

## **CHAPTER 817**

### **Commercial Quadricycles**

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#### ***CROSS REFERENCES***

Commercial Quadricycles generally - see MCL 257.7b, 257.660, 257.662, 257.901

Liability insurance for commercial liability insurance - see MCL Sec. 257.518a

Alcohol - see GEN OFF Code, Chapter 604.01-.02; MCL 257.624a, 257.625p

Licensing in general; fees, bonds and insurance - see B.R. & T. [Ch. 802](#)

#### **817.01 FINDINGS AND PURPOSE.**

The transportation of persons by means of commercial quadricycles is a matter affecting the public interest. The public interest requires that quadricycle drivers be properly qualified, that quadricycles be fit for their intended purpose, and that the safety and welfare of quadricycle passengers, as well as other persons and vehicles using public streets, be protected.

#### **817.02 DEFINITIONS.**

The following words, terms and phrases, when used in this chapter and chapter 604.02, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

a. "Commercial quadricycle" means a vehicle that satisfies all of the following:

(1) The vehicle has fully operative pedals for propulsion entirely by human power.

(2) The vehicle has at least 4 wheels and is operated in a manner similar to a bicycle.

(3) The vehicle has at least 6 seats for passengers.

(4) 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.

(5) The vehicle is used for commercial purposes.

(6) The vehicle is operated by the owner of the vehicle or an employee of the owner of the vehicle.

b. "Commercial quadricycle owner" means a person who is the owner of a commercial quadricycle or commercial quadricycle business.

c. "Commercial quadricycle operator" or "operator" means the business owner or the employee operating the vehicle.

d. "Mixed spirit drink" means a drink produced and packaged or sold by a mixed spirit drink manufacturer or an outstate seller of mixed spirit drink that contains 10% or less alcohol by volume consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials and that may also contain 1 or more of the following:

(1) Water.

(2) Fruit juices.

(3) Fruit adjuncts.

(4) Sugar.

(5) Carbon dioxide.

(6) Preservatives.

e. "Operating permit" means a written permit issued by the city authorizing a person to operate a commercial quadricycle.

f. "Spirits" means a beverage that contains alcohol obtained by distillation, mixed with potable water or other substances, or both, in solution, and includes wine containing an alcoholic content of more than 21% by volume, except sacramental wine and mixed spirit drink.

### **817.03 OPERATING PERMIT AND DECAL REQUIRED.**

No person who owns or controls a quadricycle, either as principal, agent or employee, shall permit it to be driven or otherwise operated upon the streets and highways of the City without securing from the City Clerk an operating permit and City-issued decal for each quadricycle. Quadricycles shall be driven and operated in compliance with all of the requirements of this chapter.

#### **817.04 OPERATING PERMIT APPLICATION.**

a. The City Clerk is responsible for issuing operating permits and decals for commercial quadricycles. Every owner of a quadricycle desiring to obtain an operating permit is required to make written application to the City Clerk, which shall be accompanied by the fee established by resolution of the City Commission and set out in the Fee, Bond, and Insurance schedule provided for in 802.24. An applicant shall truthfully and fully provide the following information requested on the application:

- (1) The applicant's full name, business address, e-mail address and phone number;
- (2) The name of the business entity under which the applicant will be operating;
- (3) The names and residence addresses of all shareholders, members, or partners of the entity applying for an operating permit;s.
- (4) A copy of the applicant's Michigan driver's license and number;
- (5) A certificate of insurance satisfying the requirements of MCL 257.518a and section 6(e) below;
- (6) A list of the applicant's authorized quadricycle drivers, including name, address, date of birth, driver's license number, and documentation that the driver has completed the required quadricycle drivers' training program established by this chapter and otherwise meets the requirements of this chapter;
- (7) A description of each quadricycle intended to be used by the applicant, including trade name, number of seats, serial number, if any, and body style; and
- (8) Such other information as the City Clerk may require.

b. If the applicant is a corporation, limited liability company, partnership, or other such 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 the requirements for individual applicants.

c. If, after the issuance of an operating permit, a quadricycle owner desires that a person drive a quadricycle and such person was not listed in the application described above, the owner shall submit such required driver information to the City Clerk before such person is permitted to drive a quadricycle upon the streets and highways of the City. There shall be an additional fee as established in the fee, bond and insurance scheduled provided for in 802.24 for the review of the additional driver.

d. An owner shall not permit a driver to operate a quadricycle upon the streets, highways and thoroughfares of the City of Battle Creek who falls out of compliance with the requirements of this chapter.

#### **817.05 REVIEW OF APPLICATION; PERMIT AND DECAL ISSUANCE.**

a. Upon filing of the application for an operating permit, the City Clerk shall review and evaluate the application, along with the Chief of Police or his or her designee, who shall cause an investigation to be made. In determining whether an operating permit should be issued, the City

Clerk shall evaluate whether the application is complete, and whether the applicant has violated any provisions of this article within the past year. Any driver with three or more points on his/her driving record or who is registered as a sex offender in this or another state shall be ineligible to operate a commercial quadricycle. Any application that does not include all of the information required by this chapter, is not supported by the materials required by this article, or if the applicant has two or more violation of this article in the past year, shall result in an automatic denial of an operating permit. The permit may also be denied based upon the factors set out in below section 11.

b. Before the issuance of an operating permit by the City Clerk, the Battle Creek Police Department (BCPD) shall inspect each quadricycle proposed to be used by the applicant and notify the City Clerk whether it satisfies the requirements of this chapter.

c. If an operating permit is not approved, the applicant may file an appeal as provided in section 11.

d. The City Clerk shall approve, deny or approve with conditions an application which is complete for an operating permit within 21 days of its being filed.

#### **817.06 VEHICLE REGULATIONS.**

No person shall drive or operate a commercial quadricycle upon the streets, highways or thoroughfares of the City of Battle Creek 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.

a. All commercial quadricycle owners must have the vehicle inspected by the BCPD prior to operation. All vehicles must be constructed for and have the structural integrity to support its operation. Each vehicle must be equipped with the following in working condition:

- (1) Front and rear turn signals.
- (2) Head lights.
- (3) Tail lights.
- (4) Rearview mirror.
- (5) A bell or horn.
- (6) Reflectors placed on each wheel and at each corner of the body of the vehicle.
- (7) A proper braking system approved by the BCPD.
- (8) A speedometer.
- (9) Any other equipment required to comply with all applicable federal and state laws.
- (10) 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. A vehicle must not have any cracks, broken or missing parts, or other visible damage.

b. 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 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.

c. Each commercial quadricycle shall have a City-issued unique, non-transferable vehicle identification number at least 4 inches in height readily visible from a distance of twenty feet.

d. Each commercial quadricycle owner shall provide 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.

e. 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 \$2,000,000,~~000~~.00 for all persons injured or for property damage arising out of the permitted operation or such other amounts as they may be required by statute. The policy shall directly protect the City of Battle Creek, 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 or owned by the city will be called on to contribute to a loss covered by said policy. The policy shall further provide 10 days' notice of cancellation or material change to the City Risk Management department. Evidence of insurance coverage must be provided before any permit is issued. Prior approval of the City of Battle Creek 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 Battle Creek.

f. 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 BCPD and remain at the scene until the accident or collision is investigated by BCPD. 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 BCPD for safety.

g. 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.

h. All commercial quadricycle drivers must display an identification badge. Each identification badge must contain the following information:

- (1) Operator/Driver Name;
- (2) Name of commercial quadricycle business;
- (3) Age;
- (4) Height;
- (5) Quadricycle Operator License number; and
- (6) Photograph.

#### **817.07 DECALS REQUIRED.**

a. Before allowing a quadricycle to be operated for hire, the owner shall obtain a City-issued decal. Upon issuance of an operating permit, the City Clerk shall issue a decal to be affixed upon

each quadricycle intended to be operated in the City by the applicant. The decal form shall be prescribed by the City and contain a unique nontransferable quadricycle registration number.

b. One decal shall be included in the fee for an operating permit. There shall be an additional fee for each decal over the first that is requested, which fee shall be established by the City Commission and set out in the fee, bond, and insurance schedule as provided for in 802.24.

c. It is unlawful for any owner to lease, rent or allow a quadricycle to be operated for hire without first having obtained a decal issued by the City and affixing the decal to the quadricycle in a manner prescribed by the City.

#### **817.08 OPERATING PERMIT FEE AND VALIDITY.**

(a) The City Clerk shall charge a nonrefundable fee to applicants to recover the cost of activities associated with the administration, regulation, and issuance of operating permits and decals. The fee shall be determined by the City Commission and set out in the fee, bond and insurance schedule as provided for in 802.24.

(b) Operating permits shall expire on January 31st of each year.

(c) The holder of an operating permit shall be entitled to renewal of the operating permit upon payment of the annual fee as established by the City Commission and submission of any changes in information required under 817.04 and if there has been not more than one violation of this chapter in the past year.

(d) Operating permits shall immediately become invalid if any of the information provided to obtain the permit is determined to be false when it was submitted, the City-issued decal is defaced, altered, forged or counterfeited, or the quadricycle does not comply with the regulations set forth in 817.06.

#### **817.09 TRANSFER OF DRIVERS' PERMITS.**

No person having registered and procured an operator's permit under this chapter shall voluntarily allow any other person to use such permit, nor shall any person, while operating or in charge of any commercial quadricycle use the permit of another person so registered.

#### **817.10 OPERATING REGULATIONS.**

No person shall drive or operate a commercial quadricycle for hire upon the streets, highways or thoroughfares of the City of Battle Creek 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.

a. No person, firm or corporation shall operate a commercial quadricycle for hire without an operating permit.

b. No person under the age of 18 shall operate a commercial quadricycle.

c. No person under the age of 16 shall be permitted to be a passenger on a commercial quadricycle unless he or she is accompanied by a responsible adult.

d. No person shall drive or operate a commercial quadricycle unless that person has a current valid Michigan driver's license.

