

ORDINANCE _____ - 2019

AN ORDINANCE AMENDING SECTION 18-148 OF THE LEXINGTON-FAYETTE URBAN COUNTY CODE OF ORDINANCES TO INCLUDE ELECTRIC BICYCLES AND ELECTRIC MOTOR-ASSISTED SCOOTERS; AMENDING SECTION 18-25 OF THE LEXINGTON-FAYETTE URBAN COUNTY CODE OF ORDINANCES TO ADD DRIVERS OF ELECTRIC BICYCLES AND ELECTRIC MOTOR-ASSISTED SCOOTERS TO THE REQUIREMENTS PROVIDED THEREIN; AND CREATING CHAPTER 17D OF THE LEXINGTON-FAYETTE URBAN COUNTY CODE OF ORDINANCES TO REGULATE DOCKLESS VEHICLES WITHIN THE PUBLIC RIGHT-OF-WAY AND INDIVIDUALS OPERATING ELECTRIC BICYCLES AND ELECTRIC MOTOR-ASSISTED SCOOTERS; ALL EFFECTIVE UPON PASSAGE OF COUNCIL.

WHEREAS, it is the intent of the Lexington-Fayette Urban County Government to provide rules and regulations governing the operation of electric bicycles, electric motor-assisted scooters, and dockless vehicles within Lexington-Fayette County right-of-way and to ensure that the operation of such mobility systems is consistent with LFUCG's larger safety and transportation goals, which emphasizes the well-being of people of all ages and abilities across all modes of transportation operating within the public right-of-way.

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY:

Section 1 – That Section 18-148 of the Code of Ordinances be and hereby is amended to read as follows:

- (a) Every person operating a bicycle, or an electronic bicycle or electric motor-assisted scooter as those devices are defined in Section 17D, upon a roadway shall ride as near to the right-hand side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.
- (b) Persons riding or pushing bicycles, or an electronic bicycle or electric motor-assisted scooter as those devices are defined in Section 17D, upon a roadway shall not ride or push two (2) abreast in any business district or more than two (2) abreast in any other district.
- (c) Whenever a designated bicycle path has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway.

(d) No person shall ride a bicycle, or an electronic bicycle or electric motor-assisted scooter as those devices are defined in Section 17D, on any designated limited-access highway.

(e) No motorized vehicles shall be allowed on any designated bicycle path, except electric bicycles and electric motor-assisted scooters as those devices are defined in Chapter 17D of this Code.

Section 2 – That Section 18-25 of the Code of Ordinances be and hereby is amended to read as follows:

The driver of a vehicle, electric bicycle, or electric motor-assisted scooter as defined in Chapter 17D of this Code, shall not drive within any sidewalk area except at a permanent or temporary driveway.

Section 3 – That Chapter 17D, Dockless Vehicles, of the Code of Ordinances be and hereby is created.

Section 4 – That Section 17D-1 of the Code of Ordinances be and hereby is created to read as follows:

17D-1. Definitions

The following definitions apply to this Chapter:

(1) *Bicycle* shall have the same meaning as provided in Section 18-1 of the Code of Ordinances.

(2) *Commissioner* means the Commissioner of the Department.

(3) *Department* means the Department of Environmental Quality and Public Works.

(4) *Designated Group Parking Area* means an improvement on the public right-of-way which shall occur in a designated area, to be approved by the Department, specifically for group placement of the Licensee's Dockless Vehicles.

(5) *Dockless Vehicle* means a bicycle, an electric bicycle, or an electric motor-assisted scooter which can be located and checked-out without interacting with a human, placed into Lexington-Fayette County for rent by a Licensee.

(6) *Electric bicycle* means a bicycle containing an electric motor that is capable of propelling the device with or without human propulsion at a speed no greater than fifteen miles per hour.

(7) *Electric motor-assisted scooter* means a vehicle designed to be stood upon and powered by an electric motor that is capable of propelling the device with or without human propulsion at a speed no greater than fifteen miles per hour, which contains no more than two ten-inch or smaller diameter wheels and handlebars.

(8) *Licensee* means an individual or entity that has been issued an operating authority license under this Chapter.

(9) *Preferred Parking Location* means any unmarked parking location established by the Licensee for the deployment and/or relocation and/or rebalancing of the Licensee's Dockless Vehicles.

