City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Council Briefing Notice

City Council

Monday, February 28, 2022 | **5:30 PM** | **Via Video Conference**

City Manager Mike Staffopoulos will conduct a Council Briefing to update the City Council about ongoing items in the City. The Briefing will include, but not be limited to, the following topics:

A. Online Campaign Finance Reporting
B. 2020 U.S. Census and Redistricting
C. Solid Waste Revisited
D. Micromobility
E. Committee Assignment Report
F. Future Briefing Topics

This Briefing will be conducted using video technology. The City is providing options for public attendance at the Briefing as listed below. The public is not invited to speak or present on any matter or topic at the Briefing.
Council Members in attendance may include:

Mayor:	Christine Hoffman		
Council Members:	Georgette Dumont	Sandy Golding	Dan Janson
	Fernando Meza	Cory Nichols	Chet Stokes

Please note: Council members in attendance at this meeting may vary, according to their schedules.

INSTRUCTIONS FOR VIEWING AND/OR LISTENING

The following options are available to view and/or listen to the City Council Briefing:

1. **Hearing or speech impaired access**. Contact the agency using the Florida Relay Service at 1-800-955-8771 (TDD) or 1-800-955-8770 (voice).
2. **View and listen to a video of the briefing online**. Access the meeting by visiting the YouTube Channel for the City of Jacksonville Beach.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's Office at (904) 247-6299, no later than one business day before the meeting or by sending an email to CityClerk@jaxbchfl.net.

City of Jacksonville Beach ● 11 North Third Street ●Jacksonville Beach FL 32250

CITY COUNCIL BRIEFING TOPIC	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Sheri Gosselin, City Clerk
DATE:	February 28, 2022
SUBJECT:	Campaign Finance Software

BACKGROUND

On September 5, 2017, Resolution No. 1993-2017 was adopted, requesting that candidates for office in the City of Jacksonville Beach be allowed to use the Duval County Supervisor of Elections' online electronic campaign financial reporting system. The request was ultimately denied by the City of Jacksonville.

Over the next two election cycles, the request for the City to offer an online campaign finance report filing option continued. The City Clerk's Office looked at several election management software options and found EasyVote Solutions' Election Management Platform offered an Easy Campaign Finance module that could provide the City with an online filing solution. The City Clerk's Office will begin utilizing the Easy Campaign Finance program beginning with the 2022 municipal election.

This Briefing item is to provide the Council with an overview of the program.

FINANCIAL IMPACT

The annual cost is $1,500 per year with a one-time setup charge of $250. Funds for the purchase of the EasyVote Easy Campaign Finance program were included in the FY2022 budget.

COUNCIL DIRECTION REQUESTED

None - Informational only.

ATTACHMENTS

BRIEFING DATE: February 28, 2022

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CITY COUNCIL BRIEFING TOPIC	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Christian Popoli, Senior Planner, Planning and Development Department
DATE:	February 28, 2022
SUBJECT:	2020 U.S. Census and Redistricting

BACKGROUND

The United States Census Bureau released the 2020 Census Redistricting Data to state entities and the public as "P.L 94-171 Redistricting Data" on September 16, 2021. The data is composed of two sections, one of Geographic Information System maps, and the other of demographic data. Staff downloaded the data and began an analysis to determine if there was a need for redistricting the three existing council districts based on increased population and population distributions.

The Census Bureau has issued a series of best practices guidance documents that describe the best and most reliable method for preparing redistricting data and maps. Due to specifics in the laws that govern the Bicentenial Census, the data released to the public has inherent inaccuracies in the data and maps that get progressively more inaccurate as the size of the area gets smaller. Cenus Data is collected and displayed in various sized areas. Ranging from largest to smallest, these include Tracts, Block Groups, and Blocks, respectively.

Best Practices strongly encourage the use of Census Tracts as the basis for determining new districts. Also, they suggest the use of roads and other natural features such as water to help delineate boundaries. The City of Jacksonville Beach is comprised of only 11 Tracts and these boundaries do not adhere in any logical way to the existing districts and would create complicated boundaries and uneven population distribution. Therefore, staff used the next most reliable boundary size, that of Block Groups, for two of the three proposals. When determining the population of the existing boundaries, only Blocks aligned themselves with these boundaries. Therefore, the use of Blocks, the least precise grouping of data, has to be used. Even with this potential for inaccuracy, the general percentage of possible variation is well below the established limit. Generally, it has been encouraged that there be no more than 10-11% difference between districts in total population.

The Florida League of Cities summarized the best practice principals for redistricting as follows: 1) Avoid bizarre shapes; 2) conform to existing established boundaries as much as possible; 3) follow existing man-made or natural boundaries; and 4) try to preserve existing neighborhood boundaries. Staff used these generalized guidelines to inform the various iterations of the boundaries presented. Also worth noting, the census Block Groups and Tracts use these same principals for their boundaries as much as possible.

Staff has prepared three proposals for the Council to consider. Descriptions are below and a map of each proposal is attached.

BRIEFING DATE: February 28, 2022

Proposal 1 keeps the current council districts as-is with no changes. The population distribution for Proposal 1 is provided in Table 1 below.

Proposed District	Total Pop	% of Total Pop
District 3	7,684	32%
District 1	7,816	33%
District 2	8,330	34%

Proposal 2 changes the boundaries between the existing districts to straighten them using best practices.

Proposed District	Total Pop	% of Total Pop
District 3	9,137	38%
District 1	8,400	35%
District 2	6,293	26%

Proposal 3 attempts to mirror the existing districts but uses the Block Group Data in line with best practices.

Proposed District	Total Pop	% of Total Pop
District 3	8,391	35%
District 1	7,703	32%
District 2	7,736	32%

FINANCIAL IMPACT

None.

COUNCIL DIRECTION REQUESTED

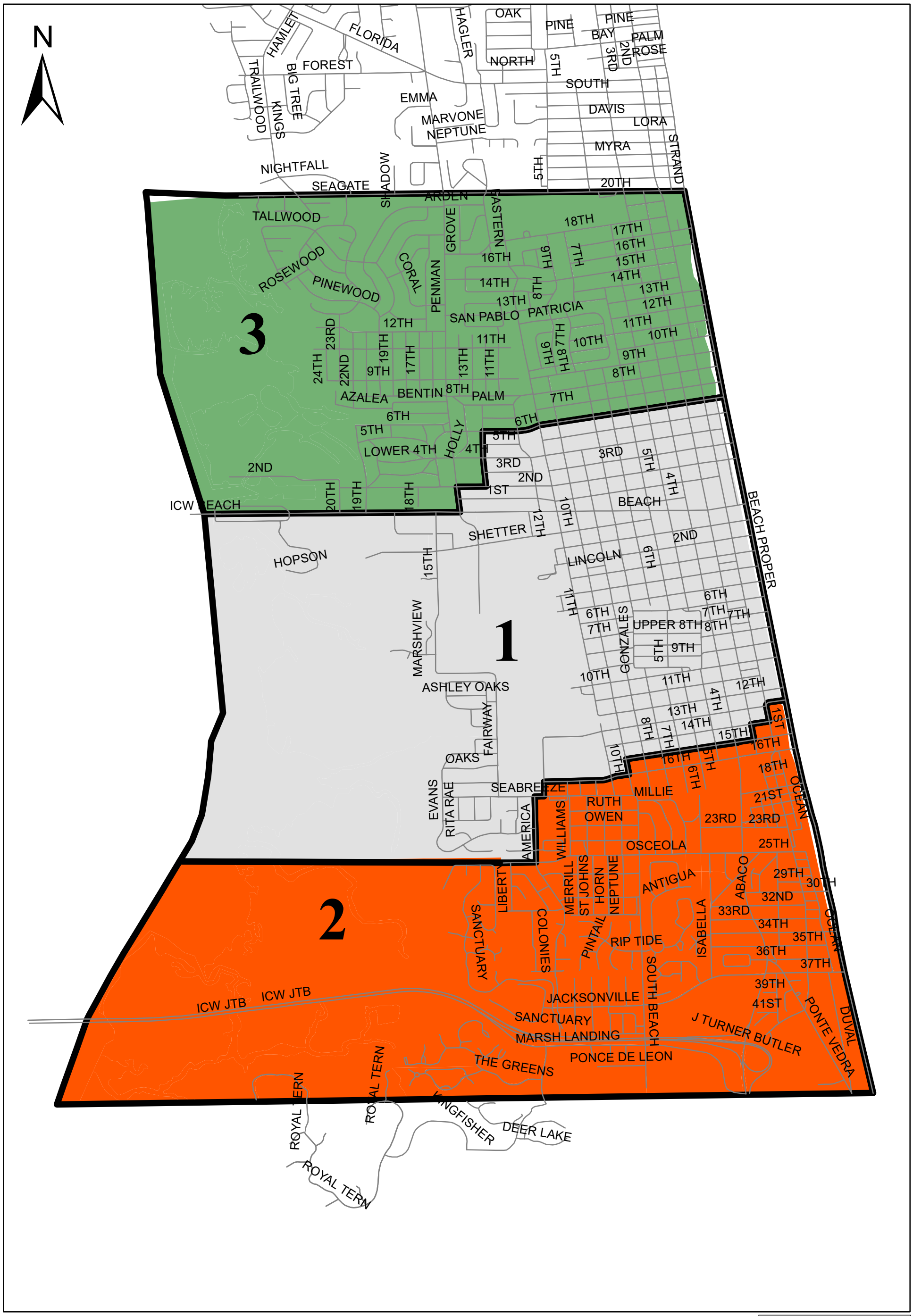
Does the City Council have a preferred proposal for staff to move forward with?

ATTACHMENTS

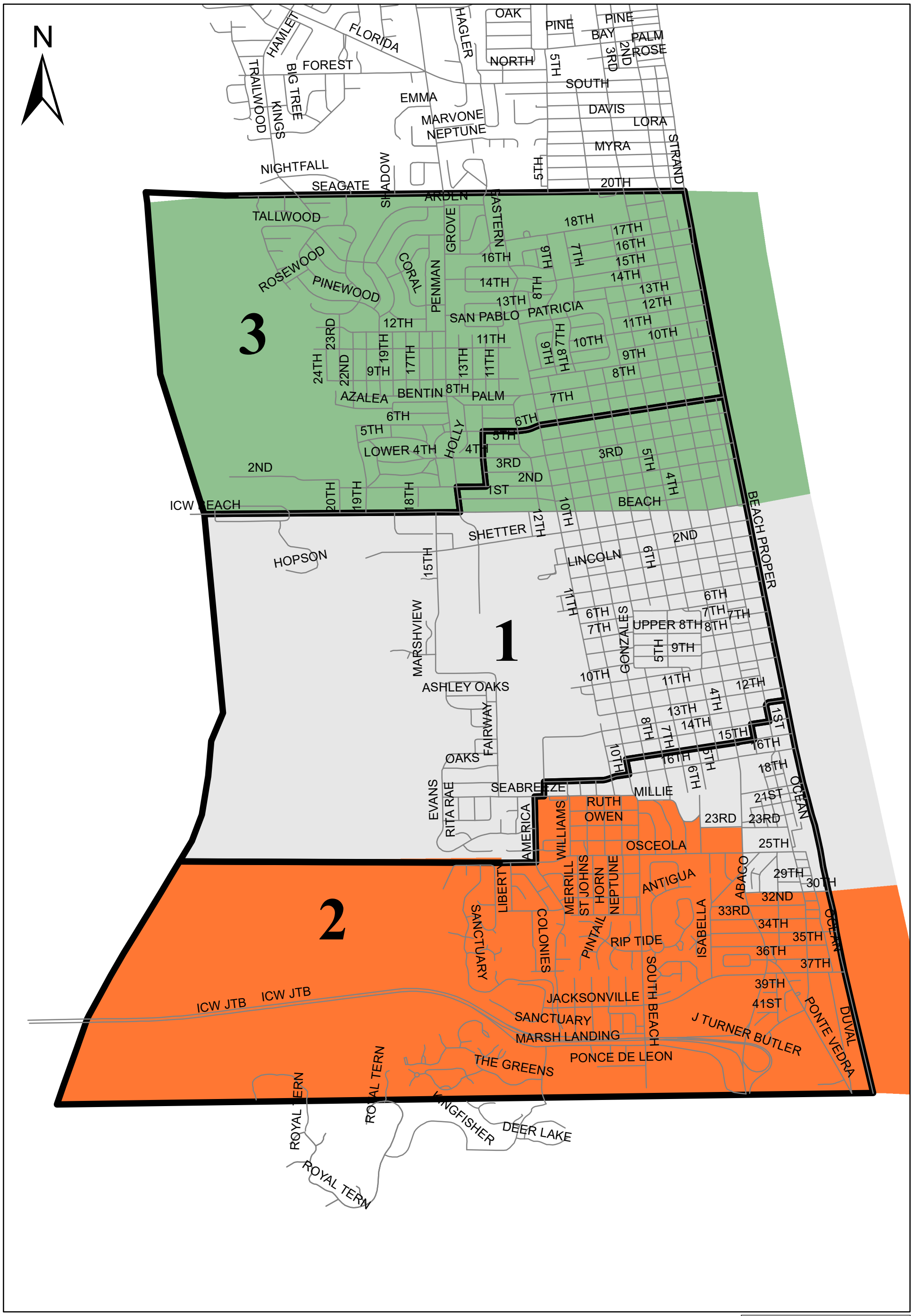
1. Proposal 1
2. Proposal 2
3. Proposal 3

BRIEFING DATE: February 28, 2022

Current Districts | Proposal 1

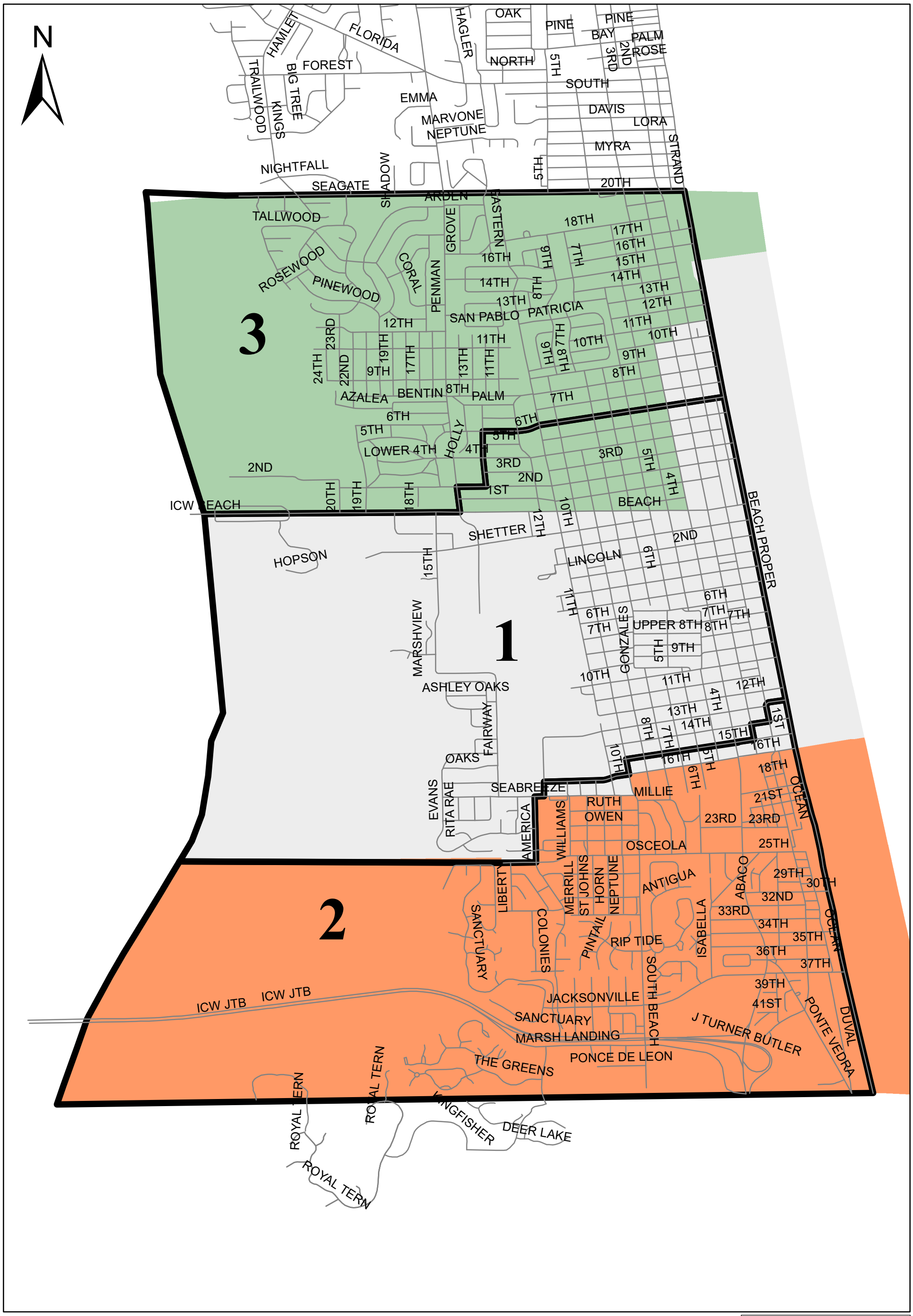


Proposal 2



JACKSONVILLE BEACH
Planning and Development

Proposal 3



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JACKSONVILLE BEACH
Planning and Development

Legend

- Proposal 3 District 1
- Proposal 3 District 2
- Proposal 3 District 3

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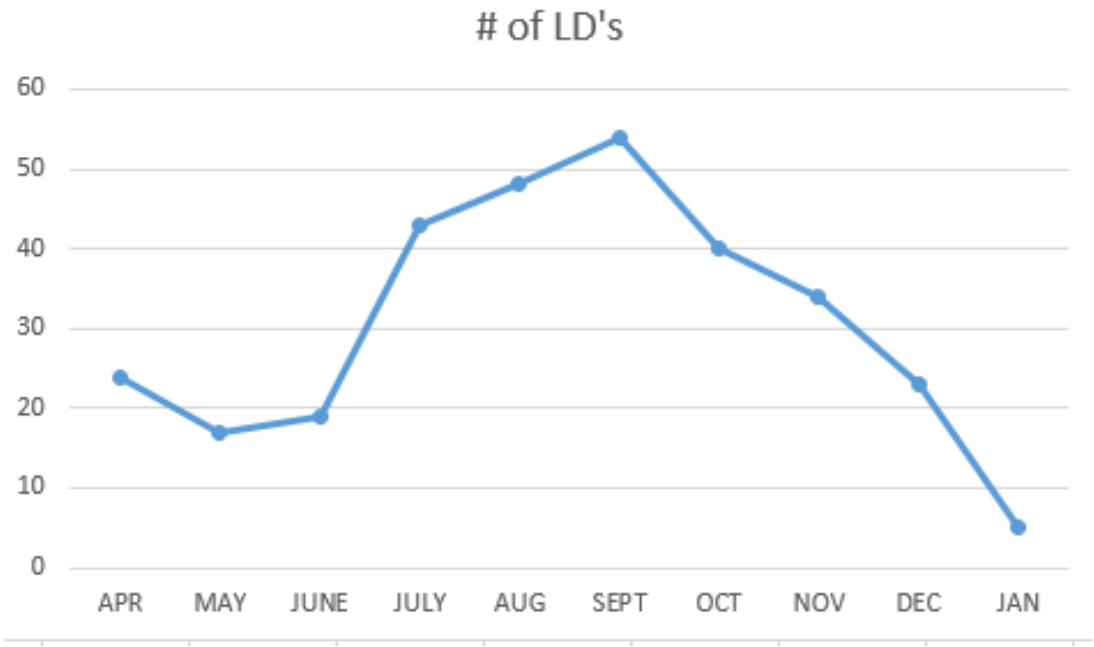
CITY COUNCIL BRIEFING TOPIC	
TO:	Michael J. Staffopoulos, City Manager
FROM:	Dennis W. Barron, Jr., Director of Public Works and Ashlie Gossett, CFO
DATE:	February 28, 2022
SUBJECT:	City Council Update on Solid Waste for February 2022

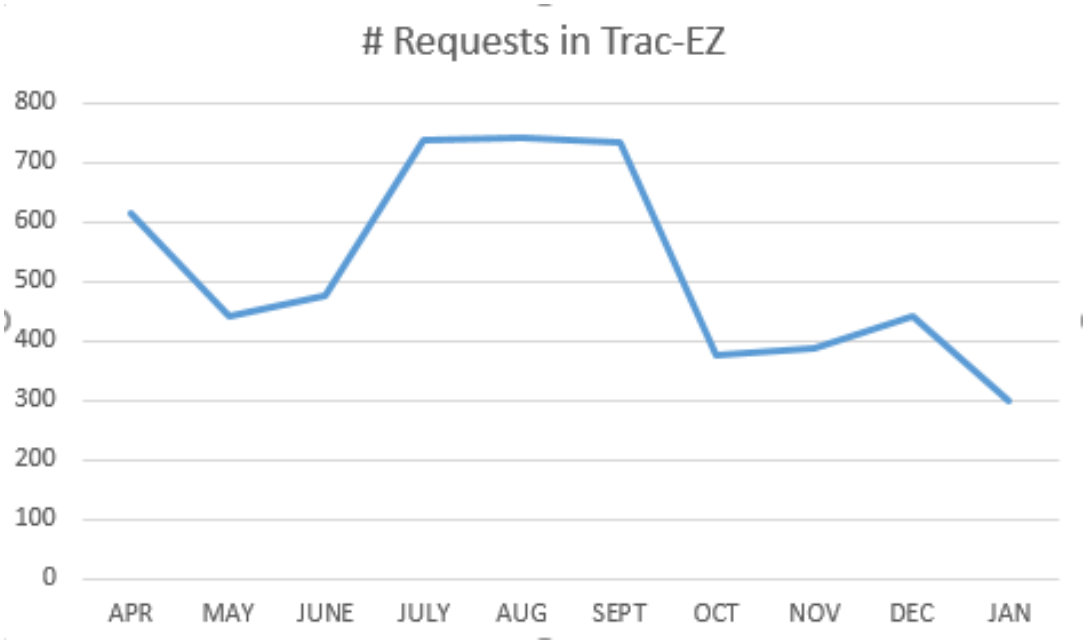
BACKGROUND

The Public Works Department (PW) provided a solid waste update to the City Council at the October 11, 2021 Council Briefing. At this briefing, Waste Management's performance of their contract was discussed and the recommendation from Waste Management was to continue to provide service to the Jacksonville Beach community at the same service levels and they believed service levels were on the increase.

