

**ORDINANCE NO. 21-278**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, RELATING TO TRANSPORTATION REGULATIONS; AMENDING CHAPTER 35, “STREETS, SIDEWALKS AND OTHER PUBLIC PLACES”, ARTICLE III, “COMMUNICATION FACILITIES IN PUBLIC RIGHT-OF-WAY”, AT DIVISION 7, “DOCKLESS MOBILITY”; RELOCATING DIVISION 7 “DOCKLESS MOBILITY”; CREATING CHAPTER 20, “TRANSPORTATION”; CREATING ARTICLE I, “MULTIMODAL TRANSPORTATION”; RECREATING AND AMENDING DIVISION 5, “MICROMOBILITY DEVICES”; PERMITTING AND REGULATING THE PLACEMENT AND USE OF MICROMOBILITY DEVICES ON THE TOWN’S RIGHTS-OF-WAY; INTRODUCING FLEXIBILITY FOR IMPLEMENTATION; PROVIDING FOR FINDINGS OF FACT, INTENT AND PURPOSE; PROVIDING FOR REGULATIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION INTO THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Miami Lakes (the “Town”) has adopted a Strategic Plan which includes the enhancement of vehicular and non-vehicular mobility; and

**WHEREAS**, mobility and transportation efficiencies are an integral part of the Town’s overall strategic plan; and

**WHEREAS**, in 2017, the Town allowed Spin and Lime Bicycles to use the Town’s rights-of-way to stage dockless bicycles for resident use; and

**WHEREAS**, in line with the Town’s strategic plan, allowing for the regulated use of scooters on the Town’s rights-of-way will provide our residents with an alternative transportation method; and

**WHEREAS**, during the July 2019 Town Council meeting, the Town Council passed an ordinance in second reading allowing for the adoption of a micromobility ordinance that permitted the use of micromobility devices on the Town’s rights-of-ways; and

**WHEREAS**, in order to provide for the safe use of scooters and other micromobility devices on the Town’s rights-of-way, it is necessary to provide additional language regarding the process and provide for changes that are consistent with Florida Law; and

**WHEREAS**, during the May 2021 Town Council meeting, the Town Council passed the ordinance in first reading allowing the adoption of the proposed changes; and

**WHEREAS**, the proposed amendments are in conformance with all applicable requirements of the Town’s Code of Ordinances; and

**WHEREAS**, the proposed amendments will not be in conflict with the public interest and are consistent and in harmony with the purpose and intent of the Comprehensive Plan; and

**WHEREAS**, the Town Council hereby finds and declares that adoption of this ordinance is necessary, appropriate, and advances the public interest.

**THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** Each of the above recitals are true and correct and are incorporated herein by this reference.

**Section 2. Amendment of Chapter 35, Article III, Division 7.** Article III, Division 7 of Chapter 35 is hereby amended as follows in Exhibit “A.”

**Section 3. Creation of Chapter 20, Article I, Division V.** Chapter 20, “Transportation,” Article I, “Multi-modal Transportation,” Division V, “Micromobility Devices” is hereby created and adopted as follows in Exhibit “B.”

**Section 4. Repeal of Conflicting Provisions.** All provisions of the Code of the Town of Miami Lakes that are in conflict with this ordinance are hereby repealed.

**Section 5. Severability.** The provisions of this ordinance are declared to be severable and if any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

**Section 6. Inclusion in the Town Code.** It is the intention of the Town Council, and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Town Code and that, if necessary, the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word “ordinance” shall be changed to “Article”, “Division” or another appropriate word.

**Section 7. Effective Date.** That this Ordinance shall be effective immediately upon its adoption on second reading.

### **FIRST READING**

The foregoing ordinance was offered by Councilmember Dieguez who moved its adoption on first reading. The motion was seconded by Councilmember Councilmember Fernandez and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	yes
Vice Luis E. Collazo	yes
Councilmember Carlos O. Alvarez	Absent
Councilmember Josh Dieguez	yes
Councilmember Tony Fernandez	yes
Councilmember Jeffrey Rodriguez	yes
Councilmember Marilyn Ruano	yes

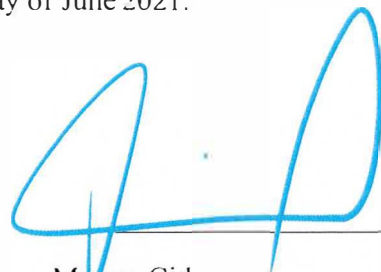
Passed on first reading this 11th day of May 2021.

**SECOND READING**

The foregoing ordinance was offered by Councilmember Dieguez who moved its adoption on second reading. The motion was seconded by Councilmember Councilmember Fernandez and upon being put to a vote, the vote was as follows:

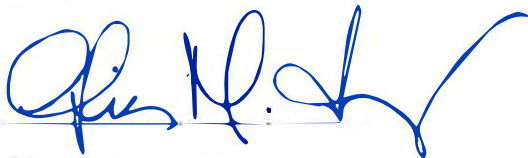
Mayor Manny Cid	yes
Vice Mayor Luis E. Collazo	yes
Councilmember Carlos O. Alvarez	yes
Councilmember Josh Dieguez	yes
Councilmember Tony Fernandez	yes
Councilmember Jeffrey Rodriguez	yes
Councilmember Marilyn Ruano	yes

Passed and adopted on second reading this 8th day of June 2021.