(10) *Rebalance* means 1) moving Dockless Vehicles from an area of low demand to an area of high demand or 2) moving Dockless Vehicles from an area of high Dockless Vehicle concentration to areas of lower concentration.

(11) *Relocation* means the movement of Dockless Vehicles from one area to another by the Licensee.

(12) *Residential Area* means any area primarily consisting of residential land uses.

(13) *Right-of-Way* means the surface of and the space above and below a public roadway, highway, street, freeway, lane, path, sidewalk, alley, court, boulevard, avenue, parkway, cartway, bicycle lane or path, public sidewalk, or easement held by the LFUCG for the purpose of public travel and shall include rights-of-way as presently held or hereafter held by the LFUCG. The right-of-way shall not include greenways. The ability to install a Designated Group Parking Area in a greenway shall require separate approval pursuant to the appropriate LFUCG ordinance or regulation.

Section 5 – That Section 17D-2 of the Code of Ordinances be and hereby is created to read as follows:

17D-2. Administration; Enforcement

(1) The Commissioner, or his or her designee, is the principal LFUCG official responsible for the administration of this Chapter, and he or she may delegate any or all of the duties hereunder, including to the Division of Planning.

(2) Unless otherwise specified, the Department shall be responsible for enforcing compliance with this Chapter through the issuance of suspensions, revocations, or fleet reductions, as provided herein.

(3) The Lexington-Fayette County Parking Authority (LexPark) shall be responsible for the issuance and collection of any fine levied under this Chapter.

(4) All LFUCG divisions and departments tasked with administration and enforcement of this Chapter may adopt procedures and regulations consistent with this Chapter.

Section 6 – That Section 17D-3 of the Code of Ordinances be and hereby is created to read as follows:

17D-3. Prohibitions

(1) No person or company shall operate, cause, or permit the operation of a Dockless Vehicle service within Lexington-Fayette County without a valid Operating Authority License.

(2) Any person operating an electric bicycle or electric motor-assisted scooter shall abide by all ordinances applicable to bicycles.

(3) Any person operating an electric bicycle or electric motor-assisted scooter shall abide by all applicable state and federal laws.

(4) Violations of subsection (1) of this section shall be enforced by LexPark and shall result in a fine of \$500 per Dockless Vehicle and the Dockless Vehicles being impounded, with all costs for removal and storage being paid by the violator.

(5) Violations of subsections (2) and (3) of this section shall be enforced by the Division of Police and carry a penalty consistent with the relevant ordinance, state law, or federal law.

Section 7 – That Section 17D-4 of the Code of Ordinances, Application for Operating Authority License, be and hereby is created to read as follows:

17D-4. Application for Operating Authority License

(1) To obtain or renew an operating authority license, a Licensee shall make an application in the manner and form as prescribed by the Division of Planning. The applicant shall be the business or entity that will own, control, or operate the proposed Dockless Vehicles. All licenses issued shall be considered full operating licenses and will expire twelve (12) months from the date of issue.

(2) An application for an operating authority license shall, at a minimum, contain the following:

- a. The form of business of the applicant and, if the business is a corporation or association, a copy of the documents establishing the business and the name and address of each person with a twenty percent (20%) or greater ownership interest in the business;
- b. The address of the fixed facilities to be used in the operation, and the address of the applicant's corporate headquarters, if different from the address of the fixed facilities;
- c. The name of the person designated by the applicant to receive on behalf of the applicant any future notices sent by LFUCG to the Licensee, and that person's contact information, including a mailing address, telephone number, and email or other electronic address;
- d. The name of the non-contract or W-2 full time employee physically located within Lexington-Fayette County that will serve as the primary point of contact for the management of operations for that Licensee, including a mailing address, telephone number, and email or other electronic address;
- e. Evidence from an insurance company indicating that such insurance company has bound itself to provide the applicant with the liability insurance required by this Chapter;
- f. Evidence from a bonding or insurance company or a bank indicating that the bonding or insurance company or bank has bound itself to provide the applicant with the performance bond or irrevocable letter of credit required by this Chapter;
- g. The applicant's plan to launch Dockless Vehicles into Lexington-Fayette County, including the number of Dockless Vehicles and all parking and rebalancing locations;
- h. The verified signature of the applicant.

