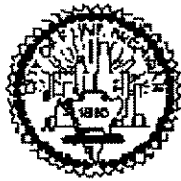


City of Flint, Michigan

*Third Floor, City Hall
1101 S. Saginaw Street
Flint, Michigan 48502
www.cityofflint.com*



Meeting Agenda - Final

Wednesday, March 8, 2023

5:00 PM

COUNCIL CHAMBERS

LEGISLATIVE COMMITTEE

Eva L. Worthing, Chairperson, Ward 9

*Eric Mays, Ward 1
Quincy Murphy, Ward 3
Jerri Winfrey-Carter, Ward 5
Allie Herkenroder, Ward 7*

*Ladel Lewis, Ward 2
Judy Priestley, Ward 4
Tonya Burns, Ward 6
Dennis Pfeiffer, Ward 8*

Davina Donahue, City Clerk

ROLL CALL

REQUEST FOR CHANGES AND/OR ADDITIONS TO THE AGENDA

PUBLIC SPEAKING

Members of the public shall have no more than two (2) minutes to address the City Council on any subject. Only one speaking opportunity per speaker.

COUNCIL RESPONSE

Councilpersons may respond to any public speaker, but only one response and only when all public speakers have been heard. Individual council response is limited to two (2) minutes.

CONSENT AGENDA

Per the amended Rules Governing Meetings of the Flint City Council (as adopted by the City Council on Monday, February 27, 2023), the Presiding Officer or Chair may request the adoption of a "Consent Agenda". After a motion to adopt a Consent Agenda is made and seconded, the Presiding Officer or Chair shall ask for separations. Any agenda item on a Consent Agenda shall be separated at the request of any Councilmember. After any separations, there is no debate on approving the Consent Agenda - it shall be voted on or adopted without objection.

ORDINANCES

230053 Amendment/Ordinance/Chapter 6 (Alcoholic Liquor Sales)/Article I (In General)/Section 6-6 (Consumption in Public Prohibited; Possession or Consumption in Public Park or Parkway Prohibited; Exception)

An ordinance to amend the Flint City Code of Ordinances by amending Chapter 6 (Alcoholic Liquor Sales), Article I (In General), Section 6-6 (Consumption in Public Prohibited; Possession or Consumption in Public Park or Parkway Prohibited; Exception).

230054 Amendment/Ordinance/Chapter 28 (Motor Vehicles and Traffic)/Article I (In General)/Section 28-28.6 (Adoption of State Law Converting Possession of Alcohol in Passenger Compartment of a Motor Vehicle)

An ordinance to amend the Flint City Code of Ordinances by amending Chapter 28 (Motor Vehicles and Traffic), Article I (In General), Section 28-28.6 (Adoption of State Law Converting Possession of Alcohol in Passenger Compartment of a Motor Vehicle).

230055 Amendment/Ordinance/Chapter 28 (Motor Vehicles and Traffic)/Article XIV (Motorcycles, Bicycles and the Like)/Division (Bicycles)

An ordinance to amend the Flint City Code of Ordinances by amending Chapter 28 (Motor Vehicles and Traffic), Article XIV (Motorcycles, Bicycles and the Like)/Division (Bicycles).

ADJOURNMENT

ORDINANCE NO. _____

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 6, ALCOHOLIC LIQUOR SALES.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 6, ALCOHOLIC LIQUOR SALES, Article 1, IN GENERAL, Section 6-6, CONSUMPTION IN PUBLIC PROHIBITED; POSSESSION OR CONSUMPTION IN PUBLIC PARK OR PARKWAY PROHIBITED; EXCEPTION, by providing numbering for paragraphs 6-6(1) and 6-6(2) and adding paragraph 6-6(3). which shall read in its entirety as follows:

§ 6-6 CONSUMPTION IN PUBLIC PROHIBITED; POSSESSION OR CONSUMPTION IN PUBLIC PARK OR PARKWAY PROHIBITED; EXCEPTION.

