street within the central business district during the hours of 4:00 – 6:00 p.m., Monday through Friday.
3. Within the designated area/routes of operation each person operating a Commercial Quadricycle upon a roadway has all of the rights and is subject to all of the duties applicable to the driver of a vehicle under the Michigan Vehicle Code, 1949 P.A. 300, as amended, except for the provision therein that by their nature do not apply and except for the special regulations of this chapter.

10:2243. Fee.

A non-refundable application fee shall be established by resolution of City Council upon the recommendation of the City Administrator. Permit fees and related fees will be established by resolution of the City Council.

10:2254. Transfers

No permit or interest therein shall be transferred directly or indirectly without the consent of the City Clerk. Transfers shall be construed and processed as a new application for a permit.

10:2265. Other Licenses and Permits.

A permit obtained under this chapter shall not relieve any person of the responsibility for obtaining any other permit, license or authorization required by another ordinance, statute or administrative rule.

10:2276. Transportation or Possession of Alcoholic Liquor

A person who is an operator or occupant of a Commercial Quadricycle shall not transport, consume or possess alcoholic liquor within any area of a Commercial Quadricycle upon a highway, or in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in the City of Ann Arbor.

This section does not apply to a passenger in a chartered vehicle authorized to operate by the state transportation department.

10:2287. Penalty

A person operating a Commercial Quadricycle in the City of Ann Arbor without an Operating Permit approved by the City is responsible for a civil infraction. The Court, in its discretion, may impose the following sanctions:

- (i) For a first violation: a civil fine of not more than Fifty dollars (\$50.00)
- (ii) For a second or subsequent violation: a civil fine of not more than One hundred dollars (\$100.00)

A person who violation Section 10:2276 is guilty of a misdemeanor. As part of the sentence, the person may be ordered to perform community service and undergo substance abuse screening and assessment at his/her own expense as described in section 703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703.

Section 2. Severability. If any Section, subsection, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate and distinct and independent portion of this ordinance, and such holding shall not affect the validity of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect ten days after passage and publication.

Alexa, Jennifer

From: Warpehoski, Chuck
Sent: Monday, June 06, 2016 8:31 PM
To: Beaudry, Jacqueline
Subject: amendment allows special event use
Attachments: Operation of a Commercial Quadricycle within the designated area.pdf

Chuck Warpehoski
Ann Arbor City Council, Ward 5
cwarpehoski@a2gov.org
c: 734-972-8304

Visit www.chuckwarpehoski.org for Ward 5 updates and to sign up for a Ward 5 email newsletter.

Emails received and sent to me as a Councilmember regarding City matters are generally subject to disclosure under the Freedom of Information Act.

Operation of a Commercial Quadricycle within the designated area/routes or on a specific street within the designated area/routes of the City of Ann Arbor shall be specifically prohibited:

~~a. On any date which City Council has authorized a street closed in connection with an approved City Special Event Permit;~~

~~a~~b. On all University of Michigan Stadium event days, including but not limited to University of Michigan home football game days;

b. On any date designated or within the boundaries of the Art Fair;

~~c~~d. On any City park pathway or within any City park parking area;

~~d~~e. On a highway or street with a speed limit of more than 25 miles per hour except for the purpose of crossing that highway or street;

~~e~~f. On any highway or street under the jurisdiction of the Michigan Department of Transportation has designated prohibited in the interest of public safety; and

~~f~~g. On Main Street within the central business district during the hours of 4:00 – 6:00 p.m., Monday through Friday.

Alexa, Jennifer

From: Lumm, Jane
Sent: Monday, June 06, 2016 8:53 PM
To: Ryan Stanton
Subject: FW: Pedal Pubs/Quadracycles - fyi

As you requested.

From: Robert Neumann [mailto:mcopbob@umich.edu]
Sent: Monday, June 06, 2016 6:07 PM
To: Lumm, Jane; Kosteva, Jim
Cc: Bush, Renee; Baird, James
Subject: RE: Pedal Pubs/Quadracycles - fyi

Not at all Jane, I support AAPD's position and share their concerns.

I would add that much work is going in to finding new ways to reduce the harms our students suffer in connection to alcohol. Much of this effort relates to curbing the popular perception that alcohol is supposed to play a significant role in the college experience. Allowing the conspicuous consumption of alcoholic beverages on the streets around the University campus – where most are not of legal drinking age – undermines these efforts.

The safety issue is also very concerning, as individuals that have been drinking alcoholic beverages would be moving through heavily congested streets an implement unfamiliar to them. Many drivers in our community are unfamiliar with the area and otherwise distracted, making for a very dangerous mix.

All of the aforementioned concerns are escalated on football Saturdays.

Thank you for soliciting my input.