(3) Any changes to the information provided in the operating authority license application shall be reported in writing to LFUCG within ten (10) days of the change. Any changes to the fleet size may occur only after approval by LFUCG in writing and prior to placing the additional Dockless Vehicles in the right-of-way.

(4) The Division of Planning shall review all applications required under this section, and provide a determination to the Commissioner whether such applications should be approved.

Section 8 – That Section 17D-5 of the Code of Ordinances, Operating Authority

License be and hereby is created to read as follows:

17D-5. Operating Authority License

(1) An Operating Authority License shall allow a Licensee to operate, cause, or permit the operation of a Dockless Vehicle service within Lexington-Fayette County, subject to the requirements of Chapter 17D.

(2) Up to five (5) applicants may be granted an Operating Authority License to operate within the operating zone at any given time.

(3) An Operating Authority License is not transferable, but the continuing use of trade names is acceptable.

(4) An Operating Authority License shall expire one year from the date of issue, but may be renewed after submittal of an application as provided in Section 17D-4.

(5) The issuance or renewal of an Operating Authority License may be denied if the applicant:

- a. Intentionally or knowingly makes a false statement as to a material matter in an application, or
- b. has violated this Chapter, or a rule or regulation adopted under this ordinance, twice within a twelve-month period, or has had an Operating Authority License revoked within two years of the date of application.

(6) LFUCG reserves the right, for cause or convenience, to terminate the licensing program at any time. If a license is terminated, Licensees shall remove all Dockless Vehicles from the right-of-way within seven (7) days of receiving notice. If all Dockless Vehicles are not removed within seven (7) days, the remaining Dockless Vehicles may be impounded, and all costs incurred for removal and storage shall be paid by the Licensee.

(7) An Operating Authority License may be suspended at the discretion of the Commissioner for any violation of this Chapter. Suspension of the Operating Authority License does not affect the expiration date of the license. The duration of any suspension shall be at the discretion of the Commissioner but will be no less than six months, nor more than one (1) year. A Licensee may not reapply for an Operating Authority License while suspended.

(8) An Operating Authority License may be revoked if the Commissioner determines that the Licensee has:

- a. Made a false statement in the application for an Operating Authority License;
- b. Failed to maintain the insurance required by the LFUCG;
- c. Failed to maintain the performance bond or irrevocable letter of credit required by the LFUCG;
- d. Operated Dockless Vehicles in Lexington-Fayette County that were not authorized under this Chapter;
- e. Failed to pay a fee or fine required under Chapter 17D; or
- f. Otherwise committed multiple violations of Chapter 17D.

(9) If an Operating Authority License has been suspended or revoked, the offending Licensee shall remove all Dockless Vehicles from the right-of-way within eleven (11) days of receiving notice of revocation. If all Dockless Vehicles are not removed within eleven (11) days, the remaining Dockless Vehicles may be impounded, and all costs incurred for removal and storage shall be paid by the Licensee. A Licensee is not eligible to apply for another Operating Authority License for a period of two years after having a previous license revoked.

(10) A reduction in fleet size may occur in lieu of a suspension of a Licensee's Operating Authority License under this section, at the discretion of the Commissioner.

Section 9 – That Section 17D-6 of the Code of Ordinances be and hereby is created to read as follows:

17D-6. Equipment Standards

(1) Each Dockless Vehicle permitted under this Chapter shall display the emblem of the Licensee along with a unique identification number that is easily visible while the vehicle is in a standard upright position.

(2) Each Dockless Vehicle permitted under this Chapter shall be equipped with active global positioning system technology, which shall ping its location at a minimum of every sixty (60) seconds while the Dockless Vehicle is being ridden.

(3) Dockless vehicles shall meet all the requirements of local, state, and federal law.

(4) Each Dockless Vehicle permitted under this Chapter shall meet all other equipment standards required by the Commissioner.

(5) LFUCG may, with or without notice, inspect any Dockless Vehicle to determine whether the Dockless Vehicle complies with the standards outlined in this section.

(6) Observed or reported violations of this section may result in the offending Dockless Vehicle being impounded, with all costs of removal and storage being paid by the Licensee, and may also result in a reduction in fleet size, suspension, or revocation of the Operating Authority License.