- (1) No alcoholic liquors or beer shall be consumed on the public streets, parks or in any other public places, including any store or establishment doing business with the public not licensed to sell alcoholic liquor or beer therein.
- (2) No person shall have in his possession or under his or her control, any alcoholic liquor or beer upon or within any public park or parkway; provided, that such possession and consumption of alcoholic liquor or beer may be permitted within buildings or structures under the jurisdiction of the Department of Parks and Recreation where not otherwise prohibited by law, upon the securing of permission from the Director of the Department of Parks and Recreation.
- (3) The provisions of this section shall not apply to the operation of a commercial quadricycle and/or a passenger travelling thereon, as permitted under sections 28-164 to 28-175 of the Flint City Code of Ordinances.

Sec. 2. This Ordinance shall become effective this ____ day of _____, 2023, A.D.


Adopted this ____ day of _____, 2023, A.D.

FOR THE CITY:

Sheldon A. Neeley, Mayor

Approved by City Council

APPROVED AS TO FORM:



William Kim (Feb 21, 2023 15:42 EST)

William Kim, City Attorney

ORDINANCE NO. _____

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 28, MOTOR VEHICLES AND TRAFFIC

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 28, MOTOR VEHICLES AND TRAFFIC, Article 1, IN GENERAL, Section 28-28.6, ADOPTION OF STATE LAW COVERING POSSESSION OF ALCOHOL IN PASSENGER VEHICLE, by the addition of paragraph 28-28.6(b)(5), which shall read in its entirety as follows:

§ 28-28.6 ADOPTION OF STATE LAW COVERING POSSESSION OF ALCOHOL IN PASSENGER COMPARTMENT OF A MOTOR VEHICLE.

(a) Section 624a of the Michigan Vehicle Code, covering possession of open alcohol in a passenger compartment, as adopted and promulgated by the State of Michigan as Public Act 98 of the Michigan Public Acts of 1991, and as from time to time amended by the State of Michigan (being MCLA §§ 257.624a et seq.; MSA §§ 9.2324(1) et seq.), is hereby adopted by reference by the Flint City Council and placed on file with the City Clerk.

(b) This section shall read as follows:

(1) Except as provided in subsection (2), a person shall not transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway, or within the passenger compartment of a moving vehicle in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in this State.

(2) Exceptions. A person may transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger compartment of a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles in this State, if the vehicle does not have a trunk or compartment separate from the passenger compartment, the container is enclosed or encased, and the container is not readily accessible to the occupants of the vehicle.

(3) Violation as misdemeanor. A person who violates this section is guilty of a misdemeanor.

(4) Chartered vehicle exception. This section does not apply to a passenger in a chartered vehicle authorized to operate by the Michigan Department of Transportation.

(5) Commercial Quadricycle exception. This section does not apply to the operation of a commercial quadricycle and/or a passenger travelling thereon, as permitted under sections 28-164 to 28-175 of the Flint City Code of Ordinances.

Sec. 2. This Ordinance shall become effective this _____ day of _____, 2023, A.D.

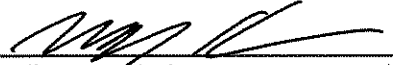
Adopted this _____ day of _____, 2023, A.D.

FOR THE CITY:

Sheldon A. Neeley, Mayor

Approved by City Council

APPROVED AS TO FORM:



William Kim (Feb 21, 2023 15:42 EST)

William Kim, City Attorney

ORDINANCE NO. _____

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 28, MOTOR VEHICLES AND TRAFFIC.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 28, MOTOR VEHICLES AND TRAFFIC, Article XIV, MOTORCYCLES, BICYCLES AND THE LIKE, Division 1, BICYCLES, by amending and renaming sections 28-164 through 28-174, which shall read in their entirety as follows:

