



**CITY OF YPSILANTI
NOTICE OF ADOPTED ORDINANCE
Ordinance No. 1332**

An ordinance to amend Chapter 114 of the Ypsilanti City Code, entitled "Vehicles for Hire", by adding a new Article IV, entitled "Shared Mobility Devices", to require a franchise permit to offer shared mobility devices for public use in the City of Ypsilanti, to set forth procedures, regulations, and rules, and to provide for penalties.

THE CITY OF YPSILANTI HEREBY ORDAINS:

Section 1: Amendments, additions, and deletions to the Code of Ordinances, City of Ypsilanti, Michigan.

That Chapter 114 of the Code of Ordinances, City of Ypsilanti, Michigan, entitled "Vehicles for Hire," is hereby amended by adding Article IV "Shared Mobility Devices", which Article reads as follows:

Article IV. Shared Mobility Devices.

Sec. 114-160. - Definitions.

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

"Bicycle" means that term as defined in The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, as amended.

"Electric bicycle" means that term as defined in The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, as amended.

"Electric personal assistive mobility device" means that term as defined in The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, as amended.

"Electric skateboard" means that term as defined in The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, as amended.

“Low-speed vehicle” means that term as defined in The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, as amended.

“Motor vehicle” means that term as defined in The Michigan Vehicle Code, 1949 PA 300, MCL 257.1 to 257.923, as amended.

“Shared mobility device” includes all bicycles, electric bicycles, electric personal assistive mobility devices, electric skateboards, low-speed vehicles, and any other small, wheeled vehicles that are not “motor vehicles” under the Michigan Vehicle Code.

Sec. 114-161. - Franchise Permit Required.

Every person or entity (company) desiring to offer shared mobility devices for public use in the City of Ypsilanti must obtain a franchise permit from the City Clerk to operate in the City of Ypsilanti. A maximum of three permits may be issued or be in issue at any one time. Each permit will allow not more than 100 shared mobility devices in the City.

Section 114-161.1 - A franchise permit is not required for a person or entity:
a) with a City business license, and b) a physical business located in the city, and c) shared mobility devices are rented or leased and returned to the physical business location at the end of the rental or lease.

Sec. 114-162. - Franchise Permit Application Procedure and Requirements.

- (A) Procedure.
 - a. An original permit. A franchise permit to offer shared mobility devices for public use in the City of Ypsilanti shall be requested by filing a Permit Application on a form provided by the City Clerk, paying an application fee as set by City Council resolution, and agreeing in writing to and complying with all the requirements of this Article.
 - b. A transfer permit. A franchise permit to offer shared mobility devices for public use in the City of Ypsilanti may be transferred upon the transferee completing a new Permit Application, paying a transfer fee as set by City Council resolution, agreeing in writing to and complying with all the requirements of this Article, and receiving approval by the City Manager.
- (B) Requirements.
 - (1) A franchise fee per permitted shared mobility device per day shall be paid as set by City Council resolution. Twenty five percent of revenue from franchise fees shall be devoted to city non-motorized projects.

- (2) Permits shall be for a period of one year and may be renewed by filing a renewal application, bond, insurance and renewal fees as set by City Council resolution.
- (3) Permit holders shall provide for payments for use of shared mobility devices by cash, credit card, or smartphone.
- (4) The permit holder shall defend, hold harmless, release, and indemnify the City and its officers, employees' agents, volunteers and affiliated entities from all claims, damages, losses, expenses, attorney fees, or suits of any nature that arise from, are related to or that the City may be subjected to, by reason or account of the Permit, except to the extent due to the gross negligence or willful misconduct of the City or its officers, agents or employees.
- (5) Permit holders shall require users by contract to release the City and its officers, employees agents, volunteers and affiliated entities from all claims, damages, losses, expenses, attorney fees, or suits of any nature that arise from, are related to or that the City may be subjected to, by reason or account of the Permit, except to the extent due to the gross negligence or willful misconduct of the City or its officers, agents or employees.
- (6) Insurance. Each permit holder and applicant shall obtain and maintain liability insurance with minimum limits of two million (\$2,000,000) dollars with the City a named primary insured. For itself and any of its insurers, the permit holder waives any right of recovery against the City for any damages covered by the permit holder's insurance. The City, without qualification, shall be entitled to 30-days written notice of any cancellation or non-renewal of the permit holder's insurance.
- (7) Bond. Each permit holder and applicant shall furnish the City a surety bond or letter of credit of not less than \$5,000 to insure the proper storage, parking, removal and disposal of its shared mobility devices in the City and to reimburse the City for any actions needed to correct any improper storage, parking, removal or disposal of the permit holder's shared mobility devices, and to other guarantee compliance with this Article.
- (8) Each shared mobility device shall be conspicuously marked with a unique serial or other identification number inscribed on the vehicle, the permit holder's contact information (including a 24-hour toll-free phone number and email address), and its unique branding. The permit holder shall not apply any other markings to any shared mobility device. The permit holder must provide to and keep current (at least monthly) a list with the City of each shared mobility device, including its unique serial or other identification number.

