



Interoffice Memorandum

AGENDA ITEM

September 29, 2021

TO: Mayor Jerry L. Demings
— AND —
County Commissioners

FROM: Jon V. Weiss, P.E., Director
Planning, Environmental, and Development
Services Department

CONTACT PERSON: Alissa Barber Torres, PhD, FAICP, Chief Planner
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SUBJECT: October 12, 2021 – Discussion Item
Micromobility Devices

Micromobility devices have been the subject of several Board discussions since March 2020 to create appropriate regulations to address operational and safety needs. At the July 13, 2021 work session, staff presented an overview of a draft ordinance creating a pilot program for micromobility devices. Staff also reviewed public input received from advisory boards and other stakeholders on the ordinance as part of the County's ongoing outreach program.

At this Board discussion, staff will present the revised draft ordinance and seek direction on key administrative items for ordinance finalization. These items include the vendor/permit approval process, application fees, and potential fees per micromobility device or trip to address administrative costs and provide safety improvements.

Staff also will review outcomes of coordination with law enforcement, medical facilities, and other agencies to research concerns discussed at the July 13, 2021 work session.

This item is for information purposes only, and no action is required.

JVW/ABM/ABT
Attachments

C: Joseph Kunkel, P.E., Director, Public Works Department
Diana M. Almodovar, P.E., Deputy Director, Public Works Department
Humberto Castillero, P.E., Manager, Traffic Engineering Division

ORDINANCE NO. 2021-_____

AN ORDINANCE PERTAINING TO MICROMOBILITY DEVICES; CREATING ARTICLE VIII OF CHAPTER 35, ORANGE COUNTY CODE; PROVIDING PURPOSE, INTENT AND APPLICABILITY; PROVIDING FINDINGS; PROVIDING DEFINITIONS; MICROMOBILITY DEVICE PILOT PROGRAM; LICENSE APPLICATION; APPLICATION FEE; LICENSE AGREEMENT; TERMS; DELIVERY AND OPERATION OF MICROMOBILITY DEVICES; MICROMOBILITY DEVICE OPERATION; COMPANY RESPONSIBILITIES; MICROMOBILITY DEVICE REQUIREMENTS; PARKING REQUIREMENTS; IMPOUNDMENT; AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Creation of Article VIII, "Micromobility Devices". Article VIII of Chapter 35 of the Orange County Code is hereby created and shall read as follows:

ARTICLE VIII

MICROMOBILITY DEVICES

Sec. 35-96. Purpose, intent and applicability; findings.

(a) Purpose, intent and applicability. The purpose and intent of this Article is to permit and regulate micromobility devices and micromobility device companies in the unincorporated areas of Orange County. This Article does not apply to the operation of individually owned and operated motorized scooters, bicycles, and similar devices.

(b) Findings.

42 (1) The Orange County Board of County
44 Commissioners recognizes that the passage of Florida HB 453
46 (Chapter Number 2019-109) has expanded the rights of
48 micromobility device operators within the state and expanded the
areas where micromobility device riders may operate these devices
under Section 316.2128, Florida Statutes;

50 (2) Section 316.2128, Florida Statutes, provides
52 that an operator of a micromobility device has the same rights and
duties as an operator of a bicycle under certain circumstances,
particularly with respect to the right to use the sidewalk and/or
roadway;

54 (3) Section 316.2128, Florida Statutes expressly
56 reserves local authority and jurisdiction to regulate micromobility
devices to the extent authorized by Section 316.008, Florida
Statutes;

58 (4) Section 316.008(1)(a), Florida Statutes
60 authorizes local authorities to regulate or prohibit stopping,
standing, or parking; Section 316.008(1)(h), Florida Statutes
62 authorizes local authorities to regulate the operation of bicycles;
64 Section 316.008(1)(n), Florida Statutes authorizes local authorities
to prohibit or regulate the use of heavily traveled streets by any class
or kind of traffic found to be incompatible with the normal and safe
66 movement of traffic; and Section 316.008(7)(a), Florida Statutes
authorizes counties to permit, control, or regulate vehicles
operating on sidewalks including motorized scooters;