DIVISION 1. BICYCLES

~~§ 28-164 "BICYCLE" DEFINED.~~

~~BICYCLE. A device propelled by human power upon which any person may ride, having two tandem wheels either of which is over 20 inches in diameter.~~

~~§ 28-165 COMPLIANCE.~~

~~All person using bicycles shall conform to the general rules as set forth in this ordinance.~~

~~§ 28-166 REGISTRATION; TRANSFER OF OWNERSHIP.~~

~~(a) No person shall operate a bicycle upon any street, alley, or public place of this City unless such bicycle is registered as hereinafter provided and properly displays a decalomania print; provided, however, that a nonresident temporarily in the City may secure from the Chief of Police a permit to use a bicycle for a period not exceeding seven (7) days.~~

~~(b) Bicycle registration certificates shall be issued by the Chief of Police but only after ascertaining that the bicycle desired to be registered is in good mechanical condition and carries the equipment required under this ordinance. The fee for such registration shall be as specified in Chapter 26 of this Code.~~

~~(c) The application of registration hereunder shall be on a form furnished by the Chief of Police. Said application shall be in triplicate and when signed by the Chief of Police shall constitute a certificate of registration, one copy of which shall be given to and retained by the applicant. The Chief of Police shall also furnish a decalomania print which shall be securely attached to the bicycle to a conspicuous place on the frame. The decalomania must be displayed on the registered bicycle at all times, and shall not be used on, or transferred to any other bicycle than that for which it was issued.~~

~~(d) Any person who sells or transfers ownership to any bicycle shall report such sale or transfer by returning to the Chief of Police the registration card issued therefor, together with the name and address of the person to whom such bicycle was sold or transferred. Such report shall be made~~

~~within five days from the date of the sale or transfer. It shall be the duty of the purchaser or transferee to apply for transfer or registration thereof within seven (7) days after the sale or transfer. The transfer of registration shall bear a fee as specified in Chapter 26 of this Code and be upon the condition that the bicycle is in good mechanical condition and carries equipment required under this ordinance.~~

~~(e) No person shall willfully or maliciously remove, destroy, mutilate or alter the frame number or manufacturer's serial number, or the decalcomania print issued under this article.~~

~~(f) Duplicate decalcomania print shall be issued by the Chief of Police in event the decalcomania print is lost, defaced or destroyed, upon the payment of the sum of \$0.25.~~

~~(g) In event any bicycle does not possess a trade number of manufacturer's serial number, the Chief of Police may stamp an identifying frame number thereon.~~

~~§ 28-166.1 BICYCLES TO BE PERMANENTLY IDENTIFIED UPON SALE.~~

~~Retail merchants of bicycles are hereby required to affix to each such bicycle sold, the driver's license number, social security number, or other proper identification number of the purchaser of such bicycle with a permanent stencil, stamp, or other method approved by the Chief of Police.~~

~~§ 28-167 LIGHTS AND REFLECTORS REQUIRED.~~

~~Every bicycle, when in use at nighttime, shall be equipped with a lamp on the front which will emit a white light visible from a distance of 500 feet to the front and with a red reflector on the rear which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.~~

~~§ 28-168 WARNING DEVICES REQUIRED; USE OF SIRENS OR WHISTLES PROHIBITED.~~

~~No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet; except that such vehicle shall not be equipped with nor shall any person use upon such vehicles any sirens or whistle.~~

~~§ 28-169 BRAKES REQUIRED.~~

~~Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.~~

~~§ 28-170 CARRYING PACKAGES.~~

~~No person operating a bicycle shall carry any package, bundle, or article which prevents the driver from keeping both hands upon the handlebars of the vehicle.~~

~~§ 28-171 RIDING ON SIDEWALKS PROHIBITED; EXCEPTION.~~

~~No person shall ride any bicycle upon any sidewalks in the City of Flint, except on sidewalks located in residential districts of the said City of Flint; provided that no person shall ride upon any sidewalk or be permitted to do so at a rate of speed exceeding ten miles per hour; further, that such vehicle shall be operated along the right side of the street or sidewalk.~~