The current performance charts are as follows:



BRIEFING DATE: February 28, 2022



City Council also tasked PW with proposing an estimate for bringing solid waste services in-house rather than contracting those services to a third-party vendor. PW and Finance worked closely together to come up with some initial figures to provide feedback to the City Council. While most costs have been estimated to the best of our abilities, there is still a margin of error in these costs.

The primary objective and direction of City Council was to investigate this project further and provide feedback to them. The current contract solid waste hauler has a contract in place until February 2023. In 2021, Atlantic Beach conducted an RFP and had an 11.57% increase in residential costs. The assumptions made for this evaluation are included in the attached report from finance.

This evaluation revealed the following pros and cons of bringing solid waste in-house:

- PRO's
    1. The City would be able to better control oversight of operations.
- CON's
    1. Staffing shortages still a potential issue.
    2. Changing contractors takes about 12 months, while in-housing is a 10 year commitment with debt issuance.
    3. Recycling disposal would need independent negotiation.
    4. City would have to issue debt for at least $6.5M, as well as increase current rates by 38% to support Solid Waste services going forward.

BRIEFING DATE: February 28, 2022

It is the recommendation of staff from PW, Finance, and City Administration that the City proceed with issuing an RFP for continued solid waste external contracting.

FINANCIAL IMPACT

See attached "Summary of Solid Waste In-House Analysis" from PW and Finance.

COUNCIL DIRECTION REQUESTED

Does the City Council concur with the staff recommendation to proceed with a new RFP for solid waste collection operations?

ATTACHMENTS

1. Summary of Solid Waste In-House Analysis

BRIEFING DATE: February 28, 2022

SUMMARY OF SOLID WASTE IN-HOUSE ANALYSIS

Analysis Prepared: 2/18/2022

1.ASSUMPTIONS

1.1 City will provide same service level as present; 2x/wk residential pickup, 1x/wk recycle, 1x/wk yard waste, commercial pickup as requested by customer

1.2 City will only issue debt once, then build up reserves over time to fund equipment replacements

1.3 Debt issued over a 10 year period because the useful life of the assets is between 5 and 10 years

1.4 Debt issued and equipment to be ordered in FY2022 anticipating a FY2023 cutover

1.5 City will not incur tipping fees, but will incur costs to deliver recycling to processing center

1.6 Garbage trucks to use gas/diesel because this option is more cost effective than electric or natural gas

2.ADDITIONAL RESOURCES REQUIRED FOR IN-HOUSE OPERATION

STAFFING	
Positions	**FT**
Solid Waste General Supervisor*	1
Commercial/Residential Supervisor*	2
Driver	11
Office Administrator	2
USW I (Cart Maintenance)	2
Mechanic	2
Equipment Operator*	1
TOTAL DEDICATED STAFF	**21**

**3 positions currently budgeted*

EQUIPMENT & START UP COSTS	
Description	**QTY**
Automated Side Loader	4
Commercial Front Loader	4
Rear Load Lawn Waste	2
Small Rear Load Truck	2
Pickup Truck	4
Roll Off Truck	1
Dumpster Delivery Truck (Flatbed)	1
Dumpster Delivery Truck (Short Rear Pickup)	1
Claw Truck	2
Dumpsters/ Compactors	575
Toters	17,000
Improvements to Industrial Park for parking and equipment storage	$500,000 +
Radios / Computers / Tablets	multiple
TOTAL START UP COSTS	**$6,531,600**

3.FINANCIAL SUMMARY

	Original 2022 Budget	**Amended 2022 Budget** *(If In-House)*	**Proposed 2023 Budget**	**Increase (Decrease)** *(Proposed 2023 - Original 2022)*	**% Change**
Personal Services	399,939	399,939	2,048,826	1,648,887	412.3%
Operating	3,668,508	3,668,508	1,482,377	(2,186,131)	-59.6%
Capital Outlay	40,000	6,481,600	173,000	133,000	332.5%
Debt Service	-	50,000	711,330	711,330	
TOTAL	**$4,108,447**	**$10,600,047**	**$4,415,533**	**$307,086**	**7.5%**

4.FINDINGS

4.1 It is not cost effective to in-house sanitation services

4.2 Customer fees would need to be raised by at least 38% to support operation and future capital outlay

City of Jacksonville Beach ● 11 North Third Street ●Jacksonville Beach FL 32250

CITY COUNCIL BRIEFING TOPIC	
TO:	Mayor and City Council
FROM:	Sandra Robinson, City Attorney
DATE:	February 24, 2022
SUBJECT:	Micromobility/Shared Mobility Program Options

ASSIGNMENT OVERVIEW

In December 2021, the City Council of Jacksonville Beach, Florida ("City Council") adopted an ordinance which extended its moratorium on the commercial use of micromobility devices in the City of Jacksonville Beach ("City") until April 21, 2022. The rationale for the extension was to provide for additional time in which comparative information could be gathered regarding micromobility/shared mobility programs in other localities.

The City Attorney was tasked with gathering this information, which is presented here as model program options. As the purpose of this undertaking was to present options to assist in the discussion and/or decision as to whether and/or how a commercial shared mobility program could be implemented in the City, the focus was to consider and evaluate programs that are active and which enjoy some level of success.

For this reason, no consideration is extended to the option of banning/prohibiting the commercial use of micromobility devices—as such is, and will always be, an option for the City.[1]

SUMMARY INFORMATION

Seven shared mobility programs were selected to showcase as model programs; four are from within Florida, to-wit: Coral Gables, Gainesville, Jacksonville, and Miami.

The selected programs from outside of Florida are Austin, Texas and Santa Monica, California. Except for Gainesville, each of these programs remains expressly a "pilot program."

[1] Atlantic Beach recently adopted an ordinance banning the commercial use of micromobility devices. St Augustine/St. Augustine Beach have banned the commercial use of micromobility devices, but permit the commercial use of human-powered bicycles. Similarly, Nassau County and Fernandina Beach permit the commercial use of human-powered scooters and bicycles, but not motorized ones. Neptune Beach recently extended its moratorium on the commercial use of micromobility devices until 2023.

I. Criteria for Selecting these Micromobility Programs

All of the programs that have been selected are active, and enjoy varying degrees of success, whether by reputation or by "self-declaration." Aside from these common attributes, the reasons vary for each program selected to be presented here. Santa Monica's program was chosen because it is the most established (oldest) shared mobility program in the United States. Santa Monica also enjoys the reputation as being "the best," or one of the best, programs. For the latter reason, Austin's program was selected.

Coral Gables' shared mobility program was chosen because it is the oldest shared mobility program in the State of Florida.

Gainesville and Miami were chosen because their programs enjoy the reputation as being active and, relatively, successful. Of all of the shared mobility programs presented, only Gainesville counts its program as permanent. Indeed, Gainesville never utilized a pilot program before integrating the shared mobility option to its city.

Jacksonville was selected solely due to its proximity to the City.

II. Common Attributes of the Selected/Model Micromobility Programs

One common attribute of the model programs is a comprehensive ordinance governing the commercial use of shared mobility devices within the jurisdiction. Although some ordinances are better written than others, all of them are more comprehensive than the City's ordinance which, in its current form, is fully comprised of an amendment to a code provision that appears primarily intended to cover the use of human-powered/non-motorized bicycles.[2]

A second attribute that was common across the model programs was the localities' commitment to educate the public regarding the responsibilities of the operators and users of shared mobility devices within their respective localities. The education "piece" was accomplished in a number of ways. Some localities used their respective ordinance as a mean by which to educate the public. Other localities installed road or sidewalk signs to educate the public, e.g., areas where the devices are not permitted to be operated. Regardless of the manner in which the public was educated, it appears that every locality imposes on the vendors/operators the ultimate responsibility for educating the public with

[2] Of the Florida programs, I preferred Gainesville's ordinance because it was concise, and successfully balanced the locality's need to address the major issues that would likely rise from the use of shared mobility devices. By focusing on those issues that would likely be common ones, Gainesville avoided information overload. (A copy of Gainesville's ordinance is attached as reference.)

respect to how to safely operate a device, where the devices can be operated, and under what conditions the devices can be operated or parked. All of the localities required that operators/vendors dispense this information prior to or as a condition of a device's use.

Whether inside or outside of Florida, the model programs point to educating the public as the key to their improvement, including the reduction of complaints from the first year.

III. Common Complaints of the Selected/Model Micromobility Programs

With the exception of Ft. Lauderdale[3], the City Attorney spoke with legal representatives of the localities.

All of these localities point back to the first year of their shared mobility program as having had the steepest learning curve. In each instance, the first year rendered the most complaints. Most of the complaints were related to users operating or leaving (disembarking) them in, unauthorized places, i.e., riding on sidewalks reserved to pedestrians, leaving in rights-of-way (ROW) or on private property (without permission). And though, reportedly, the numbers of complaints have decreased since the first year, complaints continue regarding users leaving their devices in unauthorized places (or in an unauthorized manner).

The second complaint was less direct. Most of the localities complained about the limitations on their ability to control vendors/operators by having utilized an application/permit process to grant access to their "markets."

The reported disadvantages of permitting are two-fold. First, the locality is slowed in its efforts to regulate or impose quality control because the permitting process affords due process rights before a suspension or termination takes effect. By exercising its right to appeal a penalty, the vendors/operators buy time to continue keep operating, oftentimes without having corrected the underlying problem.

The second reported disadvantage to permitting is that it does not provide the locality with sufficient ability to limit the number of vendors that can operate within it. All except Gainesville voiced their plan to transition to an RFP/contract-based approval process.

Two reported benefits of an RFP are that an RFP allows a locality to tailor the vendor's responsibilities closer to the needs of the community, and, the resulting contract

[3] The City Attorney spoke with a representative of the City's Transportation Department.

allows for a quicker response (terminate the contract) if a vendor is not responsive or fails to fulfill its responsibilities.

Coral Gables has, to date, utilized a "contracting" process for approving vendors/operators of shared mobility devices via an MOU. However, Coral Gables also indicated that it will be transitioning to the use of competition solicitation (i.e., RFP) to select approved operators/vendors in the future.

IV. Liability Issues/Enforcement

With respect to those localities whose representatives spoke to the City Attorney, almost all acknowledged being named at least one time in a claim or lawsuit. None of those localities, however, viewed their respective exposure to liability as having increased by virtue of the implementation of a shared mobility program. Indeed, in every instance, the localities viewed their "post" shared mobility program risks as being consistent with their "pre" shared mobility program risks as the types of claim were about the same, to-wit: failure to maintain a ROW, e.g., sidewalk, road, etc.

Each locality was confident that it had been protected from unnecessary claims or the defense of claims by the indemnification it has demanded from vendors/operators as a condition of their permits to operate within the locality. Most have incorporated the indemnification requirements into their ordinances.

Each locality highlighted here has staff dedicated to the enforcement of the regulations related to shared micromobility devices.

INTRODUCTION

The information provided here is presented in four parts.

Part I summarizes the pertinent regulations governing operations of micromobility/shared mobility under Florida law.

Part II addresses our current ordinance, and the disadvantages it presents for implementation and enforcement purposes.

Part III highlights provisions from model programs that might, collectively, inform as to the breadth and scope of the City's ability to tailor its option (if any) to address issues of concerns of City residents and staff.

Part IV concludes the presentation.

PART I – Florida Law

The relevant provisions of the Florida Statutes are summarized here. In pertinent part, these regulations state:

1. Motorized[4] scooters are defined as any vehicle not having a seat or saddle for use of the rider, not having more than three wheels or being capable of operating faster than 30 miles per hour on level ground. §316.003(44).

2. A municipality may enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, and electric personal assistive mobility devices on sidewalks or sidewalk areas when such use is permissible under federal law…the ordinance must restrict such vehicles or devices to a maximum speed of 15 miles per hour in such areas. §316.008(7)(a).

3. Electric bicycles enjoy the same privileges and responsibilities as those conferred on human-powered bicycles, including, but not limited to, riding more people than number of seats the bicycle is equipped with, and sharing the lane of travel with automobiles if there is not a bicycle lane. §§316.20655, 316.2065.

4. Electric personal assistive mobility devices may be operated on a road that is posted for travel at 25 mph or less, as well as on a sidewalk, if the person operating said device yields the right-of-way to pedestrians and give audible before passing/overtaking a pedestrian. §316.2068.

5. A municipality may enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, and electric personal assistive mobility devices on sidewalks or sidewalk areas when such use is permissible under federal law…the ordinance must restrict such vehicles or devices to a maximum speed of 15 miles per hour in such areas. §316.008(7)(a).

6. Except as provided in §316.008, a person may not drive any vehicle other than by human power on a bicycle path, sidewalk or sidewalk area, except upon a permanent authorized temporary driveway.

[4] Throughout, when referencing scooters or bicycles, "motorized" and "electric" are used interchangeably, as appears to be the practice (and how defined) in the legislative writing.

PART II – Jacksonville Beach Current Ordinance

Current Regulations Contained in City Code §31-5

CURRENT ORDINANCE
(a) Bicycles permitted on and along sidewalks and crosswalks
(b) Bicycles are prohibited on sidewalks and crosswalks if done in a manner that impedes pedestrian traffic
(c) Requires bike riders on all roads and walkways to yield ROW to pedestrian and to give audible signal when passing
(d) Bike riders are required to yield to all persons entering or exiting business/commercial establishments
(e) Bike riders must comply with all traffic control devices, including stop signs
(f) Bike riders are prohibited from exceeding the posted speed limit or, based on discretion, going too fast for existing conditions
(g) Prohibits bike riders from carrying anything that prevents use of both hands (requires one hand on handle bars at all times)
(h) Prohibits bike riding on walkway/promenade adjacent or abutting bulkhead line of city
(i) Prohibits bike riding on beach dune crossover walkways
(j) Requires bike riders to comply with FL Statutes Bike Regulations (§316.2065)
(k) Permits “electric personal assistive mobility device” to be operated on sidewalks provided no greater than maximum speed of 15 mph and compliance with regulations at FL Statutes §316.2068
(l) Prohibits “micromobility devices and motorized scooters from being operated on sidewalks, ‘sidewalk areas’ and promenade adjacent to bulkhead line”
(m)Prohibits operation of any vehicle on bicycle path, sidewalk or sidewalk area if not propelled by human power
(n) Exempts law enforcement personnel if on duty and operating within scope of duties
(o) Exempts motorized wheel chairs

A disadvantage of the current version of §31-5 is that its primary purpose is clearly intended to regulate the operation of human-powered bicycles. Though the ordinance attempts to address micromobility devices, it fails to sufficiently (and clearly) inform as to what use is permitted, if at all. For instance, although by subparagraph I prohibits micromobility devices from being operated on sidewalk, "sidewalk areas" and the promenade adjacent to bulkhead line, without additional information, the reader could reasonably infer that one of these devices can be lawfully operated on other surfaces in the City *not* specified in this provision. Additionally, having not included a definition for "sidewalk area," the code language muddies the meaning and breadth of the rule. Ambiguous terms or language makes enforcement more difficult.

PART III – Model Program Highlights

Actual ordinances attached.

SHARED MOBILITY PROGRAM MODELS		
Coral Gables (est. 2018)	**Vendor/Operator Selection**	MOU presently used to authorize two operators; will be transitioning to RFP to select operators.
	Types/Number of Devices Authorized	Electric scooters. No restrictions, but only 70 devices are presently deployed.
	Parking	Dockless. Vendor must remove all devices from City ROW within 12 hours of hurricane watch or notice from City.
	Use Restrictions	City-wide; devices permitted on all sidewalks, unless otherwise posted. Max speed of 15 mph. (MOU requires vendor to accept/use City's ROW "as is" condition.)
Gainesville (est. 2020)	**Vendor/Operator Selection**	Permit upon application. Permit conditioned upon permit issued by UFL. Max 3 operators.
	Types/Number of Devices Authorized	Motorized scooters, motorized bicycles. 1,200 maximum devices authorized; 400 max per operator.
	Parking	Dockless. Designated/permanent no-parking zones.
	Use Restrictions	6:00 a.m. – 10:00 p.m. Maximum speed of 15 mph.

Jacksonville	**Vendor/Operator Selection**	Permit. Limited to six operators.
	Types/Number of Devices Authorized	Electric bicycles, electric scooters. 250 maximum initial fleet. After 120 days can increase by another 250 maximum.
	Parking	Dockless; Docking Corrals available in certain locations.
	Use Restrictions	Restricted to DMZ (Dockless Mobility Zone). 5:00 a.m. – 12:00 a.m.
Miami (est. 2019)	**Vendor/Operator Selection**	Permitted upon application/approval for license and payment of annual license fee of $50,000. Plans to transition to RFP to select and limit number of operators (currently 10).
	Types/Number of Devices Authorized	Electric scooters. Maximum fleet of 100/operator. Increase approved based on usage.
	Parking	Dockless; considering moving to docking stations/locations. User required to take and send picture of the condition/location of device after use.
	Use Restrictions	Limited to District 2 (9.6 sq. mi.); helmets for users. Must be 18 years old; max 7 mph for sidewalks.
Austin, Texas (est. 2019)	**Vendor/Operator Selection**	License upon application.
	Types/Number of Devices Authorized	E-scooters, skateboards, electric bicycles. Number of devices authorized based on “unit placement” plan submitted by vendor for review and approval by City.
	Parking	Dockless; Parking “boxes” and corrals are available in designated areas.
	Use Restrictions	Helmet, if under 18, or exempted for health condition(s). Must yield to pedestrians or person with mobility limitations, no multiple riders. Must ride sober.

Santa Monica, California (est. 2017)	**Vendor/Operator Selection**	Currently permitted; transitioning to RFP. Max 3 operators. Selection is via committee and based on ranking.
	Types/Number of Devices Authorized	Electric scooters, electric bicycles. Mobility Officer may adjust max number of devices based on type, deployment, and market needs. Minimum 50 devices per one type/operator.
	Parking	Dockless; no restriction on location as long as not left in manner that impedes ROWs (including sidewalks).
	Use Restrictions	City-wide: (8 sq. mi.); geofencing utilized for certain public facilities and parks, to-wit: "no go zones."

It bears noting that Fort Lauderdale's ordinance is a very good one. However, in speaking with a representative of the City regarding the shared mobility program, it was discovered that the program has been "on pause" while the City determines how it plans to move forward with/transition process(es) for vendor/operator selection. Since the "pause" began in 2020, Ft. Lauderdale's program was not selected as a model program. The ordinance, nonetheless, can be used as a guide.

PART IV – Conclusion

There are a number of good ordinances from which the City could choose to utilize as its model ordinance or, alternatively, to serve as a source (or sources) for separate provisions that collectively work best for the City.

Furthermore, based on discussions with the model programs, should the City Council elect to implement a shared mobility program in the City (whether as a permanent transportation option or as a pilot program), it is recommended that a vigorous education program be launched prior to the official [re]launch.

As with the model ordinances, there are a myriad of cost-effective options from which the City can elect to educate the public, including model its education efforts based on one or more utilized by the more successful programs. The City of Austin, TX, reportedly one of the "better" programs, continues it public education efforts with very effective short video clips (a little over a minute) as to the use of the mobility devices, e.g., "E-Scooter Rider Tips." This, and other educational video clips, are made available through its website: www.austintexas.gov. The City can make its own education video to make it available on the City's website.

Lastly, should the City Council elect to proceed with a shared mobility program, it is recommended that it treats the first year as its “learning year” and be prepared to weather high numbers of complaints, while the public also adjusts to the devices being integrated into the fabric of the community.

As this task was for options, no recommendation has been included; but one can be made available.

CORAL GABLES

MEMORANDUM OF UNDERSTANDING

Personal Mobility Vehicles Pilot Program

This Services Agreement ("Agreement") for Personal Mobility Vehicles is made this 3rd day of August 2018, by and between the City of Coral Gables, a municipal corporation ("City") and Skinny Labs Inc. dba Spin ("Spin"). City and Spin are each individually referred to as a "Party," and collectively, the "Parties."

Recitals

1. City seeks to provide safe and affordable multimodal transportation options to all residents, reduce traffic congestion, and maximize carbon-free mobility.
2. Personal mobility share services are a component to help the City achieve their transportation goals, and the City desires to make personal mobility share services available to residents and those who work in the City.
3. Spin proposes to operate a personal mobility share program within the City, without the need for any physical stations or docks.
4. Spin will abide by relevant City ordinances and rules to efficiently and effectively provide personal mobility share services.
5. Spin possesses GPS, cell and/or Bluetooth connectivity, and self-locking technology in its dockless personal mobility products such that its vehicles may be locked and unlocked by users with an app and tracked to provide for operations and maintenance.
6. For purposes of this agreement personal mobility vehicles used as part of a personal mobility share service shall refer solely to electric kick-scooters.
7. The City's intent for authorizing a pilot is to ensure public safety and minimize negative impacts on the public right of way, as well as to analyze data in a controlled setting to inform the City on a future RFP process.

