

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, RELATING TO BICYCLING AND MOTORIZED SCOOTERS; SUBSTANTIALLY AMENDING CHAPTER 10, ORLANDO CITY CODE, ENTITLED “BICYCLES AND BICYCLE PATHS” TO ALLOW SCOOTER SHARING SERVICES AND TO REVISE THE CURRENT BIKE-SHARE PROVISIONS TO ENSURE CONSISTENCY; PROVIDING LEGISLATIVE FINDINGS, DEFINITIONS, PENALTIES, AND FOR SEVERABILITY, CODIFICATION, CORRECTION OF SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, The Florida legislature recently amended Chapter 316, Florida Statutes, so that micromobility devices, such as motorized scooters, would be treated the same as bicycles under certain circumstances, particularly with respect to the right to use the sidewalk and/or roadway; and

WHEREAS, scooter-share companies are operating in many cities nationwide, providing scooter rentals via mobile phone applications similar to bike share companies; and

WHEREAS, Goal 1 of the Transportation Element of the City’s *Growth Management Plan* (the “GMP”; the GMP is the City’s “comprehensive plan” for purposes of the Florida Community Planning Act, sections 163.3161 – 163.3217, Florida Statutes) is “[t]o develop a balanced transportation system that supports building a livable community with complete streets and improves access and travel choices through enhancement of roads, public transit, bicycle and pedestrian systems, [and] intermodal facilities...”; and

WHEREAS, one of the transportation goals of the City’s *Greenworks Orlando 2013 Community Action Plan* is that by the year 2040 a majority of all trips in the City are made by “foot, bike, carpooling, or transit”; and

WHEREAS, the City Council of the City of Orlando, Florida (the “Orlando City Council”), hereby finds that walking, biking, travel by scooter or other micromobility device, transit, and ridesharing are increasingly popular transportation alternatives to the single-occupant automobile; and

WHEREAS, the Orlando City Council hereby finds that, properly regulated, scooter sharing services offer a viable and environmentally sustainable transportation option and that the Orlando City Code should be amended to allow, in appropriate settings, scooter sharing services on certain public property and rights-of-way; and

WHEREAS, however, in light of the issues arising from the use of scooters, particularly in downtown areas, the Orlando City Council also finds that a pilot program allowing scooter share companies to operate in certain areas of the City is an appropriate way to analyze and review the issue of scooter-share operation in the City of Orlando.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AS FOLLOWS:

SECTION 1. The Title of Chapter 10 is hereby amended as follows:

Chapter 10

Bicycles, Scooters, Micromobility Devices and Bicycle Paths

SECTION 2. SEC. 10.01, AMENDED. Section 10.01, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 10.01. - Definitions.

As used in this Chapter, the term:

- (a) *Bicycle* means a vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device.
- (b) *Bicycle path* means a road, path, or way that is open to bicycle travel, which road, path, or way is physically separated from motorized vehicular traffic by an open space or by a barrier and is located either within the highway right-of-way or within an independent right-of-way.
- (c) *Bikeshare company* means a person, firm, or corporation that makes bicycles available for immediate, self-service rental through an online application, website, or software for point-to-point trips.
- (d) Director means the City of Orlando Transportation Director.
- (e) *Docking station* means a bicycle rack controlled by a bike share company or a scooter or micromobility device rack controlled by a company.
- (f) Micromobility Device means any motorized transportation device made available for private use by reservation through an online application, website, or software for point-to-point trips and which is not capable of traveling at a speed greater than 20 miles per hour on level ground. This term includes motorized scooters and bicycles as defined in this chapter.
- (g) Motorized scooter(s) (also referred to herein as "scooters") shall have the meaning ascribed to it in F.S. §316.003, as amended. "Motorized scooter(s)" or "scooters" are further defined 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 20 miles per hour.

(h) *Rider* means a person who uses an automated docking station or digital network in order to obtain a bicycle, scooter or micromobility device from a ~~bike-share~~ company.

(i) *Company* means a person, firm, or corporation that makes bicycles, scooters or any other micromobility device available for immediate, self-service rental through an online application, website, or software for point to point trips.

(j) *Sidewalk* means that portion of a street between the curblin, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

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

(l) *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 or micromobility device enters or leaves a particular area.

(m) *Staging* means the orderly parking and rebalancing of micromobility devices within the public right-of-way.

(Ord. of 11-1-1993, Doc. #27001; Ord. No. 2018-56, § 1, 10-8-2018, Doc. #1810081203)

SECTION 3. SEC. 10.02, AMENDED. Section 10.02, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 10.02. - Riding on Sidewalks and Bicycle Paths.

It is hereby made unlawful and a violation of this section to ride a bicycle, scooter or other micromobility device on a sidewalk or bicycle path, or any portion thereof, where prohibited by clearly visible signs or markings, except that this section does not apply to government officials operating a micromobility device ~~bicycle~~ within the scope of their lawful authority and for a public purpose. It is hereby made unlawful and a violation of this Section to ride a motorized scooter with a seat on a sidewalk. A motorized scooter with a seat is any motorized scooter designed to operate with a seat whether or not the seat is deployed at the time of operation.

(Ord. of 11-1-1993, Doc. #27001; Ord. No. 2018-56, § 2, 10-8-2018, Doc. #1810081203)

SECTION 4. SEC. 10.03, AMENDED. Section 10.03, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 10.03. - Parking a Bicycle or Other Micromobility Device.