Sincerely,
Bob

Robert D. Neumann | Chief of Police
Police Department
University of Michigan - Division of Public Safety & Security
1239 Kipke Drive Ann Arbor, MI 48109-2036
Main (734) 763-4898 | Fax (734) 763-2939
mcopbob@umich.edu | dpss.umich.edu | Follow us on Twitter @umichdpss

From: Lumm, Jane [mailto:JLumm@a2gov.org]
Sent: Monday, June 06, 2016 5:20 PM
To: Robert Neumann; Kosteva, Jim
Cc: Bush, Renee; Baird, James
Subject: RE: Pedal Pubs/Quadracycles - fyi

Thank you very much, Chief Neumann. No apologies necessary, and greatly appreciate knowing that I did not misrepresent your views. Many thanks for your taking the time to respond and for your meaningful reassurance.

We'll be discussing this tonight. Would you have any difficulty if I stated the UMPD's position re: operation on game days/large Stadium events and alcohol? No pressure, and know Lt. Bush/Chief Baird will be in the room to field Q's.

With my thanks, Jane

From: Robert Neumann [<mailto:mcopbob@umich.edu>]
Sent: Monday, June 06, 2016 5:09 PM
To: Lumm, Jane; Kosteva, Jim
Cc: Bush, Renee; Baird, James
Subject: RE: Pedal Pubs/Quadricycles - fyi

Good afternoon Jane,

Apologies for the delay in responding, you have conveyed my views accurately.

Sincerely,

Robert D. Neumann | Chief of Police
Police Department
University of Michigan - Division of Public Safety & Security
1239 Kipke Drive Ann Arbor, MI 48109-2036
Main (734) 763-4898 | Fax (734) 763-2939
mcopbob@umich.edu | dps.umich.edu | Follow us on Twitter @umichdpss

From: Lumm, Jane [<mailto:Lumm@a2gov.org>]
Sent: Monday, June 06, 2016 10:33 AM
To: Kosteva, Jim; Neumann, Robert
Cc: Bush, Renee; Baird, James
Subject: Pedal Pubs/Quadricycles - fyi

Chief Neumann and Jim, Copying you on this note I sent to two members of the Taxi Cab Bd. Very much hope I'm not misrepresenting the UM's position on the operation of trolley pubs around campus, and please do not hesitate to correct me. What's happening is the trolley pub operators are requesting permitting operations on football Saturdays, in/around the Stadium, and to permit alcohol consumption on the quadricycles. Lt. Bush was unequivocal at the 5/26 Liquor Cte. mtg.(and the Trolley Pub operator was in the room) that the AAPD does not support operations on game days and during large UM Stadium events and that the AAPD also does not support alcohol consumption on quadricycles.

Copying Lt. Bush and Chief Baird. Again, please do not hesitate to correct me on anything, and thanks very much, Jane

From: Lumm, Jane
Sent: Monday, June 06, 2016 10:20 AM
To: Michael Benson
Cc: 'Kyle Lady'
Subject: FW: comments re: proposed quadricycle ordinance

Fyi - Kyle and Michael, Initially when this was brought up and the UM was consulted, the UM indicated that they don't want these operating on streets in/around the UM campus. And, they absolutely cannot manage on game days - ditto for AAPD wch is stretched as is on game days. The Trolley operators know this. UM does not want on campus or near campus because it is antithetical to the UM's recent efforts to discourage alcohol consumption - excessive drinking has

been ID'ed as an issue that the UM has been trying to aggressively address with a change in culture, and hence, the UM's position vis a vis trolley pubs/quadricycles. -Jane

From: Lumm, Jane

Sent: Monday, June 06, 2016 9:56 AM

To: 'Kyle Lady'; Smith, Chip; Kailasapathy, Sumi; Ackerman, Zach

Cc: Westphal, Kirk; Taylor, Christopher (Mayor); Crawford, Tom; Higgins, Sara; Bush, Renee; Baird, James; Beaudry, Jacqueline; Fales, Mary Joan; Hupy, Craig; Neumann, Robert; Kosteva, Jim

Subject: RE: comments re: proposed quadricycle ordinance

Hi Kyle,

Thanks for sending along your comments and Q's. I'll take a stab at responding...

Routes: As proposed, operator would comply with routes they include in their application. Don't see any reason they can't make adjustments, and not wait until the annual renewal, and will clarify.

When we discussed the roads/areas where pedal pubs could/should operate, Craig Hupy advised, and Huron is an e.g. of a road that has conditions (e.g., higher speed limits) where pedal pubs should not deviate/utilize for safety reasons.

DAR's: e.g., Parks does not want these operating in parks, on park paths. Essentially, idea is to restrict operations to DDA. Know operators would like to function outside DDA (e.g., Trolley Pub operator at our 5/26 Liquor Cte. Mtg.

shared that, e.g., operating in/around the Stadium on football Sat's. would be great for business), but that's not what's recommended. Already have had complaint about pedal trolley's making repeated trips on Felch, and the noise,

drinking "spillover" into neighborhood.