In consideration of the mutual covenants and representations set forth in this Agreement, City and Spin hereby agree to launch a pilot personal mobility share program in the City as follows:

Agreement

1. Pilot Term. Pursuant to the terms of this Agreement, the City hereby gives Spin an exclusive revocable and non-transferrable license to utilize the City Right of Way in order to provide personal mobility share services within the City. For purposes of this Agreement, the term Right of Way ("ROW") refers to sidewalks, roads, and other pathways owned and maintained by the City. City hereby grants Spin the right to operate a pilot personal mobility share program for an initial pilot period from execution of this agreement through August 28, 2018. Upon conclusion of the initial pilot period, Spin shall return to the City Commission to present user data regarding the initial pilot period, and may seek extensions to the pilot program, pending City Commission approval.

2. License to Use City Right of Way. City authorizes Spin a license to use the public Right of Way solely for the purposes of maintaining and offering its personal mobility vehicle fleet within the City. Authority to utilize the City Right of Way for this fleet is dependent on compliance with all terms of this Agreement. This authorization is not a lease or an easement, and it is not intended and shall not be construed to transfer any real property interest in City property. A party that deploys or operates personal mobility vehicles in the City without Commission approval and without a signed agreement with the City will be penalized in accordance with relevant City Code provisions and any applicable RFP specifications.

3. Permitted Use. Spin customers may use the public Right of Way solely for parking of personal mobility vehicles owned and maintained by Spin for use in this pilot program. Spin shall not place or attach any personal property, fixtures, or structures to City Right of Way without the prior written consent of City or private property owners.
    a. Spin's operations within the City, shall, at a minimum: a) not adversely affect City Right of Way or the City's streets or sidewalks; b) not adversely affect the property rights of any third parties; c) not inhibit pedestrian movement within the public way or along other property or rights-of-way owned or controlled by the City; and d) not create conditions which are a threat to public safety and security e) not impede ADA required accessibility on all City rights of way.
    b. Upon termination of this Agreement by either party, Spin shall, at its sole cost and expense, remove its property from the Right of Way.

4. Personal Mobility Vehicle Parking. Spin personal mobility vehicles may be parked in a legal manner in Right of Ways including public sidewalks by individuals participating in the personal mobility share program. Vehicles parked on private property will be allowed at the discretion of the private property owner. Spin will actively manage the vehicle fleet to ensure orderly parking and the free and unobstructed use of the Right of Way in consultation with the City's Public Works Director. The City, at its own discretion, may choose to support the personal mobility sharing program with the installation of additional parking racks, painted parking spots, and/or recommended parking spots without racks or painting. The City will work with Spin to identify authorized parking and deployment locations throughout the term of this agreement.

5. Condition of City Right of Way.
    a. City makes the public right of way available to Spin in an "as is" condition. City makes no representations or warranties concerning the condition of the public way or its suitability for use by Spin or its customers, and it assumes no duty to warn either Spin or its customers concerning conditions that exist now or may arise in the future.
    b. City assumes no liability for loss or damage to Spin's personal mobility vehicles or other property. Spin agrees that City is not responsible for providing security at any location where Spin's vehicles are stored or located, and Spin hereby waives any claim against City in the event Spin's vehicles or other property are lost, stolen, or damaged.

c. The City will notify Spin at support@spin.pm, through Spin's customer service app portal listed in Exhibit A, or through another agreed upon mechanism, for any personal mobility vehicle that is found to be adversely affecting the City Right of Way. Spin shall be responsible to correct improperly parked personal mobility vehicle within the timeframes listed in "Exhibit A."

8. Maintenance and Care of Portion of City Right of Way. Spin expressly agrees to repair, replace, or otherwise restore any part or item of real or personal property that is damaged, lost, or destroyed as a result of the Spin's use of City Right of Way. Should Spin fail to repair, replace, or otherwise restore such real or personal property, Spin expressly agrees to pay City's costs in making such repairs, replacements, or restorations.

9. Operations and Maintenance. Spin will operate in the City no more than the maximum number of personal mobility vehicles that is specified in "Exhibit A," unless amended. Spin shall be responsible to maintain the Personal Mobility Fleet as set forth in "Exhibit A." Spin shall be solely responsible for all maintenance and service costs in order to maintain the Personal Mobility Fleet and associated maintenance to minimum level of service and reporting outlined in "Exhibit A."

10. Indemnification. To the fullest extent permitted by laws and regulations, Spin shall defend, indemnify, and hold harmless the City, its elected and appointed officials, attorneys, administrators, consultants, agents, and employees from and against all claims, damages, losses, and expenses direct, indirect, or consequential (including but not limited to fees and charges of attorneys and other professionals and court and arbitration costs) arising out of or resulting from this pilot program, including but not limited to:

a) Any occurrence upon, at, or from City Right of Way or occasioned wholly or in part by the entry, use, or presence upon City Right of Way by Spin or by anyone making use of City Right of Way at the invitation or sufferance of Spin,.

(b) Use of Spin's personal mobility vehicles by any individual, regardless of whether such use was with or without the permission of Spin, including claims by users of the vehicles or third parties

and caused in whole or in part by either (i) any willful, intentional, reckless, or negligent act or omission of Spin, any subconsultant, or any person or organization directly or indirectly employed by any of them to perform or furnish any of the work or anyone for whose acts any of them may be liable, regardless of whether or not it is caused in part by a party indemnified hereunder and regardless of the negligence of any such indemnified party, or (ii) any willful, intentional, reckless, or negligent act or omission of any individual or entity not a party to this agreement, or (iii) any negligent act or omission of the City or the City's officers, agents, or employees. The parties expressly agree that this provision shall be construed broadly, and Spin's obligations to pay for the City's legal defense hereunder shall arise and be fully enforceable when Spin (or any subconsultant or any person or organization directly or indirectly employed by Professional) is alleged to have acted willfully, intentionally, recklessly, or negligently in the performance of the work required under this Agreement.This provision shall survive termination of the Agreement.

In any and all claims against the City or any of its elected or appointed officials, consultants, agents, or employees by any employee of Spin, any subconsultant, any person or organization directly or indirectly employed by any of them to perform or furnish any of the work or anyone for whose acts any of them may be liable, the indemnification obligation under the above paragraph shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for Spinl or any such subconsultant or other person or organization under workers' or workman's compensation acts, disability benefit acts, or other employee benefit acts. Moreover, nothing in this Indemnification and Hold Harmless provision shall be considered to increase or otherwise waive any limits of liability, or to waive any immunity, established by Florida Statutes, case law, or any other source of law.

11. Insurance. Prior to beginning and continuing throughout the term of this Agreement, Spin, at sole cost and expense, shall furnish the City with certificates of insurance evidencing that it has obtained and maintains insurance in the following amounts:
    a. Workers' Compensation that satisfies the minimum statutory limits.
    b. Commercial General Liability and Right of Way Damage Insurance in an amount not less than ONE MILLION DOLLARS ($1,000,000) combined single limit per occurrence, TWO MILLION DOLLARS ($2,000,000) annual aggregate, for bodily injury, property damage, products, completed operations, and contractual liability coverage.
    c. Comprehensive automobile insurance in an amount not less than ONE MILLION DOLLARS ($1,000,000) per occurrence for bodily injury and property damage including coverage for owned and non-owned vehicles.

    All insurance policies, except workers compensation, shall be written on a per occurrence basis and shall name the City Indemnitees as additional insureds on a primary and non-contributory basis while any City insurance shall be secondary and in excess to Spin's insurance.All policies, including workers compensation, shall include a waiver of subrogation in favor of the City of Coral Gables,If Spin's insurance policy includes a self-insured retention that must be paid by a named insured as a precondition of the insurer's liability, or which has the effect of providing that payments of the self-insured retention by others, including additional insureds or insurers do not serve to satisfy the self-insured retention, such provisions must be modified by special endorsement so as to not apply to the additional insured coverage required by this agreement so as to not prevent any of the parties to this agreement from satisfying or paying the self-insured retention required to be paid as a precondition to the insurer's liability. Additionally, the certificates of insurance must note whether the policy does or does not include any self-insured retention and also must disclose the deductible. The City's Risk Manager may waive or modify any of the insurance requirements of this section.
12. Sovereign Immunity. Spin acknowledges that the Florida Doctrine of Sovereign Immunity bars all claims by Spin against the City other than claims arising out of this Agreement. Specifically, Spin acknowledges that it cannot and will not assert any claims against the City, unless the claim is based upon a breach by the City of this Agreement.

Spin acknowledges that this Agreement in no way estops or affects the City's exercise of its regulatory authority. In addition, the City retains the full extent of its sovereign immunity in relation to the exercise of its regulatory authority. Spin acknowledges that it has no right and will not make claim based upon any of the following:

a. Claims based upon any alleged breach by the City of implied warranties or representations not specifically set forth in this Agreement, as the parties stipulate that there are no such implied warranties or representations of the City. All obligations of the City are only as set forth in this Agreement;

b. Claims based upon negligence or any tort arising out of this Agreement;

c. Claims upon alleged acts or inaction by the City, its commissioners, attorneys, administrators, consultants, agents, or any City employee;

d. Claims based upon an alleged waiver of any of the terms of this Agreement unless such waiver is in writing and signed by an authorized representative for the City and Spin

13. Compliance with Law. Spin, at its own cost and expense, shall comply with all statutes, ordinances, regulations, and requirements of all governmental entities applicable to its operation of its personal mobility share program. If any license, permit, or other governmental authorization is required for Spin's lawful use or occupancy of City Right of Way or any portion thereof, Spin shall procure and maintain such license, permit, and/or governmental authorization throughout the term of this Agreement. City shall reasonably cooperate with Spin, at no additional cost to City, such that Spin can properly comply with this Section and be allowed to use City Right of Way as specified in Section _____, above.
14. Required Reports. Spin shall provide reports to the City concerning utilization of its personal mobility vehicles and route usage not less than monthly.. The format and type of data contained in the reports will be determined by the City, in coordination with Spin, as long as such information contains no personally identifiable information and is anonymized. Any and all documents, records, disks, or other information shall become the property of the City for its use and/or distribution as may be deemed appropriate by the City.
15. No Joint Venture. Nothing herein contained shall be in any way construed as expressing or implying that the parties hereto have joined together in any joint venture or liability company or in any manner have agreed to or are contemplating the sharing of profits and losses among themselves in relation to any matter relating to this Agreement.
16. Term. This Agreement shall commence on [08/03/2018], (the "Commencement Date") and shall continue per the terms in Section 1, unless earlier terminated pursuant to Section 17, below.
17. Termination. This Agreement may be terminated prior to the expiration date set forth in Section 1, above, upon the occurrence of the following conditions:
    Upon delivery of written notice from City to Spin, or vice versa, terminating this agreement for any reason, or for no reason, by giving at least fifteen (15) days' notice of such termination.
    Upon the effective date of termination of this Agreement, Spin shall remove all vehicles covered in this agreement from the City and restore all City Right of Way to the condition of the City Right of Way at the Commencement Date of this Agreement.

18. Amendment. This Agreement may be amended by mutual agreement of the parties. An amendment to the maximum number of vehicles allowed can be made by mutual agreement via email with the City Manager, or the City Manager's designee. Any other amendments shall only be effective if incorporated in written amendments to this agreement and executed by duly authorized representatives of the parties.

19. Notice. Any notice, request, instruction or other document required or permitted to be given hereunder by either party hereto to the other shall be in writing, and delivered personally, or sent by certified or registered mail, postage prepaid, return receipt requested, to the address set forth for such party at the bottom of this Agreement. Any notice so given shall be deemed received when personally delivered or three (3) business days after mailing. Any party may change the address to which notices are to be sent by giving notice of such change of address to the other party in the manner herein provided for giving notice. Notice as to the City of Coral Gables shall be to:

City Manager
City of Coral Gables
405 Biltmore Way
Coral Gables, FL 33134

cc: City Attorney

Notice as to the Spin shall be to:
Spin
188 King St., #203
San Francisco, CA 94107

20. Applicable Law and Venue. The laws of the State of Florida shall govern this Agreement. Any and all legal action necessary to enforce the Agreement will be held in Miami-Dade County, and the Agreement will be interpreted according to the laws of Florida.

21. Counterparts. This agreement may be executed simultaneously or in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same agreement.

22. Public Records. Records subject to the provisions of Public Record Law, Florida Statutes Chapter 119, shall be kept and maintained in accordance with such Statute. Spin acknowledges that records and books, not subject to exemption under Chapter 119, may be disclosed and/or produced to third parties by the City in accordance with requests submitted under Chapter 119 or court orders without penalty or reprisal to the City for such disclosure and/or production. Spin also agrees to assert, in good faith, any relevant exemptions provided for under Chapter 119 for records in its possession on behalf of the City. Furthermore, Spin agrees to comply with the provisions outlined in Section 119.0701 of the Florida Statutes, the requirements of which are incorporated herein.

Executed the day and year first above written, by the parties as follows:

Approved as to Insurance:

David J. Ruiz
Risk Management Division

Department Head

Eduardo Santamaria, P.E.
Director, Public Works

AS TO CITY:

Catherine Swanson-Rivenbark
City Manager

Peter Iglesias
Assistant City Manager

Attest:
For Walter J. Foeman
City Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

for Miriam Soler Ramos
City Attorney

ATTEST:

Corporate Secretary

Print Name: **Derrick Ko, CEO**
(SEAL)
(OR)

WITNESSES (2):

Print Name: Brian No

Print Name: Euwyn Poon, President

IF SPIN HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO SPIN'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT 305-460-5210, cityclerk@coralgables.com, 405 Biltmore Way, First Floor, Coral Gables, FL 33134.

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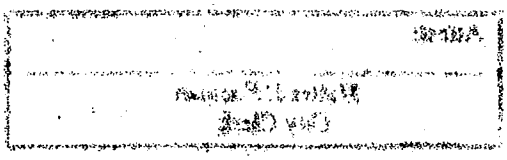


Exhibit A

Spin Operations and Maintenance Plan
Personal Mobility Vehicle Pilot Program
City of **Coral Gables**

FLEET SIZE

Spin will deploy an initial fleet of up to 75 personal mobility vehicles (for purposes of this agreement this shall only include electric kick-scooters over the course of the pilot) The vehicles will initially be deployed with an emphasis on transit stations, commercial areas, and denser residential areas, or other locations identified in conjunction with the City's Public Works Department, to help guide distribution based on user demand and usage trends. Spin may not operate more than 75 personal mobility vehicles in the City at one time.

PLACEMENT PLAN

Spin plans to initially deploy up to 75 personal mobility vehicles at key transit stations, commercial zones, and denser residential areas, where Spin vehicles may help address "last mile" transportation issues.
Initial deployment by Spin will be vetted by the Public Works Department staff and adjusted as deemend necessary by staff.
Spin's nimble and flexible operations can adjust vehicle deployment and distribution based on user demand and usage data. The City will be able to request deployment of vehicles at a particular location. Rebalancing/relocation requests are a priority and should be handled by Spin a timely manner. Poorly placed vehicles and excessive numbers of vheicles in one staging location reflect poorly on the icdty and on Spin.
Furthermore, Spin will work with transit agencies and other relevant entities to determine areas at transit stations where Spin vehicles can be placed, as well as work with companies in the City to locate Spin distribution points, in addition to locating Spin vehicles on public right of ways.

Spin's ground operations team will place Spin vehicles in a neat fashion on wide sidewalks, at or near racks and corrals, and any other locations designated or suggested by the City. Spin will ensure that personal mobility vehicles are not obstructing pedestrian or motor vehicle traffic when they are deployed, and that ADA required paths of travel are available at all times Spin will work with the Public Works Department to develop best practices for placement on City sidewalks and right of ways, and to develop a map of locations throughout the City suitable for placement, parking, and deployment. The City may veto any placement, parking, or deployment location at any time for any reason.

USER EDUCATION

Spin is responsible for all user education regarding their personal mobility vehicles, including education regarding all relevant statutes, ordinances, and regulations. Spin believes that the most effective, consistent, and efficient method of providing important notices and educating users is through Spin's app. Any Spin user may utilize the app, helping to ensure important information

is seen and acknowledged (as opposed to stickers or physical signs that may be unseen or become damaged or lost).

New Spin users will receive informational pop-ups when they use Spin's app to take a ride for the first time. The pop-ups will require the new users to affirmatively dismiss the pop-ups in order to proceed. The informational pop-ups will include: a) reminders about applicable laws; and b) instructions on how to park responsibly.

The City may request at any time that users be limited to those users who have a valid Driver's License scanned and verified by Spin within the app. Users should be limited to those sixteen years (16) of age and older.

Users should be instructed (via Spin's mobile app, printed instructions, and website) to not obstruct pedestrian paths when parking the scooters. Users should also be instructed to park scooters upright, and be instructed not to park scooters mid-block on Miracle Mile, or anywhere on Giralda Plaza.
Users should also be instructed to obey all traffic laws when riding in traffic, and obey all other official City-posted signs within the City.

RIDING

- Vehicles shall not be ridden on the sidewalk on Miracle Mile
- Vehicles shall not be ridden through Giralda Plaza
- Users shall dismount when riding through crowded sidewalks filled with pedestrians

CUSTOMER SUPPORT

Spin is solely responsible for all customer support for their personal mobility vehicles and any and all direct or indirect customer support needs related to use of their personal mobility vehicles. Spin will provide easy mechanisms through which users and the public can contact Spin to ask questions, report Spin vehicles that are damaged or obstructing the public right of way, or otherwise. Spin's app has a "Help" button on the user interface that enables users to report any issues. Users and members of the public can also contact Spin's customer support via email (support@spin.pm), phone, and social media for any issues or to make a relocation request. For additional details, please see https://help.spin.pm. The City will be provided a 24/7 contact for City support.

The City should be provided copies of all complaints received by Spin involving Spin vhicle and pedestrian/automible conflicts. These complaints shall be provided to the City within 24 hours of receipt by Spin. These complaints will be used to inform future staging changes, infrastructure improvements, and policy changes. Additionally, the City should be copied on all written injury complaints/reports involving Spin's vehicles. The complaints should be provided to the City within 24 hours of receipt by Spin.

GROUND OPERATIONS

Spin's ground operations staff are hired locally and help ensure the safety, accessibility, and

responsible placement of Spin vehicles. Spin shall provide the City with 24- 7 contact information for Spin's ground operations. The exact number of locally hired staff will depend on the fleet size in operation. The ground operations staff perform two primary functions:

- Maintenance
    - Every vehicle is inspected for safety before deployment, with a recorded history of inspections and repairs.
    - All repairs and staff training are done by experienced mechanics.
    - Tune ups can be performed on the spot by the local operations team, who are equipped with the necessary tools.
    - Repairs are performed at the warehouse by mechanics.
    - All vehicles are inspected, at a minimum, for cleanliness, damage, and safe and reliable operation.
- Fleet Management
    - Deploy vehicles in accordance with local parking and road rules, and shall not obstruct vehicular or pedestrian traffic when deploying or picking up vehicles.
    - Visually survey streets and sidewalks and reposition any obstructing vehicles.
    - Respond to and retrieve vehicles that have been marked for repair, relocation, or cleaning.
    - Rebalance/redistribute scooters based on usage patterns and based on any City request or requirements.
    - Work with contractors to pick up vehicles at the end of each day to charge overnight.

Repair requests are a priority and should be handled by Spin in a timely manner. Broken or damaged vehicles reflect poorly on the City and Spin.

PLACEMENT OF VEHICLES

- Vehicles will be neatly placed by Spin staff on wide sidewalks (minimum 6' width) and at or near public racks and corrals.
- Vehicles will be neatly placed such that they do not obstruct the public right of way, vehicles shall leave ADA required paths of travel at all deployment locations
- Spin will work with City of Coral Gables staff to determine authorized placement, deployment, and parking locations throughout the City.
- Spin vehicles shall not be staged mid-block on Miracle Mile, only at intersections.
- Vehicles shall not be staged mid-block within Giralda Plaza, staging locations should be located on the ends of Giralda Plaza, near existing bike racks.
- Vehicles should not be staged on the sidewalk on Ponce De Leon Blvd, three (3) blocks north or south of Miracle Mile.
- City can request removal of vehicles in certain areas, and request that Spin cease deployment of vehicles in certain areas upon request of City.
- In the event a hurricane watch for the Coral Gables area is issued, or upon request of the City Manager or the Manager's designee, Spin shall pick up all vehicles located within the City within twelve (12) hours of the issuance of the watch or notification by the City.

RELOCATION REQUESTS

- Spin users and the general public can report vehicles 24/7 via the website, app, email, phone, or social media.
- Spin will dispatch a ground operations member within three hours between the hours of 9am-6pm on weekdays to deal with vehicles reported as obstructing the public right of way.
- Requests received after normal business hours, weekends, and/or holidays will be handled as soon as practicable the following day. Spin shall provide the City with a 24-7 point of contact.
- City reserves the right to impound those improperly parked or deployed vehicles that create a nuisance or a life safety issue at the discretion of the City Manager or designee, In order to retrieve any impounded vehicle Spin must demonstrate proper proof of ownership and pay a $50 impoundment fee per device, reflecting the City's enforcement, investigation, storage, and impound costs in accordance with Emergency Ordinance passed on July 10, 2018.

MAINTENANCE AND SAFETY

Every Spin vehicle shall be inspected for safety, with a recorded inspection history, at least once per month. Vehicles requiring charging are picked up by our local operations team as a part of its daily responsibilities or are brought in by a member of our charger network.

Spin's local operations team shall be trained by professional mechanics and inspect the following:

- Handlebars
- Brakes
- Brake levers
- Grips
- Tires
- Bell
- Wheel lock
- Exposed wires
- Rear fender
- Wheels
- Rear red light
- Front white light

Once a vehicle has been repaired and/or cleaned, it will go through a quality assurance check before being processed for redeployment back into the field.