Section 10 – That Section 17D-7 of the Code of Ordinances be and hereby is created to read as follows

17D-7. Operating Zone and Fleet Size

(1) LFUCG reserves the right to limit operations of Dockless Vehicles to zones established by LFUCG and to restrict areas within the designated operating zone. A map of the designated operating zone and a list of restricted zones shall be kept and updated from time to time by the Department.

(2) A Licensee found to have vehicles outside the designated operating zone, or inside a restricted zone, shall be found to have violated this Section and shall pay \$100 per vehicle, and offending vehicles may be impounded by LFUCG. The Licensee shall be responsible for all costs associated with removal and storage.

(3) Subject to approval by the Commissioner, Licensees may provide a maximum of four hundred (400) Dockless Vehicles each, with possible incremental increases of no greater than two hundred (200) Dockless Vehicles per month thereafter, provided:

- a. Ridership exceeds four (4) rides per Dockless Vehicle per day on those owned or operated by Licensee;
- b. Issues identified by the Department are being adequately addressed to the Department's satisfaction.
- c. A Licensee may not operate more than one thousand (1000) Dockless Vehicles in Lexington-Fayette County.

(4) Caps on the number of Dockless Vehicles provided in this section may be raised at the discretion of the Commissioner if ridership exceeds five (5) rides per Dockless Vehicle per day on average over the preceding month and issues identified by the Department are being adequately addressed to the Department's satisfaction.

(5) The Licensee shall remove a number of Dockless Vehicles determined by the Commissioner if ridership falls below an average of 2.5 rides per Dockless Vehicle per day in the preceding month.

Section 11 – That Section 17D-8 of the Code of Ordinances be and hereby is created to read as follows:

17D-8. Parking, Rebalancing, and Relocation of Dockless Vehicles

(1) The Licensee shall provide a map and coordinates of all parking locations, which shall accompany each monthly report.

(2) All preferred parking locations of Dockless Vehicles on the public right-of-way are subject to review and modification at the Department's request. Each Preferred Parking location shall be within the operating zone, be limited to no more than ten (10) Dockless Vehicles per location, as required by the Commissioner, and shall comply with the parking restrictions provided herein.

(3) To the extent the Licensee desires to park dockless vehicles in areas other than the public right-of-way (e.g. parks, plazas, parking lots, private property, or transit stations), the Licensee shall first obtain permission to do so from the appropriate LFUCG division or department, property owner, or public agency and shall communicate this right to users through signage approved by the respective entity and/or through a mobile or web application.

(4) Whenever a Dockless Vehicle is deployed, relocated, or rebalanced, the Licensee shall place the vehicle in question in a preferred parking location or a designation group parking area. Nothing in this section shall require individual riders to end their rides at a preferred parking location or designated group parking location; however, placement at such facilities shall be recommended to users prior to starting each ride.

(5) Dockless Vehicles shall be relocated or removed by the Licensee within two (2) hours of receiving notice of any vehicles that are parked in any manner described below:

- a. Parked in a manner that would impede normal and reasonable pedestrian access on a sidewalk or in any manner that would reduce the minimum clear width of a sidewalk to less than 48 inches—the minimum clear width allowed under the Americans with Disabilities Act (ADA).
- b. Not standing upright.
- c. Parked in any way that blocks:
 1. Access to or from any building
 2. Transit stops, shelters, or platforms.
 3. Commercial loading zones.
 4. Railroad tracks or crossings.
 5. Passenger loading zones or valet parking service areas.
 6. Disabled parking zones.
 7. Street furniture that requires pedestrian access (for example, benches or parking meters).
 8. Building entryways.
 9. Vehicular driveways.
 10. Utility access points such as manholes or other doors or hatches on the ground.
 11. The reasonable use of any commercial window display.
 12. Bicycle rack unless the Dockless Vehicle is a bicycle or electric bicycle.
 13. News Rack
 14. That impedes crosswalks or crosswalk landing areas.
 15. In areas including right of way that has been closed or permitted for events
 16. The travel lane and six foot pedestrian clear zone in areas without sidewalks.

(6) Nothing in this section shall prevent the Division of Police or LexPark from immediately moving or impounding a Dockless Vehicle that is parked in such a

way to impede vehicular traffic or otherwise impose a threat to public safety. The Licensee shall be responsible for the costs of removal and storage.

