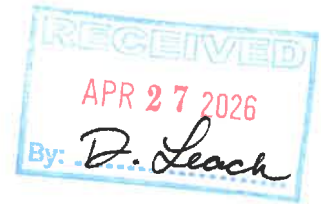


April 24, 2026



To: Mayor Doud and members of the Mackinac Island City Council:

I am a full-time resident of Mackinac Island and a licensed physician with over 30 years' experience in emergency medicine. I am writing to express several concerns I have with the amended Code of Ordinances 66-167 regarding e-bike licensing.

The amendment was adopted April 1, 2026 but the council meeting was April 2, 2026. This would appear to violate the Open Meetings Act. The amendment also states it goes into effect in 20 days, but also says effective date is April 29, 2026. I do not believe this allows an adequate public comment period and is internally inconsistent. Furthermore, the letter from Chief Miedzianowski is dated April 17, 2026.

As a medical professional, I have concerns with the definition of "qualified person with a mobility disability". The application of disability criteria for a motor vehicle parking permit is just that, for parking in accessible sites, not for operating the vehicle. To apply these criteria, which I would say precludes almost anyone from operating an e-bike without a throttle, is erroneous.

The requirement of medical certification and notarization means persons applying for an e-bike permit are incurring not insignificant costs, especially when more than one is needed. I would think certain people with the severe disabilities outlined in the amendment are on fixed incomes and would be financially strained in addition to the difficulties they may experience going from one place to another to do these tasks.

The requirement for medical certification and notarization will strain the resources needed to fulfill these steps and will undoubtedly strain the medical center staff and limited number of notaries on the island just as the busy summer season kicks off.

The Affidavit of Mobility Disability, paragraph 5 requires the applicant to vouch all information in the application is accurate and truthful. Exhibit A lists the same disability criteria outlined in the amendment, but also requires the applicant to describe their disability. This is also stated in the Mobility Disability Accommodation Application which requires "all fields completed". The Americans with Disabilities Act clearly states citizens are not obligated to describe, declare or define their disability to anyone, including law enforcement. Yet the Chief's letter also states the forms have to be filled out completely for review "by PD staff". Failure to disclose your disability will result in the application being denied. I am not aware of any member of the Mackinac Island Police Department being trained, educated or otherwise qualified to review protected personal medical information and determine the extent of disability. I don't imagine appealing a denial would ever result in a different outcome.

The lack of securing permission from the police department could result “impoundment” of the vehicle. Persons reliant on their e-bike are then left without any transportation at all. This is outrageous.

E-bikes have been permitted on the island for some years now and to essentially ban them with the stroke of a pen violates the 5<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution which prohibit the deprivation of property without due process and fair compensation. Is the City of Mackinac Island prepared to compensate every denied application for the loss of use of their bike?

These licensing requirements do not seem to be applied to major employers being issued permits for seasonal workers without regard to disability in violation of the Equal Protection Clause of the 14<sup>th</sup> Amendment.

I will not deny there are “bad apples” riding recklessly, speeding or using a class 3 e-bike with a throttle. However, the police department has the tools, if not the will, to enforce these regulations through speed limits and inspection. Trampling the rights of otherwise law-abiding citizens is not the solution you seek. I call on the Council to repeal and void this amendment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert J. Benkendorf". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Robert J Benkendorf MD

# CONSTITUTION ANNOTATED

Analysis and Interpretation of the U.S. Constitution

## Constitution of the United States

### Fifth Amendment

Fifth Amendment Explained

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

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# CONSTITUTION ANNOTATED

Analysis and Interpretation of the U.S. Constitution

## Constitution of the United States

### Fourteenth Amendment

Fourteenth Amendment Explained

#### Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

#### Section 2

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the

whole number of male citizens twenty-one years of age in such State.

### **Section 3**

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

### **Section 4**

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

### **Section 5**

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

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