REPORTING

Spin will provide, at a minimum, monthly reports to the City with aggregate usage data including:

- Number of users in the system
- Number of trips generated for the month

- Heat maps of usage trip showing top pick-up spots and drop-off spots

User route data

- Average trip length and trip time
- Number and nature of complaints logged by Spin electric scooter users and the general public.

Spin will also provide additional data and information, at the request of the City, to assist with City oversight and transportation planning and to inform the City's potential future RFP process for personal mobility share services.

ARTICLE IV. - BICYCLES, SKATEBOARDS, SCOOTERS, SHARED MOBILITY DEVICES, AND OTHER SIMILAR DEVICES

Footnotes:
*--- (**7**) ---*
***Editor's note—** Ord. No. 2018-23, § 2, adopted July 10, 2018, changed the title of Art. IV from "Bicycles" to read as herein set out.*

Sec. 74-238. - Parking in business district.

(a) Bicycles, when parked in the business district, shall be parked in zones or places designated and marked for that purpose. It shall be unlawful for any person to park any bicycle along buildings in such a manner as to interfere with pedestrians, or along roadways where they may interfere with traffic, or with persons getting into or out of motor vehicles.

(b) No person other than the owner or operator shall move, or in any manner interfere with, any bicycle properly parked, nor shall any person interfere or in any manner hinder any person from properly parking a bicycle, except that members of the police department and fire department may move, or in proper cases, prevent the parking of the bicycle, when, in the judgment of the police officer or firefighter, his or her action is necessary in order to properly safeguard persons or property.

(Code 1958, § 32-201; Code 1991, § 25-111; Code 2006, § 74-213; Ord. No. 1950, § 1, 12-14-1971)

Sec. 74-239. - Definitions.

For purposes of this article the following definitions apply:

Deploy means the initial daily staging of a shared mobility device by an operator on designated areas of city right-of-way.

Motorized scooter means a vehicle as defined in F.S. § 316.003(45).

Operator means a company deploying shared mobility devices within the city.

Rebalance means moving shared mobility devices from an area of low demand to an area of high demand, or to return to designated areas of deployment.

Shared mobility device means an individual device including, but not limited to, motorized or electronic scooters, bicycles, and other similar devices, but does not include motor vehicles used in conjunction with ride sharing companies, such as Uber or Lyft.

Shared mobility device program means a program generally, in which mobility devices, including, but not limited to, bicycles and motorized scooters, are made available for shared use to individuals on a short-term basis at no cost or for a fee.

(Ord. No. 2018-23, § 2, 7-10-2018; Ord. No. 2019-17, § 2(Att. A), 3-26-2019; Ord. No. 2019-36, § 2(Att. A), 10-8-2019)

Sec. 74-240. - Operation of a shared mobility device program—Penalties and impoundment.

(a) No operator shall display, offer, or make available for rent any shared mobility device within the city, unless

the person has a valid fully executed memorandum of understanding with the city or has obtained approval from the city through an established process.

(b) If two or more shared mobility devices from an operator without a valid memorandum of understanding with the city are found at a particular location within the city it will be presumed that they have deployed by that operator, and it will be presumed that the operator is in violation of this section.

(c) A violation of this section shall be considered a code enforcement violation and is punishable by a fine of $500.00 per instance. Each day an operator has shared mobility devices in the city in violation of this section shall be considered a separate instance and a separate violation of this section.

(d) Impoundment. A shared mobility device that is displayed, offered, made available for rent by an operator operating without a valid memorandum of understanding with the city, or a device abandoned on the city rights-of-way or private property without permission by a user of the device shall be subject to immediate impoundment by the city. In order to retrieve any impounded shared mobility device an individual or entity shall demonstrate proper proof of ownership and pay a $50.00 impoundment fee per device reflecting the city's enforcement, investigation, storage, and impound costs.

(e) The city manager, or his or her designee, reserves the right to eliminate any and all shared mobility device programs, at any time, for any reason. The city manager may also terminate any memorandum of understanding or operating agreement in accordance with the terms of those agreements if there is a violation of this chapter, the terms of the memorandum of understanding, any applicable law, for public health, safety, or general welfare concerns, or for convenience.

(f) The city is under no obligation to allow any operators to operate shared mobility device programs in the city.

(Ord. No. 2018-23, § 2, 7-10-2018; Ord. No. 2019-17, § 2(Att. A), 3-26-2019)

Sec. 74-241. - Motorized scooters on sidewalks.

The riding of motorized scooters, as defined in this article, is permissible upon all sidewalks located within the city, except where prohibited by official posting. Motorized scooters shall be restricted to a maximum speed of 15 miles per hour in such areas where riding is permitted.

(Ord. No. 2018-36, § 2, 9-11-2018; Ord. No. 2018-47, § 2, 10-23-2018)

Editor's note— Ord. No. 2018-36, § 2, adopted Sept. 11, 2018, set out provisions intended for use as § 74-239. Inasmuch as section so numbered already exists, said provisions have been redesignated as § 74-241 at the discretion of the editor.

Sec. 74-242. - Operation of a shared mobility device program—Motorized scooter authorized program requirements.

(a) *Program requirements.*

(1) A maximum of 300 motorized scooters, deployed among one or more operators, shall be allowed in the city at one time. The city manager, at his or her discretion, reserves the right to modify the total number of motorized scooters permitted to operate within city limits at any time and for any reason.

(2) The city may allow operators to increase their fleet size only if operator's usage data demonstrates the need to increase the fleet size.

(3) Notwithstanding subsections (1) and (2), the city retains the right to require operators to reduce their fleet s operations in the event that operators repeatedly fail to timely rebalance or remove vehicles blocking the rig or to timely respond to complaints received by the city.

(4) The city shall approve all deployment locations.

(5) Operators shall designate two local operations staff persons who will be responsible for fielding complaints, addressing technical difficulties, coordinating the rebalancing and removal of motorized scooters parked illegally, and providing public education.

(6) Each motorized scooter shall prominently display the name of the operator and contact information for a 24-hour customer service number for customers and citizens to report safety concerns, make complaints, ask questions, or request that a motorized scooter(s) be relocated.

(7) Operators shall rebalance, remove, and/or relocate motorized scooters within three hours of receiving notification from the city.

(8) Any motorized scooter staged in the same location, without being operated, for more than 48 hours shall be relocated by the operator.

(9) Motorized scooters shall be well maintained and in good operating condition, with operating front and rear lights, as well as an operating audible signal, and any motorized scooter that is removed due to maintenance or safety issues shall be repaired before being returned to service.

(10) Motorized scooters shall be rebalanced on a daily basis.

(11) Motorized scooters shall not display any third-party advertising.

(12) Operators shall have the sole responsibility to educate persons riding motorized scooters regarding the rules, regulations and laws applicable to riding, operating, and parking a motorized scooter. An operator's mobile application shall provide information notifying users:

a. Where motorized scooters may be legally ridden in accordance with F.S. § 316.2128 and local regulations;

b. That motorized scooters are to be operated at a person's own risk, and that no representation has been made by the city as to the condition of any city rights-of-way;

c. [Reserved]; and

d. That the use of helmets while operating a motorized scooter is strongly encouraged.

(13) Operators shall not place or attach any fixtures, structures, or personal property, other than a motorized scooter, in the public right-of-way without the written permission of the city manager or his or her designee.

(14) In the event an active tropical storm or hurricane warning is issued by the National Weather Service for the Coral Gables area, or Miami-Dade County, or upon request of the city manager or the manager's designee, operator shall remove all vehicles from city rights-of-way within the city within 12 hours of the issuance of the watch or notification by the city.

(15) [Reserved.]

(16) The city may, at any time, require the operator to require confirmation of a user's valid driver's license prior to operation of a motorized scooter.

(17) If the city incurs a cost in addressing or abating any violation of this section or article, or incurs any cost of re maintenance of any public property resulting from the use of the motorized scooters, the operator shall reir city for the full cost within 30 days of receiving written notification from the city.

(b) *Insurance requirements.*

(1) An operator shall procure and keep in full force and effect no less than the insurance coverage required by this section through a policy or policies written by an insurance company or companies authorized to do business in Florida, who are rated A-(V) or better per A.M. Best's Key Rating Guide.

(2) The insured provisions of the policy or policies shall list the city indemnitees as additional insureds on a primary and non-contributory basis and the coverage provisions shall provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a motorized scooter.

(3) An operator shall maintain the following insurance coverages:

a. Workers Compensation subject to the statutory limits of the State of Florida, with a waiver of subrogation in favor of the City of Coral Gables.

b. Commercial general liability and right-of-way damage insurance in an amount not less than $1,000,000.00 combined single limit per occurrence, $2,000,000.00 annual aggregate, for bodily injury, property damage, products, completed operations, and contractual liability coverage, with the City of Coral Gables being added as an additional insured on a primary and non-contributory basis, with a waiver of subrogation in favor of the City of Coral Gables.

c. Comprehensive automobile insurance in an amount not less than $1,000,000.00 per occurrence for bodily injury (including death) and property damage including coverage for owned and non-owned vehicles, including motorized scooters, with the City of Coral Gables being added as an additional insured on a primary and non-contributory basis, with a waiver of subrogation in favor of the City of Coral Gables.

(c) *Indemnification.* Operators shall indemnify, defend, and hold harmless the city, its elected and appointed officials, attorneys, administrators, consultants, agents, and employees from and against all claims, damages, losses, and expenses direct, indirect, or consequential (including, but not limited to, fees and charges of attorneys and other professionals and court and arbitration costs) that the city may incur as a result of claims, demands, suits, causes of actions, or proceeding of any kind or nature including, but not limited to, personal injury or wrongful death, property loss or damage, the conditions and features on all city rights-of-way, to the extent arising out of or in any way connected with the operation of the motorized scooter program or use of a motorized scooter. Operators shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits, or actions of any kind or nature in the name of the city, where applicable, including administrative, trial, and appellate proceedings, and shall pay all costs, judgments, and attorneys' fees which may issue thereon. Operators shall expressly understand and agree that any insurance protection required by this chapter or otherwise provided or secured by an operator, shall in no way limit the responsibility to indemnify, defend, and hold harmless the city, its elected and appointed officials, attorneys, administrators, consultants, agents, and employees as required by this section. This obligation shall survive the revocation, cancellation, or expiration of any memorandum of understanding or operating agreement.

The operator will acknowledge in any memorandum of understanding that the granting of a right to operate in the city is, in part, conditioned on the granting of this indemnification which is knowingly and voluntarily given by the operator.

(d) *Performance bond.*

(1) An operator shall submit to the risk management division a performance bond, in a format as prescribed in F.S. § 255.05, and in a form acceptable to the city manager, or his or her designee, prior to the execution of a memorandum of understanding or operating agreement with the city.

(2) Alternatively, an operator may post an irrevocable letter of credit issued by a bank authorized to transact business in Florida.

(3) The payment and performance bond or irrevocable letter of credit shall be in the sum of $50,000.00 and shall list the operator as a principal and shall be payable to the city, and shall remain in effect for the duration of the memorandum of understanding or operating agreement.

(4) Cancellation of the payment and performance bond or irrevocable letter of credit does not release the operator from the obligation to meet all requirements of this article or its MOU. If the payment and performance bond or the irrevocable letter of credits is cancelled, the MOU shall be terminated on the date of cancelation and the operators shall immediately cease operations until the operator provides the city manager with a payment and performance bond or irrevocable letter of credit that meets the requirements of this section.

(e) *Data sharing.*

(1) Operators shall cooperate with the city in the collection and analysis of aggregated data concerning its operations. All data furnished under this section will be in a form reasonably acceptable to the city manager. Operators shall provide the city with real-time information on all motorized scooters operating within its boundaries through a documented application programming interface key. Operators shall provide the city manager, and any designees of the manager with the procedure and credential to authenticate the application programming interface key.

(2) Operators shall also provide biweekly reports of anonymized data indicating, at a minimum, the number of trips in a given time period, trip duration, trip distance, start and end locations of each trip, the actual cost in cents paid by the user for the trip, as well as the number and nature of complaints and incidents reported to the operator.

(f) *Fees.* The city may require that shared mobility device operators remit to the city a public right-of-way fee per device per day, to be set and periodically adjusted by the city manager.

(g) *Equitable access.*

(1) Operators shall provide details on how users can utilize the service without a smartphone.

(2) Operators are encouraged to:

a. Provide pricing options that address the needs of low-income residents;

b. Provide discount programs to low income individuals;

c. Provide cash payment options; and

d. Provide adaptive motorized scooters or shared mobility devices that enable operation by individuals with disabilities.

(Ord. No. 2019-17, § 2(Att. A), 3-26-2019; Ord. No. 2019-36, § 2(Att. A), 10-8-2019)

Sec. 74-243. - Operation of shared mobility devices.

(a) Motorized scooters shall be parked and deployed on a sidewalk or other hard surface, beside a bicycle rack, or at a city-owned and city-approved location. Motorized scooters shall only be parked or deployed on private property with the permission of the property owner.

(b) Motorized scooters shall be upright while parked or deployed.

(c) City may request removal of motorized scooters in certain areas and request that operator cease deployment of motorized scooters in certain areas upon request of the city.

(d) Motorized scooters shall not be parked in a manner that would impede normal and reasonable pedestrian access on a sidewalk or in any manner that would reduce the minimum clear width of a sidewalk to less than three feet.

(e) Motorized scooters shall not be parked in a manner that would impede vehicular traffic.

(f) Motorized scooters shall not be parked in a manner that would impose a threat to public safety or security.

(g) Motorized scooters shall not be parked on a block where the sidewalk is at any point less than six feet in width, or on a block that does not have sidewalks.

(h) Motorized scooters shall be parked or deployed in a manner that is compliant with the applicable provisions of the Americans with Disabilities Act of 1990.

(i) Motorized scooters shall not be parked in a way that blocks:

(1) Fire hydrants call boxes or other emergency facilities;

(2) Transit facilities;

(3) Loading spaces or zones;

(4) Passenger loading spaces or zones, or valet parking services areas;

(5) Railroad tracks or crossings;

(6) Disabled or prohibited parking zones;

(7) Street furniture that requires pedestrian access (for example, benches, parking pay stations, or bicycle/news racks);

(8) Window displays;

(9) Building entryways;

(10) Vehicular driveways.

(j) Motorized scooters that are parked in violation of this section or an executed memorandum of understanding shall be re-parked, removed, relocated and/or redeployed by an operator within two hours of receiving notification from the city or are subject to impoundment under the same terms of section 74-240(d).

(Ord. No. 2019-17, § 2(Att. A), 3-26-2019)

Secs. 74-244—74-269. - Reserved.

GAINESVILLE

ARTICLE VII. - MICROMOBILITY SERVICES

Sec. 26-190. - Definitions.

As used in this article, the following terms shall have the following meanings:

Bicycle rack means a stationary fixture to which a bicycle can be securely attached to prevent theft.

City means the City of Gainesville.

City manager means the city manager of the city, or designee.

Corral means the designated parking zones for a group of micromobility devices typically installed within the right-of-way.

Department means the city department of mobility, or such other department or division of the city which is assigned responsibilities for mobility planning and operations.

Director means the city's mobility director, or designee, or such other officer the city has assigned responsibilities for mobility planning and operations.

Geofencing means the use of technology to create a virtual geographic boundary, enabling software to trigger a response when a micromobility device enters or leaves a particular area.

Micromobility device means any motorized transportation device which weighs less than 100 pounds, including motorized scooters and motorized bicycles as defined in the Florida Statutes, that is made available for public use by a micromobility service.

Micromobility service means a publicly offered transportation service that enables a person to obtain short-term access, by reservation through an online application, website, or software, for point-to-point trips on a micromobility device.

Rebalancing means the process by which micromobility devices are redistributed to ensure availability throughout a service area and to prevent excessive buildup of devices at locations throughout the city.

Right-of-way means the surface and space above an improved or unimproved public roadway, highway, boulevard, road, freeway, bridge, alley, court, street, bicycle lane, and public sidewalk in which the city or other public entity has an interest in law or equity whether held in fee, easement, dedication, plat or other estate or interest including any other dedicated right-of-way for travel purposes.

Service area means the geographical area within which a micromobility service is allowed to operate as defined in the permit issued by the city.

University means the University of Florida.

User means the individual who uses a micromobility device provided by a micromobility service.

(Ord. No. 180115 , § 1, 12-3-20)

Sec. 26-191. - Micromobility service permit.

(a) It is unlawful for a micromobility service to operate within the city without first having obtained a permit issued city under this article.

(b) No more than three micromobility services will be permitted to operate within the city at any time.

(c) Upon issuance of a permit, the micromobility service is granted the privilege of operating within the service area. Each permit will be valid for one year. Permits are not transferable or assignable. Preference will be given to renewal of current permit holders who have had no violations under their permit; however, the city is not required to renew a permit of a current permit holder.

(d) The micromobility service must obtain separate approval from the university in order to operate its micromobility service on the university campus.

(e) A micromobility service is not eligible to apply for a permit if it currently has a suspended permit, the city has revoked its permit within two years of the date of application, and or it has any outstanding and unsatisfied civil penalties imposed for violations of this article.

(Ord. No. 180115 , § 1, 12-3-20)

Sec. 26-192. - Enforcement of permit requirement.

It is unlawful to operate a micromobility service without a permit. Operating without a permit shall be punishable as provided in chapter 1, section 1-9.

(Ord. No. 180115 , § 1, 12-3-20)

Sec. 26-193. - Permit application requirements.

The micromobility service must apply for a permit by submitting an application to the department on the form required by the department. A complete application consists of the following:

(a) The number of micromobility devices the applicant will deploy. The initial fleet must be a minimum of 100 and no more than 200 micromobility devices.

(b) Proof that the applicant has operated in three municipalities that are comparable in size or larger than the city, with at least one of those being a municipality in Florida with a population of 100,000 or more, wherein the applicant operated under regulations promulgated by the municipalities, permits issued by the municipalities, or by agreement with the municipalities.

(c) Proof that each micromobility device in the applicant's fleet has customer service information displayed on the device, unique identifiers, the ability to be tracked remotely, and a kickstand capable of keeping the micromobility device upright when not in use.

(d) An operations plan, which includes, but is not limited to, maintenance of fleet and staffing.

(e) Proof that an education plan is provided to each user, including user safety, instructions for operation of the micromobility device, parking rules, and Florida law.

(f) An equity plan that will ensure equitable deployment of micromobility devices in accordance with section 26-198, allows users without capable mobile devices to use the micromobility devices, and has payment/access options for unbanked users.

(g) An affirmation that the applicant will provide data reports and real-time location of the micromobility

devices to the city in the type and form required by the city.

(h) A plan to relocate the micromobility devices to a private facility within 24 hours after notification by the city in the event of an emergency or declared severe weather event. The plan must detail the amount of time it will take to remove all micromobility devices from circulation when an emergency or severe weather watch or warning has been established.

(i) An affirmation that the applicant will provide proof of the insurance and bond required by this article prior to issuance of a permit by the city.

(j) An affirmation that the micromobility service will charge a per ride regulatory fee as set forth in Appendix A (in addition to the micromobility service's rental rates), which the micromobility service shall remit to the city monthly on the tenth day of each month.

(k) Proof that a legal entity applicant is registered and active under the laws of Florida to do business under the name for which it has applied for a permit.

(l) The name, mailing, physical and email addresses, and telephone number of the natural person located within Alachua County that the applicant has authorized to be its agent for purposes of this article.

(m) An affirmation that no fraud or willful or knowing misrepresentation or false statement or information is provided in the application.

(n) An affirmation that the applicant will comply with this article and with applicable federal and state law.

(Ord. No. 180115 , § 1, 12-3-20)

Sec. 26-194. - Procedures for grant or denial of permit.

(a) Applicants must submit an application for a permit to the department via email. The date and time of the submittal shall be recorded as the date and time the department receives the email containing the application.

(b) Within ten business days from the date of receipt, the director shall review complete applications in the order of receipt. The city shall conditionally grant a permit if the applicant has submitted a complete application that satisfies each of the criteria in the application form. Upon the conditional grant of three permits, the remainder of complete applications will be placed on hold. The director shall notify applicants whose applications have been placed on hold in writing that the director will not review the applications until the three conditionally granted permits have been processed by the university and the city.

(c) The conditional grant of a permit by the city is subject to the university's approval of the applicant. The conditionally approved applicant must submit an application to the university to operate its micromobility service on campus.

(d) If the university approves the application, the city shall issue the city permit upon the applicant's payment of required fees and proof of insurance and bonds. If the university disapproves the application, the city shall deny the permit.

(e) If city denies the permit application, the reason for such denial shall be provided in writing and shall advise that the applicant may correct deficiencies in the application within seven calendar days of the notice of denial without incurring an additional application fee.

(f) If a permit is finally denied, the director will proceed to review the next on hold application in the order

received.

(Ord. No. 180115 , § 1, 12-3-20)

Sec. 26-195. - Indemnification and insurance.

(a) As a condition of the permit, the micromobility service shall indemnify, hold harmless and defend the city, its representatives, employees, and elected and appointed officials, from and against all liability, claims, damages, suits, losses, and expenses of any kind, including reasonable attorney's fees and costs for appeal, associated with or arising out of the permit, the use of right-of-way or city owned property for operations, or arising from any negligent act, omission or error of the micromobility service, owner, managing agent, its agents or employees, or from the failure of the micromobility service, its agents or employees, to comply with the requirements of this article or with any other federal or state traffic law.