68 (5) Micromobility device companies are
70 operating in many local government jurisdictions nationwide,
including Orange County, Florida, providing micromobility devices
via mobile phone applications;

72 (6) Micromobility devices may offer a viable and
environmentally sustainable transportation option;

74 (7) In light of issues arising from the use of
76 micromobility devices and community input, the Board of County
Commissioners finds that a comprehensive regulatory framework is
78 necessary to mitigate the risks and dangers posed by micromobility
devices within unincorporated areas of the County;

80 (8) The County strives to keep the County rights-
82 of-way compliant with the Americans with Disabilities Act
("ADA"), and other federal and state regulations, has adopted an
ADA Transition Plan for public rights-of-way, and is committed to
keeping the County accessible for persons with disabilities;

84 (9) Improperly parked micromobility
86 devices may create dangerous conditions for pedestrians,
bicyclists, transit users, and mobility-impaired individuals needing
access and maneuverability for ADA devices and related needs;

88 (10) The County has a significant interest in

ensuring public safety and therefore finds it necessary to regulate micromobility devices in order to protect the general safety and welfare of micromobility device riders and the general public, including pedestrians, bicyclists, and transit users, as well as motor vehicle drivers and passengers; and

(11) The establishment of a pilot program will allow the County to gauge device compatibility with the normal and safe movement of traffic.

Sec. 35-97. Definitions.

As used in this Article, the term:

(a) *Bicycle* shall have the meaning ascribed to it in Section 316.003(4), Florida Statutes, as it may be amended.

(b) *Bicycle path* shall have the meaning ascribed to it in Section 316.003(5), Florida Statutes, as it may be amended.

(c) *Company* means a micromobility device provider that is a person, firm, corporation, or other legal entity that makes bicycles, scooters, and/or other micromobility devices available for immediate, self-service rental through an online application, website, or software for point to point trips.

(d) *Director* means the Orange County Director of Public Works or his or her designee, who shall administer this Article.

(e) *Electric bicycle* shall have the meaning ascribed to it in Section 316.003(22), Florida Statutes, as it may be amended.

(f) *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.

(g) *Micromobility device* shall have the meaning ascribed to it in Section 316.003(39), Florida Statutes, as it may be amended.

(h) *Motorized scooter* (also referred to herein as "scooter") shall have the meaning ascribed to it in Section 316.003(46), Florida Statutes, as it may be amended.

(i) *Operations Plan* means a Company's plan of business operation that provides the specific geographic area where devices will be utilized ("Service Area"), information describing how devices will be managed within that Service Area, and plans showing how Rider and other public safety concerns will be addressed including but not limited to accessibility.

(j) *Parking Plan* means a plan that depicts the locations

132 within which a Company proposes to install uniform designated
133 parking areas according to County specifications, on file with the
134 County Public Works Department.

136 (k) *Rebalancing* means the process by which
micromobility devices are redistributed to ensure availability
138 throughout a Service Area and to prevent excessive buildup of
micromobility devices at any particular location(s).

140 (l) *Rider* means the operator of a micromobility device.

142 (m) *Right-of-Way* shall have the meaning ascribed to it in
Section 21-173 of the Orange County Code, as it may be amended,
144 and means land in which the County owns the fee or has an easement
devoted to, or required for, the use as a public road.

146 (n) *Roadway* shall have the meaning ascribed to it in
Section 316.003(71), Florida Statutes, as it may be amended.

148 (o) *Safety Operational Analysis* shall mean the analysis
conducted by a Company, based upon objective criteria as
150 determined by the Director and on file at the County's Public Works
Department.

152 (p) *Sidewalk* shall have the meaning ascribed to it in
Section 316.003(77), Florida Statutes, as it may be amended.