~~§ 28-172 TO BE RIDDEN WITH HANDS ON HANDLEBARS; MORE THAN ONE PERSON RIDING PROHIBITED; EXCEPTION.~~

~~It shall be unlawful for persons to ride bicycles in the streets, highways, public places or on sidewalks without having their hands on the handlebars, or for two or more persons to ride on any such vehicles; provided, that two or more persons may ride on a tandem bicycle which is hereby defined to be a bicycle originally manufactured for the purpose of being ridden or operated by two or more persons.~~

~~§ 28-173 IMPOUNDMENT OF ABANDONED OR STOLEN BICYCLES.~~

~~Any unregistered bicycle which appears to be abandoned by the owner or is recovered by the police after being stolen, shall be removed by any member of the Police Department to a place in the City to be designated by the Chief of Police. Any person owning or entitled to possession of such bicycle so removed may thereafter obtain possession thereof by paying the Police Department a fee which shall be established from time to time by resolution of the City Council, kept on file by the City Clerk, and contained in Appendix A of the City Code, and registering the bicycle as provided in this division. It shall be the duty of any Police Department member collecting any such fee to issue a receipt therefor in duplicate, stating the make and serial number, if any, of the bicycle, together with the name of the owner or person entitled to possession thereof, one of which shall be handed to the person paying the same, and the other shall be filed in the office of the Chief of Police, and within 48 hours thereafter, the Chief of Police shall pay to the City Treasurer the amount so collected, taking the Treasurer's receipt therefor and filing the same in the office of the Chief of Police.~~

~~§ 28-174 RIDING ON PERMANENT SEATS.~~

~~A person propelling a bicycle or operating a motorcycle or motor-driven cycle shall not ride other than upon and astride a permanent and regular seat attached thereto.~~

DIVISION 1. COMMERCIAL QUADRICYCLES

§ 28-164 DEFINITIONS

For purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section:

***Alcoholic liquor* means any spirituous, vinous, malt, or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented or any other designation, which contains one-half of one percent or more of alcohol by volume, are fit for use as a beverage, and are defined and classified by the Michigan Liquor Control Commission according to**

alcoholic content as being beer, wine, spirits, alcohol, sacramental wine, brandy, mixed wine drink, or mixed spirit drink.

Chief of Police means the Chief of the Flint Police Department.

City means the City of Flint, Michigan.

Commercial quadricycle means a vehicle as defined in Section 7b of the Michigan Vehicle Code, being MCL 257.7b, and which satisfies all of the following:

- (a) The vehicle that has fully operative pedals for propulsion entirely by human power;
- (b) The vehicle that has at least four wheels and is operated in a manner similar to a bicycle;
- (c) The vehicle that has at least six seats for passengers;
- (d) The vehicle 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) The vehicle is used for commercial purposes; and
- (f) The vehicle is operated by the owner of the vehicle or an employee of the owner of the vehicle.

Controlled substance means any drug, immediate precursor or substance, by whatever official, common, usual, chemical, or trade name known, that is delineated in Schedules 1 through 5 of Part 72 of the Michigan Public Health Code, Public Act 368 of 1978, being MCL 333.7201 through MCL 333.7231.

Director means the Department Director assigned to implement this ordinance by the City Administrator.

Drug means:

- (a) A substance that is recognized as a drug in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official national formulary, or any supplement to any of them; or
- (b) A substance that is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or animals; or
- (c) A substance, other than food, that is intended to affect the structure or function of the body of human beings or animals; or

(d) A substance that is intended for use as a component of any substance specified within this definition.

Operator means an individual who actually physically controls, or is responsible for the actual physical control of, any vehicle regulated by this article.

Owner means an individual, person, partnership, corporation, association, sole proprietorship, limited-liability company, joint venture, estate, trust, organization, or any other legal entity engaged in the business of transporting passengers for hire by means of one or more vehicles regulated by this article.