(7) Dockless Vehicles left at the same location for at least twenty-four (24) hours despite notification to the Licensee to relocate the Dockless Vehicle may be impounded. The Licensee shall be responsible for the costs of removal and storage.

(8) The Division of Police or LexPark may, with or without notice, inspect the manner of parking of Dockless Vehicles to determine whether the Dockless Vehicle complies with this section. Observed or reported violations may be subject to a \$500.00 fine per occurrence, impoundment with all costs of removal and storage being paid by the Licensee, and a potential reduction in fleet size to be determined by the Department.

Section 12 – That Section 17D-9 of the Code of Ordinances be and hereby is created to read as follows:

17D-9. Designated Group Parking Areas

(1) Plans for Designated Group Parking Areas shall be approved by the Department and installed by the Licensee. These areas may be required at a rate of no more than one (1) Designated Group Parking Area for every ten (10) Dockless Vehicles and shall be located in areas of high demand.

(2) Any changes in the location of any Designated Group Parking Area shall be approved by the Department. Updated lists of locations shall be provided to the Department within five (5) working days of approval by the Department.

(3) Each Licensee shall be responsible for the maintenance and potential removal of their Designated Group Parking Areas, as well as any related costs.

(4) The Department may review and require modification to the size and placement of all Preferred Parking Locations and Designated Group Parking Areas. The Department may establish parking review areas where prior approval for parking locations is required.

(5) Failure to comply with this section shall result in the removal of the offending Designated Group Parking Area from the public right-of-way, with all costs incurred being paid by the Licensee.

Section 13 – That Section 17D-10 of the Code of Ordinances be and hereby is created to read as follows:

17D-10. Licensee Requirements

- (1) The Licensee shall provide Dockless Vehicles at rates that are clearly and understandably communicated to the customer prior to use.
- (2) Dockless Vehicles located outside Preferred Parking Locations or Designated Parking Areas or removed from service for charging purposes shall be deployed, rebalanced, or relocated to Preferred Parking Locations or Designated Parking Areas by 7:00 a.m. local time, daily. Failure to perform these duties shall be considered as non-compliance with this Chapter and shall be subject to a \$500.00 fine per documented occurrence plus any cost for removal and storage being paid by Licensee.
- (3) The Licensee shall maintain a staffed operations center and shall maintain a 24-hour customer service phone number posted on the vehicle and within the Licensee's mobile application for customers and members of the public to report safety concerns, complaints, or to ask questions of the company.
- (4) The Licensee shall provide the Department a designated contact whose location of employment with the Licensee is within Lexington who will be responsible for relocation of Dockless Vehicles and to receive customer complaints forwarded by LFUCG. Any changes in the contact information shall be provided to the Department within 24 hours.
- (5) The Licensee shall create and maintain city-specific information outlining all locally relevant terms and conditions on the company's websites or social media platforms. Such information shall include the terms of service, including user instructions, privacy policies, and outline all fees, costs, penalties, unexpected charges, and any other information required by the Department in all languages required by the Department.
- (6) The Licensee shall provide users all information required by the Department by means of signage and through a mobile, web, or social media application.
- (7) Education and marketing materials, as well as engagement with, low income, minority, non-English speaking, and zero-car populations is strongly encouraged and preferred.
- (8) Licensees shall make a good-faith effort to provide non-smart phone and bankless payment options to access the system.
- (9) Licensees shall make periodic efforts to inform non-users about proper behavior around the Licensee's product, including providing information on how a non-user may report parking or operations related issues to the company. The Licensee shall document all information campaigns and provide a summary to the Department in their monthly reports. Licensees shall conduct information outreach efforts at least twice a year. Public safety information campaigns shall occur each time the Licensee's fleet is notably expanded, to be determined by the Department.

(10) Licensees shall remove from service any inoperable Dockless Vehicle, or a Dockless Vehicle that is not safe to operate, from the right-of-way within twenty-four (24) hours of receiving notice or otherwise becoming aware that the vehicle is inoperable. The inoperable or unsafe Dockless Vehicle shall also be removed from the user interface that allows the public to locate said vehicle and the vehicle shall not be able to be unlocked by potential users. A Dockless Vehicle removed from the right-of-way in accordance with this subsection shall be repaired before it is returned to service.