Game Day Operations: AAPD does not support. Again, know the Pedal Trolley wants to operate in/around the football stadium on game days. AAPD has made it clear (Lt. Bush and Chief Baird copied on this communication), and Lt. Bush did as

well at the 5/26 Liquor Cte. mtg. (Trolley Pub. Rep. was present and heard AAPD's position).

AAPD is heavily deployed today on game days. Operating on game days, what the operators want but not what the AAPD or

UM PD want and can manage. Traffic as an issue is probably an issue, but very much misrepresents the concerns that have been shared by the police depts. I'm not saying you're misrepresenting the concerns, but the

operators certainly appear to be misrepresenting the AAPD concerns that they understand.

Special Event Operations: Can see why pedal trolleys would like to operate/intermingle with special event crowds, but idea was to not allow them on streets where special events are located. Again, safety was the rationale and why, e.g., they're

prohibited to operate on streets closed for Art Fair. Not sure how other special event street closures would be different. Welcome public safety and Public Services guidance on safety Q/rationale.

Copying Liquor Cte. staff mbrs. (Mary Joan Fales, Jackie Beaudry, Lt. Bush) and AAPD and UM PD as all have been involved in this discussion of the quadricycle ordinance. All, feel free to correct me on any of my comments.

Thanks again for your interest and comments/thoughts, Kyle, Jane

From: Kyle Lady [REDACTED]

Sent: Monday, June 06, 2016 9:28 AM

To: Smith, Chip; Lumm, Jane; Kailasapathy, Sumi; Ackerman, Zach

Cc: Westphal, Kirk
Subject: comments re: proposed quadricycle ordinance

Hi all,

I see the quadricycle ordinance is up for second reading tonight, so I wanted to provide some comments on the operations regulations. I think they're too broad right now (by my reading), so I have examples of what I'd consider to be failure modes of the proposed text.

My apologies for getting them to you so close to the meeting; if you have any comments/discussion, please feel free to get in touch either via email or cell: [REDACTED]

Thanks,
Kyle

General: re: routes: this would require owners to file proposed routes at the time of application, but what about if they want to change the route(s) down the road? Do they have to wait until they renew their license? This all assumes that they must stick to the routes proposed at the time of filing, which I'm not seeing.

If they *do* have to stick to the filed routes, how will event/construction closures affect the routes? Or, say, a traffic accident? I'd argue that the drivers should have the autonomy to deviate from the filed routes if the filed route is obstructed, so long as they follow the rest of the conditions as close as is reasonable. (this would allow them to legally deviate onto Huron for as briefly as possible, for example, if an adjacent block is obstructed, where they'd otherwise be legally required to just wait there until the accident is cleared).

10:223(1)

Do we really need the Designated Areas/Routes (DARs) to be pre-established by Council? This seems overly burdensome to change if a new route is proposed that is reasonable but goes outside the DARs just because Council didn't read their minds and preapprove it. Given the restrictions based on speed limit in 10:223(2)f, that takes care of a lot of the potential problem areas. My recommendation is to grant permission by default for all streets in the City, leaving Council able to explicitly nix problematic DARs if and when such problems develop.

10:223(2)

a. Streets are closed all the time, especially during the summer. This would, for example, ban quadricycles in the whole city after 5 pm on May 5, since one block of Liberty is closed for Cinco de Mayo. This would also prevent the operation of quadricycles for the entirety of A2 Summer Fest, since the street is closed 24/7.

b. What about weddings in the stadium? Or events like MHacks? I think we need to be more specific about what triggers this clause. This could be linked to traffic controls on Main St adjacent to the stadium: if they're shutting lanes down for traffic control, there's high enough expected attendance to say "hey let's not run the quadricycles anywhere near here." (for some definition of "near")

We talked with an operator about the proposed rules, and his feedback on the game day restriction is that the real traffic problem is after the game, and he would have no interest in being part of that traffic, because it's awful for all involved. However, it seems to me that operating during tailgating prior to a game wouldn't caused more of a traffic problem than what already exists.

a+b+c. I certainly want to make sure that the quadricycles don't compound traffic backups associated with events, but to ban them within the whole city seems overly restrictive. What if I want to do a Kerrytown tour before a home football game? It's so far away that it wouldn't really be holding game-related traffic up. Some events that close streets don't draw much additional traffic, like A2SF.

I think the vast majority of the concerns here could be addressed by adding a quadricycle exclusion zone request to the application for a special event. That way, the organizers can request what makes sense for the particular traffic dynamics of the event, and Council can approve it as part of the regular street closure approval process.