(a) A person may not park a bicycle or other micromobility device:

1. in a manner that obstructs or interferes with pedestrian or vehicular traffic; or on an accessibility ramp for persons with disabilities, or any part thereof, or in any manner that would restrict the movement of persons with disabilities; or
2. within a motor vehicle parking space not designed for bicycle or other micromobility device use; or
4. on any public property, except in areas designated for bicycle or other micromobility device parking; or
5. on any private property without the permission of the owner. Placing a bicycle or other micromobility device rack shall be deemed permission for the general public to park a bicycle or other micromobility device within that rack, unless otherwise expressly stated in a clearly visible sign.
 - (a) A person may not attach, secure, store, or park a bicycle or other micromobility device to or upon public property in a manner that may cause injury or damage to any person or thing or in a manner that renders the public property unusable or impassable.
 - (b) Except as otherwise expressly allowed by the government official with authority over such property, bicycles or other micromobility devices parked on public property continuously for one week or more shall be deemed abandoned and subject to the provisions of Chapter 705, Florida Statutes.

(Ord. of 2-27-1968, § 1; Ord. of 11-1-1993, Doc. #27001; Ord. No. 2018-56, § 3, 10-8-2018, Doc. #1810081203

SECTION 5. SEC. 10.04, AMENDED. Section 10.04, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 10.04. - Bicycle Sharing.

Bike share companies may operate dock-based or dock-less bike share services in the City of Orlando, subject to the following regulations:

- (a) *Permit required.* Each bikeshare company must apply for and receive a bike share permit from the City before commencing bike share operations and each bike share company must maintain a valid bike share permit at all times that the company operates a bike share service in the City. Bike share permits may not be assigned or transferred unless approved by the City. Each bike share permit shall be for a minimum of two hundred (200) bikes and a maximum of four hundred (400) bikes. Based on the number of permits issued or anticipated to be issued, the Director may limit the number of bikes authorized by a permit to the minimum of two hundred bikes or less in order to maintain a maximum of 1800 bikes under the bike share program. After four months from the issuance of a permit, the

company may request an increase to their initial fleet of bikes up to a maximum of four hundred (400) bikes. Each request will include a written analysis to justify the additional fleet size. If the Director finds that an increase to the number of bikes allowed under a permit is in the public interest and meets public safety concerns, the Director may, by written directive, authorize an increase to the number of bikes under a permit up to a maximum of four hundred (400) bikes. The determination will be based on the Director's review of the company's written analysis, as well as operational and safety data relating to the company and the bike share system overall. Each permit will be issued to a different company, not affiliated or otherwise related to a company that has an effective permit. The issuance of permits will be prioritized based on the submission of a complete permit application. The permit constitutes a license for companies to use the City's right of way for bike share operations subject to the terms of this Chapter.

1. Term of permit. Unless otherwise revoked or terminated, ~~E~~each bike share permit is valid for one year, but may be renewed for additional one year terms upon application by the company permit holder. In order to renew a permit, the permit holder must make application to the City at least thirty (30) days prior to expiration of the current permit. The City will use best efforts to make its determination on whether to renew the current permit prior to its expiration. Renewal of the current permit is subject to the terms and conditions of this Chapter as amended from time to time, including those conditions imposed by the Director. A company that qualifies for renewal of a permit that allows more than four hundred (400) bikes will not be required to remove bikes to meet the four hundred bike limit. Within ten days after expiration, revocation or termination of a permit, the company will remove all its bikes from within the City.
2. Delivery and Operation of Bikes. If all bikes authorized under any permit are not delivered and operational as part of the bike share company's operations in the City of Orlando within sixty (60) days after issuance of the permit, the permit will automatically expire. A bike share company will maintain and operate the number of bikes authorized by the permit throughout the term of the permit.
3. Revocation of permit. The ~~transportation d~~Director may revoke a bike share permit if the company ~~permittee~~ violates any City ordinance or any condition ~~attached to the issuance of the bike share permit~~. Within seven days of a revocation notice order being delivered to a company, ~~permittee~~, the company, ~~permittee~~ may request a meeting ~~hearing~~ before the ~~transportation d~~Director or assignee. A fair opportunity to be heard shall be provided by the ~~transportation d~~Director or assignee within 21 days of the request for a hearing meeting. After the ~~hearing meeting~~, the ~~d~~Director may affirm his or her ~~order~~ determination, affirm his or her

~~order determination~~ with conditions, or rescind his or her ~~order determination~~. The ~~De~~director's decision shall constitute final agency action.

4. *Application requirements for a permit.* Applications for a bike share permit must be made on a permit form provided by the ~~transportation d~~Director. The form shall provide ~~with specificity~~ the material and documents needed to complete the application. ~~and must at minimum request information necessary to confirm that the bike share company meets or will meet the requirements of this Chapter and other applicable provisions of City ordinance and state law.~~ Each company must confirm that the company meets the requirements of this Chapter and other applicable provisions of City ordinance and state law and must list each jurisdiction in the United States in which the company operates a bike share system. The form will also include, though not exclusively, an agreement to indemnify the City of Orlando against any and all claims, damages, and liability arising from the operations of the bike share company except to the extent that said claims, damages and liability arise from the negligence or willful misconduct of the City. All bike share permits shall be conditioned on the accuracy of and continued compliance with all material aspects of the application.
5. *Conditions of the permit.* The ~~transportation d~~Director may approve applications for a bike share permit with special regulations and conditions of operation as he or she deems reasonably appropriate to protect the public health, safety, and welfare.
6. *Application Fee.* The initial application for permit must be accompanied by ~~an non-refundable application fee of \$5,000.00 and a per bicycle fee for each bicycle to be operated under the permit.~~ Applications to renew a permit must also be accompanied by the an application fee. The fees referenced herein will be established by City Council resolution. In addition to paying the City's direct costs of processing the permit application and administering the bikeshare program, the application fee shall also be designated for enforcement, oversight, sidewalk maintenance and construction, parking and active transportation maintenance activities, and/or active transportation street, sidewalk and bike path improvements or studies.
7. *Bicycle fee.* In addition to the non-refundable application fee set forth above, bike share companies shall remit to the city, a bicycle fee in an amount equivalent to \$.25 per ride. The fee shall be calculated monthly based on usage data. For the duration of the permit, this fee shall be paid to the City of Orlando every three months starting three months after the permit is issued, with the last payment occurring within ten (10) days after expiration, revocation or termination of the permit, if not renewed. This fee is to be used for costs associated with administration of the permit and the bike share program, enforcement of this Chapter, oversight, construction and maintenance of parking, active

transportation maintenance activities, and/or active transportation street, sidewalk, or bike path improvements or studies.

(b) Insurance and bond required.

1. The bike share company will 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 must list the city, its elected and appointed officials 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 the company's bicycle share system in the City.

3. The bike share company will maintain the following insurance coverages:

a. 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.

b. Liability coverage on all motor vehicles/motorcycles/micromobility devices, if said motor vehicles/motorcycles/micromobility devices are used in connection with the operations or activities contemplated under this section. The policy should provide coverage to the city for the company's use and operation of said motor vehicles/motorcycles/micromobility devices, with a combined single limit for bodily injury (including death) and property damage of \$2,000,000.00 per accident.

c. 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 company under this section as may be determined by the city, considering the size of the fleet and other liability insurance related factors.

5. Failure to maintain required insurance coverage is cause for immediate revocation and cancellation of the bike share permit by the Director or his or her designee.

6. A Certificate of Insurance for any insurance policy required by this section must be on file with the City, in a form acceptable to the Director, or his or her designee, prior to the issuance or renewal of a permit under this section.

7. Insurance required under this section must include a cancelation provision in which the insurance company is required to notify both the bike share company and the Director or his or her designee, in writing not fewer than 30 days before cancelling any insurance policy or before making a reduction

in coverage. A bike share company, upon receiving said notice, shall file with the Director, or his or her designee, in a form acceptable to the city, certificates of insurance for any and all replacement insurance policies prior to the cancelation or reduction of same.

8. A bike share company may not be self-insured.

1. The bike share company must maintain a current and valid combined single-limit policy of commercial general liability insurance coverage in the amount of at least \$1 million per occurrence for bodily injury and property damage.
2. The insurance policy required by paragraph 1, must be issued by a company authorized to do business in the State of Florida and the insurance policy must include endorsements making the City of Orlando an "additional insured" and conditioning the cancellation of the policy on prior written notice to the City.

9. All bike share companies must maintain a performance bond in an amount per bicycle as set by resolution of Council. The form of the bond must be approved by the City and will list the City of Orlando as an additional obligee. The bond funds will be accessible to the City (in that the City will be paid directly by the surety) for costs incurred by the City for removing and storing improperly parked bicycles after the City's provision of notice to the bike share company or if a bike share company fails to remove bicycles when its permit expires or is terminated. The bond must be in a form acceptable to the City and will provide that prior to contacting the surety, the City will notify the company of the violation and allow a reasonable time for the company to cure the violation. Payment will be made from the surety to the City within 30 days after the City's submittal of an invoice to the surety certifying costs as described above. Documentation confirming this bond requirement must be readily available for inspection by the City. Nothing in this Chapter constitutes a waiver of the City's sovereign immunity.

(c) *Bicycle regulations.* Each bicycle provided as part of a bike share service by a bike share company must:

1. Meet the requirements for bicycles as set forth in 16 Code of Federal Regulations Part 1512 and section 316.2065, Florida Statutes.
2. Prominently display the bike share company's logo.
3. Display a telephone number by which a user may contact the bike share company for customer support.
4. Be lawfully parked when not in use.
5. Be properly maintained for safe travel by the bike share company.

(d) *Company responsibilities.* Each bike share company must:

1. Be a business organization authorized to do business in the State of Florida and maintain active organizational status with the Florida Division of Corporations.

- 348 2. Provide the ~~transportation~~ Director with the name and contact information
 349 for the bike share company's local program administrator. The local program
 350 administrator must be a person authorized by the bike share company to
 351 represent the company with the City and to authoritatively respond to
 352 questions or concerns about the company's operations.
- 353 3. Keep a representative available by phone 24 hours a day, 7 days a week, in
 354 order to respond to questions or concerns about the company's operations.
 355 The telephone number to reach the representative must be prominently
 356 displayed within the company's online application or website and also on
 357 each bicycle as required by Paragraph (c) 3. of this section.
- 358 4. Reimburse the City for costs incurred to address or abate any violations of
 359 this Chapter Section or costs incurred for the repair or maintenance of public
 360 property arising from the operations of the bike share company.
- 361 5. Pay the City the ~~annual~~ per "bicycle fee" as referenced in section
 362 10.04(a)(~~75~~), for each bicycle to be rented or leased by the bike share
 363 company within the City. ~~The fee term for each such bicycle expires one year~~
 364 ~~after payment to the City but may be renewed for additional one year terms~~
 365 ~~upon payment of a renewal fee in an amount established by City Council~~
 366 ~~resolution. No bicycle shall be rented or leased by the bike share company~~
 367 ~~except within the applicable fee term for said bicycle.~~
- 368 (e) *Docking stations.* Docking stations may not:
- 369 1. Be placed in part or whole on any public property without the prior express
 370 written consent of the City.
- 371 2. Be placed in part or whole on any private property without the prior express
 372 written consent of the property owner.
- 373 (f) ~~Minimum~~ Requirements of the software application. In addition to the
 374 requirements in subsection (h), below ~~At a minimum~~, the bike share company's
 375 software application must:
- 376 1. Provide clear notification that riders must operate in compliance with state
 377 and local law.
- 378 2. Provide an interface that allows riders to notify the bike share company of
 379 an issue relating to the safety or maintenance of a bicycle.
- 380 (g) *Rebalancing, relocating, and removing bicycles.* Rebalancing a bike share fleet
 381 is the act of geographically dispersing and re-dispersing bicycles to maintain a
 382 balanced availability of bicycles throughout a bike share company's service area.
 383 Relocating a bike share bicycle is the act of moving a bicycle when the bicycle is
 384 parked in an unlawful, unsafe, not useful or otherwise inappropriate ~~un-useful~~
 385 location. Each bike share company must:
- 386 1. Remove any bicycle that is inoperable or does not conform to the
 387 requirements of this Chapter.
- 388 2. Continuously rebalance its bike share fleet in order to maintain a useful
 389 distribution of bicycles as necessary to maximize bike share demand and
 390 utility to the cycling public.

3. Relocate a bicycle within two hours of a request to do so by the ~~transportation~~ Director or assignee.
 4. Immediately remove and safely store its bike share fleet when a tropical storm or hurricane warning has been issued for any part of Orange County.
 5. The City may seize and impound any bicycle parked, or being operated, in violation of this Chapter, which bicycle will be released to the lawful owner after all impoundment and storage fees have been paid.
 6. The company must specifically rebalance bicycles by relocating and staging them off Orange Avenue from Robinson Street to South Street on Friday and Saturday nights before 6PM.
 7. The company must coordinate with the City of Orlando for significant events located in Downtown Orlando. An event management plan must be submitted to the City of Orlando as part of the permit application.
 8. The company must continually monitor non-city transportation assets for rebalancing needs such as SunRail stations, LYNX Central Station, and LYMMO Bus Stops.
 9. The Director or his/her designee, in the interest of public safety and/or welfare, may (i) establish geo-fenced areas where bicycles cannot be operated and/or parked, (ii) enact speed restrictions, or (iii) exclude certain bicycles from being rented or ridden. A company must have the technology available to operate and/or implement the Director's requirements. Geo-fenced areas must be established by the companies within twenty-four (24) hours of the Director's notification to do so.
 10. The daily rebalancing of bicycles by companies should focus first on the City of Orlando's Central Business District, designated exclusion areas, and public parks in order to maintain an orderly public right of way.
 11. Staging. The company may stage a maximum of 60% of the total allowable fleet in operation within the Downtown Community Redevelopment Agency (CRA) boundary east of Interstate-4 and must maintain a minimum of 20% of the total allowable fleet in operation within the Downtown CRA boundary west of Interstate-4. The remaining portion of the fleet must be staged outside of the CRA but may not be staged in City of Orlando Historic Districts, or other areas designated by the permit or the Director.
- (h) Data sharing. All bike share companies shall provide real-time or semi-real time data in a format and schedule, as specified by the City of Orlando and in accordance with existing industry standards. The data that each company provides the City will be listed on the permit by category. The City may require additional categories of data from the company which additional categories will become a condition of the permit. The additional data will be provided within ten

(10) days of the City's written notice to the company. In addition the City reserves the right to require the company to undergo an audit, strictly limited to the information provided in the data categories specified by the City in the permit, to be performed by a 3rd party vendor of the City's choosing as a condition of the permit to ensure the data provided by the company is accurate and transparent.

(i) *Monthly reports.* Each bike share company must provide a monthly report to the transportation ~~d~~Director, which report must include the following minimum information:

1. The company's total number of local members.
2. ~~Miles travelled.~~ Total number of trips and miles travelled.
3. ~~Pick-up and drop-off location for each ride.~~ Total number of active bicycles in the fleet
4. A map depicting all individual trips.
5. The number and type of maintenance requests.
6. Customer service information, such as complaints, notification of equipment failures and requests to remove bikes. ~~activities.~~
7. An assessment of environmental impacts.
- ~~8.~~

(j) *Administration.* This section shall be administered by the transportation ~~d~~Director or designee.

(k) *Other Micromobility Device-Sharing Operations Prohibited.* This Section 10.04, Bicycle Sharing, except as otherwise provided, applies exclusively to bicycles and bicycle sharing companies. Any operation by which a person or company makes any motorized scooter or other micromobility device, available for immediate, self-service rental or lease at automated docking stations or through an online application, software, or website, for point to point trips, is hereby prohibited in the City of Orlando except as otherwise provided in this Chapter. In addition, it is unlawful to operate a motorized scooter or other micromobility device, rented or leased at automated docking stations or through an online application, software, or website, for point to point trips, in a public right of way or on public property in the City of Orlando except as provided in this Chapter. Any motorized scooter or other micromobility device, operated in violation of this Chapter, or located within the public right-of-way or on public property, may be seized and impounded. The motorized scooter or other micromobility device will be released to the lawful owner after all impoundment and storage fees have been paid.

(Ord. of 11-1-1993, Doc. #27001; Ord. No. 2018-56, § 4, 10-8-2018, Doc. #1810081203)

SECTION 6. Section 10.05, CREATED. Section 10.05, Code of the City of Orlando, Florida is hereby created to read as follows:

Section 10.05. - Motorized Scooters Pilot Program.

(a) *Pilot program.* The city hereby establishes a pilot program (the "program") under which companies may operate dock-based or dock-less motorized scooter share

services by reservation through an online application, software, or website, for point to point trips, within designated areas of the City of Orlando. During the term of the program, companies shall have a maximum fleet of 400 motorized scooters. The Director retains the right to require companies to reduce their fleet size or cease operations as required by public safety or welfare considerations or in the event companies violate the terms of this ordinance or the permit issued hereunder. During the term of the program, the company will 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.

(b) *Permit required.* Each company must apply for and receive a permit from the City before commencing scooter share operations and each company must maintain a valid permit during the term of the program. Permits may not be assigned or transferred unless approved by the City. Each permit will be for a minimum of two hundred (200) scooters and a maximum of four-hundred (400) scooters. Based on the number of permits issued or anticipated to be issued, the Director may limit the number of scooters authorized by a permit to the minimum of two hundred scooters or less in order to maintain a maximum of 1800 scooters under the program. Each permit will also be issued subject to the Director's authority to reduce the number of scooters under a permit based on maintaining a maximum of 1800 scooters. After four months from the issuance of a permit, the company may request an increase to their initial fleet of scooters up to a maximum of four hundred (400) scooters. Each request will include a written analysis to justify the additional fleet size. If the Director finds that an increase to the number of scooters allowed under a permit is in the public interest and meets public safety concerns, the Director may, by written directive, authorize an increase to the number of scooters under a permit up to a maximum of four hundred (400) scooters. The determination will be based on the Director's review of the company's written analysis, as well as operational and safety data relating to the company and the program overall. Each scooter share permit will be issued to a different company, not affiliated or otherwise related to a company that has an effective permit. The issuance of permits will be processed in the order that complete permit applications are received. The permit constitutes a license for companies to use the City's right of way for scooter share operations subject to the terms of this Chapter.

1. *Term of permit.* Unless otherwise revoked or terminated, each permit is valid upon issuance, and will expire one year after the Effective Date of this ordinance. Within ten days after expiration or termination of a permit, the company will remove all its scooters or other micromobility devices from within the City.

2. *Delivery and Operation of Scooters.* If all scooters authorized under any permit are not delivered and operational as part of the company's operations in the City of Orlando within sixty (60) days after issuance of the permit, the permit will automatically expire. A company will maintain and operate the number of scooters authorized by the permit throughout the term of the permit.

3. *Revocation of permit.* The Director may revoke a permit if the company violates any applicable law or regulation or any condition of the permit. Within seven days of a revocation notice being delivered to a company, the company may request a meeting with the Director or assignee. A fair opportunity to be heard shall be provided by the Director or assignee within 21 days of the request for a meeting. After the meeting, the Director may

affirm his or her determination, affirm his or her determination with conditions, or rescind his or her determination. The Director's decision shall constitute final agency action.

4. Application requirements for a permit. Applications for a permit must be made on a permit form provided by the Director. The form shall provide the material and documents needed to complete the application and must at a minimum request information necessary to confirm that the company meets the requirements of this Chapter and other applicable provisions of City ordinance and state law. Each company must list the other jurisdictions in the United States in which it is currently operating a scooter share system. The form will also include an agreement to indemnify the City of Orlando against any and all claims, damages, and liability arising from operation of the company except to the extent that said liability, losses or damages arise from the negligence or willful misconduct of the city. All permits shall be conditioned on the accuracy of and continued compliance with all material aspects of the application.

5. Conditions of the permit. In addition to the requirements of this Chapter, the Director may approve applications for a permit with special regulations and conditions of operation as he or she deems reasonably appropriate to protect the public health, safety, and welfare.

6. Application Fee. The initial application for permit must be accompanied by a non-refundable application and licensing fee of \$5,000.00. In addition to paying the City's direct costs of administering the program, the application fee shall also be designated for enforcement, oversight, sidewalk maintenance and construction, parking and active transportation maintenance activities, and/or active transportation street, sidewalk and bike path improvements or studies.

7. Renewal. Permits may be renewed following the same process, including payment of the application fee, set forth in this section.

8. Staging. The company may stage a maximum of 60% of the total allowable fleet in operation within the Downtown Community Redevelopment Agency (CRA) boundary east of Interstate-4 and must maintain a minimum of 20% of the total allowable fleet in operation within the Downtown CRA boundary west of Interstate-4. The remaining portion of the fleet must be staged outside of the CRA but may not be staged in City of Orlando Historic Districts, or other areas designated by the permit or the Director.

(c) Scooter Fee. In addition to the non-refundable application fee set forth above, companies shall remit to the city a fee in the amount of \$.25 per ride. The fee shall be calculated monthly based on usage data. During the program, this fee shall be paid to the City of Orlando every three months, beginning three months after the applicable permit is issued and within ten (10) days after expiration or termination of the permit, if not renewed. In addition to the City's costs to administer the program, this fee will be used for enforcement, oversight, construction and maintenance of scooter parking, sidewalk and bike path maintenance and construction, other active transportation maintenance activities, and/or active transportation street, sidewalk and bike path improvements or studies that benefit scooter share operations in the City.

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(d) Motorized scooter and other micromobility device parking. In addition to the requirements in Section 10.03, above, the following requirements apply to motorized scooters and other micromobility devices:

1. Motorized scooters must be parked in areas designated by the City for scooter parking, unless there are no designated parking areas reasonably available. In such case, motorized scooters may, subject to the remaining terms of this subsection (d), park on a sidewalk or other hard surface within the City right of way or next to a bicycle rack. Motorized scooters may only be parked on private property with the permission of the property owner.

2. Motorized scooters may not be parked upon or within a bicycle rack.

3. Motorized scooters must be upright while parked.

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

5. Motorized scooters may not be parked in a manner that would impede vehicular traffic.

6. Motorized scooters may not be parked in a manner that would pose a threat to public safety or security.

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

8. Motorized scooters may not be parked in a way that blocks:

(i) Fire hydrants, call boxes or other emergency facilities;

(ii) Transit facilities;

(ii) Loading spaces or zones;

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

(v) Railroad tracks or crossings;

(vi) Disabled or prohibited parking zones;.

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

(viii) Building entryways; or

(ix) Vehicular driveways.

9. Motorized scooters that are parked in an incorrect manner must be re-parked, removed and/or relocated by the company within two hours of receiving notification.

10. The city may designate motorized scooter parking zones in order to guide riders to preferred parking zones and assist with the orderly parking of motorized scooters throughout the city.

(e) Motorized scooter operations.

1. Companies will not rent scooters to anyone under the age of 18

2. Companies will comply with all applicable rules, regulations, and laws, including any additional rules and regulations promulgated by the Director or his or her designee.

3. Persons operating motorized scooters shall be subject to all rules, regulations, and laws, including any additional rules and regulations promulgated by the Director, or his or her designee.

4. Motorized scooters must be well-maintained and in good operating condition at all times and must be built to withstand the effects of weather and constant use. In addition, Motorized scooters must be equipped with a minimum of nine (9) inch wheels, and must otherwise meet the specifications and safety requirements for motorized scooters under federal and state law.

5. Companies must install a governor or other such device on each motorized scooter (not including motorized scooters with a seat as defined in Section 10.02 of this Chapter) so that it will not exceed ten (10) miles per hour on a level surface. Upon the request of a company, the Director may authorize an increase in the permitted speed of scooters under this subsection. The request will include a written justification. The Director will review the request, the written justification and the operational history of the company and the overall program, including crash data and any other relevant information. If the Director finds that an increase to the permitted speed of scooters is in the public interest and meets public safety concerns, the Director may, by written directive, authorize an increase to the permitted speed of scooters under this Ordinance, not to exceed fifteen (15) miles per hour on a level surface.

6. Motorized scooters must prominently display the scooter share company's name and/or logo as well as a telephone number by which an operator/user may contact the company for customer support.

7. Motorized scooters must be rebalanced on a daily basis in the manner prescribed in this Chapter.

8. Motorized scooters shall not display any third-party advertising.

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

661
662 10. Companies shall educate persons operating motorized scooters
663 regarding the rules, regulations and laws applicable to riding, operating, and parking a
664 motorized scooter. The Company's mobile application must provide information notifying
665 a user that:

666 (i) Unless otherwise prohibited, motorized scooters may be operated on streets
667 or sidewalks/sidewalk areas in a manner similar to bicycles;

668 (ii) Motorized scooters are to be operated at a person's own risk, and no
669 representation is being made by the city as to the condition of any street, sidewalk or
670 sidewalk area;

671 (iii) Motorized scooters shall at all times yield to pedestrians and shall give an
672 audible signal before overtaking and passing such pedestrian; and

673 (iv) The use of helmets while operating a motor scooter is strongly encouraged.

674 11. Companies shall not place or attach any fixtures, structures, or personal
675 property, other than a motorized scooter, in the public right-of-way.

676 (f) *Company responsibilities.* Each company must:

677 1. Be a business organization authorized to do business in the State of Florida and
678 maintain active organizational status with the Florida Division of Corporations.
679

680 2. Provide the Director with the name and contact information for the company's
681 local program administrator. The local program administrator must be a person authorized
682 by the company to represent the company with the City and to respond to questions or
683 concerns about the company's operations.

684
685 3. Keep a representative available by phone 24 hours a day, 7 days a week, in
686 order to respond to questions or concerns about the company's operations. The telephone
687 number to reach the representative must be prominently displayed within the company's
688 online application or website and also on each scooter.

689
690 4. Reimburse the City for costs incurred to address or abate any violations of this
691 Section or costs incurred for the repair or maintenance of public property arising from the
692 operations of the company. Said reimbursement shall occur within thirty (30) days after
693 notice to the company.

694
695 5. Organize safety training classes regarding riding scooters in the City of Orlando
696 for the general public a minimum of six (6) times per permit year. The safety training
697 classes shall be evenly distributed throughout the year on a weekend and offered free of
698 charge. Companies may hold joint training classes, which would be counted toward their
699 individual safety class total required under this subsection. Permit holders must document
700 and report attendance to the City of Orlando for each class.

701
702 6. Diligently monitor the location of its scooters to ensure compliance with ADA
703 requirements relating to public accessibility to sidewalks, buildings and other such public

facilities. The telephone number or email address to notify a company of a scooter that is parked or located in such a manner as to violate ADA requirements must be prominently displayed on each scooter. Upon such notification, the company will remove or relocate the scooter to an area that is in compliance with this Section.

(g) Docking stations. Docking stations may not:

1. Be placed in part or whole on any public property without the prior express written consent of the City.

2. Be placed in part or whole on any private property without the prior express written consent of the property owner.

(h) Requirements of the software application. In addition to the requirements in subsection (k) below, the company's software application must:

1. Provide clear notification that riders must operate in compliance with state and local law.

2. Provide an interface that allows riders to notify the company of an issue relating to the safety or maintenance of a scooter.

(i) Rebalancing, relocating, and removing scooters. Rebalancing a scooter share fleet is the act of geographically dispersing and re-dispersing scooters to maintain a balanced availability of scooters throughout a company's service area. Relocating a scooter is the act of moving a scooter when the scooter is parked in an unlawful, unsafe, not useful or otherwise inappropriate location. Each company must:

1. Remove any scooter that is inoperable or does not conform to the requirements of this Section.

2. Continuously, and on a daily basis, rebalance its fleet in compliance with this Chapter and the permit, in order to maintain a useful distribution of scooters as necessary to maximize scooter share demand and utility to the public. A scooter must be rebalanced if it is parked in the same location for a period of not more than three (3) days without being used.

3. Relocate or remove a scooter within two hours of a request to do so by the Director or designee or other city staff. Relocate or remove a scooter within two hours of receiving notice that the scooter is parked or located in violation of this Section.

4. Immediately remove and safely store its fleet immediately upon the issuance of a tropical storm or hurricane warning for any part of Orange County.

5. The company must specifically rebalance scooters by relocating and staging them off Orange Avenue from Robinson Street to South Street on Friday and Saturday nights before 6PM.

6. The company must coordinate with the City of Orlando for significant events located in Downtown Orlando. An event management plan must be submitted to the City of Orlando as part of the permit application.
7. The company must continually monitor non-city transportation assets for rebalancing needs such as SunRail stations, LYNX Central Station, and LYMMO Bus Stops.
8. The Director or his/her designee, in the interest of public safety and/or welfare, may (i) establish geo-fenced areas where scooters cannot be operated and/or parked, (ii) enact scooter speed restrictions, or (iii) exclude certain scooters from being rented or ridden. A company must have the technology available to operate and/or implement the Director's requirements. Geo-fenced areas must be established by the companies within twenty-four (24) hours of the Director's notification to do so.
9. The daily rebalancing of scooters by companies should focus first on the City of Orlando's Central Business District, designated exclusion areas, and public parks in order to maintain an orderly public right of way.

(j) Impoundment. The City may seize and impound any scooter or other micromobility device parked or being operated in violation of this Chapter, which scooter or other micromobility device will be released to the lawful owner after all impoundment and storage fees have been paid. Without limiting the foregoing, the City may seize and impound any motorized scooter(s) that is/are visibly damaged or non-functional, or blocking the public right-of-way, or located outside the program area, which scooter will be released to the lawful owner after all impoundment and storage fees have been paid. Any motorized scooter that remains unclaimed within the city for five days is subject to sale pursuant to the procedures for abandoned or lost property set forth in F.S. § 705.103, or by any other method allowed by the laws of the State of Florida.

(k) Data sharing. All companies shall provide real-time or semi-real time scooter data in a format specified by the City of Orlando and in accordance with existing industry standards. The data categories that each company will share with the City will be listed on the permit. During the term of the program, the City may require additional categories of data from the company which additional categories will become part of the permit. The data will be provided within ten (10) days of the City's written notice to the company. In addition the City reserves the right to require the company to undergo an audit, strictly limited to the information provided in the data categories specified by the City in the permit, to be performed by a 3rd party vendor of the City's choosing as a condition of the permit to ensure the data provided by the company is accurate and transparent.

(l) Monthly reports. In addition to the information referenced in subsection (k) above, each company must provide a monthly report to the Director, which report must include the following minimum information:

1. The company's total number of local members.
2. Number of rides, time per ride, and miles travelled.

3. Total number of active scooters in the fleet.

4. A map showing high ridership routes.

5. The number and type of maintenance requests.

6. Customer service information, such as complaints, notification of equipment failures and requests to remove scooters.

7. An assessment of environmental impacts.

(m) Customer surveys. Within sixty (60) days after issuance of a permit, the company will place a customer survey on its website or mobile application (app) or may conduct the survey by email, in a form approved by the City and will forward all results to the City every two months after posting the survey.

(n) Insurance requirements.

1. The company will 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 must list the city, its elected and appointed officials 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.

3. The scooter share company will maintain the following insurance coverages:

4. 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.

5. Automobile/motorcycle liability affording coverage on all motor vehicles/scooters, if used in connection with the operations or activities contemplated under this article. The company 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.

6. Workers compensation subject to the statutory limits of the State of Florida.

7. The city retains the right to require additional insurance coverage in connection with the activities performed by the company under this article as may be determined by the city, considering the size of the fleet and other liability insurance related factors. Nothing herein constitutes a waiver of the City's sovereign immunity.

8. Failure to maintain required insurance coverage is cause for immediate revocation and cancellation of the permit by the Director or his or her designee.