(11) Licensees shall adopt policies and procedures to reasonably ensure customer data privacy. Customers shall not be required to share personal data with 3rd parties to use the mobility services.

(12) Licensees shall provide clear notification about what data will be accessed and explain how and why data will be used. Affirmative confirmation by the customer shall be required.

(13) All digital applications or consent forms shall provide customers with the option to opt-in to providing access to their contacts, camera, photos, files, other private data and third party data sharing. This opt-in shall not be the default setting and digital applications and consent forms shall not require customers to opt-out of providing access.

(14) Licensees shall not require customers to provide access to their contacts, camera, photos, files and other private data to use the Dockless Vehicles. Location services may be required to use the service for locating nearby vehicles, but not for providing trip-level data.

Section 14 – That Section 17D-11 of the Code of Ordinances be and hereby is created to read as follows:

17D-11. Equitable Distribution of Dockless Vehicles

(1) To ensure access to shared mobility transportation options throughout the community, Licensees shall comply with this Section.

(2) Equitable distribution zones are intended to ensure that no singular zone is intentionally over-served or under-served. These equitable distribution zones are illustrated on the Equity Analysis Map, which shall be kept by the Department and updated from time to time.

(3) For fleets of less than two hundred (200) Dockless Vehicles, there are no distributional requirements.

(4) For fleets of two hundred (200) or more Dockless Vehicles, 30% of each Licensee's vehicles shall be located within zones identified as the highest concentration of need.

(5) The Licensee shall submit distribution plans within areas labeled as highest concentration of need to the Department for approval to ensure adequate accessibility for residents of each zone has been achieved.

Section 15 – That Section 17D-12 of the Code of Ordinances be and hereby is created to read as follows:

17D-12. Data Collection and Reporting

(1) The Licensee shall provide the Department with all real time anonymized information and data required by the Department in a format acceptable to the Department.

(2) All GPS data shall come from the active GPS that is affixed to each vehicle and shall not be collected from users' mobile devices.

(3) The Licensee shall provide a monthly report in a format acceptable to the Department that includes the following:

- a. Total number of rides for the previous month and total miles ridden;
- b. Total number of vehicles in service for the previous month;
- c. Number of rides;
- d. Location and performance of all preferred and designated parking areas;
- e. Number of vehicles removed from service;
- f. Licensee staffing levels;
- g. Customer service cases, including complaints registered;
- h. Incidents of vandalism;
- i. Crash reports, including injury, fatalities, or property damage.
- j. Location and number of Dockless Vehicles located in each Designated Group Parking Area.

(4) The Licensee shall comply with any requests from the Department for additional reports, additional data or change in the frequency of the reports.

(5) The Licensee shall attend any meeting scheduled by the Department to discuss operations, issues, and any corrective actions as may be necessary.

Section 16 – That Section 17D-13 of the Code of Ordinances be and hereby is created to read as follows:

17D-13. Fees

(1) The Licensee shall pay \$5000 for the Operating Authority License prior to issuance of the license

(2) The Licensee shall pay \$0.25 per trip taken by a customer on a Dockless Vehicle, payable on a monthly basis with the monthly report required in 17D-12.

(3) The Licensee shall pay \$50 per designated group parking area, payable at the time the designated group parking area is approved by the Department.

(4) In order to ensure performance, each applicant seeking an Operating Authority License shall establish a performance bond in favor of the LFUCG to be issued by an entity subject to the jurisdiction and venue in Fayette County, Kentucky, in the amount of \$10,000. The Department may impose additional security requirements.

(5) In addition to the fees provided above, the Licensee shall also be responsible for:

- a. All costs associated with relocation or removal of vehicles from the right of way;
- b. All costs incurred by any source for relocating or removing vehicles left outside the designated operating zone;
- c. All costs incurred relating to abatement of any violations of Chapter 17D or any conditions of the Operating Authority License or repair or maintenance of public property or right-of-way due to the Dockless Vehicles or use thereof.

The Licensee shall provide reimbursement for these costs within thirty (30) days of receiving notice.

(6) As a significant number of trips on Dockless Vehicles are anticipated to occur on the University of Kentucky's campus, the University of Kentucky shall receive 50% of the amount of fees collected under subsection (2).