(b) The micromobility service shall provide and maintain public liability and property damage insurance to protect the city, its representatives, employees, and elected and appointed officials, from all claims and damage to property or bodily injury, including death, which may arise from its operation. Such insurance must be provided from an insurance company that is a registered carrier in the State of Florida with an A.M. Best rating of not less than "A" and a financial strength rating of not less than "VII," acceptable to the city's risk management division, and must provide coverage of not less than $2,000,000.00 for bodily injury, and property damage respectively per occurrence. Such insurance must name as additional insured the city, its officers and employees, and shall further provide that the policy must not terminate or be canceled prior to the expiration of the permit without 30 days' written notice prior to the termination to the department at the address shown in the permit.

(c) The micromobility service shall provide and maintain a performance bond in the amount of $80.00 per micromobility device and $10,000.00 for the fleet. After notification to the micromobility service, the city may call the bond in order to cover the city's losses, which consist of employee labor and actual costs, associated with the city's need to remove, store, and/or dispose of the micromobility devices as a result of the micromobility service's failure to comply with this article or in the event the micromobility service abandons the micromobility devices.

(Ord. No. 180115 , § 1, 12-3-20; Ord. No. 201151 , § 1, 6-3-21)

Sec. 26-196. - Operation.

(a) The micromobility service shall comply with federal and state law regarding placement and rental of micromobility devices, including the Americans with Disabilities Act.

(b) At any given time, the micromobility service must have 75 percent of its authorized fleet in operation.

(c) The micromobility service may request an increase to its initial fleet in increments of up to 50 micromobility devices upon demonstration of use of at least three unique rides (meaning individual trips started) per device in the fleet per day over a consecutive 60-day period. Each request must include a rationale and analysis to justify the additional fleet size. Authorization of additional micromobility devices is at the discretion of the director and must be based upon utilization rates and the micromobility service's overall compliance with this

article. If the director authorizes additional devices, the city will issue an amended permit to the micromobility service upon payment of additional permit fees and compliance with permit requirements as to the additional micromobility devices.

(d) The director may cap the total number of micromobility devices permitted to operate within the city to 400 devices per micromobility service, or 1,200 total devices.

(e) Micromobility services may allow operation of their micromobility devices between the hours of 6:00 a.m. to 10:00 p.m. The micromobility service is responsible for disabling its fleet each night. The micromobility service may redistribute its fleet beginning at 4:00 a.m. each day; however, the micromobility devices may not be enabled for public use until 6:00 a.m.

(f) The micromobility service must ensure micromobility devices have a top motor-powered speed of 15 miles per hour or less.

(g) The director, based upon considerations of public safety, pedestrian and vehicular traffic, mishandling of the micromobility devices, requests from the public/stakeholders, criminal activity, construction, and special events, may create designated areas where micromobility devices may not be operated or where the maximum micromobility device operating speed must be reduced. The micromobility service must have the technology available to implement these requirements upon reasonable notice. The department will maintain a map reflecting areas where the micromobility devices may not be operated and where the speed of micromobility devices must be reduced. The micromobility service shall provide this map to its users.

(h) The micromobility service support vehicles and staff shall be equipped with identification and proper safety equipment, including lighting, when deploying or removing micromobility devices in the right-of-way.

(i) The micromobility service shall give the city 14 days' written notice before ceasing operations.

(Ord. No. 180115 , § 1, 12-3-20)

Sec. 26-197. - Parking and right-of-way.

(a) Micromobility devices must be parked upright at all times.

(b) The micromobility service shall not place micromobility devices in a way that:

(1) Adversely affects the public use of streets or sidewalks;

(2) Inhibits pedestrian movement and/or Americans with Disabilities Act access on sidewalks;

(3) Inhibits the ingress and egress of vehicles parked on or off street;

(4) Creates conditions which are a threat to public safety and security; or

(5) Impedes access to existing bicycle racks. The micromobility service may not rely solely on publicly-placed bicycle racks to secure micromobility devices that are capable of being locked directly to a bicycle rack.

(c) Micromobility devices must not be parked within the following areas: loading zone, handicap accessible parking zone or other facilities specifically designated for handicap accessibility, on-street vehicular parking spots, landscape areas, curb ramps, business or residential entryways, driveways, travel lanes, bicycle lanes, parklets, or any geofenced area where the director has prohibited the parking of micromobility devices.

(d) The director, based upon public safety, pedestrian use, user behavior, vehicular traffic, and data, may establish geofenced areas where micromobility devices shall not be parked but may still allow access of devices through the area. The geofenced areas will be identified on a map maintained by the department.

The micromobility service must have the technology available to implement these requirements upon notice. The micromobility service must comply with any and all geofencing requirements within five business days of a written request. The micromobility service will bear the cost of implementing geofencing.

(e) The director, based upon public safety, parking supply/demand, user behavior, trip origin and destination data, distance to a mobility hub, availability of right-of-way, requests from the public/stakeholders, may establish corrals in certain areas where micromobility devices must be parked, and the corrals will be identified on a map maintained by the department. The city will bear the cost of implementing corrals.

(Ord. No. 180115 , § 1, 12-3-20)

Sec. 26-198. - Removal and rebalancing.

(a) The micromobility service shall place a minimum of ten percent of its approved fleet in Zone A, which will be described in a map on file in the department and which map may be revised from time to time by the director. The micromobility service must rebalance micromobility devices daily to meet this requirement. The requirement may be increased at the director's discretion based on utilization rates.

(b) If a micromobility device is parked in an area where parking or operation is prohibited, or a micromobility device is inoperable/damaged or does not comply with this article, the director will notify the micromobility service to remotely disable and then relocate or remove the device. An inoperable or damaged micromobility device is one that has non-functioning features, such as gear selectors, pedals, bell, or lights, or is missing components, such as fenders, grips, or chain guards, as applicable to that device. The micromobility service will have two hours to comply with the request if the request is received between the hours of 6:00 a.m. and 10:00 p.m., seven days per week, and 12 hours to comply on city holidays. If the micromobility service does not comply, the city may remove, relocate, or store the micromobility device.

(c) The micromobility service shall relocate the micromobility devices to a private facility within 24 hours after notification by the municipality in the event of an emergency or declared severe weather event. If the micromobility service fails to timely remove the micromobility devices, the city may remove and store the micromobility devices.

(d) The city shall charge a fee set forth in Appendix A of this code when the city removes, relocates, or stores micromobility devices pursuant to this section.

(Ord. No. 180115 , § 1, 12-3-20)

Sec. 26-199. - Violations; revocation of permit; appeal.

Except as provided in section 26-192 (operating without a permit) and section 26-200 (failure to maintain university approval), if the micromobility service violates any other section of this article, the director shall provide written notice of the violation to the agent of the micromobility service designated in the permit. The micromobility service shall remedy the violation and come into compliance within the time stated in the notice. Failure to timely remedy the violation may result in the director reducing the fleet size or revoking the permit.

(a) The director may revoke the permit or reduce fleet size of a micromobility service on any of the following grounds:

(1) The permit application contained a fraudulent, willful, or knowing misrepresentation or false

information or statement;

(2) The micromobility service failed to comply with the requirements of and maintain qualifications required by the permit application, except for university approval;

(3) Submission of inaccurate data;

(4) Failure to pay fees as specified in Appendix A of this code; or

(5) The micromobility service violated any other provision of this article.

(b) If the director finds cause (as defined in paragraph (a) above) to reduce the fleet or revoke the permit, written notice of that decision must be sent via certified mail to the agent of the micromobility service designated in the permit, informing the micromobility service of the decision and the reasons therefore, at least 15 calendar days prior to the effective date of the fleet reduction or permit revocation. The written notice shall advise the micromobility service that it may contest the fleet reduction or revocation by requesting a hearing as provided below.

(c) The micromobility service may file a written request for a hearing before the city manager prior to the effective date of the fleet reduction or revocation. Failure to timely request a hearing will constitute a waiver by the micromobility service of any right to a hearing. Upon request for a hearing, the fleet reduction or revocation will be stayed until the city manager has issued a final administrative decision.

(d) At the hearing, the micromobility service will have the opportunity to present evidence (consisting of verbal testimony and/or written documentation) the micromobility service believes negates or mitigates the basis for the fleet reduction or revocation.

(e) In conducting the hearing, the city manager has the power to take testimony under oath, require the production of books, paper, and other documents, and receive evidence. Should a party refuse to provide documents as directed by the city manager, then there may be an adverse inference against the party who failed to produce said documents. All parties have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, and to be represented by counsel. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but it is not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. Any party desiring the hearing be recorded, is responsible for arranging and paying the cost of a court reporter's attendance and services.

(f) If the city manager finds that the director's decision meets the requirements for fleet reduction or permit revocation as set forth in section 26-199(a), then the city manager will direct that either (1) the micromobility service's fleet be reduced and issue an amended permit, or (2) the micromobility service's permit be revoked and set the revocation date to begin on the date the written final administrative order is issued, subject to a petition for writ of certiorari being filed pursuant to paragraph (i) below.

(g) If the city manager finds that the director's decision does not meet the requirements for fleet reduction or permit revocation as set forth in section 26-199(a), then the city manager will order the micromobility service's permit to continue in effect.

(h) The city manager will issue a written final administrative order to the micromobility service. The decision of the city manager is the final administrative action.

(i) The final administrative order of the city is subject to certiorari review in a court of competent jurisdiction

in Alachua County, Florida by the timely filing of a petition. Upon the filing of a petition in the circuit court, the revocation of the permit or fleet reduction will be stayed pending final disposition of the civil case.

(Ord. No. 180115 , § 1, 12-3-20)

Sec. 26-200. - Suspension for failure to maintain university approval.

If the micromobility service loses approval from the university to operate on its campus, the director shall suspend the permit. Written notice of the suspension must be sent via certified mail to the agent of the micromobility service designated in the permit, informing the micromobility service of the suspension and the reason therefore. During the period of suspension, the micromobility service may not operate within the city. If the micromobility service is able to regain approval from the university to operate on campus prior to expiration of the current permit year, the city shall revoke the suspension upon receipt of proof of university approval to operate on campus, and the micromobility service may resume operations.

(Ord. No. 180115 , § 1, 12-3-20)

Secs. 26-201—26-210. - Reserved.

JACKSONVILLE

Chapter 235 - DOCKLESS MOBILITY PROGRAMS

Sec. 235.101. - Purpose.

The purpose of this Chapter is to create a one-year pilot program to permit and regulate Dockless mobility programs in the City of Jacksonville.

(Ord. 2020-26-E , § 1)

Sec. 235.102. - Applicability.

The provisions of this Chapter shall apply to Dockless mobility programs. For the purpose of this Chapter, the applicant, managing agent or operator, and owner shall be jointly and severally liable for complying with the provisions of this Chapter, the permit, and the permit and license agreement.

(Ord. 2020-26-E , § 1)

Sec. 235.103. - Definitions.

For the purpose of this Chapter, the following words shall have the meanings indicated:

Bicycle rack means a stationary fixture to which a bicycle can be securely attached to prevent theft.

Corral means Dockless Mobility Unit parking facilities that can accommodate a group of Dockless Mobility Units typically installed in the right-of-way and may include the space occupied by a single vehicle parking space.

City-owned property means property owned, occupied, managed, maintained, or controlled by the City pursuant to deed, easement, lease, license, or dedication, and includes City park land and any other property owned by or under the control of the City. When City-owned property is identified for use for a Dockless mobility unit facility, it shall be considered an ancillary ROW area subject to City right-of-way standards and regulations and under the jurisdiction of the City.

Customer or *User* means the individual who rents or uses a Dockless mobility unit that is provided by an Operator.

Department means the Planning and Development Department.

Director means the Department Director.

Dockless bicycle program means a program authorized by this Chapter that provides bicycles or electric bicycles for short-term rentals for point to point trips where, by design of the Operator, the bicycles and electric bicycles are intended to remain in the designated areas during use by a Customer.

Dockless mobility program means a Dockless bicycle program, Dockless scooter program or Dockless electric bicycle program.

Dockless scooter program means a program authorized by this Chapter that provides electric scooters for short-term rentals for point to point trips where, by design of the Operator, the electric scooters are intended to remain in the designated areas during use by a Customer.

Dockless electric bicycle, also known as electric-assist or e-bike, means a bicycle equipped with a battery and an electric motor that is activated by pedaling and deactivates when not in use.

Dockless mobility unit or *Unit* means any and all of the following: Dockless electric bicycles, Dockless bicycles, and Dockless scooters.

Dockless scooter means a vehicle consisting of a footboard mounted to wheels, steered using a long handle, does not include a seat, is intended to be operated while standing up, is equipped with a battery, and propelled by an electric motor.

Geofencing means the use of GPS or RFID technology to create a virtual geographic boundary, enabling software to trigger a response when a mobile device enters or leaves a particular area.

Operator means any entity that owns, operates, redistributes, or rebalances Dockless mobility units, and services a Dockless mobility program.

Permit application means the application required by the Department in order to participate in the Dockless mobility unit program.

Redistribution or Redistributing means the process by which Dockless mobility units are redistributed to ensure bicycle, E-bike or scooter availability throughout a service area and to prevent excessive buildup of Dockless mobility units at locations throughout the Service area.

Right-of-way or *ROW* means the surface and space above and below an improved or unimproved public roadway, highway, boulevard, road, freeway, bridge, alley, court, street, bicycle lane, public sidewalk and terrace in which the City or other public entity has an interest in law or equity whether held in fee, easement, dedication, plat or other estate or interest including any other dedicated right-of-way for travel purposes.

Service area means the geographical area within the City of Jacksonville where the Dockless mobility program is intended to offer service for its users/customers as defined by the permit application.

User shall mean the same as *Customer*, above.

(Ord. 2020-26-E , § 1)

Sec. 235.104. - Dockless mobility unit pilot program permitting.

(a) It shall be unlawful for an Operator to provide or operate a Dockless mobility program within the City without first obtaining a permit from the Department.

(b) No more than six (6) Operators will be permitted to operate within the City at any time.

(c) Authorization: An Operator shall apply to participate by submitting to the Department an application to provide a Dockless mobility program in the Service area. The Director shall determine what information should be provided in the application.

(d) Operators shall obtain a separate permit for each Dockless Mobility Unit type provided by that Operator.

(e) Program permits shall be subject to the approval of the Director or the Director's designee.

(f) Permits will be effective during the one-year pilot program period. The Council may make the program permanent after the one-year pilot program if it is determined to be in the best interests of the City. If the

program is made permanent, Operators under the pilot program shall be required to re-apply for a permit upon the conclusion of each one-year period. The Council may also reexamine the program's geographic limitations to determine whether the program shall be applicable in other locations.

(g) Operators must comply with the requirements of this Chapter.

(Ord. 2020-26-E , § 1; Ord. 2021-183-E , § 1)

Sec. 235.105. - Dockless mobility program requirements.

(a) *General regulations pertaining to Dockless mobility units.*

(1) All Dockless bicycles utilized in a Dockless mobility program shall conform to the standards set forth in Title 16, Code of Federal Regulations, Chapter II, Subchapter C, Part 1512 - Requirements for Bicycles, the safety standards outlined in ISO 43.150 - Cycles, subsection 4210, and F.S. § 316.2065, as may be amended or revised.

(2) All Dockless mobility units utilized shall comply with the lighting standards set forth in F.S. § 316.2065(7), as may be amended or revised, which requires a reflective front white light visible from a distance of at least 500 feet and a reflective rear red light visible from a distance of at least 600 feet.

(3) All Dockless mobility units utilized shall include easily accessible and identifiable language that clearly directs users to customer support mechanisms, including but not limited to a customer service phone number, websites, and applications.

(4) Dockless electric bicycles (E-bikes) utilized under this program shall meet the National Highway Traffic Safety Administrations (NHTSA) definition of low-speed electric bicycles; and shall be subject to the same requirements as ordinary bicycles and with the requirements of F.S. ch. 316.003, which defines bicycles. This means, among other requirements, that electric bicycles shall have fully operable pedals, an electric motor of less than 750 watts, and a top motor-powered speed of less than 15 miles per hour when operated by a rider weighing 170 pounds.

(5) Dockless scooters and E-bikes must have a top overall motor-powered speed of less than 15 miles per hour. Operators must educate customers that it is only lawful to operate at a top motor-powered speed of less than 10 miles per hour when operating on a sidewalk, and a top motor-powered speed of less than 15 miles per hour when operating in the ROW.

(6) All Dockless mobility units utilized shall include an easily accessible and legible unique identifier that is clearly displayed and visible to the user of the Dockless mobility unit.

(7) All Dockless mobility units utilized shall be equipped with GPS, cell phone, or a comparable technology for the purpose of tracking.

(8) Advertising and signage on Dockless mobility units and Corrals are authorized, but must comply with the City's sign regulations. As a condition of approval, the applicant must agree and acknowledge that all signs on Dockless mobility units are subject to the provisions of the City's sign regulations. Further, the Operator agrees to give the Chief Executive Officer of the DIA final approval of the specifications for any signs displayed, and such approved specifications shall be included in the permit required under Section 235.104. No vertical signage shall be allowed.

(9) All Dockless mobility units utilized must include a kickstand capable of keeping the Dockless mobility

units upright when not in use.

(b) *Parking and right-of-way.*

(1) Dockless mobility units shall only be parked in designated Corrals. The Chief Executive Officer of the DIA shall create designated Corrals in certain areas where Dockless mobility units shall be parked or stored when not in use. In designating the locations of Corrals, the Chief Executive Officer of the DIA shall discuss with the Director the location of each corral and shall consider the following: if use of public sidewalks for parking Dockless mobility units is considered, locate the Corrals in areas for which sidewalks are greater than eight feet in width, so long as there remains at least an eight-foot clear area for unimpeded pedestrian travel and which do not:

i. Adversely affect the streets or sidewalks by creating a nuisance;

ii. Inhibit pedestrian movement;

iii. Inhibit the ingress and egress of vehicles parked on- or off-street or the entranceway of any building, structure or space;

iv. Create conditions which are a threat to public safety and security;

v. Prevent a minimum four-foot pedestrian clear path.

(2) Corrals shall be placed in a way that maintains unimpeded access to Dockless mobility units.

(3) Corrals shall not be placed within the following areas: loading zone, handicap accessible parking zone or other facilities specifically designated for handicap accessibility, street furniture, curb ramps, public art installations, JTA bus shelters, pocket parks, business or residential entryways, driveways, travel lanes, bicycle lanes, parklets or within 15 feet of a fire hydrant.

(4) Corrals shall not be placed in a manner that in any way violates Americans with Disabilities Act (ADA) accessibility requirements.

(5) The Chief Executive Officer of the DIA shall coordinate with the JTA whenever possible to locate Corrals within close proximity to JTA transit stops.

(6) Dockless mobility units shall be parked upright in the Corrals at all times.

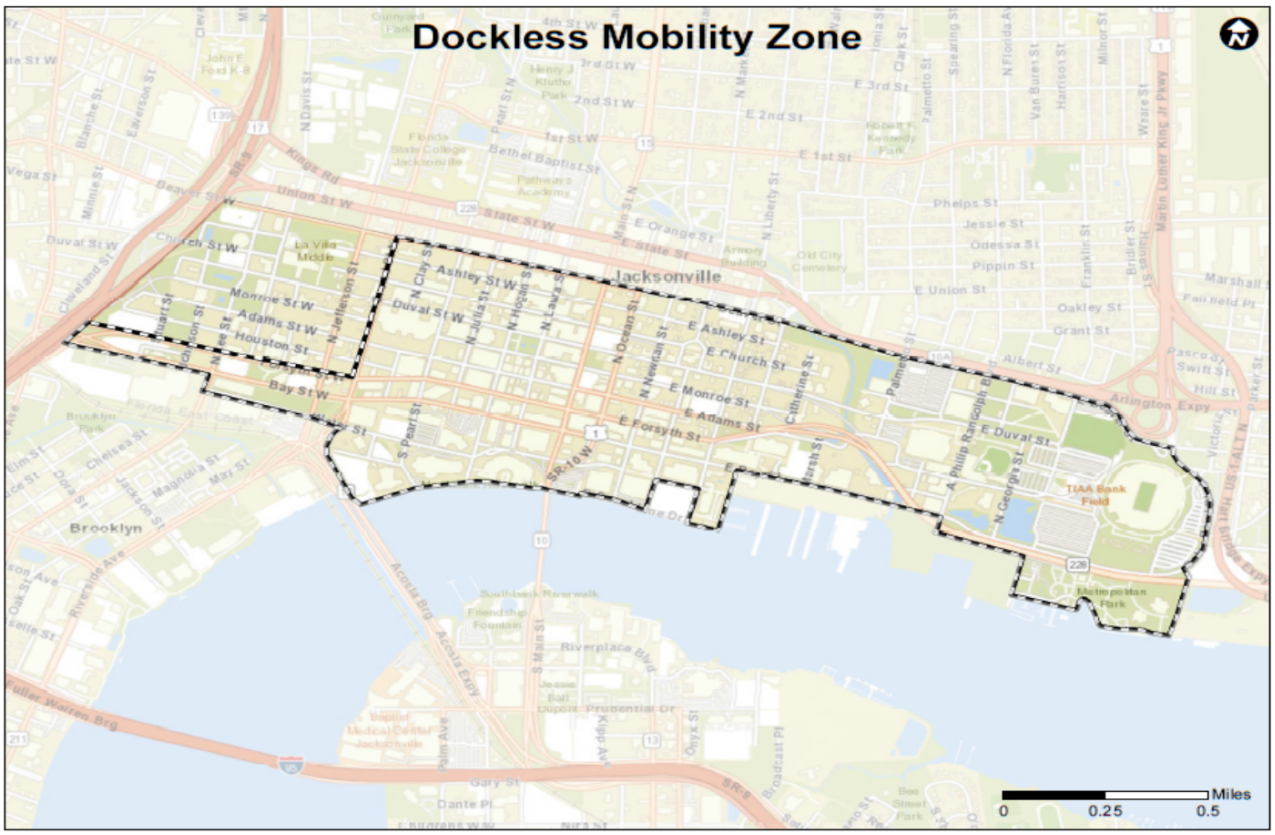
(7) Dockless mobility programs that utilize equipment capable of being locked directly to a bicycle rack within a Corral shall not rely solely on publicly-placed bicycle racks for their operation.

(8) The Corrals shall be able to contain up to 12 Units at a time. Parking Corrals shall be clearly marked in a manner approved by the City.

(9) Any Dockless mobility unit parked in violation of this subsection may be removed by the Office of Public Parking, and the Operator will be assessed a fee as set forth in Section 235.107.

(c) *Geofencing.*

(1) During this pilot program, Dockless mobility units are restricted to the Dockless Mobility Zone (DMZ), which is approximately defined as that area from I-95 east to Broad Street between Bay Street and Water Street and also bordered by Broad Street and the Acosta Bridge on the west, Beaver Street on the north, Gator Bowl Boulevard on the east and the Northbank Riverwalk on the south, but which is depicted on the following map:



(2) An Operator must have the technology available to limit operations to within the DMZ.

(3) If Dockless mobility units operate outside the DMZ, the Operator shall charge the User $1 for every 5 minutes the Unit is outside the DMZ.

(d) *Maintenance, operations, and fleet size.*

(1) Operators shall comply with F.S., ch. 316, State Uniform Traffic Control.

(2) The Operator's mobile application must inform users of helmet laws and encourage the use of helmets.

(3) Operators participating in the program must Redistribute Dockless mobility units daily, in the manner described in their permit application, based on use within the DMZ.

(4) Dockless mobility units that are inoperable/damaged or do not comply with other subsections of this Code must be removed within two hours upon receipt of a complaint between the hours of 7:00 a.m. and 7:00 p.m., seven days per week and within 12 hours upon receipt of a complaint on holidays. An inoperable or damaged Dockless bicycle, Dockless electric bicycle, or Dockless scooter is one that has non-functioning features (i.e., gear selectors, pedals, bell, lights, dead battery) or is missing components (i.e., fenders, grips, chain guards) as applicable to that vehicle. An Operator whose Dockless bicycle, Dockless electric bicycle, or Dockless scooter is inoperable or damaged or that has non-functioning features and which is removed or stored by the Office of Public Parking is subject to the storage fees set forth in Section 235.107.

(5) The Office of Public Parking, without notice, reserves the right to remove Dockless mobility units from the right-of-way if an emergency arises. In such instances, the Office of Public Parking will attempt to notify the Operator as soon as reasonably practicable thereafter.

(6) Operators must detail a plan to relocate the Dockless mobility units to a safe, indoor facility within 24

hours in the result of a declared tropical weather event (tropical storm or hurricane watch or warning, whichever comes first). The plan must detail the amount of time it will take to remove all Dockless mobility units from circulation once a storm watch or warning has been established. The Office of Public Parking may remove any Dockless mobility unit that is not relocated as required by this subsection, and the Operator shall be assessed a removal fee as provided in Section 235.107.

(7) The Operator's smartphone application and website must inform users of how to safely and legally ride a Dockless mobility unit, including the rights and duties associated with riding on sidewalks or in streets.

(8) The Operator's phone application must clearly direct users to customer support mechanisms, including but not limited to phone numbers or websites.

(9) The Operator must provide a staffed, toll-free customer service line which must provide support 24 hours per day, 365 days per year.

(10) The Operator must provide a direct customer service or operations staff contact to Department staff.

(11) Operator's initial fleet must be a minimum of 100 Dockless mobility units. Operator's initial fleet may not exceed more than 250 Dockless mobility units. Operators may request an increase to their initial fleet of up to 250 Dockless mobility units no sooner than 120 days after initial permitting. Each request shall include a rationale and analysis to justify the additional fleet size. Authorization of additional units is at the sole discretion of the Director.

(12) Each scooter not retrieved from the Office of Public Parking within seven days shall constitute an unaddressed violation pursuant to Section 235.107(b)(ii) and after 30 days such scooter shall become the property of the City.

(13) No scooters authorized and regulated under this program shall be operational and available for use between the hours of 00:00 (midnight) and 5:00 a.m.

(e) *Equity of access.*

(1) Operators shall provide the pricing structure prior to start of service.

(2) Operators must provide details on how users can utilize the service without a smartphone.

(3) Operators must provide service throughout the Dockless Mobility Zone. This includes Redistributing as needed in order to maintain a reasonable level of convenience in renting a Dockless mobility unit.

(f) *Data sharing.*

(1) All permitted Operators shall provide the City with the following data on a monthly basis in PDF format:

i. Number and type of Dockless mobility units in circulation;

ii. Number of daily, weekly, and monthly riders;

iii. Total number of miles traveled by Users (daily, monthly, quarterly, annually) broken down by Dockless bicycle, Dockless electric bicycle, and/or Dockless scooter;

iv. Average time each Dockless mobility unit spends available (not in use);

v. Number of rides per User per day;

vi. Number of rides per Dockless bicycle, Dockless electric bicycle, and/or Dockless scooter per day;

vii. Average duration of rides per User per day as well as average duration of rides per Dockless bicycle, Dockless electric bicycle, and/or Dockless scooter per day;

viii. Average duration of ride per day of the week;

ix. Monthly summary of Dockless mobility unit distribution and GPS-based natural movement in heat map format;

x. Summary of fleet numbers lost to theft/vandalism;

xi. Summary of customer comments/complaints, resolution to, and time it took to resolve each complaint.

xii. Summary of repairs per Dockless bicycle, Dockless electric bicycle, and/or Dockless scooter per month;

(2) All permitted Operators shall provide to the Department the following data within 14 days following the end of each calendar quarter, in ESRI ArcGIS.shp format, or other format specified in the permit:

Field Name	Format	Description
Operator Name	[Operator Name]	n/a
Type of vehicle	"Standard Bicycle" or "Electric Bicycle" or "Scooter"	n/a
Trip record number	xxx0001, xxx0002, …	3-letter Operator acronym + consecutive trip #
Trip duration	MM:SS	n/a
Trip distance	Feet	n/a
Start date	MM, DD, YYYY	n/a
Start time	HH:MM:SS (00:00:00—23:59:59)	n/a
End date	MM, DD, YYYY	n/a
End time	HH:MM:SS (00:00:00—23:59:59)	n/a
Start location	lat, long	n/a
End Location	lat, long	n/a
ID number	xxxx1, xxxx2, …	Unique identifier for each bicycle, e-bike, or scooter

User Home Zip Code	33301 (example)	Home zip code of user (can be credit card-based)

The Department may request such other information from each Operator as it deems necessary to evaluate the program.

(3) All permitted Operators shall distribute a six-month and one-year customer satisfaction survey, the summary and raw results of which shall be provided to the Department.

(4) All permitted Operators shall provide real-time or semi-real-time Dockless bicycle, Dockless electric bicycle, and/or Dockless scooter location data via a publicly accessible API in General Bikeshare Feed Specification (GBFS) format per North American Bikeshare Association (NABSA) guidelines. The City reserves the right to post this information through a publicly available portal.

(Ord. 2020-26-E , § 1; Ord. 2021-183-E , § 1)

Sec. 235.106. - Indemnification and insurance.

(a) As a condition of the permit, the Operator agrees to indemnify, hold harmless and defend the City of Jacksonville, its representatives, employees, and elected and appointed officials, from and against all liability, claims, damages, suits, losses, and expenses of any kind, including reasonable attorney's fees and costs for appeal, associated with or arising out of, or from the permit, the use of ROW or City-owned property for program operations or arising from any negligent act, omission or error of the Operator, owner or, managing agent, its agents or employees or from the failure of the Operator, its agents or employees, to comply with each and every requirement of this Chapter or with any other federal, state, or local traffic law or any combination of same, with the exception that this condition will not apply to claims arising out of the City's own negligence or willful misconduct. This agreement shall be reviewed and approved by the City's Risk Manager and the Office of General Counsel.

(b) The Operator shall provide and maintain such public liability and property damage insurance to protect the City of Jacksonville and its representatives, employees, and elected and appointed officials, from all claims and damage to property or bodily injury, including death, which may arise from any aspect of the Program or its operation. Such insurance shall be provided from an insurance company with an A.M. Best rating of not less than "A" and a financial strength rating of not less than "VII," acceptable to the City's Risk Management Division, and shall provide coverage of not less than $2,000,000 for bodily injury, and property damage respectively per occurrence. Such insurance shall be without prejudice to coverage otherwise existing and shall name the City of Jacksonville as additional insured. The policy shall further provide that coverage shall not terminate or be canceled prior to the termination of the permit and license agreement without 30 days' written notice prior to the termination to the City's Risk Management Division and the Director at the address shown in the license.

(c) In addition to the requirements of subsection (a) and (b), the Operator shall provide additional insurance and comply with any revised indemnification provision specified in the permit.

(d) The Operator shall provide proof of all required insurance prior to receiving a permit and upon each renewal thereafter.

(Ord. 2020-26-E , § 1)

Sec. 235.107. - Fees and penalties.

(a) The following fees shall apply to Operators:

(i) Initial Permit Filing Fee	$150
(ii) Annual Permit Renewal Fee	$100
(iii) Annual Fee	$10 per Unit
(iv) Performance bond	$80 per Unit/$10,000 maximum
(v) Unit Removal Fee	$75 per Unit
(vi) Unit Storage Fee	$25 per Unit, per 24-hour period, or part thereof

(b) An Operator is subject, at the discretion of the Director, to a fleet size reduction or total permit revocation should the following occur:

(i) If violations of the regulations set forth in this Chapter are not addressed in a timely manner or;

(ii) 15 unaddressed violations of the regulations set forth by this Chapter within a 30-day period or;

(iii) Submission of inaccurate or incomplete data.

(c) In the event of a permit revocation, the Director shall provide written notice of the revocation via certified mail, informing the Operator of the permit revocation.

(Ord. 2020-26-E , § 1)

Sec. 235.108. - Appeal from revocation.

(a) Operators who have been subject to a permit revocation may appeal the revocation of such permit to the City's Special Magistrate established in Chapter 91. Should an Operator seek an appeal from the revocation, the Operator shall furnish notice of such request for appeal to the Director no later than ten business days, after the date of mailing of the certified letter informing the Operator of the revocation.

(b) Upon receipt of a request for appeal, the clerk to the Special Magistrate shall fix the date and time at which the Special Magistrate shall hear the appeal, such hearing to be held no more than 60 days subsequent to the date upon which such request for appeal was filed with the Director. Upon setting the matter for hearing,

the clerk to the Special Magistrate shall notify the Operator of the date and time of such hearing. At the conclusion of the hearing, the Special Magistrate shall either sustain the decision of the Director or direct the Director to reinstate the permit.

(Ord. 2020-26-E , § 1)

MIAMI

ARTICLE II. - MOTORIZED SCOOTERS

Sec. 8-8. - Applicability, policy statement and purpose.

This article is supplemental to the general laws of the State of Florida, including F.S. ch. 316, entitled "State Uniform Traffic Control." All definitions from F.S. §§ 316.003 and 316.2128, are incorporated herein by reference, including the definitions of "bicycle" and "motorized scooter." This article shall apply to any and all motorized scooters and motorized scooter services operating within the corporate limits of the City of Miami ("city"), as permitted. This article is intended to govern the operation of motorized scooters and motorized scooter services within the city to ensure that they are consistent with the safety and well-being of all bicyclists, pedestrians, and other users of the public rights-of-way. This article shall not apply to any sidewalk/sidewalk area funded by the Federal Government except as expressly allowed by United States Department of Transportation Secretary or as expressly allowed by 23 United States Code Section 217(h). The pilot program under this article shall apply to the area of the city within city commission district 2. Motorized scooters are not authorized by the pilot program under this article in any area of the city other than city commission district 2.

(Ord. No. 13795, § 2, 10-11-18; Ord. No. 13862, § 2, 9-26-19)

Sec. 8-9. - Definitions.

As used in this article the following definitions apply:

Applicable state laws shall mean all general laws of the State of Florida relating to mobility devices and motorized scooters. This pilot program will operate in a manner consistent with and subject to applicable general laws of the state including, without limitation, F.S. §§ 316.003, 316.008, 316.2065, and 316.2128, and the entirety of F.S. ch. 316, the "Florida Uniform Traffic Control Law", as amended. The city in this article reserves all municipal home rule powers to impose more restrictive public safety, insurance, licensing, data sharing, parking, and similar requirements.

Application programming interface key (API Key) shall mean a code passed in by computer programs calling an application programming interface ("API") to identify the calling program, its developer, or its user to the web site.

Bicycle shall have the meaning ascribed to it in F.S. § 316.003, as amended.

Bicycle path (bike path) shall generally mean a bikeway separated from motorized traffic and dedicated to cycling or shared with pedestrians or other users, and additionally have the same meaning ascribed to it in F.S. § 316.003, as amended.

Bike lane shall mean a part of the road which is intended to be used in part by people riding bicycles.

License shall mean the document by which a privilege is granted by the city to authorize a person to operate a motorized scooter service within its corporate limits. Any license issued in accordance with this article shall be nonexclusive.

Micromobility device shall have the same meaning ascribed to it in F.S. § 316.003, as amended.

Motorized scooter(s) shall have the meaning ascribed to it in F.S. § 316.003, as amended. Motorized scooter(s) are further defined, in the context of this article, as a device, with an electric motor, designed to transport only one person, exclusively or in combination with the application of human power, which cannot attain a speed of more than 15 miles per hour in bike lanes or streets without the application of human power on a level surface; or more than seven miles per hour on any sidewalk, baywalk, or in parks.

Motorized scooter user shall mean a person driving a motorized scooter.

Motorized scooter service shall mean a system in which motorized scooters are made available for shared use to individuals on a short-term basis for a price or fee.

Operator shall mean an individual or company that has been issued a license pursuant to this article and/or pursuant to any appropriate procurement process, if approved by the city commission, as may be later determined by the city commission to be applicable, as outlined in chapter 18 of this Code.

Rebalance shall mean moving motorized scooters from an area of low demand to an area of high demand.

Sidewalk means that portion of the public right-of-way between the back of curb lines or the lateral lines of a non-driving lane separated by curb and the adjacent property lines, where a three-foot minimum clearance is available to pedestrians and intended for public use. There may also be a median strip or road verge (a strip of vegetation, grass or bushes or trees or a combination of these) either between the sidewalk and the roadway or between the sidewalk and the adjacent property line (also described as "right-of-way line" or "building baseline").

Sidewalk area includes bike lanes and bike path, as well as the sidewalk width perpendicular to the road times the sidewalk length along and parallel to the road.

Transit facility means a facility providing accommodations by public, private, or nonprofit entities for the conveyance of persons from one place to another by means of a transportation system, including but not limited to: bus terminal, railroad station, freight terminal, airport, helistop or seaport.

(Ord. No. 13795, § 2, 10-11-18; Ord. No. 13862, § 2, 9-26-19)

Sec. 8-10. - Rules and regulations.

(a) The city manager, or his or her designee, may administratively issue, promulgate and establish additional rules and regulations, consistent with this article and applicable state and federal laws, as determined to affect the policy of this article. The rules may include standard operating procedures ("SOP") addressing issues with persons under the age of 18 operating motorized scooters in violation of this article. All additional rules and regulations shall be made available on the city's website.

(b) Pilot program. The city hereby continues the pilot program (the "pilot term"), as may be extended subject to section 2-33 of the City Code, for the continued operation of temporary pilot program licenses within the boundaries of commission district 2 or as authorized by ordinance.

(1) Operators shall have a maximum initial fleet of 100 motorized scooters. Operators participating in the first six months of the pilot program enacted by Ordinance 13795 may retain their current fleet size. operators commencing the pilot program on or after November 1, 2019 will have a maximum fleet

size of 50 motorized scooters during the first two weeks of their participation, and thereafter 100 motorized scooters.

(2) The city shall allow operators to increase their fleet size on a monthly basis by a maximum of 25 percent if operator's usage data demonstrates that their fleet provides on average more than three rides per motorized scooter per day. The increase in vehicles on the street or sidewalk/sidewalk area shall not exceed the amount required to keep usage rates at or above three rides per motorized scooter per day. The city may also require operators to reduce their fleet size on a monthly basis by 25 percent if operator's usage data demonstrates that their fleet provides on average less than two rides per motorized scooter per day.

(3) Notwithstanding subsection (2), the city retains the right to require operators to reduce their fleet size, to impose a cap on fleet sizes or on the number of operators as is warranted, or cease operations in the event that operators repeatedly fail to timely rebalance or remove vehicles blocking the right of way or provide timely responses to complaints received by the city, each as may be warranted.

(4) During the duration of the pilot program, operators shall designate two local operational staff who will be responsible for fielding complaints, addressing technical difficulties, coordinating the rebalancing and removal of scooters parked illegally, and providing public education.

(5) On or before the expiration of this pilot program, the city manager or his designee shall report to the city commission on the status of the pilot program. Following the city manager's report, the city commission will consider the city's options relative to the pilot program including: discontinuing, reinstating, or expanding the pilot program, authorizing the city manager to issue a competitive solicitation for a more permanent motorized scooter license program, or such other measures as determined to be in the city's best interests.

(Ord. No. 13795, § 2, 10-11-18; Ord. No. 13862, § 2, 9-26-19)

Sec. 8-11. - Application for pilot program license.

(a) A person may not operate, or cause or permit the operation of, a motorized scooter service for the duration of the pilot program without first having obtained a valid pilot program license issued under this article.

(b) A person desiring to obtain a license shall make a written application in a form prescribed by the city manager, or his or her designee, with the applicant being the person who will own, control, or operate the proposed motorized scooter service.

(c) An applicant shall file with the city a verified application statement that, at a minimum, contains the following:

(1) The address of the applicant's operations center within the city, and the address of the applicant's corporate headquarters, if different from the address of the operations center;

(2) A witnessed signature of the applicant;

(3) Documentary evidence from an insurance company indicating that such insurance company has

bound itself to provide the applicant with the insurance required by the article;

(4) Documentary evidence from a bonding or insurance company or a bank indicating that the bonding or insurance company or bank has bound itself to provide the applicant with the payment and performance bond or irrevocable letter of credit required by this article;

(5) Documentary evidence indicating that the applicant has applied for and received a current certificate of use, business tax receipt, occupational license, and similar permits and approvals, as applicable;

(6) An agreement to indemnify, hold harmless, and defend the city and the department of off-street parking, also referred to as the Miami Parking Authority ("MPA"), in a form acceptable to the city;

(7) The name of the person designated to receive any and all notices sent by the city to the operator, including their mailing address, telephone number, and e-mail address; and

(8) The name of the person designated to rebalance, remove, and/or relocate motorized scooter(s), including their mailing address, telephone number, and e-mail address.

(d) The application, including new applications and all applications in relation to any extension(s), renewal(s), or reinstatements of the pilot program, shall be accompanied by a non-refundable licensing fee of $50,000.00, which shall be used to offset any costs to the city and/or the department of off-street parking, also referred to as the MPA, related to enforcement of this section. Any excess licensing fees shall be designated for sidewalk/sidewalk area and/or street improvements within the pilot program area. Any extension, renewal or reinstatement of the pilot program will require all operators to comply with all requirements of the pilot program license, including payment of the fee, required insurance and bond.

(e) A pilot program license shall expire at the conclusion of the applicable pilot program.

(f) In the event that the pilot program is reinstated by vote of the city commission, pilot program license(s) may be renewed following the same process set forth in this section.

(g) The city manager, or his or her designee, reserves the right to cancel any license, if there is a violation of the article, violations involving public health, safety or general welfare, failure to maintain the required insurance or bonding or otherwise comply with this article, or for other good and sufficient cause as determined by the city manager in his or her sole discretion.

(Ord. No. 13795, § 2, 10-11-18; Ord. No. 13862, § 2, 9-26-19)

Sec. 8-12. - Motorized scooter fee.

In addition to the non-refundable licensing fee set forth in section 8-11, operators shall remit to the city a motorized scooter fee in an amount of $1.00 per motorized scooter per day. The motorized scooter fee shall be calculated monthly based on the number of scooters authorized by the city of the current period. Payments shall be paid in full by the operators and received from the city within 30 days of when invoiced. During the duration of the pilot program, this motorized scooter fee shall be designated for sidewalk/sidewalk area, and/or street improvements within pilot program area.

(Ord. No. 13795, § 2, 10-11-18; Ord. No. 13862, § 2, 9-26-19)

Sec. 8-13. - Motorized scooter parking.

(a) Motorized scooters must be parked on a sidewalk or other hard surface, beside a bicycle rack, or at a city-owned location. Motorized scooters may only be parked on private property with the permission of the property owner.

(b) Motorized scooters may not be parked at bicycle docking stations located on city and/or MPA property with an existing agreement.

(c) Motorized scooters must be upright while parked.

(d) Motorized scooters may not be parked in a manner that would impede normal and reasonable pedestrian access on a sidewalk or in any manner that would reduce the minimum clear width of a sidewalk to less than three feet.

(e) Motorized scooters may not be parked in a manner that would impede vehicular traffic.

(f) Motorized scooters may not be parked in a manner that would impose a threat to public safety or security.

(g) Motorized scooters may not be parked on a block where the sidewalk is at any point less than six feet in width, or on a block that does not have sidewalks.

(h) Motorized scooters may not be parked in a visibility triangle as defined in section 54-1 of this Code, measured in accordance with Section 3.8.4 of Miami 21 Code, the zoning ordinance of the City of Miami, Florida, as amended.

(i) Motorized scooters must be parked in a manner that is compliant with the applicable provisions of the Americans with Disabilities Act of 1990.