Alexa, Jennifer

From: Lumm, Jane
Sent: Monday, June 06, 2016 9:10 PM
To: Briere, Sabra; Westphal, Kirk; Grand, Julie; Krapohl, Graydon; Eaton, Jack; Warpehoski, Chuck
Cc: Kailasapathy, Sumi; Smith, Chip; Ackerman, Zach; Taylor, Christopher (Mayor); Bush, Renee; Beaudry, Jacqueline; Postema, Stephen
Subject: FW: comments re: proposed quadricycle ordinance
Importance: High

Fyi And, Mary Joan, is this privileged? Thank you, Jane

From: Fales, Mary Joan
Sent: Monday, June 06, 2016 1:02 PM
To: Lumm, Jane
Cc: Kailasapathy, Sumi; Ackerman, Zach; Smith, Chip; Taylor, Christopher (Mayor); Bush, Renee; Beaudry, Jacqueline; Postema, Stephen
Subject: RE: comments re: proposed quadricycle ordinance
Importance: High

Jane -

The downtown district is clearly defined in Chapter 7 of the Ann Arbor City Code by legal description and map. The same information may also be found on the DDA's website. The terms downtown development district and central business district are synonymous for planning purposes.

In regard to the operation prohibition regarding Game Day/Special Events, the language as written is a prohibition on the date. It is not a limited prohibition to closed streets. This was specifically recommended because the City coordinates traffic patterns in and out of the City on those days – not only with police personnel but modification of street light timing to allow for general safety, make adjustments for traffic congestion as well as open traffic for emergencies.

Specifying routes at the time of application allows for both Police and Public Services to review the route for conflicts, planned construction etc. The application process instructions can provide for modification of the route during a year after initial City staff approval; however, a revised route would still need to be reviewed and approved by City staff.

I hope this information is of assistance.

Mary Joan

Please note that I cannot send or receive emails in excess of 25MB. If you send me an email >25MB, you will get a bounce notice but I will not. If you need to send me an email with a large attachment or if you get a bounce notice for one you sent, please contact me to arrange for you to get the attachment(s) to me.

Mary Joan Fales, Senior Assistant City Attorney
City of Ann Arbor / 301 E. Huron St., POB 8647/ Ann Arbor, MI 48107-8647 / email: mfales@a2gov.org/ Office (734) 794-6170 ext. 41887/ Direct (734) 794-6187 / Fax (734) 994-4954

CONFIDENTIALITY NOTICE: The information in this transaction is intended for the individual or entity named above. It may be legally privileged and confidential. If you have received this information in error, please notify me immediately and delete this transmission and any other documents, files and information transmitted herewith. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution or copying of this communication or its contents is strictly prohibited. Internet communications are not guaranteed to be secure or error-free.

From: Lumm, Jane
Sent: Monday, June 06, 2016 11:24 AM
To: Fales, Mary Joan
Cc: Kailasapathy, Sumi; Ackerman, Zach; Smith, Chip; Taylor, Christopher (Mayor)
Subject: FW: comments re: proposed quadricycle ordinance

Mary Joan, Are we good on the legal definition of "central business district"? Thanks, Jane

From: Lumm, Jane
Sent: Monday, June 06, 2016 11:23 AM
To: 'Kyle Lady'
Cc: Smith, Chip; Kailasapathy, Sumi; Ackerman, Zach; Westphal, Kirk; Taylor, Christopher (Mayor); Crawford, Tom; Higgins, Sara; Bush, Renee; Baird, James; Beaudry, Jacqueline; Fales, Mary Joan; Hupy, Craig
Subject: RE: comments re: proposed quadricycle ordinance

Kyle, Central biz district = DDA. At our mtg., a map of the DDA district was also provided the operators. Will confirm that it (central biz district) meets the legal definition test. Thanks again, Jane

From: Kyle Lady [REDACTED]
Sent: Monday, June 06, 2016 11:15 AM
To: Lumm, Jane
Cc: Smith, Chip; Kailasapathy, Sumi; Ackerman, Zach; Westphal, Kirk; Taylor, Christopher (Mayor); Crawford, Tom; Higgins, Sara; Bush, Renee; Baird, James; Beaudry, Jacqueline; Fales, Mary Joan; Hupy, Craig; Neumann, Robert; Kosteva, Jim
Subject: Re: comments re: proposed quadricycle ordinance

One last comment: 10:223(2)g: is "the central business district" a defined term anywhere? I agree with the intent 100%; just want to make sure that it's specific (i.e., the DDA district? between Liberty and Miller?) so that operators can know what's expected of them. If the term is sufficiently clear as it stands from a legal perspective, feel free to disregard me.

-Kyle

On Mon, Jun 6, 2016 at 10:52 AM, Lumm, Jane <JLumm@a2gov.org> wrote:

Kyle, Thanks again.

Routes: idea was to define so not flexible. Again, sure if they want to change routes they can always refile with Clerk, and will confirm.