Section 17 – That Section 17D-14 of the Code of Ordinances be and hereby is created to read as follows:

17D-14. Insurance

Each Licensee shall maintain in full force and effect a commercial general liability insurance policy reasonably acceptable to the LFUCG's Division of Risk Management with a minimum policy limit of one million dollars (\$1,000,000.00) per occurrence and \$2,000,000 aggregate, and shall provide the Department with a certificate of insurance evidencing the insurance policy required by this section. The certificate shall state that the insurance policy shall not be canceled, materially changed or non-renewed until after thirty (30) days' notice has been provided to the Department; however, insurance may be canceled and replaced

with a policy that continues to meet the requirements of this section. An applicant may satisfy the insurance requirements and conditions of this section under a self-insurance plan that is acceptable to the LFUCG's Division of Risk Management. The LFUCG's Division of Risk Management may impose additional insurance requirements.

Approval of the insurance by LFUCG shall not in any way relieve or decrease the liability of the Licensee hereunder. It is expressly understood that LFUCG does not in any way represent that the specified Limits of Liability or coverage or policy forms are sufficient or adequate to protect the interest or liabilities of the Licensee.

Section 18 – That Section 17D-15 of the Code of Ordinances be and hereby is created to read as follows:

17D-15. Indemnification; hold harmless

(1) Each Licensee shall defend, indemnify, and hold harmless the LFUCG, its officials, elected or appointed, boards, members, agents and employees against any and all claims, suits, causes of action, proceedings, judgments for damages or equitable relief, and costs and expenses, including reasonable attorney's fees, arising from, or in any way related to the LFUCG's issuance of or decision to approve an Operating Authority License, the Licensee's (including its officers, managers, employees, contractors, agents, and volunteers) business conduct and operations, any violation of any laws by the Licensee (including its officers, managers, employees, contractors, agents, and volunteers) or its users, or the use of the public right-of-way by Licensee's Dockless Vehicles, except such loss or damage which was caused by the sole negligence or willful misconduct of the LFUCG. In the event of a final judgment being obtained against the government either independently or jointly with the Licensee, the Licensee shall pay such judgment with all costs and hold the government harmless thereon.

(2) The LFUCG shall notify the Licensee in writing within a reasonable time of receiving notice of any issue it determines may require indemnification and the Licensee shall defend the government at the cost of the Licensee.

(3) The Licensee shall require Dockless Vehicle users, in its Vehicle Use Agreement, to release and forever discharge Lexington Fayette Urban County LFUCG, its elected and appointed officials, employees, agents and successors in interest from all claims, damages, losses and expenses including attorneys' fees, arising out of or resulting, directly or indirectly, from the user's use of the Dockless Vehicle. Company shall provide to LFUCG a copy of the Vehicle Use Agreement.

Section 19 – That Section 17D-16 of the Code of Ordinances be and hereby is created to read as follows:

17D-16. Reconsideration and Appeal

Any Licensee or applicant that:

(1) Has been denied an Operating Authority License;

(2) Has had an Operating Authority License suspended or revoked; or

(3) Has its fleet reduced by the Department due to a violation of Chapter 17D

may file with the Commissioner within ten (10) days of receipt of notice, a written request for reconsideration, which shall include the basis for the party's position. The Commissioner may hear any relevant evidence in deciding the reconsideration and will notify the Licensee or applicant in the event that further information is required. The Commissioner shall render a final decision in writing within ten (10) days of receipt of the Licensee's or applicant's written request for reconsideration or the receipt of any further evidence, whichever is later, and will provide the Licensee or applicant the basis for his decision.

After reconsideration, the party may have such action reviewed, upon written request, by the Chief Administrative Officer, or its designee, who shall act within a period of ten (10) days from the receipt of the written request. The appealing party shall be afforded the opportunity to be heard and present relevant evidence to the Chief Administrative Officer should it desire to do so, and the decision by the Chief Administrative Officer, which shall be the final administrative decision on the request shall be in writing and provide the basis for the decision.

Any fine issued by LexPark under this Chapter may be appealed in accordance with Article XII of Chapter 18 of the Code.

Section 20 – That, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 21 – That this Ordinance shall become effective upon passage of Council.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK OF URBAN COUNTY COUNCIL

PUBLISHED: