

Chapter 72 - Renting and Leasing Motorcycles

7.201. License Required.

It shall be unlawful for any person to engage in the business of renting or leasing motorcycles or motor driven cycles without first having obtained a license to operate such business.

- A. "Motorcycle" means every motor vehicle having a saddle or seat for the use of a rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor, and includes every motor driven cycle, including every motor scooter, with a motor which produces not to exceed five (5) maximum brake horsepower, and every bicycle with motor attached.
- B. "Person" means every natural person, firm, co-partnership, association or corporation.

7.203. Application for License.

Application for a license shall be made to the City Clerk on forms provided by the City Clerk and shall set forth the following information:

- A. If the applicant is an individual, the name and address of the individual; if the applicant is a partnership, the names, residential and business addresses of each partner; if the applicant is a corporation, the State in which incorporated, whether authorized to do business in the State of Michigan and the names, residential and business addresses of all officers and directors.
- B. The location of the proposed business and the number of motorcycles and/or motor driven cycles that will be maintained on the premises for rental purposes.
- C. A plot plan of the premises upon which shall be indicated the location and size of all structures and the location of access and exit ways to public streets.
- D. Such other information as may be required by the City Clerk in order to process the license application.

(Rev. 02-27-1967)

7.204. License Fees.

The annual license fee for each location from which motorcycles and motor driven cycles are rented shall be One Hundred Dollars (\$100.00), and the annual license fee for each motorcycle and motor driven cycle to be rented or leased shall be Ten Dollars (\$10.00). All licenses shall expire on December 31, following the issuance thereof.

(Rev. 02-27-1967)

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7.205. Insurance Required.

The licensee shall submit proof that he carries a "motor vehicle liability policy" of the same type and coverage as that outlined in Section 520 of Act 300, Public Acts of 1949 as amended, for each motorcycle or motor driven cycle so rented or leased and such insurance shall be kept in full force and effect at all times when licensed.

7.206. Distance Requirement.

It shall be unlawful to engage in the business of renting motorcycles or motor driven cycles within One Thousand (1,000) feet of any residential building or any residential zoning district. This requirement may be waived if the applicant for license secures in writing the consent of eighty (80) percent of the persons residing or doing business on property within One Thousand (1,000) feet of the applicant's proposed location.

(Rev. 02-27-1967)

7.207. Examination of Premises, Plot Plan and Application.

Upon receipt of the license application and accompanying documents, the City Clerk shall refer same to the City Manager, who shall cause the application, plot plan and premises to be examined and make written report thereon to the City Council. The application shall also be submitted to the Police Chief who shall, upon consideration of the application, approve or reject the application by written report to the City Manager. If the application is rejected by the Police Chief, the applicant may request a personal appearance before the City Council to offer evidence why the application should be reconsidered.

(Rev. 03-26-1979)

7.208. Issuance of License.

If the City Council shall determine that the provisions of this ordinance have been complied with by the applicant, the City Council shall direct the City Clerk to issue the license subject to such proper and reasonable conditions as the City Council may impose.

If the application is rejected by the City Council, the applicant shall be notified in writing to this effect, and shall be given an opportunity to be heard by the City Council, either in person or by his attorney, and present evidence pertaining to the application, whereupon the City Council shall take final action upon the application. In addition to the requirements of this section, the applicant shall comply with applicable provisions of Chapter 59 and Chapter 60 of Title VII of the Code of the City of Troy.

(Rev. 03-26-1979)

7.209. Renewal of License.

Applications for renewal of licenses shall be made, and processed in the same manner as hereinbefore provided for original applications, except that a plan shall not be required. Applications for renewal of licenses accompanied by a plot plan shall also be required when licensees desire to increase the number of motorcycles or motor driven vehicles permitted in the existing license or desire to expand, relocate or otherwise modify or change the existing structures or premises from which the licensee is then operating.

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7.210. Duties of Licensee and Employees.

Licensees and employees and agents of licensees shall:

- A. Maintain records of vehicle rental indicating the name, date of birth, address, driver's license number, vehicle registration number of the vehicle rented or leased, the date and hour of the rental and time of its return. Any one vehicle shall not be rented to more than one person at any one time.
- B. Rent vehicles only to persons who possess and exhibit a valid motor vehicle operator's license.
- C. Rent a vehicle to a person under eighteen (18) years of age only if a parent or legal guardian of such person acknowledges in writing in the presence of the licensee, his agents or employees that the applicant has permission of such parent or legal guardian to rent a vehicle and that such parent or guardian assumes full responsibility for all acts or actions of the applicant in use of the vehicle so rented or leased.
- D. Provide crash helmets of a type approved by the Police Department for use by persons renting vehicles, and any passengers.
- E. Maintain all vehicles in a safe manner and provide each with all equipment required by law including windshields.
- F. Keep all vehicles stored within a building structure when not in use.

(Rev. 02-27-1967)

- G. Explain the operation of the vehicle being rented and rent vehicles only after being satisfied that the person to whom the vehicle is being rented is competent to operate such vehicle with safety.
- H. Not permit vehicle motors to be running on the premises except for necessary use in connection with ingress to and egress from the premises; or when necessary, in order to repair or maintain a vehicle, and then only when the vehicle is within a building structure.
- I. Maintain the licensed premises in a clean and sanitary condition and control the actions of patrons so as to prevent any loud, boisterous or improper conduct upon the premises.
- J. Keep each vehicle equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.
- K. Permit rental and return of vehicles only between the hours of 8:00 A.M. and 8:00 P.M. There shall be no renting out of vehicles between the hours of 8:00 P.M. and 8:00 A.M.

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- L. Have only the number of motorcycles on the premises as provided for in the application.

(Rev. 02-27-1967)

7.211. Duties of Persons Renting Vehicles.

Any person to whom a motorcycle or motor driven cycle is rented shall:

- A. Not rent, sublease or otherwise authorize or permit the use or operation of the vehicle by any other person.
- B. Not carry any passenger unless the vehicle is designed and equipped to carry a passenger.
- C. Wear a crash helmet while operating the vehicle.
- D. Return the vehicle to the rental agency not later than 8:00 P.M. on the day on which the vehicle is rented unless the rental contract provides for use of the vehicle until at least 8:00 A.M. of the following day.

(Rev. 02-27-1967)

7.212. Revocation or Suspension of License.

Licenses issued pursuant to this ordinance may be suspended or revoked pursuant to the applicable provisions of Chapter 59 of the Code.

(Rev. 02-27-1967)

7.213. Penalty.

Any person who violates or aids or abets in the violation of any provision of this ordinance or any rule or regulation promulgated pursuant thereto shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00), or by imprisonment in the City or County jail for not more than ninety (90) days, or be both so fined and so imprisoned, in the discretion of the Court.

7.214. Separability.

If any sentence, sub-sentence, section, clause, phrase or portion of this ordinance is for any reason held invalid by any Court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

(Rev. 02-27-1967)