

**ORDINANCE NO.**

**An ordinance of the City of Gainesville, Florida, amending section 26-196 of the City Code of Ordinances related to hours of operation of micromobility services; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

**WHEREAS**, granting the director authority to extend the hours of operation beyond the hours prescribed in the ordinance is desirable to allow greater access to micromobility services;

**WHEREAS**, at least 10 days' notice has been given once by publication in a newspaper of general circulation notifying the public of this proposed ordinance and of public hearings to be held in the City Commission Auditorium, City Hall, City of Gainesville; and

**WHEREAS**, the public hearings were held pursuant to the published notice described at which hearings the parties in interest and all others had an opportunity to be and were, in fact heard.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE  
CITY OF GAINESVILLE, FLORIDA:**

**Section 1.** Sec. 26-196 of the Code of Ordinances of Gainesville, Florida is hereby amended to read as follows:

## Chapter 26 – TRAFFIC AND MOTOR VEHICLES

## ARTICLE VII. –MICROMOBILITY SERVICES

**Sec. 26-196. Operation.**

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

- (b) At any given time, the micromobility service must have 75% of its authorized fleet in operation.
- (c) The micromobility service may request an increase to its initial fleet in increments of up to 50 micromobility devices upon demonstration of use of at least 3 unique rides (meaning individual trips started) per device in the fleet per day over a consecutive 60 day period. Each request must include a rationale and analysis to justify the additional fleet size. Authorization of additional micromobility devices is at the discretion of the director and must be based upon utilization rates and the micromobility service's overall compliance with this article. If the director authorizes additional devices, the city will issue an amended permit to the micromobility service upon payment of additional permit fees and compliance with permit requirements as to the additional micromobility devices.
- (d) The director may cap the total number of micromobility devices permitted to operate within the city to 400 devices per micromobility service, or 1,200 total devices.
- (e) Micromobility services may allow operation of their micromobility devices between the hours of 6:00 A.M. to ~~10:00 P.M.~~3 A.M.. The micromobility service is responsible for disabling its fleet each night. The micromobility service may redistribute its fleet beginning at 4:00 A.M. each day; however, the micromobility devices may not be enabled for public use until 6:00 A.M. The director may extend the hours of operation to be later than ~~10:00 P.M.~~3:00 A.M. and/or earlier than 6:00 A.M., and change the time micromobility services may redistribute their fleets each

1           day accordingly. The director shall maintain on file with the department the  
2           authorized hours of operation.

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

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

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

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

20          **Section 2.** It is the intention of the City Commission that the provisions of Section 1 of  
21          this ordinance will become and be made a part of the Code of Ordinances of the City of  
22          Gainesville, Florida, and that the sections and paragraphs of this ordinance may be renumbered  
23          or relettered in order to accomplish such intentions.

**Section 3.** If any word, phrase, clause, paragraph, section or provision of this ordinance or the application hereof to any person or circumstance is held invalid or unconstitutional, such finding will not affect the other provisions or application of the ordinance which can be given effect without the invalid or unconstitutional provisions or application, and to this end the provisions of this ordinance are declared severable.

**Section 4.** All ordinances or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

**Section 5.** This ordinance will become effective immediately upon final adoption.

**PASSED AND ADOPTED** this      day of      , 2022.

LAUREN POE, MAYOR

Attest:

Approved as to form and legality:

OMICHELE D. GAINEY,  
CITY CLERK

DANIEL M. NEE,  
INTERIM CITY ATTORNEY

This ordinance passed on first reading this       day of       , 2022.

This ordinance passed on second reading this            day of            , 2022.