(j) Motorized scooters may not be parked in a way that blocks:

(1) Fire hydrants call boxes or other emergency facilities;

(2) Transit facilities;

(3) Loading spaces or zones;

(4) Passenger loading spaces or zones, or valet parking service areas;

(5) Railroad tracks or crossings;

(6) Disabled or prohibited parking zones;

(7) Street furniture that requires pedestrian access (for example, benches, parking pay stations, or bicycle/news racks);

(8) Window displays;

(9) Building entryways; or

(10) Vehicular driveways.

(k) Motorized scooters that are parked in an incorrect manner must be re-parked, removed and/or relocated by an operator within two hours of receiving notification from the city.

(l) The city or the MPA may identify designated motorized scooter parking zones in order to guide riders to preferred parking zones and assist with the orderly parking of motorized vehicles throughout the city.

(m) Motorized scooter users should provide a picture of the parked scooters at the end of their use so as to

assure they are not blocking pedestrian walkways, parked in a hazardous manner, etc. In the event the city established any marked and designated motorized scooter parking corrals, scooters shall park in available spaces within such corrals.

(n) Parking violations, including disabled parking space violations, will be subject to remedies as are provided by state uniform traffic control laws, this article, and section 1-13 of the City Code, titled "General penalty." Violations may be issued to motorized scooter drivers or operators. Remedies are cumulative and not exclusive.

(Ord. No. 13795, § 2, 10-11-18; Ord. No. 13862, § 2, 9-26-19)

Sec. 8-14. - Operations; remedies.

(a) No one under the age of 18 shall operate a motorized scooter. Persons under 18 years of age may not be motorized scooter users or passengers. No more than one person, 18 years of age or older, may ride a motorized scooter at any one time. There shall be a fine of $100.00 imposed for each instance that an unregistered person is found to be a user or passenger.

(b) Operators shall comply with all applicable rules, regulations, and laws, including any additional rules and regulations promulgated by the city manager, or his or her designee. Operators should encourage the use of a bicycle helmet that is properly fitted and is fastened securely upon the passenger's head by a strap, and that meets the federal safety standard for bicycle helmets, Final Rule, 16 C.F.R. Part 1203.

Motorized scooter users shall be subject to all rules, regulations, and laws, including any additional rules and regulations promulgated by the city manager, or his or her designee, applicable to motorized scooter user, except those which, by their very nature, can have no application. The city manager may consider the following factors in promulgating the rules: The National Association of City Transportation Officials recommendations, inclusive of, cities should require licensees/operators to come to agreement with the city on procedures and protocols for:

- Extreme weather (e.g. blizzards, hurricanes, floods)
- Emergencies (e.g. earthquakes, fires, etc.)
- Special events (e.g. marathons, events, parades, film shoots, etc.)
- Maintenance (e.g. debris and trash removal) for small vehicle parking zones. Operators shall at all times maintain a staffed operations center within the city;

(c) Operators shall maintain a 24-hour customer service phone number prominently posted on each motorized scooter for customers and citizens to report safety concerns, make complaints, ask questions, or request that a motorized scooter(s) be relocated.

(d) Operators shall provide the city with the contact information for someone who can rebalance, remove, and/or relocate motorized scooter(s). The operator shall rebalance, remove, and/or relocate a motorized scooter(s) within two hours of receiving notification from the city. An operator shall notify the city within 24 hours of a change in contact information.

(e) Any motorized scooter that is removed due to maintenance or safety issues shall be repaired before being returned to service.

(f) The city and/or MPA may, without prior notice to the operator or motorized scooter user, remove any moto scooter(s) that is/are visibly damaged or non-functional, or blocking the public right-of-way, or located outsi pilot program area, and take it to a MPA or other city facility for storage, at the sole expense of an operator. city and/or MPA shall charge a fee of not to exceed $25.00 per scooter for removal and storage. The city and MPA shall invoice the operator for the cost of removal and storage. Any motorized scooter that remains unc with the city and/or MPA for five days is subject to sale pursuant to the procedures for abandoned or lost pr set forth in F.S. § 705.103, or by any other method allowed by the laws of the State of Florida or the city.

(g) Motorized scooters must be well maintained and in good operating condition.

(h) Motorized scooters must be of a high quality and sturdily built to withstand the effects of weather and constant use for a period of no less than five years.

(i) Motorized scooters must be rebalanced on a daily basis.

(j) Motorized scooters shall not display any third-party advertising.

(k) Each motorized scooter shall be equipped with active global positioning system (GPS) technology.

(l) Each motorized scooter shall display the name of the operator, (and if it can be accommodated the local business address) along with a unique identification number. Each motorized scooter shall have an identification number ("ID NO. #") matching motorized scooter "QR code" and each digit within the ID NO. # must be at least two inches in height. Each ID NO. # must be placed on both sides of the vertical post of the scooter. This will aid reporting, monitoring, and compliance issues.

(m) Operators shall educate persons operating motorized scooters regarding the rules, regulations, and laws applicable to riding, operating, and parking a motorized scooter. An operator's mobile application must provide information notifying a motorized scooter user that:

(1) Motorized scooters may be operated on bike paths, bike lanes, including those within city parks, and the baywalk, streets, or sidewalks/sidewalk areas in a manner similar to bicycles;

(2) Motorized scooters are to be operated at a person's own risk, and that no representation is being made by the city as to the condition of any sidewalk, street, road, bike path, lane, baywalk, or sidewalk area;

(3) Motorized scooter users shall at all times yield to pedestrians and shall give an audible signal before overtaking and passing such pedestrian;

(4) The use of helmets while operating a motorized scooter is strongly encouraged;

(5) Operators will require every motorized scooter user to pass a motorized scooter safety education training as is provided by the operator;

(6) Operators will require every motorized scooter user to show or scan a photographic identification, which shall be a driver's license, a state identification, or a passport, which must indicate that every motorized scooter user is at least 18 years old;

(7) Operators must show every motorized scooter user a clear and legible map of the mandated geofenced areas within the city. For purposes of this article a geofenced area is simply a virtual fence or a perimeter around a physical location where motorized scooters are allowed to operate pursuant to this article; and

(n) Operators will implement marketing and targeted community outreach plans, at their own expense, and to t satisfaction of the city, to promote the use of motorized scooters, particularly in low-income communities, a provide education regarding the rules, regulations and laws applicable to riding, operating, and parking a motorized scooter, as well as safe, prudent, defensive, and courteous operation.

(o) Operators shall work with local businesses or other organizations to promote the use of helmets by persons operating motorized scooters through partnerships, promotional credits, and other incentives.

(p) Operators shall not place or attach any fixtures, structures, or personal property, other than a motorized scooter, in the public right-of-way without the written permission of the city manager or his or her designee. Permission to place any items in the public right-of-way must be incorporated into the license.

(q) If the city, or MPA, incurs a cost in addressing or abating any violation of this article, or incurs any cost of repair or maintenance of any public property resulting from the use of motorized scooters, the operator shall reimburse the city for the full cost within 30 days of receiving written notification from the city.

(r) Motorized scooter users shall have all of the rights and duties applicable to a rider of a bicycle riders under F.S. § 316.2065, titled "Bicycle regulations," except the duties imposed by F.S. §§ 316.2065(2), (3)(b), and 3(c), which by their nature do not apply. However, this section may not be construed to prevent the city, through the exercise of its powers under F.S. § 316.008, from adopting an ordinance such as this article governing the operation of micromobility devices, motorized scooters on streets, highways, sidewalks, and sidewalk areas under the city's jurisdiction.

(s) Motorized scooter users, pursuant to subsection (r) above, who are in violation of this article, or in violation of applicable state laws including State Uniform Traffic Control Laws, will be subject to enforcement as provided by applicable Florida Laws, this article, and as set forth section 1-13 of the City Code, titled "General penalty." Remedies are cumulative and are not exclusive.

(Ord. No. 13795, § 2, 10-11-18; Ord. No. 13862, § 2, 9-26-19)

Sec. 8-15. - Data sharing.

(a) Operators shall cooperate with the city in the collection and analysis of aggregated data concerning its operations. All data furnished under section 8-15 will be in a form reasonably acceptable to the chief information officer of the city. Operators shall provide the city with real-time information on all motorized scooters operating within its boundaries through a documented API. Operators shall provide the city manager, and his or her designee under section 8-15, the chief information officer, with the procedure and credentials to authenticate to the API.

(b) Operators shall publish to the API (1) the point location, and (2) identification number for each motorized scooter. The city shall be permitted to display real-time data provided via the API and may publish real-time motorized scooter availability data to the public.

(c) Operators shall also provide the following anonymized data for each trip record through the API:

Field Name	Format	Description

Company Name	[Company Name]	N/A
Trip Record Number	XXX0001, XXX0002, XXX0003, …	3-Letter Company Acronym + Consecutive Trip Number
Trip Duration	MM:SS	N/A
Trip Distance	Feet	N/A
Start Date	MM/DD/YYYY	N/A
Start Time	HH:MM:SS (00:00:00 -	N/A
End Date	MM/DD/YYYY	N/A
End Time	HH:MM:SS (00:00:00 -	N/A
Start Location	XY or Lat/Lon Coordinates XY or Lat/Lon Coordinates	N/A
End Location	XY or Lat/Lon Coordinates	N/A
Identification Number	xxxx1, xxxx2, …	Unique Identification for Every Motorized Scooter

Route: Licensee will create a GeoJSON Feature Collection where every observed point in the route, plus a time stamp, should be included. The route must include at least two points, a start point and end point. Additionally, it must include all possible GPS samples collected by a provider.

Standard Cost: The cost, in cents that it would cost to perform that trip in the standard operation of the system.

Actual Cost: The actual cost in cents paid by the user for the trip.

(d) Operators shall provide the city's department of innovation and technology with well-developed data through the mobility data standard ("MDS") in two different feeds: real-time/current information; and historical information. In-trip, route telemetry data is required for analysis in MDS Historical feeds, but may be excluded from the MDS Realtime feed. However, operators must provide scooter availability in real-time for enforcement purposes.

(Ord. No. 13795, § 2, 10-11-18; Ord. No. 13862, § 2, 9-26-19)

Sec. 8-16. - Insurance requirements.

(a) An operator shall procure and keep in full force and effect no less than the insurance coverage required by this section through a policy or policies written by an insurance company or companies authorized to do business in Florida, who are rated A- (V) or better per A.M. Best's Key Rating Guide.

(b) The insured provisions of the policy or policies must list the city, the MPA, their officers and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a motorized scooter.

(c) An operator shall maintain the following insurance coverages:

(1) Commercial general liability with limits of $2,000,000.00 per occurrence, $5,000,000.00 policy aggregate affording coverage for claims resulting from bodily injury (including death) and property damage. The policy shall be written on a primary and noncontributory basis, and should insure against premises and operations, personal injury, and contingent and contractual exposures.

(2) Automobile/motorcycle liability affording coverage on all motor vehicles/scooters used in connection with the operations or activities contemplated under this article. The operator should furnish the city with a policy affording coverage on all owned autos and scooters, including coverage for hired and non-owned auto exposures, with a combined single limit for bodily injury (including death) and property damage of $2,000,000.00 per accident.

(3) Workers compensation subject to the statutory limits of the State of Florida.

(4) The city retains the right to require additional insurance coverage in connection with the activities performed by the operator under this article as may be determined by the city risk management director, considering the size of the fleet and other liability insurance related factors.

(5) Failure to maintain required insurance coverage is cause for immediate cancellation of the license by the city manager or his or her designee.

(d) Any insurance policy required by this section must be on file with the risk management department, in a form acceptable to the city manager, or his or her designee, prior to the issuance of a License under this article.

(e) Insurance required under this section must include a cancelation provision in which the insurance company is required to notify both the operator and city manager, or his or her designee, in writing not fewer than 30 days before cancelling any insurance policy or before making a reduction in coverage. An operator, upon receiving said notice, shall file with the risk management department, in a form acceptable to the city manager, or his or her designee, any and all replacement insurance policies prior to the cancelation or reduction of the same.

(f) An operator may not be self-insured.

(Ord. No. 13795, § 2, 10-11-18)

Sec. 8-17. - Payment and performance bond or irrevocable letter of credit.

(a) An operator shall submit to the risk management department a payment and performance bond, in a format as prescribed in F.S. § 255.05, and in a form acceptable to the city manager, or his or her designee, prior to the issuance of a license under this article.

(b) Alternatively, an operator may post an irrevocable letter of credit issued by a bank authorized to transact business in Florida.

(c) The payment and performance bond or irrevocable letter of credit shall be in the sum of $50,000.00, and must list the operator as principal and be payable to the city.

(d) The payment and performance bond or irrevocable letter of credit must remain in effect for the duration of the license.

(e) Cancellation of the payment and performance bond or irrevocable letter of credit does not release the operator from the obligation to meet all requirements of this article and license. If the payment and performance bond or irrevocable letter of credit is cancelled, the license shall be suspended on the date of cancelation and the operator shall immediately cease operations until the operator provides the city manager, or his or her designee, with a payment and performance bond or irrevocable letter of credit that meets the requirements of this section.

(Ord. No. 13795, § 2, 10-11-18; Ord. No. 13862, § 2, 9-26-19)

Sec. 8-18. - Indemnification.

Operators shall indemnify, defend, and hold harmless the city, the MPA, jointly and severally, and their respective officers, employees, agents and instrumentalities from any and all liability, losses or damages, including any and all attorneys' fees and costs of defense, which the city and its officers, employees, agents and instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature including, but not limited to, personal injury or wrongful death, property loss or damage, the conditions and features on all sidewalks and sidewalk areas, bike lanes or bike paths, streets, bay walks, or other areas within the city on which a motorized scooter is operated, to the extent arising out of or in any way connected with the operation of the motorized scooter service or use of a motorized scooter. Operators shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the city, where applicable, including administrative, trial, and appellate proceedings, and shall pay all costs, judgments, and attorneys' fees which may issue thereon. Operators shall expressly understand and agree that any insurance protection required by this article, or otherwise provided or secured by an operator, shall in no way limit the responsibility to indemnify, defend and hold harmless the city, the MPA, or their officers, employees, agents and instrumentalities as required by this section. The obligation to indemnify, defend, and hold harmless will survive the revocation, cancellation, or expiration of a license. The operators will acknowledge on the license application form, which will include this indemnification in substantially the language provided by this section, that the granting of the license is, in part, conditioned on the granting of this indemnification which is knowingly and voluntarily given by the operators.

Motorized scooters are only authorized to be used in the pilot program area of commission district 2. Motorized scooter use outside the pilot program area is not lawful, is not authorized and operators shall defend, hold harmless and indemnify the city and MPA for every, any, and all liabilities, losses or damages, including any and all attorneys' fees and costs of defense, which the city and its officers, employees, agents and instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature for motorized scooters operating outside the pilot program area including, without limitation, those listed in this section and the impoundment, seizure, and possible sale of motorized scooters operating anywhere outside of the pilot program area in the city. In addition to other remedies available the city may make a claim against the payment and performance bond or letter of credit submitted by the operator and/or effectuate a revocation of their license.

(Ord. No. 13795, § 2, 10-11-18; Ord. No. 13862, § 2, 9-26-19)

Sec. 8-19. - Expiration.

The motorized scooter pilot program will, by virtue of this two-month extension, commence on November 1, 2019 and automatically terminate on January 1, 2020. Any further extension of this pilot program may be approved by resolution, subject to pilot program limitations set forth in section 2-33 of the City Code, as amended. This will not preclude the city from making this a permanent program.

(Ord. No. 13795, § 2, 10-11-18; Ord. No. 13862, § 2, 9-26-19)

AUSTIN, TX

CHAPTER 12-2. - MICRO-MOBILITY DEVICES AND BICYCLES.

ARTICLE 1. - GENERAL PROVISIONS.

§ 12-2-1 - DEFINITIONS.

In this chapter:

(1) CHILD means a person younger than 18 years of age who has not been married or had the disabilities of minority removed for general purposes.

(2) DIRECTOR means the director of the Austin Transportation Department.

(3) BICYCLIST means a person operating a bicycle.

(4) PARENT means the natural or adoptive parent or court-appointed guardian or conservator of a child.

(5) RIDER means a person operating a bicycle or a micro-mobility device.

(6) SHARED MICRO-MOBILITY SERVICE means a publicly offered transportation service that enables a person to obtain short-term access to a micro-mobility device on an as-needed basis.

Source: 1992 Code Section 16-8-1; Ord. 031204-13; Ord. 031211-11; Ord. No.20190523-059, Pt. 6, 5-3-19.

§ 12-2-2 - APPLICABILITY.

This chapter applies when a rider operates a micro-mobility device or bicycle on a street or sidewalk.

Source: 1992 Code Section 16-8-2 (C); Ord. 031204-13; Ord. 031211-11; Ord. No.20190523-059, Pt. 7, 5-3-19.

ARTICLE 2. - MICRO-MOBILITY DEVICE AND BICYCLE TRAFFIC REGULATIONS.

> *Footnotes:*
> *--- (**15302_T12CH002_1**) ---*
> ***Editor's note—** Ord. No. 20190523-059 , Pt. 8, effective May 3, 2019, amended Chapter 12-2, Article 2 title to read as herein set out. Formerly, such title pertained to Bicycle Traffic Regulations.*

§ 12-2-11 - APPLICABILITY OF VEHICLE TRAFFIC RULES.

A rider shall comply with the requirements of this title imposed on a driver of a vehicle, to the extent that the requirements may be applied to operation of a micro-mobility device or bicycle.

Source: 1992 Code Section 16-8-20; Ord. 031204-13; Ord. 031211-11; Ord. No.20190523-059, Pt. 9, 5-3-19.

§ 12-2-12 - OBEDIENCE TO TRAFFIC-CONTROL DEVICES.

(A) A rider shall obey the instruction of official traffic signals, signs, and other traffic-control devices applicable t vehicles, unless otherwise directed by a police officer.

(B) Unless a bike lane is specifically designated otherwise, a rider travelling in a bike lane may not travel in the opposite direction of adjacent motor vehicles in the roadway.

(C) A rider shall obey traffic signs that prohibit a right, left, or "U" turn, except when the rider dismounts from the micro-mobility device or bicycle to make the turn. A rider who dismounts shall obey regulations applicable to pedestrians.

Source: 1992 Code Section 16-8-21; Ord. 031204-13; Ord. 031211-11; Ord. No.20190523-059, Pt. 9, 5-3-19.

§ 12-2-13 - USE OF SIDEWALKS.

(A) Except as provided in Subsections (B) and (C), a person may ride a micro-mobility device or bicycle on a sidewalk in a reasonable and prudent manner.

(B) Riders shall yield to pedestrians on sidewalks and in cross walks.

(C) Riders shall operate on sidewalks in a manner consistent with the Americans With Disabilities Act and that does not endanger or hinder the movement of persons with limited mobility or other sidewalk users.

Source: 1992 Code Section 16-8-22; Ord. 031204-13; Ord. 031211-11; Ord. 20060727-016; Ord. No.20190523-059, Pt. 10, 5-3-19.

§ 12-2-14 - EXITING FROM ALLEY, DRIVEWAY, OR BUILDING.

A rider exiting from an alley, driveway, or building shall yield the right-of-way to a pedestrian on a sidewalk or sidewalk area, or to a vehicle on a roadway.

Source: 1992 Code Section 16-8-23; Ord. 031204-13; Ord. 031211-11; Ord. No.20190523-059, Pt. 9, 5-3-19.

§ 12-2-15 - PARKING.

(A) A person shall not park a micro-mobility device or bicycle:

(1) in a manner that obstructs pedestrian or vehicle traffic;

(2) in a space designated as a vehicle parking place or between two designated vehicle parking places, unless otherwise marked;

(3) in a manner that obstructs transit stops, shelters, or platforms;

(4) on any part of an accessibility ramp for persons with disabilities, or in any manner that would restrict the movement of persons with disabilities;

(5) in designated and marked special use zones, including, but not limited to, commercial service zones, passenger loading zones, customer service zones and valet zones;

(6) in a manner that obstructs fire suppression appurtenances, building entryways, exits, or vehicular driveways;

(7) on or near railroad or light rail tracks or crossings;

(8) in a manner that obstructs street furniture that pedestrians access, including, but not limited to, benche parking pay stations; or

(9) on any private property without the permission of the owner.

(B) A person shall not attach or secure a micro-mobility device or bicycle to public or private property in a manner that may damage, impair, or render the property unusable.

(C) A person shall park a micro-mobility device or bicycle:

(1) in designated spaces marked for such use;

(2) in a manner which does not obstruct a roadway, path, sidewalk, crosswalk, or other pedestrian-way;

(3) in a manner which does not obstruct building entrances, exits, fire exits, delivery areas, or alleyways;

(4) in a manner which does not obstruct travel and movement in violation of the Americans with Disabilities Act; or

(5) in a manner which does not trespass on or obstruct private property, unless authorized by owner.

Source: 1992 Code Section 16-8-24; Ord. 031204-13; Ord. 031211-11; Ord. No.20190523-059, Pt. 11, 5-3-19.

§ 12-2-16 - RIDING RESTRICTIONS.

(A) Except as otherwise directed by a traffic-control device or a police officer, a rider shall ride in accordance with state law.

(B) A rider shall not operate a micro-mobility device or bicycle between vehicles traveling or standing in the same direction within marked lanes of a roadway or contrary to established traffic control devices.

Source: 1992 Code Section 16-8-25; Ord. 031204-13; Ord. 031211-11; Ord. No.20190523-059, Pt. 12, 5-3-19.

§ 12-2-17 - RIDING ON RESTRICTED OR PROHIBITED STREETS.

A rider may not operate a micro-mobility device or bicycle on a street or sidewalk where riding is prohibited or on a street during the hours that riding is prohibited on the street.

Source: 1992 Code Section 16-8-26; Ord. 031204-13; Ord. 031211-11; Ord. No.20190523-059, Pt. 12, 5-3-19.