Game day and large UM Stadium events: recommendation to not permit – supported by AAPD and UMPD

Special events: rationale again = safety and to not allow on closed event streets. They can operate elsewhere w/in the DDA on permitted streets during special events, just not on the street that's closed for the special event.

Again, any one can chime in to correct me. Hope this is helpful, Kyle, and thanks again, Jane

From: Kyle Lady [REDACTED]

Sent: Monday, June 06, 2016 10:43 AM

To: Lumm, Jane

Cc: Smith, Chip; Kailasapathy, Sumi; Ackerman, Zach; Westphal, Kirk; Taylor, Christopher (Mayor); Crawford, Tom; Higgins, Sara; Bush, Renee; Baird, James; Beaudry, Jacqueline; Fales, Mary Joan; Hupy, Craig; Neumann, Robert; Kosteva, Jim

Subject: Re: comments re: proposed quadricycle ordinance

On Mon, Jun 6, 2016 at 9:55 AM, Lumm, Jane <JLumm@a2gov.org> wrote:

When we discussed the roads/areas where pedal pubs could/should operate, Craig Hupy advised, and Huron is an e.g. of a road that has conditions (e.g., higher speed limits) where pedal pubs should not deviate/utilize for safety reasons.

That may have been a poor example; my point was just to bring up the question of whether the filed routes become set in stone, or if they have flexibility and how much.

Game Day Operations: AAPD does not support. Again, know the Pedal Trolley wants to operate in/around the football stadium on game days. AAPD has made it clear (Lt. Bush and Chief Baird copied on this communication), and Lt. Bush did as

well at the 5/26 Liquor Cte. mtg. (Trolley Pub. Rep. was present and heard AAPD's position). AAPD is heavily deployed today on game days. Operating on game days, what the operators want but not what the AAPD or

UM PD want and can manage. Traffic as an issue is probably an issue, but very much misrepresents the concerns that have been shared by the police depts. I'm not saying you're misrepresenting the concerns, but the

operators certainly appear to be misrepresenting the AAPD concerns that they understand.

Just to clarify: I absolutely agree re: not having them near the stadium; I'm just picking at how that's worded to not needlessly restrict their operations (unless the intention is indeed to prevent quadricycle operation all day during any event at the stadium, in which case, carry on).

Special Event Operations: Can see why pedal trolleys would like to operate/intermingle with special event crowds, but idea was to not allow them on streets where special events are located. Again, safety was the rationale and why, e.g., they're

prohibited to operate on streets closed for Art Fair. Not sure how other special event street closures would be different. Welcome public safety and Public Services guidance on safety Q/rationale.

Likewise, I just wanted to point out that the current wording appeared blocked them from operating at all during the Art Fairs (and also any event that closes any streets). My opinion (and it's fine if Council/AAPD/etc. disagrees) is that they should be allowed to operate elsewhere in the city, so long as they're not interfering with the event.

-Kyle

Alexa, Jennifer

From: Kyle Lady [REDACTED]
Sent: Monday, June 06, 2016 9:12 PM
To: CityCouncil
Subject: Fwd: comments re: proposed quadricycle ordinance

Related to the discussions being had about alternatives to the broad (though pleasantly straight-forward) restrictions for inclusion in the council emails section of the minutes.

Thanks,
Kyle

--

Kyle Lady
Ward 2 Resident
Sr. R&D Engineer, Duo Security

----- Forwarded message -----

From: Kyle Lady [REDACTED]
Date: Mon, Jun 6, 2016 at 9:27 AM
Subject: comments re: proposed quadricycle ordinance
To: ChSmith@a2gov.org, "Lumm, Jane" <JLumm@a2gov.org>, SKailasapathy@a2gov.org,
ZAckerman@a2gov.org
Cc: "Westphal, Kirk" <KWestphal@a2gov.org>

Hi all,

I see the quadricycle ordinance is up for second reading tonight, so I wanted to provide some comments on the operations regulations. I think they're too broad right now (by my reading), so I have examples of what I'd consider to be failure modes of the proposed text.

My apologies for getting them to you so close to the meeting; if you have any comments/discussion, please feel free to get in touch either via email or cell: [REDACTED]

Thanks,
Kyle

General: re: routes: this would require owners to file proposed routes at the time of application, but what about if they want to change the route(s) down the road? Do they have to wait until they renew their license? This all assumes that they must stick to the routes proposed at the time of filing, which I'm not seeing.

If they *do* have to stick to the filed routes, how will event/construction closures affect the routes? Or, say, a traffic accident? I'd argue that the drivers should have the autonomy to deviate from the filed routes if the filed route is obstructed, so long as they follow the rest of the conditions as close as is reasonable. (this would allow them to legally deviate onto Huron for as briefly as possible, for example, if an adjacent block is obstructed, where they'd otherwise be legally required to just wait there until the accident is cleared).