§ 28-165 AUTHORITY TO OPERATE

The operation of commercial quadricycles in the City is permitted in accordance with the provisions of this division. The provisions of this division are authorized by and adopted pursuant to Sections 7b, 33, 518a, 624a, 625p, 657, 660 662, 901 and 907 of the Michigan Vehicle Code, being MCL 257.7b, 257.33, 257.518a, 257.624a, 257.625p, 257.657, 257.660, 257.662, 257.901 and 257.907.

§ 28-166 LOCATION OF OPERATIONS

(1) The Director and the Chief of Police shall, by rule, jointly designate and approve the geographic locations and/or public right-of-ways in the City where licensed commercial quadricycles may operate. The geographic locations and/or public right-of-ways may be altered from time as determined by the Director and the Chief of Police. No Owner and/or Operator shall acquire any right to operate a commercial quadricycle in a particular geographic location and/or public right-of-way in the City.

(2) It shall be unlawful for any person to operate a commercial quadricycle at a location or on a public right-of-way in the City which location or public right-of-way has not been designated and approved in accordance with this section. Any person who violates this section shall be a guilty of a misdemeanor punishable by not more than 90 days in jail or a \$500.00 fine, or both.

§ 28-167 HOURS OF OPERATION

Licensed commercial quadricycles shall only be operated in the City between the hours of 9:00 a.m. and 11:00 p.m.

Any person who violates this section shall be responsible for a municipal civil infraction and subject to a fine or fines as provided in section §1-19 of the Flint City Code of Ordinances.

§ 28-168 SUSPENSION OF OPERATIONS

The Chief of Police shall have the authority to temporarily suspend the operation of any and all commercial quadricycles in the City whenever he or she determines that the conditions for the operation of a commercial quadricycle are unsuitable or unsafe. Any person who violates this

section shall be responsible for a municipal civil infraction and subject to a fine or fines as provided in section §1-19 of the Flint City Code of Ordinances.

§ 28-169 COMPLIANCE WITH TRAFFIC LAWS AND SAFETY REQUIREMENTS

(1) The operation of a commercial quadricycle in the City shall comply with all traffic laws of the State of Michigan and the Flint City Code of Ordinances. In addition:

(A) No commercial quadricycle shall be operated at a speed more than 25 miles per hour;

(B) No commercial quadricycle shall be operated on a highway or street with a speed limit of more than 35 miles per hour except for the purpose of crossing that highway or street;

(C) No commercial quadricycle shall be operated on a sidewalk constructed for the use of pedestrians;

(D) All commercial quadricycles shall be capable of coming to a complete and controlled stop;

(E) All commercial quadricycles shall be equipped with a front lamp that emits a white light visible from a distance of at least 500 feet to the front and a rear lamp that emits a red light visible from distance of 500 feet to the rear; and

(F) All commercial quadricycles shall be maintained in a good state of repair, free from defects, both inside and outside, so as to not to injure any passengers or damage their clothing or possessions. The exterior of a commercial quadricycle shall be reasonably clean and free from cracks, breaks, and major dents.

(2) Any person who violates this section shall be responsible for a municipal civil infraction and subject to a fine or fines as provided in section §1-19 of the Flint City Code of Ordinances.

§ 28-170 OPERATORS

(1) The Operator of a commercial quadricycle shall:

(A) Possess a valid Michigan Driver's License;

(B) Operate the commercial quadricycle in a safe and prudent manner;

(C) Keep the interior of the commercial quadricycle clean;

(D) Report all accidents involving the commercial quadricycle as required by the traffic laws of the State of Michigan and the Flint City Code of Ordinances;

(E) Conspicuously post his or her current Quadricycle License in a protective frame attached to the commercial quadricycle;

(F) Be properly attired with a shirt, pants, skirt or shorts, and secure footwear.

(2) The Operator of a commercial quadricycle shall not:

(A) Transport passengers without a reservation arranged by phone or online;

(B) Promote or recommend transportation to any person or entity operating in violation of law;

(C) Sell, or offer for sale, articles of merchandise or literature to passengers while the quadricycle is in motion;

(D) After leaving the starting point, receive additional passengers;

(E) Except in an emergency, abandon the commercial quadricycle;

(F) Operate the commercial quadricycle while under the influence of alcoholic liquor, a controlled substance, and/or an illegal drug, or while his or her ability to operate the commercial quadricycle has been impaired by alcoholic liquor, a controlled substance, and/or an illegal drug;

(G) Stop to load or unload passengers in the intersections of any street or crosswalk, or in any unsafe location;

(H) Load or unload passengers in any manner that will impede or interfere with the orderly flow of traffic on the streets;

(I) Permit a passenger to possess or transport alcoholic liquor other than beer, wine, spirits or a mixed spirits drink;

(J) Permit a passenger to possess or transport alcoholic liquor that was purchased from a commercial establishment after the start of the trip; and/or

(K) Permit a passenger to engage in disorderly conduct.

(3) Any person who violates (2)(F) of this section shall be a guilty of a misdemeanor punishable by not more than 93 days in jail or a \$500.00 fine, or both, and licensing sanctions as provided by MCL 257.625.

(3) Any person who violates any other provision of this section shall be responsible for a municipal civil infraction and subject to a fine or fines as provided in section §1-19 of the Flint City Code of Ordinances.

§ 28-171 PASSENGERS

(1) A passenger on a commercial quadricycle shall not:

(A) Possess or transport alcoholic liquor on a commercial quadricycle other than beer, wine, spirits, or a mixed spirits drink;

(B) Possess or transport alcoholic liquor on a commercial quadricycle that was purchased from a commercial establishment after the start of the trip; and/or

(C) Engage in disorderly conduct.

(2) Any person who violates this section shall be responsible for a municipal civil infraction and subject to a fine or fines as provided in section §1-19 of the Flint City Code of Ordinances.

§ 28-172 LICENSE REQUIRED

(1) A Quadricycle License shall be required to operate a commercial quadricycle in the City.

(2) One Quadricycle License shall be required for each commercial quadricycle.

(3) The Director shall promulgate rules and regulations to obtain a license and enforce the licensing requirement in accordance with the Charter of the City of Flint, and shall administer all licensing activity.

(2) The fees for licensure or other activity under this Division of the Code shall be set from time to time by Council resolution. The fee shall be non-refundable and must be paid in full prior to issuance of the license.

(3) The Quadricycle License shall specify the total number of passengers that may be transported on the commercial quadricycle.

(4) A Quadricycle License issued under this Division may be suspended or revoked at any time by the Director, and the Director shall not issue a Quadricycle License under this section, for any 1 or more of the following reasons:

(a) Providing incorrect, misleading, incomplete, or materially untrue information in the license application.

(b) Failing to meet the minimum requirements for licensure under this Division of the Code or any regulations promulgated under this Division of the Code.

(c) Multiple violations of any provision of this Division of the Code or any regulation promulgated under this Division of the Code.

(d) Any condition which, had it been known or had it occurred prior to licensure, would have justified denial of licensure.

(e) Failing to pay any fee or monies due to the City of Flint.

(5) It shall be unlawful to operate or permit another person to operate a commercial quadricycle in the City unless the Owner of the commercial quadricycle has obtained a license to operate the commercial quadricycle from the Director. Any who person who violates this section shall be a guilty of a misdemeanor punishable by not more than 90 days in jail or a \$500.00 fine, or both.

(6) A Quadricycle License shall expire one year after issuance. The Director shall, by rule, create procedures for renewal of licensure. A Quadricycle License may not be transferred.

(7) The Director shall have the authority to promulgate rules and regulations to effectuate the provisions of this section. The Director may, by rule, establish a reasonable limit on the total number of licenses to operate a commercial quadricycle that may be issued in the City.

§ 28-172 MINIMUM REQUIREMENTS

(1) The requirements for obtaining a license to operate a commercial quadricycle in the City shall be promulgated by the Director, and shall include, at a minimum:

(A) The name and business address of the applicant;

(B) Written proof that the applicant is the owner of the commercial quadricycle;

(C) If the applicant is a corporation or other business entity, a certificate of the entity's good corporate standing;

(D) If the applicant is a corporation or other business entity, the name and address of the entity's registered agent;

(E) The names and addresses of all persons who will operate the commercial quadricycle;

(H) Written proof that all persons who will operate the commercial quadricycle have received commercial training in identifying the signs of intoxication and alcohol management; and

(I) Written proof that the applicant meets the insurance requirements for operating a commercial quadricycle as established under §28-173 of this ordinance, and that the required insurance is in full force and effect as of the time the license to operate the quadricycle will be issued.

(2) The Director shall have the authority to promulgate rules and regulations creating additional minimum requirements or otherwise effectuating this section, as may be necessary to ensure the health, welfare, and safety of the quadricycle licensees, operators, passengers, and the general public.

§ 28-173 INSURANCE AND INSPECTIONS

(1) The Owner of a commercial quadricycle shall maintain liability insurance for the operation of a commercial quadricycle in the amount of two-million and 00/100 (\$2,000,000.00), combined single limit, for all bodily injuries and property damages arising from the operation of the commercial quadricycle.

(2) The Owner of a commercial quadricycle shall provide the Director with proof of insurance at any time upon request.

(3) A commercial quadricycle licensed under this Division of the Code shall be subject to inspection and search, by the Department or any Flint police officer, at any time while operating in the City of Flint.

(4) The Director shall have the authority to promulgate rules and regulations to conduct inspections of and regulate the operation of a commercial quadricycle, as may be deemed necessary to ensure the health, welfare, and safety of the quadricycle licensee, operators, passengers, and the general public.

§ 28-174 DENIAL, SUSPENSION, OR REVOCATION OF LICENSURE

(1) If the Director denies, suspends, or revokes a Quadricycle License, the Director shall send written notice of the denial, suspension, or revocation to the applicant or licensee.

(2) The applicant or licensee may, within 14 days, request a hearing from the Director or their designee to contest the denial, suspension, or revocation of a Quadricycle license. A request for hearing must be in writing and specify the grounds on which the applicant or licensee is contesting the denial, suspension, or revocation. After reviewing the request for hearing, the Director may conduct a hearing at his or her discretion, or may issue a written determination based on the request for hearing.

(3) If the Director's written determination does not reverse the denial, suspension or revocation, or if the Director does not act on a request for hearing within 30 days, the applicant or licensee may, within 14 days of the Director's written determination or failure to act on the request for hearing, petition the Flint City Council to review the action of the Director.

(4) If the Flint City Council does not reverse the denial, suspension, or revocation, or if the Flint City Council does not act on a request for hearing within 60 days, the applicant or licensee may appeal to the Circuit Court.

(5) The Director shall have the authority to promulgate rules and regulations to effectuate this section, as may be deemed necessary to ensure the health, welfare, and safety of the quadricycle licensese, operators, passengers, and the general public.

§ 28-175 SEVERABILITY

Should any section, clause or phrase of this ordinance be declared invalid, the same shall not affect the validity of the ordinance as a whole.

Sec. 2. This Ordinance shall become effective this _____ day of _____, 2023, A.D.

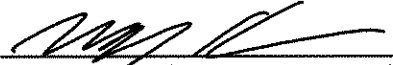
Adopted this _____ day of _____, 2023, A.D.

FOR THE CITY:

Sheldon A. Neeley, Mayor

Approved by City Council

APPROVED AS TO FORM:



William Kim (Feb 21, 2023 15:42 EST)

William Kim, City Attorney