

**AMENDMENT TO CHAPTER 66 ENTITLED
"TRANSPORTATION"
OF THE CODE OF ORDINANCES,
CITY OF MACKINAC ISLAND, MICHIGAN
Ord. No. _____, Eff. _____**

An order to amend specific provisions of the City of Mackinac Island Motor Vehicles Ordinance, being Chapter 66, Article IV, Section 66-98 entitled "Applicant's burden of proof" and amending Section 66-167 entitled "Electric assistance to bicycles/tricycles utilized by qualified persons with disabilities" of the Code of Ordinances for the City of Mackinac Island.

THE CITY OF MACKINAC ISLAND ORDAINS:

Section 1. Repeal and Replace. Code Section 66-167, entitled "Electric assistance to bicycles/tricycle utilized by qualified persons with mobility disabilities", is hereby repealed in its entirety and replaced with the following:

Sec. 66-167. - Electric assistance to bicycles/tricycle utilized by qualified persons with mobility disabilities.

- (a) *Definition of "qualified person with a mobility disability"*. The definition of a "qualified person with a mobility disability" is as follows:

A qualified person with a mobility disability is an individual who has a physical impairment that substantially limits the ability of the individual to pedal a bicycle; and despite the person's physical limitations, he or she is capable of safely operating an electric assist tricycle/bicycle.

A qualified person with a mobility disability would include, for example, an individual who:

- (1) Cannot walk 200 feet without stopping to rest; or
 - (2) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic devices, wheelchair or other assistive device; or
 - (3) Is restricted by lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 mm/Hg on room air at rest; or
 - (4) Uses portable oxygen; or
 - (5) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association; or
 - (6) Is severely limited in their ability to walk and to pedal a bicycle due to an arthritic, neurological or orthopedic condition.
- (b) *Definition of electric bicycle*. The definition of an "electric bicycle" as used in this Ordinance, includes both two-wheeled bicycles and three-wheeled tricycles that satisfy all of the elements of the definition of "Class 1 electric bicycle;" and three-wheeled tricycles that satisfy all of the elements of the definition of "Class 2 electric bicycle;" contained in Section 13e of the Michigan Vehicle Code, 1949 PA 300, MCL 257.13e.

- (c) *Use of electric bicycle/tricycle.* The use of electric bicycles/tricycles is prohibited in the City of Mackinac Island. Notwithstanding that prohibition, a person with a mobility disability may use an electric bicycle in the city when the use of the electric bicycle is necessary to reasonably accommodate a mobility disability of the person.
- (d) *Required label on electric bicycle.* All electric bicycles used within the city must have affixed to them the label required by section 662a(2) of the Michigan Vehicle Code, 1949 PA 300, MCL 257.662a(2) showing the classification number, top assisted speed, and motor wattage of the electric bicycle. As require by section 662a(3), a person shall not tamper with or modify an electric bicycle so as to change the manufactured motor-powered speed capability or motor engagement of the electric bicycle without replacing the permanent label required under MCL 257.662a(2) with an appropriate label printed in Arial font and in at least 9-point type. A device shall not be considered an electric bicycle if the motor is modified in a manner that no longer meets the criteria described in section 13e(a)(i)-(iii) and section 13e(b)(i).
- (e) *Non-conforming electric bicycles.* In the event that a device not manufactured to meet the definition provided in subsection (b) of this section, it must be permanently modified in the manner authorized by section 662a(3) to meet the definition provided in subsection (b) prior to the device being used in the manner authorize under subsection (c).
- (f) *Required lighting.* All electric assistance bicycles/tricycles operated by qualified persons with mobility disabilities between 1/2 hour after sunset and 1/2 hour before sunrise shall be equipped with a lamp 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 lamps 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.
- (g) *Required electric bicycle/tricycle permit. To ride an electric bicycle or tricycle, visitors must apply for a permit by completing and submitting the Mobility Disability Accommodation Application for Electric Cycle. Applications must be submitted to the Mackinac Island Police Department for determination of approval. Visitors applying for a temporary permit must submit their materials to the Mackinac Island Police Department at least 14 days before visiting the Island.*
- (h) *Credible assurance. The permit application requires individuals to submit credible assurance of a qualifying disability. Credible assurance may be demonstrated by providing a valid state-issued disability parking placard or card; a state-issued proof of disability; or a statement from a medical provider confirming that the electric cycle is required because of a disability. In the event of an urgent or time-sensitive matter, an affidavit by the applicant, signed under penalty of perjury, that the cycle is required because of a disability may be accepted as credible assurance for a single-day license until the applicant is able to provide the required credible assurance. Such affidavit shall only be available in person at the Mackinac Island Police Department and shall only be permitted as credible assurance for up to seven (7) day under a temporary license in a calendar year unless otherwise approved by the chief of police.*

Section 2. Violation.

Any person violating any provision of this ordinance shall be deemed responsible of a civil infraction and shall be assessed a fine consistent with the city schedule of fines for civil infractions.

Section 3. Effective Date.

This ordinance shall become effective twenty (20) days after passage.

Margaret Doud, Mayor

Danielle Leach, Clerk

Adopted: _____

Effective: _____

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