**ed.** No person shall operate, or cause to be operated, a commercial quadricycle, in an unsafe condition.

**fe.** Commercial quadricycles shall not be operated on a highway or street with a speed limit of more than 45 miles per hour except for the purpose of crossing that highway or street. All commercial quadricycle drivers are subject to all applicable traffic safety laws, rules, and regulations of the City of Battle Creek and the State of Michigan. Commercial quadricycles shall be operated at a speed of not more than 25 miles per hour.

**gf.** A commercial quadricycle is not permitted to park on public property except as follows:

(1) The City Manager or her/his designee 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.

(2) In a legal parking space, provided that the fee for occupying said space is paid, if applicable.

(3) A single commercial quadricycle may park temporarily at the curb only as long as reasonably necessary for passengers to board and exit the vehicle.

(4) In all cases, commercial quadricycle shall be parked in a location that does not impede pedestrian or vehicular traffic.

**hg.** A commercial quadricycle shall not board or allow passengers to exit the vehicle from a traffic travel lane if it will delay or disrupt traffic.

**ih.** A commercial quadricycle shall not be operated on a sidewalk.

**ji.** Fares and/or rental fees must be posted or agreed upon at or before the beginning of each trip.

**kj.** 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.

**lk.** No commercial quadricycle operator shall operate or knowingly permit any other person to operate any commercial quadricycle who has an alcohol content of greater than 0.00 grams per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine. No commercial quadricycle operator shall operate or knowingly permit any other person to operate any commercial quadricycle who is under the influence of any controlled, exhilarating or stupefying substance or any combination of substances mentioned herein.

**ml.** A commercial quadricycle passenger whose age is 21 years or older may consume, or possess in a container which is open, uncapped or upon which the seal was broken, any beer, wine, spirits, or a mixed spirits drink (collectively “alcoholic beverage”) within or on a quadricycle and this shall not be a violation of 604.02. This sub-section shall not apply when the quadricycle is on any City park pathway or within any City park parking area except in compliance with ordinance 1060.02. However, this ordinance provision shall not be a defense to a violation of 618.06, which prohibits intoxication in any public place and engaging in conduct which endangers directly either the safety of another person or of property, or act in a manner that causes a public disturbance.

**nm.** Passengers shall not disembark, even temporarily, from a commercial quadricycle while possessing an open, uncapped, or upon which the seal is broken, alcoholic beverage.

**on.** 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.

**pe.** 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.

**qp.** A commercial quadricycle being operated on a street, highway or thoroughfare between ½ hour after sunset and ½ hour before sunrise shall be equipped with a light on the front that emits a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear that shall be visible from all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of head lights on a motor vehicle. A light emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector.

**rq.** Operation of a commercial quadricycle within the areas permitted by this chapter shall be specifically prohibited:

(1) On a street closed in connection with an approved City Special Event Permit during the duration of the closure unless that special event permit specifically includes the operation of a commercial quadricycle pursuant to the event;

(2) On any highway or street under the jurisdiction of the Michigan Department of Transportation where it has been prohibited in the interest of public safety;

(3) On any street within the Central Business District during the hours of 7:00 – 9 a.m. or 4:00 – 6:00 p.m., Monday through Friday.

### **817.11 GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION OF OPERATING PERMIT OR DECAL; HEARING.**

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

(a) The operator or owner of the commercial quadricycle fails or has failed to comply with the application provisions of this chapter;

(b) The operator has been convicted of any felony involving force and/or 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 5 years has elapsed from the successful completion of the sentence for any such convictions;

(c) 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;

(d) The operator's ability to drive lawfully in Michigan is currently expired, suspended or revoked

(e) The operator has engaged in activity that, in the judgment of the City Police Chief or his or her designee, constitutes a serious threat to public health, safety or welfare. Such threat may be indicated by, but is not limited to:

(1) An arrest for driving under the influence of alcohol or a controlled substance while operating a commercial quadricycle;

(2) An arrest for a crime, that if convicted, would require registration as as sex offender, and where a commercial quadricycle was used in the planning of, perpetration of, or fleeing from the offense;

(3) 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

(f) The operator or owner is in default to the city, including being delinquent in the payment of any taxes, fees or other city charges.

(g) In addition to the basis for revocation and/or suspension in subsections (a) through (f) above, the City Commission may revoke a permit or license for cause in accordance with Section 802.17.

(h) Any person whose permit or license is denied, revoked or suspended shall be entitled to a hearing in accordance with Section 802.16.

#### **817.12 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 had consumed any alcoholic liquor that would result in an alcohol content of greater than 0.00 grams per 100 milliliters of breath 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.

#### **817.13 RATES TO BE POSTED.**

If a group rate hasn't been previously established between the Operator and the passenger, then a card or placard containing the rates of fare to be charged shall be posted, by the owner or driver of a commercial quadricycle in a conspicuous place in full view of each occupant thereof. Such card or placard shall be printed in type not less than one-half inch in size.

#### **817.99 PENALTY.**

Except as otherwise provided in this chapter, a person who violates or fails to comply with any of the provisions of this chapter is responsible for a Class D Municipal civil infraction and shall be subject to the civil fines provided in Section 202.98 and any other relief that may be imposed by the court.