10:223(1)

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We talked with an operator about the proposed rules, and his feedback on the game day restriction is that the real traffic problem is after the game, and he would have no interest in being part of that traffic, because it's awful for all involved. However, it seems to me that operating during tailgating prior to a game wouldn't caused more of a traffic problem than what already exists.

a+b+c. I certainly want to make sure that the quadricycles don't compound traffic backups associated with events, but to ban them within the whole city seems overly restrictive. What if I want to do a Kerrytown tour before a home football game? It's so far away that it wouldn't really be holding game-related traffic up. Some events that close streets don't draw much additional traffic, like A2SF.

I think the vast majority of the concerns here could be addressed by adding a quadricycle exclusion zone request to the application for a special event. That way, the organizers can request what makes sense for the particular traffic dynamics of the event, and Council can approve it as part of the regular street closure approval process.

obstructed, so long as they follow the rest of the conditions as close as is reasonable. (this would allow them to legally deviate onto Huron for as briefly as possible, for example, if an adjacent block is obstructed, where they'd otherwise be legally required to just wait there until the accident is cleared).

10:223(1)

Do we really need the Designated Areas/Routes (DARs) to be pre-established by Council? This seems overly burdensome to change if a new route is proposed that is reasonable but goes outside the DARs just because Council didn't read their minds and preapprove it. Given the restrictions based on speed limit in 10:223(2)f, that takes care of a lot of the potential problem areas. My recommendation is to grant permission by default for all streets in the City, leaving Council able to explicitly nix problematic DARs if and when such problems develop.

10:223(2)

a. Streets are closed all the time, especially during the summer. This would, for example, ban quadricycles in the whole city after 5 pm on May 5, since one block of Liberty is closed for Cinco de Mayo. This would also prevent the operation of quadricycles for the entirety of A2 Summer Fest, since the street is closed 24/7.

b. What about weddings in the stadium? Or events like MHacks? I think we need to be more specific about what triggers this clause. This could be linked to traffic controls on Main St adjacent to the stadium: if they're shutting lanes down for traffic control, there's high enough expected attendance to say "hey let's not run the quadricycles anywhere near here." (for some definition of "near")

We talked with an operator about the proposed rules, and his feedback on the game day restriction is that the real traffic problem is after the game, and he would have no interest in being part of that traffic, because it's awful for all involved. However, it seems to me that operating during tailgating prior to a game wouldn't caused more of a traffic problem than what already exists.

a+b+c. I certainly want to make sure that the quadricycles don't compound traffic backups associated with events, but to ban them within the whole city seems overly restrictive. What if I want to do a Kerrytown tour before a home football game? It's so far away that it wouldn't really be holding game-related traffic up. Some events that close streets don't draw much additional traffic, like A2SF.

I think the vast majority of the concerns here could be addressed by adding a quadricycle exclusion zone request to the application for a special event. That way, the organizers can request what makes sense for the particular traffic dynamics of the event, and Council can approve it as part of the regular street closure approval process.

Alexa, Jennifer

From: Lumm, Jane
Sent: Monday, June 06, 2016 9:33 PM
To: Kyle Lady
Cc: CityCouncil
Subject: Re: comments re: proposed quadricycle ordinance

Thank you, Kyle. I shared this and subsequent exchanges with council earlier today. -Jane

Sent from my iPhone

On Jun 6, 2016, at 9:12 PM, "Kyle Lady" [REDACTED] wrote:

Related to the discussions being had about alternatives to the broad (though pleasantly straight-forward) restrictions for inclusion in the council emails section of the minutes.

Thanks,
Kyle

--

Kyle Lady
Ward 2 Resident
Sr. R&D Engineer, Duo Security

----- Forwarded message -----

From: Kyle Lady [REDACTED]
Date: Mon, Jun 6, 2016 at 9:27 AM
Subject: comments re: proposed quadricycle ordinance
To: ChSmith@a2gov.org, "Lumm, Jane" <JLumm@a2gov.org>, SKailasapathy@a2gov.org, ZAckerman@a2gov.org
Cc: "Westphal, Kirk" <KWestphal@a2gov.org>

Hi all,

I see the quadricycle ordinance is up for second reading tonight, so I wanted to provide some comments on the operations regulations. I think they're too broad right now (by my reading), so I have examples of what I'd consider to be failure modes of the proposed text.

My apologies for getting them to you so close to the meeting; if you have any comments/discussion, please feel free to get in touch either via email or cell: [REDACTED]

Thanks,
Kyle

General: re: routes: this would require owners to file proposed routes at the time of application, but what about if they want to change the route(s) down the road? Do they have to wait until they renew their license? This all assumes that they must stick to the routes proposed at the time of filing, which I'm not seeing.

If they *do* have to stick to the filed routes, how will event/construction closures affect the routes? Or, say, a traffic accident? I'd argue that the drivers should have the autonomy to deviate from the filed routes if the filed route is

Alexa, Jennifer

From: Naud, Matthew
Sent: Monday, June 06, 2016 9:59 PM
To: Briere, Sabra; Smith, Chip
Subject: Coal tar

I was reminded that DTE spent 4 million cleaning up coal tar at MichCon site.

Matthew Naud

Environmental Coordinator
City of Ann Arbor

mnaud@a2gov.org
www.a2gov.org/actionplan

Urban Sustainability Directors Network USDN.org

Alexa, Jennifer

From: Beaudry, Jacqueline
Sent: Monday, June 06, 2016 10:20 PM
To: Lumm, Jane
Subject: DC-2 Zingerman's
Attachments: DC-2 REVISED.pdf

Jane:

I noticed the vote was missing from the memo with DC-2. I've filled it in. Liquor Committee voted on May 26 4-0. Attached is a new memo if you were going to reference it.



City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Text File

File Number: 16-0783

Agenda # DC-2

Introduced: 5/26/2016

Version: 1

Current Status: Introduced from Council

Matter Type: Resolution

Resolution to Recommend Approval of Issuance of a Downtown Development District Liquor License to Zingerman's Delicatessen, Inc., dba The Greyline, 100 N. Ashley

The attached resolution will approve the recommendation of Zingerman's Delicatessen, Inc. to the MLCC for issuance of a downtown development district liquor license to be sited at 100 N. Ashley, in Ann Arbor, operating a new event space called The Greyline, located in the Marriott Residence Inn.

The City Council of Ann Arbor adopted Resolution R-08-024 on February 4, 2008 establishing the Ann Arbor Downtown Development District as a development district for liquor licensing in accordance with the requirements of Public Act 501 (MCL 436.1521A(1)B of 2006 and the Michigan Liquor Control Commission ("MLCC"). To receive a Development District Liquor License an applicant must be approved by the City and the MLCC. An application for a license will not be authorized for investigation until the MLCC has received a City resolution which approves the applicant at a specific location "above all others."

Zingerman's Delicatessen, Inc. has submitted the City license application with all requested supplemental documentation to the City Clerk. The proposed event space has been inspected by the City Service Units and its taxes are current. The Council Liquor License Review Committee has recommended approval with a 4-0 vote on May 26, 2016.

A determination that the applicant is approved "above all others" at the designed premises is recommended on the basis of the unique character of The Greyline and the services it will offer to the downtown community and the general public.

If approved by City Council, the applicant will still be required to demonstrate to the MLCC that it meets all statutory licensing requirements to be issued a downtown development district liquor license.

Prepared by: Anissa R. Bowden, Council Coordinator

Reviewed by: Jacqueline Beaudry, City Clerk

Sponsored by: Council Liquor License Review Committee

Resolution to Recommend Approval of Issuance of a Downtown Development District Liquor License to Zingerman's Delicatessen, Inc., dba The Greyline, 100 N. Ashley

Whereas, In 2006 in an effort to promote economic development in qualifying communities, the Michigan Legislature passed Act 501 (MCL 436.152A(1)B) of the Public Acts of 2006 ("Act") which Act established the criteria for development area liquor licenses;

Whereas, Pursuant to the Act, the City of Ann Arbor may authorize the approval of certain on-premises liquor licenses, irrespective of the availability of on-premises licenses from quota to applicants within a designated development project area meeting certain established criteria;

Whereas, The Act requires a resolution from the governing body of the community that establishes and certifies certain criteria, including a certification that the community has created a qualifying development area, and approving an applicant at a location within a development area before that applicant may apply to the Michigan Liquor Control Commission for a development area liquor license;

Whereas, The City Council of Ann Arbor adopted Resolution R-08-024 on February 4, 2008 establishing the Ann Arbor Downtown Development District as a development district for liquor licensing in accordance with the requirements of Public Act 501 (MCL 436.1521A(1)B) of 2006 and the Michigan Liquor Control Commission ("MLCC");

Whereas, Zingerman's Delicatessen, Inc. has submitted an application to the City requesting City approval and recommendation to the MLCC of issuance of a downtown development district liquor license for its new event space, The Greyline, at 100 N. Ashley;

Whereas, Zingerman's Delicatessen, Inc. meets the statutory requirements for a development area liquor license as it is engaged in the business of dining, entertainment or recreation, is open to the general public and has a seating capacity of not less than 25 persons;

Whereas, Zingerman's Delicatessen, Inc. has provided evidence with its application that it can document the expenditure to the Michigan Liquor Control Commission, of not less than \$75,000.00 in the rehabilitation or restoration of the building that houses the licensed premises over the preceding 5 years as required by the Act;