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

156 (r) *Vehicle* shall have the meaning ascribed to it in
Section 316.003(103), Florida Statutes, as it may be amended.

158 **Sec. 35-98. Micromobility Device Pilot Program.**

160 (a) The County hereby establishes a pilot program
under which a Company may operate micromobility device services
162 within designated areas of the County ("Program").

164 (b) The Program will begin on _____,
2021 and expire on the earlier of _____, 202 .

166 **Sec. 35-99. License application; application fee.**

168 (a) *Application.* A Company seeking to participate in
the Program must apply for and receive a license from the County
170 before commencing micromobility device operations. License
application forms may be obtained on the County website or at the
172 County _____ Office located at
_____, _____, Florida, and must be
174 submitted to the Director. Each application must comply with the

following requirements:

(1) The application must be made on the form provided by the County;

(2) The application must include the material and documents needed for a complete application and must at a minimum provide information necessary to confirm that the Company meets the requirements of this Article and otherwise complies with all applicable federal, state, and local laws, rules, and regulations;

(3) The application must include documentation showing that the Company is a business organization authorized to do business in the State of Florida, and a copy of the Company's business tax certificate;

(4) The application must include an Operations Plan. The Operations Plan shall include descriptive text and a sketch or map, not necessarily to scale, to depict the proposed Service Area. The Operations Plan shall include images and descriptions of the micromobility devices, including technical specifications, lights, and instructions provided to Riders related to device operation. The Operations Plan shall also describe the Company's plan related to geofencing, micromobility device maintenance, customer service, and event management.

(5) The application must include a Safety Operational Analysis as defined in Section 35-97.

(6) The application must include a Parking Plan as defined in Section 35-97.

(7) The application must provide the name and contact information for the Company's program administrator. The program administrator must be a person authorized by the Company to represent the Company in all communications with the County and to promptly respond to County questions or concerns about the Company's operations.

(8) The application must provide the contact information for at least two local operational staff that will be available by phone 24 hours a day, 7 days a week, in order to respond to questions or concerns by the County and the public about the Company's operations. The Company shall notify the Director at least 24 hours prior to any change in the designated local operational staff.

(9) The application must list any other jurisdictions in the United States in which the Company is currently operating micromobility devices.

(10) The application must be accompanied by a waiver/release form for the County's review and approval. The form shall provide, in general, that the Rider waives any and all claims against the County and releases the County, its elected and appointed officials, agents, and employees from any and all liability related to, or arising from, operation and parking of the micromobility device.

(11) The application must include an emergency preparedness plan that details where the micromobility devices will be located and the amount of time it will take to secure all micromobility devices when a tropical storm or hurricane warning has been issued by the National Weather Service.

(12) The application should detail any proposed cash-based payment systems, payment options which do not require the Rider to have access to credit cards, and non-smartphone reservation systems for equitable access.

(13) The application must include a sanitization plan that details daily sanitization and disinfection protocols and education provided to staff and Riders on proper COVID-19 safety and sanitation.

(14) The application may include details regarding any partnership or other arrangement for disability-related services to ensure the safety of persons with disabilities.

(b) Application fee. To defray the County's administrative costs to review an application, the application for a license must be accompanied by a non-refundable application fee in an amount established by the Board of County Commissioners from time to time.

(c) Notice of changes. Any changes to information provided on an application must be promptly reported in writing to the Director or as otherwise indicated in this Section.

Sec. 35-100. License agreement; terms.

(a) License agreement. After approval of the license application and prior to commencing micromobility device operations, a Company shall be required to execute a license agreement with the County in order to operate micromobility devices in the Company's Service Area during the term of the agreement. Licenses will be issued in the order that agreements are executed. In addition to the requirements of this Article, the Director may approve applications for a license with special regulations and conditions of operation as he or she deems reasonably appropriate

260 to protect the public health, safety, and welfare. All licenses shall
be conditioned on the accuracy of and continued compliance with
262 all material aspects of the application.

262 (b) *Term.* Each license shall be valid upon issuance and,
unless revoked, shall expire on the date of expiration of the Program.
264 Within ten days after expiration of the Program or revocation of a
266 license, the Company shall remove all its micromobility devices
from the Service Area.

268 (c) *Quantity of micromobility devices authorized by*
license agreement. Each license, upon issuance, will be for a
270 minimum of two hundred (200) micromobility devices and a
maximum of four hundred (400) micromobility devices. Based on
272 the number of licenses issued or anticipated to be issued, the
Director may limit the number of micromobility devices authorized
274 by a license to the minimum of two hundred (200) micromobility
devices in order to maintain an overall maximum of eighteen
276 hundred (1,800) micromobility devices in the unincorporated areas
of the County. Each license will also be issued subject to the
278 Director's authority to reduce the number of devices under a license
based on maintaining an overall maximum of 1,800 devices. No
280 earlier than four months after the issuance of a license, and
compliance with its terms, the Company may request an increase up
282 to a maximum of six hundred (600) micromobility devices. Each
request will include a written analysis to justify the additional fleet
284 size. If the Director finds that an increase to the number of
micromobility devices allowed under a license will not cause the
286 total number of micromobility devices under the Program to exceed
1,800, is in the public interest, and satisfies public safety concerns,
288 the Director may, by written directive, authorize an increase to the
number of micromobility devices under a license up to a maximum
290 of six hundred (600) micromobility devices. The determination will
be based on the Director's review of the Company's written
292 analysis, as well as operational and safety data relating to the
Company and the Program overall.

294 (d) *Non-transferability and non-assignability.* A
micromobility device license may not be transferred or assigned
unless approved in writing in advance by the Director.

296 (e) *Revocation of license.* The Director may issue a
notice to revoke a license if the Company violates this Article, any
298 applicable law or regulation, or any material condition of the license
or license agreement. Within seven days of a revocation notice
300 being delivered to a Company, the Company may request a meeting
with the Director. A fair opportunity to be heard shall be provided
302 by the Director within twenty-one (21) days of the request for a
meeting. After the meeting, the Director may revoke the license or

304 withdraw the notice of revocation. After revocation of a
306 micromobility device license, a Company is not eligible for another
license for the term of the Program. The Director's decision shall
constitute final action by the County.

308 (f) Liability insurance. The Company shall provide
310 documentation of its compliance with the obligation to maintain
liability insurance to protect the interests of the Company and the
312 County with limits and on forms and endorsements as specified by
the County in the license agreement. The County shall be named as
314 an additional insured on all liability policies. Nothing herein
constitutes a waiver of the County's sovereign immunity or of the
provisions of Section 768.28, Florida Statutes.

316 (g) Performance surety. The Company shall submit to
318 the Director a performance surety acceptable to the County prior to
the issuance of a license under this section. The performance surety
320 shall be in the form of cash escrow or letter of credit in an amount
established by the Board. The performance surety shall be used to
322 reimburse the County for costs incurred by the County for removing
and storing micromobility devices under this Article and for
324 damages incurred by the County (including, though not exclusively,
damage to County property), arising from the Company's operations
within the County.

326 (h) Indemnification. A Company shall indemnify,
328 defend, and hold harmless the County, and its elected and appointed
officials, employees, agents, and instrumentalities from any and all
330 liability, losses, or damages, including any and all attorneys' fees and
costs of defense, which the County and its elected and appointed
332 officials, employees, agents, and instrumentalities may incur as a
result of claims, demands, suits, causes of actions, or proceedings of
334 any kind or nature including, but not limited to, personal injury,
wrongful death, and/or property loss or damage, to the extent arising
336 out of or in any way connected with the operation, maintenance, or
use of micromobility devices on all streets, sidewalks, sidewalk
338 areas, and other unincorporated areas. The Company shall pay all
claims and losses in connection therewith and shall investigate and
340 defend all claims, suits or actions of any kind or nature in the name
of the County, where applicable, including administrative, trial, and
342 appellate proceedings, and shall pay all costs, judgments, and
attorneys' fees which may issue thereon. The Company shall
344 expressly understand and agree that any insurance protection
required by this Article, the micromobility license agreement, or
346 otherwise provided or secured by a Company, shall in no way limit
the responsibility to indemnify, defend and hold harmless the
348 County, its elected and appointed officials, employees, agents and
instrumentalities, as required by this Section. The obligation to
indemnify, defend, and hold harmless shall survive the revocation,

350 cancellation, or expiration of a license agreement. The Company
352 shall acknowledge in the license agreement, which will include this
indemnification in substantially the language provided by this
354 Section, that the issuance of the license, is, in part, conditioned on
the granting of this indemnification which is knowingly and
voluntarily given by the Company.

356 (i) *Micromobility Device Fee.* In addition to the non-
358 refundable application fee described in Section 35-99, the Company
shall remit to the County a fee in an amount established by the Board
360 of County Commissioners from time to time. Such fee shall be paid
to the County every ninety (90) days, beginning ninety (90) days
362 after the license is issued and within ten (10) days after expiration
or revocation of the license. Payment shall be made by check
364 payable to the Orange County Board of County Commissioners and
delivered to the Director or via electronic means established by the
366 County. If the payment due date falls on a weekend or a legal
holiday, then payment shall be due the next business day. A
368 Company's failure to make payment by this date will incur a penalty
of five percent of the delinquent amount per month, not to exceed a
370 total penalty of twenty-five (25) percent. A Company's failure to
timely pay the micromobility device fee constitutes grounds for
372 revocation of the license by the Director. In addition to the County's
costs to administer the program, this fee shall be used to defray costs
374 incurred by the County for enforcement, oversight, construction and
maintenance of micromobility device parking, sidewalk and bike
376 path maintenance and construction, other active transportation
maintenance activities, and/or active transportation street, sidewalk
378 and bike path improvements or studies that benefit micromobility
device operations in the County.

Sec. 35-101. Delivery and operation of micromobility devices.

380 All micromobility devices authorized under a license shall
382 be delivered and operational within the Company's Service Area
within sixty (60) days after issuance of the license; otherwise, the
384 license shall automatically expire. A Company shall keep, maintain
and operate the number of micromobility devices authorized by the
license throughout the term of the license.

Sec. 35-102. Micromobility device operation.

388 (a) *General requirements.* The operation of a
micromobility device shall be subject to the following:

390 (1) *Riders* shall be subject to all applicable rules,
392 regulations, and laws, including any additional rules and regulations
promulgated by the Director.

(2) Operation on county rights-of-way.

a. Micromobility devices may be operated by Riders only in a County approved Service Area.

b. Micromobility devices operated on sidewalks or sidewalk areas shall travel at a speed of no more than ten (10) miles per hour.

c. Micromobility devices may not be operated on any roadway identified by the County as a heavily traveled street found to be incompatible with the normal and safe use of micromobility devices consistent with Section 316.008(1)(n), Florida Statutes.

d. The Director shall have the authority to establish hours of operation should it be determined to be in the best interest of the public.

Sec. 35-103. Company responsibilities.

Each Company shall be subject to the following requirements during the term of the license agreement:

(a) The Company shall comply with all applicable rules, regulations, and laws, including any additional rules and regulations promulgated by the Director.

(b) Authorized Florida business. The Company shall be a business organization authorized to do business in the State of Florida and maintain active organizational status with the Florida Division of Corporations.

(c) Local Operational Staff. The local operational staff will be responsible for fielding complaints, addressing technical difficulties, coordinating the rebalancing and removal of micromobility devices parked illegally, and providing public education. The telephone number and any other contact information to reach the representative must be prominently displayed within the Company's mobile application, software application, website and also on each micromobility device in English, Spanish and Haitian Creole.

(d) Reimbursement to County. The Company shall reimburse the County for costs incurred to address or abate any violations of this Article or costs incurred for the repair or maintenance of public property arising from the operations of the Company. Such reimbursement shall occur within thirty (30) days after notice to the Company.

(e) Safety classes. The Company shall provide safety

436 training classes to educate persons operating micromobility devices
437 regarding the rules, regulations and laws applicable to riding,
438 operating, and parking a micromobility device, subject to the
following requirements:

440 (1) The classes shall be offered to the general
public a minimum of six (6) times per license year.

442 (2) The classes shall be evenly distributed
443 throughout the year during the work week and on weekends, offered
444 free of charge with in person and online attendance options.

446 (3) Companies may hold joint training classes,
which may be counted toward their individual safety class total
required under this subsection.

448 (4) The Company must document and report
attendance to the County for each class.

450 (5) The classes shall be offered in English,
451 Spanish, and Haitian Creole, if appropriate based on the County's
452 adopted Limited English Proficiency Plan, regarding the rules,
453 regulations and laws applicable to riding, operating, and parking a
454 micromobility device.

456 (f) Mobile application, software application, and
website. The Company's mobile application, software application,
and website, whichever may be applicable, shall:

458 (1) Provide clear notification that Riders must
459 operate a micromobility device in compliance with applicable state,
460 local, and federal laws and regulations;

462 (2) Educate Riders regarding the rules,
regulations and laws applicable to riding, operating, and parking a
micromobility device;

464 (3) Notify Riders that unless otherwise
465 prohibited, micromobility devices may be operated on streets,
466 sidewalks, and sidewalk areas in a manner similar to bicycles;

468 (4) Notify Riders that micromobility devices are
operated at a person's own risk, and no representation is made by the
County as to the condition of any street, sidewalk or sidewalk area;

470 (5) Notify Riders that micromobility devices
471 shall at all times yield to pedestrians and shall give an audible signal
472 before overtaking and passing a pedestrian;

(6) Notify Riders that the use of helmets while

operating a micromobility device is strongly encouraged; and

(7) Provide an interface that allows Riders to notify the Company of an issue relating to safety or maintenance of a micromobility device.

(8) Provide the requirements of this subsection (f) in English, Spanish and Haitian Creole.

(g) ADA Compliance. The Company shall diligently monitor the location of its micromobility devices to ensure compliance with ADA requirements relating to public access to sidewalks, buildings and other public facilities. The telephone number or email address to notify a Company of a micromobility device that is parked or located in such a manner as to violate ADA requirements shall be prominently displayed on each micromobility device. Upon such notification, the Company shall remove or relocate the micromobility device to an area that complies with the provisions of this Article.

(h) Rebalancing, relocating, and removing micromobility devices. The Company shall:

(1) Promptly remove any micromobility device that is inoperable or does not conform to the requirements of this Article.

(2) Rebalance its fleet in order to maintain a useful distribution of micromobility devices as necessary, but at least every twenty-four (24) hours, to maximize the demand for micromobility devices and utility to the public in accordance with the terms of the Company's license agreement.

(3) Relocate or remove a micromobility device within two hours of:

a. receiving a request to do so by the Director or other County staff.

b. receiving -notification from County staff or the public that the micromobility device is parked or located in violation of this Article.

(4) Upon the issuance of a tropical storm or hurricane warning for any part of Orange County, remove and safely store its fleet according to the Company's approved emergency preparedness plan.

(5) Upon notification by the County of any upcoming significant event in its Service Area, coordinate with the

County by submitting an event management plan to the County no later than seven (7) days before the planned event. If notified by the County's Traffic Engineering Division that a Maintenance of Traffic permit has been issued for construction in the Company's Service Area, the Company will modify operations as needed to ensure traffic safety.

(6) Continually monitor transportation assets for rebalancing needs, such as SunRail stations and LYNX stations.

(7) Have the technology available to operate and/or implement the Director's requirements regarding geo-fencing. The Director, in the interest of public safety and/or welfare, may (i) establish geo-fenced areas where micromobility devices cannot be operated and/or parked, (ii) publish or announce micromobility device speed restrictions, and/or (iii) exclude certain micromobility devices from being rented or ridden. Geo-fenced areas shall be established by the Company within twenty-four (24) hours of the Director's notification to do so.

(8) Have the technology available to operate and/or implement the Director's requirements regarding the portion or percentage of a Company's fleet that may be located in a particular part of a Service Area.

(i) *Data sharing.* The Company shall provide real-time or semi-real time micromobility device data in a format specified by the County and in accordance with existing industry standards. The data categories that each Company shall share with the County shall be listed on the license. The County may require additional categories of data from the Company, which additional categories shall become part of the license and which data shall be provided within ten (10) days of the County's written notice to the Company. In addition, the County reserves the right to require the Company to undergo an audit, strictly limited to the information provided in the data categories specified by the County in the license, to be performed by a third-party vendor of the County's choosing as a condition of the license to ensure the data provided by the Company is accurate and transparent.

(j) *Rental records.* The Company shall maintain, during the entire term of the license, a searchable database with the following information for each micromobility device rented: (1) name, address and mobile phone number of the person who rented the micromobility device; (2) the date, time and duration ("rental period") of each person's rental of a micromobility device; (3) the route taken during the rental period; and (4) the location of the micromobility device at any particular time during the rental period. The Company shall not be required to share this data with the

County as part of the Company's operations under the license.

558 (k) Monthly reports. In addition to the information
560 referenced in subsection (i) above, each Company shall provide a
monthly report to the Director by the fifth business day of each
562 month for the prior month, which report shall include the following
minimum information:

564 (1) The Company's total number of Riders in its
Service Area.

566 (2) Number of rides, time per ride, and miles
travelled.

568 (3) Total number of active micromobility devices
in the fleet.

 (4) A map showing high ridership routes.

570 (5) The number and type of maintenance
requests.

572 (6) Customer service information, such as
574 complaints, notification of equipment failures and requests to
remove micromobility devices.

576 (7) An assessment of any environmental
impacts.

578 (l) Customer surveys. Within sixty (60) days after
580 issuance of a license, the Company shall place a customer survey on
its website or mobile application ("app") or may conduct the survey
by email, in a form approved by the County, and shall forward all
results to the County every two months after posting the survey.

582 (m) Age of Riders. The Company shall not knowingly rent
584 or lease any device to be ridden by a child who is under the age of 18 years.

586 (n) Fixtures. The Company shall not place or attach any
588 fixtures, structures, or personal property, other than the subject
micromobility device, in the public right-of-way.

590 (o) Good standing. The Company shall comply with the
592 terms of the license agreement and this Article and shall maintain
the license in good standing throughout the term of the license
agreement.

594 (p) Waiver/release. The Company shall require and
obtain each Rider's executed consent of, and to, the approved

596 waiver/release form prior to such Rider's use of the Company's
598 micromobility devices. The Company will use the form as part of
every rental of a micromobility device throughout the term of the
license agreement.

600 (q) Parking. The Company shall install designated
parking areas as depicted on County-approved Parking Plans per all
applicable County specifications provided by Public Works.

602 **Sec. 35-104. Micromobility device requirements.**

Micromobility devices shall be subject to the following:

604 (a) Micromobility devices shall be well-maintained and
606 in good operating condition at all times and shall be built to
withstand the effects of weather and constant use.

608 (b) Micromobility devices shall be equipped with (i) a
minimum of nine (9) inch wheels, (ii) a horn or bell or other such
610 signaling device by which to audibly warn pedestrians, and (iii)
front and rear lights and reflector that meet applicable laws, rules
612 and regulations, and shall otherwise meet the specifications and
safety requirements for micromobility devices under applicable
federal and state law.

614 (c) A governor or other such mechanism shall be
616 installed on each micromobility device so that, when activated, the
micromobility device will not be capable of exceeding ten (10) miles
per hour.

618 (d) Micromobility devices shall prominently display on
620 a sign no larger than x with lettering/numbers/images at
least " in size, the Company's legal name and logo as well as a
622 telephone number by which a Rider may contact the Company for
customer support 24 hours a day, 7 days a week. Contact
624 instructions shall be provided in English, Spanish, and Haitian
Creole. Each device shall also have a unique device number.

626 (e) Micromobility devices must be rebalanced on a daily
basis in the manner prescribed in this Article.

628 (f) Micromobility devices shall not display any third-
party advertising.

630 (g) Each micromobility device shall be equipped with
active global positioning system (GPS) technology.

632 **Sec. 35-105. Parking requirements.**

The following parking requirements apply to micromobility

634 devices:

636 (a) Micromobility devices shall only be parked in designated areas approved by the County for such parking.

(b) Micromobility devices shall be parked upright.

638 (c) Micromobility devices shall be parked in a manner
640 that is compliant with the applicable provisions of the Americans
with Disabilities Act of 1990 and federal and state regulations and
guidance for accessible public rights-of-way.

642 (d) A micromobility device shall not be parked:

644 (1) in a manner that obstructs or interferes with
pedestrian or vehicular traffic; or on an accessibility ramp or curb
646 ramp for persons with disabilities, or any part thereof, or in any
manner that would restrict the movement of persons with
disabilities;

648 (2) in a manner that would impede normal and
reasonable pedestrian access on a sidewalk or pedestrian path, or in
650 any manner that would reduce the minimum clear width of a
sidewalk or pedestrian path to less than four feet;

652 (3) in a manner that would impede vehicular
traffic;

654 (4) within a motor vehicle parking space not
designed for micromobility device use;

656 (5) upon or within a bicycle rack;

658 (6) on any private property without the
permission of the owner; or

660 (7) in a manner that would pose a threat to public
safety or security.

(8) in a manner that blocks:

662 a. Fire hydrants, call boxes or other
emergency facilities;

664 b. Transit facilities and transit stops;

c. Loading spaces or zones;

666 d. Passenger loading spaces or zones, or
valet parking service areas;

- 668 e. Railroad tracks or crossings;
670 f. Accessible parking spaces or
prohibited parking zones;
672 g. Street furniture that requires
pedestrian access (for example, benches, parking pay stations,
mailboxes or parcel lockers, or bicycle/news racks);
674 h. Building entryways; or
i. Vehicular driveways.

676 (e) A micromobility device shall not be attached,
678 secured, stored, or parked 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.

680 (f) Except as otherwise may be expressly allowed by the
682 Director, 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.

684 (g) Micromobility devices parked in an incorrect or
686 improper manner shall be re-parked, removed and/or relocated by
the Company within two hours of receiving notification.

Sec. 35-106. Impoundment.

688 The County may seize and impound any micromobility
690 device parked or being operated in violation of this Article. Without
692 limiting the foregoing, the County may seize and impound any
micromobility device that is visibly damaged or non-functional,
694 blocking the public right-of-way, or located outside the Service
Area. Such a micromobility device shall be released to the lawful
696 owner after all impoundment and storage fees have been paid. Any
micromobility device that remains unclaimed within the County for
698 five days shall be subject to sale pursuant to the procedures for
abandoned or lost property set forth in Section 705.103, Florida
Statutes, or by any other method allowed by the laws of the State of
Florida.

700 **Secs. 35-107 - 35-115. Reserved.**

702 **Section 2. Effective date.** This ordinance shall become effective pursuant to general
law.

704 **ADOPTED THIS ____ DAY OF _____, 2021.**

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716 **ATTEST:** Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

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By: _____
720 Deputy Clerk

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ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: _____
Jerry L. Demings,
Orange County Mayor