- (9) Permits are a temporary license to leave, park or deposit shared mobility devices that are not "motor vehicles" under the Michigan Vehicle Code in the City Right of Way.
- (10) Permits and nothing in this Article shall grant any rights or interests in the City Right of Way and are not an easement, lease, fee or other interest in the City Right of Way.
- (11) Permits are personal and not an interest in real estate.
- (12) Permits shall not be recorded in the Washtenaw County Register of Deeds or any other government agency except the office of the Ypsilanti City Clerk.
- (13) Permits may be revoked without court action or court order at any time for nonpayment of permit fees, failure to file a bond or letter of credit as required, failure to provide or maintain insurance as required, violations of the Michigan Vehicle Code, the Michigan Uniform Traffic Code as amended, or the Ypsilanti City Code, or the permitted shared mobility devices causing a nuisance by three or more occurrences of the City removing them for blocking the City Right of Way or private property from pedestrian or vehicle traffic.
- (14) Insurance, bond, and indemnity obligations shall survive the expiration and/or termination of the franchise permit.
- (15) Compliance with laws. The permit holder shall be responsible for and guarantee that its employees, agents and contractors, including independent contractors, and its users with all applicable laws and its franchise permit agreement.
- (16) Education. The permit holder shall provide education to its users (riders) on responsible and legal use of its shared mobility devices. The permit holder shall not allow any use of its shared mobility devices by third parties (users and/or riders) unless the users/riders have first reviewed the education materials.
- (17) Parking. The permit holder's shared mobility devices be must be parked in an upright position and cannot be parked in any motor vehicle portion of any street, including parking spots and loading zones. Nor shall the shared mobility devices be parked as to block any driveway, curb ramps, fire escapes, bus shelters or bus stops, in driveways, doorways or on any unauthorized private property or unapproved public or non-public spaces. The City Manager may by order designate parking/staging spots for shared mobility devices in the public right of way, including sidewalks.
- (18) Entire City. Shared mobility devices must be available throughout the entire city area.
- (19) Maintenance. The permit holder shall maintain all permitted shared mobility devices in a good and safe working manner and all applicable laws, and shall promptly remove from the City right of way any shared mobility device not so maintained.

- (20) Abandonment. The permit holder shall promptly recover and take custody of all of its abandoned shared mobility devices.
- (21) Seized devices. The City may seize and impound any shared mobility device that is operated, abandoned or parked in violation of any law, this Article, or the Franchise Permit, with or without issuing a ticket, citation, or violation notice. Unless the City's continued possession of the shared mobility device is necessary for evidentiary or investigatory purposes, the permit holder may recover possession of any seized or impounded shared mobility device upon the permit holder payment to the City of a fee as set by the resolution of City Council and an additional fee per day of impoundment in an amount as set by resolution of City Council, which amounts are partial reimbursement of the City for its costs related to the seizure and storage of the shared mobility device, and which amounts shall be due and owing from the permit holder even if the permit holder elects not to recover possession. The City shall not be liable for damages to the permit holder for the City's seizure or impoundment, or both, of any shared mobility device.
- (22) Damages to City property. To the fullest extent lawful, the permit holder shall be liable to and shall promptly reimburse the City for any damage to City property related to or arising from the shared mobility devices, except to the extent due to the negligence or willful misconduct of the City or its agents and employees.
- (23) Notices. All notices or other correspondence or communications required or related to a franchise permit must be in writing and sent by both email and regular U.S. mail, postage prepaid. Notices provided by the permit holder to the City must be sent to the City Manager. The permit holder at the time of application, renewal, or transfer, must provide the City with a contact person, including that person's address, email, and phone number who the City may send all notices to. Either the City or the permit holder may change its notice recipient with 10-days written notice to the other.

Sec. 114.163. - Violation and Penalty.

Any violation of this Article or any provision shall be a municipal civil, subject to payment of a civil fine as set forth in [section 70-38](#). Repeat offenses under this article shall be subject to increased fines as set forth in [section 70-38](#).

2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons,

firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours. A complete copy of the ordinance is also available for inspection on the City's website, www.cityofypsilanti.com.

6. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 19th DAY OF March, 2019.

Andrew Hellenga, Acting City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1332 was published in The Washtenaw Legal News on the 14th day of January, 2019.

Andrew Hellenga, Acting City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 19th day of March, 2019.

Andrew Hellenga, Acting City Clerk

Notice Published: January 14, 2019

First Reading: March 5, 2019

Second Reading: March 19, 2019

Published: March 28, 2019

Effective Date: April 18, 2019