

Legislative #

201151

1 **ORDINANCE NO. 201151**

2 **An ordinance of the City of Gainesville, Florida, amending**
3 **section 26-195 of Chapter 26, Article VII by changing the**
4 **insurance requirements for micromobility services; providing**
5 **directions to the codifier; providing a severability clause;**
6 **providing a repealing clause; and providing an immediate**
7 **effective date.**

8
9 **WHEREAS**, on December 3, 2020, the City Commission passed Ordinance Number
10 180115, which established permit and operating requirements for micromobility services;

11 **WHEREAS**, as a condition of the permit, micromobility services are required to obtain
12 certain insurance;

13 **WHEREAS**, it is in the best interest of the city to change the insurance requirements in
14 the existing ordinance to enable the micromobility services to obtain insurance in the State of
15 Florida;

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

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

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

24 **Section 1.** Section 26-195 of Chapter 26, Article VII of the Code of Ordinances of
25 Gainesville, Florida is hereby amended to read as follows:

26 **Sec. 26-195. Indemnification and insurance.**

- 1 (a) As a condition of the permit, the micromobility service shall indemnify, hold
2 harmless and defend the city, its representatives, employees, and elected and
3 appointed officials, from and against all liability, claims, damages, suits, losses,
4 and expenses of any kind, including reasonable attorney's fees and costs for
5 appeal, associated with or arising out of the permit, the use of right-of-way or city
6 owned property for operations, or arising from any negligent act, omission or error
7 of the micromobility service, owner, managing agent, its agents or employees, or
8 from the failure of the micromobility service, its agents or employees, to comply
9 with the requirements of this article or with any other federal or state traffic law.
- 10 (b) The micromobility service shall provide and maintain public liability and property
11 damage insurance to protect the city, its representatives, employees, and elected
12 and appointed officials, from all claims and damage to property or bodily injury,
13 including death, which may arise from its operation. Such insurance must be
14 provided from an insurance company that is ~~an admitted~~ a registered carrier in the
15 state of Florida with an A.M. Best rating of not less than "A" and a financial
16 strength rating of not less than "VII," acceptable to the city's risk management
17 division, and must provide coverage of not less than two million dollars
18 (\$2,000,000.00) for bodily injury, and property damage respectively per
19 occurrence. Such insurance must name as additional insured the city, its officers
20 and employees, and shall further provide that the policy must not terminate or be
21 canceled prior to the expiration of the permit without 30 days' written notice prior
22 to the termination to the department at the address shown in the permit.

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

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

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

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

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

20 **PASSED AND ADOPTED** this 3rd day of June, 2021.

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22 _____
23 LAUREN POE, MAYOR
24 Attest: Approved as to form and legality:

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OMICHELE D. GAINEY, NICOLLE M. SHALLEY
CITY CLERK CITY ATTORNEY

This ordinance passed on first reading this 20th day of May, 2021.

This ordinance passed on second reading this 3rd day of June, 2021.