9. The Certificate of Insurance for any insurance policy required by this section must be on file with the City, in a form acceptable to the Director, or his or her designee, prior to the issuance of a permit under this section.

10. Insurance required under this section must include a cancelation provision in which the insurance company is required to notify both the company and the Director or his or her designee, in writing not fewer than 30 days before cancelling any insurance policy or before making a reduction in coverage. A scooter share company, upon receiving said notice, shall file with the Director, or his or her designee, in a form acceptable to the city, a certificate of insurance for any and all replacement insurance policies prior to the cancelation or reduction of same.

11. A company may not be self-insured.

(q) Performance bond.

1. A company will submit to the Director, a performance bond, in a format prescribed by the City, prior to the issuance of a permit under this section. The performance bond will be in the amount of \$20,000 and must list the company as the principal and be payable directly to the City. The performance bond must remain in effect for the duration of the permit. The bond funds will be accessible to the City (in that the City will be paid directly by the surety) for costs incurred by the City for removing and storing scooters under this section and for damages incurred by the City (including, though not exclusively, damage to City property), arising from the company's operations within the City. The bond must be in a form acceptable to the City and will provide that prior to contacting the surety, City will notify the company of the violation and allow a reasonable time for the company to cure the violation. Payment will be made from the surety to the City within 30 days after the City's submittal of an invoice to the surety certifying costs as described above. Documentation confirming this bond requirement must be readily available for inspection by the City. Nothing herein constitutes a waiver of the City's sovereign immunity.

2. If the performance bond is cancelled, the permit will be suspended on the date of cancelation and the company will immediately cease operations until a replacement bond that meets the requirements of this section, is provided to the Director.

(r) Indemnification.

1. Companies will indemnify, defend, and hold harmless the city, and its elected and appointed officials, 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 elected and appointed officials, 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 streets,

sidewalks and sidewalk areas, 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, except to the extent that said liability, losses or damages arose from the negligence or willful misconduct of the city. Companies 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. Companies shall expressly understand and agree that any insurance protection required by this section, or otherwise provided or secured by a company, will in no way limit the responsibility to indemnify, defend and hold harmless the city, its elected and appointed officials, 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 permit. The companies will acknowledge on the permit, which will include this indemnification in substantially the language provided by this section, that the issuance of the permit, is, in part, conditioned on the granting of this indemnification which is knowingly and voluntarily given by the company.

(s) Administration. This section shall be administered by the Director or designee.

Secs. 10.05~~6~~—10.22. - Reserved.

Editor's note— Ord. No. 2018-56, § 5, adopted October 8, 2018, Doc. #1810081203, repealed §§ 10.05—10.22, relative to bicycles in general and derived from Ord. of Feb. 27, 1968, § 1; Ord. of June 6, 1977, §§ 1; Ord. of Sept. 8, 1980, § 1; Ord. of Nov. 1, 1993, Doc. #27001; Ord. of August 8, 1994, Doc. #27746; Ord. No. 2011-40, § 2, Nov. 3, 2011, Doc. #1110031102.

SECTION 7. SEC. 5.19, AMENDED. Section 5.19, Code of the City of Orlando, Florida, is hereby amended as follows:

Sec. 5.19. - Classes of Violations and Reduced Civil Penalties.

(1) Violations of city codes and ordinances, and the applicable reduced civil penalties, shall be as follows:

| | Reduced Civil Penalty | | |
|---------------------------|-----------------------|----------------|------------------------------|
| Violation Classifications | First Offense | Second Offense | Third and Subsequent Offense |
| Class I | \$ 50.00 | \$100.00 | Court Hearing Mandatory |
| Class II | 100.00 | 200.00 | " |
| Class III | 150.00 | 300.00 | " |
| Class IV | 200.00 | 400.00 | " |

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| | | | |
|--|---|--------|---|
| Class V | 500.00 | 500.00 | " |
| (2) Violations of City codes and ordinances which constitute civil infractions for which citations may be issued are as follows: | | | |
| Code/Ordinance Chapter or Section | Description | Class | |
| **** | **** | **** | |
| Sec. 6.19 | Compliance with backyard chicken restrictions | II | |
| CH. 10, BICYCLES, <u>SCOOTERS, MICROMOBILITY DEVICES</u> AND BICYCLE PATHS | | | |
| Sec. 10.02 | <u>Riding on Sidewalks and Bicycle Paths</u> | II | |
| Sec. 10.03 | <u>Parking a Bicycle</u> | II | |
| Sec. 10.04 | <u>Bicycle Sharing</u> | IV | |
| <u>Sec. 10.05</u> | <u>Motorized Scooters Pilot Program</u> | | |
| CH. 13, BUILDING CODE | | | |
| **** | **** | **** | |

SECTION 8. CODIFICATION. The city clerk and the city attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate the finding of the law.

SECTION 9. SCRIVENER'S ERROR. The city attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the city clerk.

SECTION 10. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 11. EFFECTIVE DATE. This ordinance takes effect upon adoption.

DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, the _____ day of _____, 2019.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the city clerk of the City of Orlando, Florida, the _____ day of _____, 2019.

DONE, THE SECOND READING AND PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, the _____ day of _____, 2019.

BY THE MAYOR OF THE CITY OF
ORLANDO, FLORIDA:

Mayor

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

City Clerk

Print Name

THIS ORDINANCE DRAFTED BY AND
APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

City Attorney

Print Name

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