Whereas, The designated premises, 100 N. Ashley, is within the established boundaries of the development district and the type and character of the dining establishment and the service it provides to the downtown community and the general public qualify it as

appropriate for designation “above all others” at that specific location;

Whereas, The Council Liquor Committee having been fully advised of the application of Zingerman’s Delicatessen, Inc. and having made the following finding

- That Zingerman’s Delicatessen, Inc. plans to operate a new meeting and event space, The Greyline, within the development area which meets the criteria for issuance of a license as of the effective date of the Act.
- That Zingerman’s Delicatessen, Inc. with its proposal to create a new 150 person special event space will provide a new and unique option for entertaining in the downtown.
- That Zingerman’s Delicatessen, Inc. has and continues to provide a new/unique contribution to the mix of establishments within the development area.
- That the designated premises, 100 N. Ashley, is an appropriate location for a liquor license under applicable planning and development plans of the City.
- That, based on the applicant’s statement as to how the issuance of a license will benefit the development district and the City, including its anticipated business plan, it is appropriate on the facts presented and for this location and this business only, to recommend the issuance of a license for beer, wine and liquor (consistent with the MLCC terminology “Class C” license) and to make no specific restriction on the hours of operation.

does recommend to City Council the application of Zingerman’s Delicatessen, Inc. for recommendation to the MLCC for approval “above all others”; and

Whereas, Zingerman’s Delicatessen, Inc. has been informed that final approval of a license at 100 N. Ashley will be subject to approval by the Michigan Liquor Control Commission and a background investigation and approval by this body;

RESOLVED, That City Council recommend for the reasons stated above that the Michigan Liquor Control Commission consider the request from Zingerman’s Delicatessen, Inc., dba The Greyline, 100 N. Ashley, Ann Arbor, MI 48104, for Approval for the issuance of a license for beer, wine and liquor (consistent with the MLCC terminology “Class C” license) “**Above All Others**” and that the application be recommended for issuance of a Development District Liquor License under MCL 436.1521A(1)B;

RESOLVED, That City Council affirms that Zingerman’s Delicatessen, Inc., 100 N. Ashley, Ann Arbor, MI 48104, is within the established boundaries of the development district (City of Ann Arbor Downtown Development District boundary) and the type and character of the dining establishment and the service it provides to the downtown community and the general public qualify it as appropriate for designation “above all others” at that specific location; and

File Number: 16-0783

RESOLVED, That the City Clerk forward a copy of this resolution to Zingerman's Delicatessen, Inc. and the Michigan Liquor Control Commission.

Sponsored by: City Council Liquor Review Committee

Alexa, Jennifer

From: Lumm, Jane
Sent: Monday, June 06, 2016 10:39 PM
To: Beaudry, Jacqueline
Cc: Crawford, Tom; Fales, Mary Joan; Taylor, Christopher (Mayor); Briere, Sabra; Kailasapathy, Sumi; Westphal, Kirk; Grand, Julie; Ackerman, Zach; Krapohl, Graydon; Eaton, Jack; Smith, Chip; Warpehoski, Chuck; Ryan J Stanton
Subject: Fwd: DC-2 Zingerman's
Attachments: DC-2 REVISED.pdf; ATT00001.htm

Council, FYI and thank you, Jackie!

Sent from my iPhone

Begin forwarded message:

From: "Beaudry, Jacqueline" <JBeaudry@a2gov.org>
Date: June 6, 2016 at 10:19:45 PM EDT
To: "Lumm, Jane" <JLumm@a2gov.org>
Subject: DC-2 Zingerman's

Jane:

I noticed the vote was missing from the memo with DC-2. I've filled it in. Liquor Committee voted on May 26 4-0. Attached is a new memo if you were going to reference it.



City of Ann Arbor

301 E. Huron St.
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Zingerman's Delicatessen, Inc. has submitted the City license application with all requested supplemental documentation to the City Clerk. The proposed event space has been inspected by the City Service Units and its taxes are current. The Council Liquor License Review Committee has recommended approval with a 4-0 vote on May 26, 2016.

A determination that the applicant is approved "above all others" at the designed premises is recommended on the basis of the unique character of The Greyline and the services it will offer to the downtown community and the general public.

If approved by City Council, the applicant will still be required to demonstrate to the MLCC that it meets all statutory licensing requirements to be issued a downtown development district liquor license.

Prepared by: Anissa R. Bowden, Council Coordinator

Reviewed by: Jacqueline Beaudry, City Clerk

Sponsored by: Council Liquor License Review Committee

Resolution to Recommend Approval of Issuance of a Downtown Development District Liquor License to Zingerman's Delicatessen, Inc., dba The Greyline, 100 N. Ashley

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RESOLVED, That the City Clerk forward a copy of this resolution to Zingerman's Delicatessen, Inc. and the Michigan Liquor Control Commission.

Sponsored by: City Council Liquor Review Committee