§ 12-2-18 - RIDER DUTIES.

A rider who causes injury to a person or damage to property shall immediately stop the micro-mobility device or bicycle and:

(A) Provide any injured person reasonable assistance;

(B) Give the injured person or owner of damaged property the rider's name, address, and phone number; and

(C) If the damaged property is unattended, the rider must leave in a conspicuous place, or securely attached in a visible way to the property, a written notice with the rider's name, address, and phone number.

Source: Ord. No. 20190523-059 , Pt. 13, 5-3-19.

ARTICLE 3. - SAFETY EQUIPMENT.

Footnotes:
*--- (**15302_T12CH002_2**) ---*
***Editor's note—** Ord. No. 20190523-059 , Pt. 14, effective May 3, 2019, amended Chapter 12-2, Article 3 title to read as herein set out. Formerly, such title pertained to Bicycle Helmets.*

§ 12-2-31 - HELMET REQUIRED.

(A) Except as permitted by Section 12-2-33 (*Health Condition Exemption*) a child may not operate or ride a micro-mobility device or a bicycle, sidecar, trailer, child carrier, seat, or other device attached to a micro-mobility device or bicycle unless the child is wearing a helmet.

(B) Except as permitted by Section 12-2-33 (*Health Condition Exemption*) a parent may not permit a child to operate or ride a micro-mobility device or a bicycle, sidecar, trailer, child carrier seat, or other device attached to a micro-mobility device or bicycle unless the child is wearing a helmet.

(C) Under this section, a helmet must:

(1) be properly fitted and securely fastened to the child's head with the straps securely tightened;

(2) not be structurally damaged; and

(3) conform to the standards of the United States Product Safety Commission.

Source: 1992 Code Sections 16-8-1 and 16-8-40; Ord. 031204-13; Ord. 031211-11; Ord. No.20190523-059, Pt. 15, 5-3-19.

§ 12-2-32 - APPROVAL OF STANDARDS.

The city council approves the bicycle helmet standards promulgated by the United States Consumer Product Safety Commission.

Source: 1992 Code Section 16-8-43; Ord. 031204-13; Ord. 031211-11; Ord. No.20190523-059, Pt. 15, 5-3-19.

§ 12-2-33 - HEALTH CONDITION EXEMPTION.

(A) A child is not required to wear a helmet if the child has in its immediate possession a health exemption identification prescribed by this section.

(B) The city manager shall provide a health exemption identification to a child with a written statement:

(1) from a licensed physician that states the child's health condition and explains why the condition prevents the child from wearing a helmet; and

(2) that is approved by the Austin-Travis County Health and Human Services Department.

(C) The city manager shall establish procedures to implement this section.

Source: 1992 Code Section 16-8-45; Ord. 031204-13; Ord. 031211-11.

§ 12-2-34 - MULTIPLE RIDERS PROHIBITED.

A rider may not operate a micro-mobility device or bicycle with another rider or occupant, unless the device or bicycle is specifically manufactured and designed to accommodate multiple riders.

Source: Ord. No. 20190523-059 , Pt. 16, 5-3-19.

Editor's note— Ord. No. 20190523-059 , Pt. 16, adopted May 3, 2019, repealed the former § 12-2-34, and enacted a new § 12-2-34 as set out herein. The former § 12-2-34 pertained to sale of a bicycle and derived from 1992 Code Section 16-8-41(A); Ord. 031204-13; Ord. 031211-11.

§ 12-2-35 - RESERVED.

Editor's note— Ord. No. 20190523-059 , Pt. 17, adopted May 3, 2019, repealed § 12-2-35, which pertained to lease of a bicycle and derived from 1992 Code Section 16-8-41; Ord. 031204-13; Ord. 031211-11.

§ 12-2-36 - PENALTY; ENFORCEMENT.

(A) A person commits an offense if the person performs an act prohibited by this article or fails to perform an act required by this article.

(B) A culpable mental state is not required for the commission of an offense under this article.

(C) A separate offense is committed each time an offense occurs.

(D) Prosecution for an offense under this article does not prevent the use of other enforcement remedies or procedures applicable to the person charged with the conduct or involved in the offense.

(E) An offense under this article is a Class C misdemeanor punishable by a fine not to exceed:

(1) $20 on a first conviction; and

(2) $40 on a subsequent conviction.

(F) The municipal court may dismiss a charge against a person for an offense under Section 12-2-31 (*Helmet Required*) on receiving proof that the defendant acquired a helmet for the child who was operating or riding a micro-mobility device or bicycle in violation of Section 12-2-31 (*Helmet Required*) on or before the 30th day after the citation was issued.

(G) To promote the use of helmets, the city council encourages the municipal court to consider deferred dispositions under Article 45.051 (*Suspension of Sentence and Deferral of Final Disposition*) of the Texas Code of Criminal Procedure where appropriate.

(H) A police officer or officer designated by the Director may issue a citation for any violation of this ordinance.

Source: 1992 Code Sections 16-8-2 (A) and (B), and 16-8-42; Ord. 031204-13; Ord. 031211-11; Ord. No.20190523-059, Pt. 18, 5-3-19.

§ 12-2-37 - CIVIL ACTIONS.

(A) The city council adopts this article to encourage safety through the use of helmets and through the

promotion of educational efforts.

(B) The city council does not intend this article to be used in a manner to prejudice a person, child, or parent in a civil action arising out of an accident. The council encourages construction of this article accordingly.

Source: 1992 Code Section 16-8-44; Ord. 031204-13; Ord. 031211-11; Ord. No.20190523-059, Pt. 19, 5-3-19.

SANTA MONICA, CA

Chapter 3.22 SECOND SHARED MOBILITY DEVICE PILOT PROGRAM

3.22.010 Purpose.

Consistent with the City's goals of enhancing mobility and access, easing traffic congestion, and promoting sustainability, this Chapter creates a second limited term pilot program to continue to facilitate the use of shared mobility devices while ensuring the protection of public health and safety, including the safety of the public traveling by foot, bicycle, or vehicle on public sidewalks, streets, and other public rights-of-way. The second pilot program also seeks to continue to recover the costs to the City of overseeing and enforcing the operation and regulation of a shared mobility device pilot program. (Added by Ord. No. 2630CCS § 2, adopted 2/11/20)

3.22.020 Definitions.

(a) "Abandon" shall mean leaving an item unattended for any length of time.

(b) "Director" shall mean the Director of Transit Services or designee.

(c) "Mobility officer" shall mean the City's mobility manager or designee.

(d) "Operator" shall mean any person or business entity selected by the City to participate in the second shared mobility device pilot program pursuant to this Chapter.

(e) "Public area" shall mean any outdoor area that is open to the public for public use, whether owned or operated by the City or a private party.

(f) "Public right-of-way" shall mean any public alley, parkway, public transportation path, roadway, sidewalk, or street that is owned, granted by easement, operated, or controlled by the City.

(g) "Shared mobility device" shall mean any transportation device by which a person can be propelled, moved or drawn, that is displayed, offered or placed for rent in any public area or public right-of-way, except that a "shared mobility device" does not include any device being vended or made available for rent exclusively from a vehicle pursuant to a valid City vending permit; a car share vehicle, as defined by Chapter 3.06 of this Code; a moped, as defined by California Vehicle Code Section 406; a device authorized by the City bike share system pursuant to Chapter 3.20 of this Code; a taxicab as regulated in Chapter 6.49 of this Code; a device operated by the Los Angeles County Metropolitan Transportation Authority; or any other device excluded pursuant to administrative regulations. (Added by Ord. No. 2630CCS § 2, adopted 2/11/20; amended by Ord. No. 2666CCS § 4, adopted 3/23/21)

3.22.025 Administrative regulations.

(a) The Director may adopt administrative regulations to implement the provisions of this Chapter, including, but not limited to, permit application procedures and permit standards, which may include regulations relating to lawful conduct, public safety, data sharing, data privacy, and/or the timely removal of hazards.

(b) No person shall fail to comply with the City's administrative regulations. Any violation of any administrative regulation issued pursuant to this Section shall constitute a violation of this Code and shall subject the violator to the penalties set forth in this Chapter. (Added by Ord. No. 2630CCS § 2, adopted 2/11/20)

3.22.030 Prohibited conduct.

Notwithstanding any other provision of this Code, no person shall:

(a) Display, offer or make available for rent any shared mobility device within the City, unless the person has first obtained: (1) a valid shared mobility operator permit issued in accordance with this Chapter: and (2) a business license issued in accordance with Chapter 6.04 of this Code;

(b) Abandon a shared mobility device not authorized by this Chapter in the public right-of-way or a public area in such a way that the device is available for rent; or

(c) Abandon a shared mobility device in the public right-of-way or a public area in a manner that: (1) obstructs travel upon or blocks access to a public right-of-way; (2) poses an immediate public safety hazard; or (3) is otherwise prohibited by applicable laws or administrative regulations. (Added by Ord. No. 2630CCS § 2, adopted 2/11/20)

3.22.040 Maximum number of shared mobility operator permits and shared mobility devices permitted.

(a) The Mobility Officer shall issue up to four shared mobility operator permits authorizing the deployment of one or more shared mobility devices within the City. No shared mobility operator permits shall be issued to any operator that proposes to deploy any shared mobility device that is exclusively powered by the human body or powered by combustion engine.

(b) The Mobility Officer shall establish the number of shared mobility devices whose deployment within the City is authorized under each shared mobility operator permit. No more than on a weekly basis or within fourteen days following any City Council action adjusting the maximum number of permitted operators or devices pursuant to subsection (d) of this section, the Mobility Officer may adjust the maximum number of devices authorized by each shared mobility operator permit. In making determinations regarding the maximum number of authorized devices, the Mobility Officer shall take into consideration market needs, the total number of devices and the total number of devices of any particular type deployed in the City, device utilization, and any other criteria set forth in administrative regulations. The Mobility Officer shall first publish his or her tentative adjustment decision under this Section, along with reasons supporting the decision, and solicit comments prior to making a final determination. The Mobility Officer's final determinations under this Section shall constitute the final decision of the City and are not subject to further administrative review. No person shall fail to comply with the Mobility Officer's established device limitations.

(c) No operator shall be granted authorization for less than fifty shared mobility devices of one type.

(d) At any time, in the City Council's discretion, the City Council may reassess the number of shared mobility operator permits authorized for issuance. The City Council, in its discretion, may determine by resolution that the number of shared mobility operator permits or the number of total authorized devices should be reduced or increased. (Added by Ord. No. 2630CCS § 2, adopted 2/11/20; amended by Ord. No. 2666CCS § 3, adopted 3/23/21)

3.22.050 Shared mobility operator permit application procedure, fees and requirements.

(a) Any person seeking to obtain a shared mobility operator permit shall submit a written application, signed under penalty of perjury, using the form designated by the Mobility Officer for that purpose.

(b) The City Council may establish permit fees and charges by resolution, which shall:

(1) Defray the City's costs in administering and enforcing the provisions of this Chapter; and

(2) Reflect charges associated with use of public property pursuant to this Chapter.

(c) The Mobility Officer shall specify the information that must be provided in connection with an application and the form in which the information is to be provided. The application shall contain, at a minimum, the following information:

(1) The name and business address of each person or entity that: (i) has more than a ten percent equity, participation, or revenue interest in the applicant; or (ii) is a trustee, director, partner, or officer of that entity or of another entity that owns or controls the applicant, except persons serving in those capacities as volunteers, without compensation, for organizations exempt from income taxes under Section 501(c) (3), (4), or (6) of the Internal Revenue Code;

(2) The name and business address of any parent or subsidiary of the applicant, namely, any other business entity owning or controlling the applicant in whole or in part, or owned or controlled in whole or in part by the applicant, and a statement describing the nature of any such parent or subsidiary business entity;

(3) Information sufficient to show that the applicant is financially, technically, and legally qualified to operate and maintain a shared mobility device system;

(4) A description of the proposed plan of operation, including, at a minimum, a detailed description of:

(A) The applicant's current operations as a shared mobility device provider in the City and other jurisdictions;

(B) The applicant's proposed operations in the City including the maximum numbers and types of shared mobility devices anticipated to be deployed during the duration of the pilot program, the plan for balancing deployment of shared mobility devices for Citywide coverage, the plan for shared mobility device maintenance, levels of staff for operations and administration, and the plan for customer service;

(C) The applicant's regulatory compliance program;

(D) The applicant's history of, intent to, and ability to comply with state and local law;

(E) The applicant's plans to implement safety programs, including, for example, programs by which the applicant will receive information about and notify users of inappropriate use, encourage users to use appropriate safety devices such as helmets, and discourage users from leaving devices in locations that create hazards in the public right-of-way for persons with disabilities and others;

(F) The applicant's plans to educate users of shared mobility devices about applicable California Vehicle Code provisions and other applicable laws, regulations, and guidelines;

(G) The applicant's plans to comply with applicable Federal, State, and local data privacy laws and otherwise to protect the privacy of personal information provided by users and to provide the City with data necessary for the City to ensure accessibility and availability of the public right-of-way and other public space for shared use by all, and protect the health, welfare, and safety of the public;

(H) The applicant's plans for encouraging use of shared mobility devices as a substitute for trips by car and as a linkage to existing public mass transit systems; and

(I) The applicant's plans for complying with any other requirements set forth by the administrative regulations.

(5) Expect to the extent specifically requested by an applicant, all applications shall be treated as public records pursuant to the California Public Records Act and shall be distributed to all applicants in the event of any appeal by any applicant. If an applicant believes that any portions of an application should be exempt from treatment as a public record and distribution to other applicants, the applicant shall specifically designate those portions and, with respect to each such portion, provide a written explanation of the reasons for the designation. (Added by Ord. No. 2630CCS § 2, adopted 2/11/20)

3.22.060 Shared mobility operator selection.

(a) The shared mobility operator selection committee shall be established by the Mobility Officer. The committee shall consist of City staff with appropriate knowledge and experience and at least one expert in shared mobility who is not a member of City staff, as further set forth in the administrative regulations.

(b) The committee shall review all applications and make written recommendations to the Mobility Officer based on a ranking of each qualified applicant in accordance with objective criteria set forth by this Chapter and the administrative regulations.

(c) Each qualified applicant shall be evaluated based upon objective criteria including: experience; proposed operations plan; financial wherewithal and stability; adequacy of insurance; ability to begin operations in a timely manner; public education strategies; willingness to permit application materials to be treated as public record and made available to the public and other applicants; relevant record of the applicant's or officers', owners' or principals' violations of Federal, State or local law, or rules and regulations; quality, durability and safety record of proposed devices; proposed public right-of-way management and safety plan; and any other objective criteria established by the administrative regulations.

(d) Each applicant shall be provided an opportunity to submit written comments or objections to the committee's recommendations.

(e) The Mobility Officer shall set forth, in writing, the reasons supporting his or her determinations. The Mobility Officer may request additional information from City staff, any applicant, or any other source that would assist in determining the final qualifications and rankings.

(f) The Mobility Officer shall grant a shared mobility device operator permit to up to the highest three ranked applicants. Should applicants among the three highest ranked receive the same score, a lottery shall be used to establish the final rankings for any applicants that achieved the same score.

(g) The Mobility Officer shall, on a date determined by the Mobility Officer, post on the City's website, and send to all applicants by email notice of the posting with a link to the City's website, all of the following: the ranking determinations as to all applicants, the determination of the highest ranked applicants to whom shared mobility device operator permits will be issued, the written reasons supporting the Mobility Officer's determinations, and all portions of all applications other than those portions that applicants have specifically designated with written reasons as exempt from treatment as public records and distribution to the other applicants.

(h) No later than fourteen calendar days after the date on which the Mobility Officer posts and distributes notice of the Mobility Officer's determinations, an applicant may file an appeal of the Mobility Officer's determinations, with respect to that applicant only, to the Director. The administrative regulations shall contain the process for appeal. In connection with any appeal, no applicant shall be entitled to receive the application materials submitted by any other applicant that the other applicant has designated with written reasons as exempt from treatment as a public record and distribution to the other applicants. The issuance of any shared mobility device operator permits shall be stayed until the Director has issued his or her final determinations.

(i) In the event of an appeal by any applicant, the Director shall review the Mobility Officer's determinations in their totality de novo and, no later than twenty-eight calendar days after the date on which the Mobility Officer posts and distributes notice of the Mobility Officers determinations, the Director shall either confirm the Mobility Officer's determinations or render his or her own determinations of applicant ranking and of the applicants to whom mobility device operator permits will be issued. The Director shall set forth, in writing, the reasons supporting his or her final determinations.

(j) The Director's determinations under this Section shall constitute the final decision of the City and shall not be subject to further administrative review.

(k) The Mobility Officer may impose, as part of any shared mobility operator permit issued, any and all conditions that are necessary to effectuate the purposes of this Chapter, mitigate traffic impacts, ensure accessibility of the public right-of-way and availability of public space for shared use by all, or protect the health, welfare, and safety of the public. No person shall fail to comply with such permit conditions. (Added by Ord. No. 2630CCS § 2, adopted 2/11/20)

3.22.070 Limitations on City liability.

To the fullest extent permitted by law, the City shall not assume any liability whatsoever with respect to having issued a shared mobility operator permit or otherwise approving the operation of any shared mobility device. As a condition to the issuance of any shared mobility operator permit, the applicant shall be required to meet all of the following conditions:

(a) The applicant must execute an agreement, in a form approved by the City Attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold harmless the City, and its council, council members, boards, board members, commissions, commission members, task forces, task force members, officers, officials, employees, representatives, volunteers, and agents from any and all claims, losses, damages, injuries, or liabilities which arise out of, or which are in any way related to, the City's issuance of or decision to approve a shared mobility operator permit; the process used by the City in making its decision to approve a shared mobility operator permit; the operation and use of any shared mobility device deployed by any operator who has received a shared mobility operator permit; the classification by the operator of any individuals or entities performing services for the operator as employees or contractors; or the alleged violation of any Federal, State or local laws by the applicant or any of its officers, managers, employees, contractors, or agents.

(b) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time, as determined by the City's Risk Manager and name the City of Santa Monica as additional insured. The applicant's insurance policy shall be endorsed to state that coverage shall not be cancelled except after thirty days prior written notice by certified mail has been given to the City. If any insurance policy issued to a permittee is cancelled for any reason, the permit issued under this Chapter is automatically suspended. In order to reinstate the permit, the permittee shall provide a new certificate and policy of insurance to the City.

(c) Reimburse the City for all costs and expenses, including, but not limited to, attorney fees and costs, which it may be required to pay as a result of any legal challenge arising out of or in any way related to any claim, loss, damage, injury, or liability as to which the applicant has an obligation to indemnify, defend, and hold harmless the City pursuant to Section 3.22.070(a) above. The City may, at its sole discretion, participate at its own expense in the defense of any such legal challenge, but such participation shall not relieve any of the obligations imposed hereunder. (Added by Ord. No. 2630CCS § 2, adopted 2/11/20)

3.22.080 Grounds for revocation, suspension or denial.

A shared mobility operator permit may be revoked, suspended, or denied by the Director based upon any of the following grounds:

(a) An applicant or operator, including its employees, managers, officers, principals, directors, owners, contractors, representatives, or agents:

(1) Making one or more false or misleading statements, or material omissions on the permit application, during the application process, or during the pilot program;

(2) Failing to provide information requested or required by the City;

(3) Operating or proposing to operate in a manner that endangers public health or safety; or

(4) Failing to comply with any requirement imposed by the provisions of this Code (or successor provision or provisions) including any rule, regulation, condition or standard promulgated pursuant to this Chapter (or successor provision or provisions), or any term or condition imposed on the shared mobility operator permit, or any provision of State or Federal law.

(b) Conviction of the operator, to include any of its officers, principals, directors, or owners, of a criminal offense that is substantially related to the qualifications, functions or duties of the shared mobility business or profession, including, but not limited to, any criminal conviction involving a violent or serious felony, fraud, deceit, or embezzlement. (Added by Ord. No. 2630CCS § 2, adopted 2/11/20)

3.22.090 Pilot program term.

Permits issued pursuant to this Chapter shall take effect on July 1, 2021, and be of no further force or effect beyond March 30, 2023, unless otherwise extended or terminated earlier by the City. (Added by Ord. No.

2630CCS § 2, adopted 2/11/20; amended by Ord. No. 2639CCS § 2, adopted 5/26/20; Ord. No. 2666CCS § 2, adopted 3/23/21)

3.22.100 Impoundment of devices.

(a) A shared mobility device that is displayed, offered, or made available for rent, or abandoned, in the public right-of-way or a public area in violation of Section 3.22.030 shall be subject to immediate impoundment by the City.

(b) The City Council may adopt impound fees by Resolution, which shall reflect the City's enforcement, investigation, storage, and impound costs.

(c) No person shall retrieve any impounded shared mobility device except upon demonstrating proper proof of ownership of the device and payment of applicable impound fees. (Added by Ord. No. 2630CCS § 2, adopted 2/11/20)

3.22.110 Enforcement.

(a) Any person who violates any provision of this Chapter, including any permit condition, shall be guilty of an infraction, which shall be punishable by a fine not exceeding two hundred fifty dollars, or a misdemeanor, which shall be punishable by a fine not exceeding five hundred dollars per violation or by imprisonment in the County Jail for a period not exceeding six months or by both such fine and imprisonment.

(b) Any person who violates any provision of this Chapter, including any permit condition, shall be subject to administrative fines and administrative penalties pursuant to Chapter 1.09 and Chapter 1.10 of this Code.

(c) Any person convicted of violating this Chapter in a criminal case, or found to be in violation of this Chapter in a civil or administrative case brought by a law enforcement agency, shall be ordered to reimburse the City and other participating law enforcement agencies their full investigative costs. (Added by Ord. No. 2630CCS § 2, adopted 2/11/20)

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