Manny Cid  
MAYOR

Attest:



Gina M. Inguanzo  
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.  
Gastesi, Lopez and Mestre  
TOWN ATTORNEY

## EXHIBIT A

### DIVISION 7. ~~DOCKLESS MOBILITY~~

#### Sec. ~~35-62.~~ Definitions:

For purposes of this article the following definitions apply:

~~(1) Motorized scooter means the same as the term is defined in F.S. § 316.003 and includes gas and electric powered scooters or any combination of the two such as a~~  
a hybrid scooter.

~~(2) Micromobility devices means the same as those defined in F.S. § 316.2128~~

~~(3) Dockless mobility provider means an individual or business entity deploying shared~~  
shared mobility devices within the Town.

~~(4) Dockless mobility device means any human-powered or motorized transportation, except motor vehicles as that term is defined in F.S. § 316.003(42), as may be amended~~  
from time to time, made available for private use by reservation through an online application, website, or software for point-to-point trips.

~~(5) Dockless mobility program means a program generally, in which shared~~  
mobility devices are made available for shared use to individuals on a short-term basis at no cost  
or for a fee.

(Ord. No. 19-245, § 2(Exh. A), 7-16-2019)

#### Sec. ~~35-63.~~ General provisions:

(a) General regulations pertaining to dockless mobility units:

~~(1) All bicycles utilized in a dockless mobility program shall conform with the standards set forth in Title 16, Code of Federal Regulations, Chapter II, Subchapter C, Part 1512—Requirements for Bicycles, the safety standards outlined in ISO 43.150 Cycles, subsection 4210, and F.S. § 316.2065, as may be amended or revised.~~

~~(2) All dockless mobility devices shall comply with the lighting standards set forth in F.S. § 316.2065(7), as may be amended or revised, which requires a reflective front white light visible from a distance of at least 500 feet and a reflective rear red light visible from a distance of at least 600 feet.~~

~~(3) All dockless mobility units utilized shall include easily accessible and identifiable language that clearly directs users to customer support mechanisms.~~

~~including not limited to a customer service phone number, websites, and applications.~~

~~(4)Reserved.~~

~~(5)The riding of motorized scooters, as defined in this article, is permissible upon all~~

~~bicycle lanes, roads with a speed limit of 25 miles per hour or less, and all sidewalks~~

~~located within the Town, except where otherwise prohibited by official posting or ordinance. Motorized scooter may not be operated at speeds exceeding 15 mph~~

~~per~~

~~hour on permitted roadways and bicycle lanes and may not be operated at speeds exceeding ten mph on permitted sidewalks. Motorized scooters shall be prohibited within the Main Street development and Town shopping centers. An operator~~

~~must~~

~~have the technology available to advise and ward the operator of the motorized~~

~~vehiele~~

~~of these restrictions.~~

~~(7)Operators of motorized scooters must yield to pedestrians at all times.(8)Operators~~

~~of motorized scooters must wear a helmet at all times.~~

~~(b)Parking and right of way.~~

~~(1)Dockless mobility units shall not be parked within the following areas: loading zones,~~

~~handicap accessible parking zone or other facilities specifically designated for handicap~~

~~accessibility, on-street parking spots, street furniture, curb ramps, business or residential entryways, driveways, travel lanes, bicycle lanes, parklets or within 15~~

~~feet of~~

~~a fire hydrant.~~

~~(2)Dockless mobility units shall not be parked in a manner that in any way violates~~

~~Americans with Disabilities Act (ADA) accessibility requirements.~~

~~(3)The Town Manager, at his/her discretion, may designate certain areas where dockless mobility units shall not be parked. An operator must have the technology available to operate these requirements upon request.~~

~~(4)The Town Manager, at their discretion, may create designated parking zones (i.e.,~~

~~bike corrals) in certain areas where dockless mobility units shall be parked.~~

~~(c)Maintenance, operations, and fleet size.~~

~~(1)Dockless mobility units that are inoperable/damaged or do not comply with other~~

~~subsections of this Code must be removed within two hours upon receipt of the complaint between the hours of 7:00 a.m. and 7:00 p.m., seven days per week and~~

~~within 12 hours upon receipt of the complaint on holidays. An inoperable or damaged dockless bicycle, dockless electric bicycle, or dockless scooter is one that has non-functioning features (i.e., gear selectors, pedals, bell, lights, etc.) or is missing components (i.e., fenders, grips, chain guards, etc.) as applicable to that vehicle.~~

~~(2) Operators must detail a plan to relocate the dockless mobility units to a safe, indoor facility within 24 hours in the result of a declared tropical weather event (tropical storm or hurricane watch or warning, whichever comes first). The plan must detail the amount of time it will take to remove all dockless mobility units from circulation once a storm watch or warning has been established.~~

~~(3) The operator's smartphone application and website must inform users of how to safely and legally ride a bicycle as defined by F.S. § 316.2065, including the rights and duties of cyclists riding on sidewalks or in streets. For the purposes of this division, these duties shall also apply to users of motorized scooters.~~

~~(4) The Town Manager, at their discretion, reserves the right to cap the total number of dockless mobility units permitted to operate within town limits.~~

~~(e) Data sharing:~~

~~(1) Dockless mobility operators shall provide the Town with the following data on a monthly basis in PDF format:~~

- ~~i. Number of dockless mobility units in circulation;~~
- ~~ii. Number of daily, weekly, and monthly riders;~~
- ~~iii. Total number of miles traveled by users (daily, monthly, quarterly, annually) broken down by dockless bicycle, dockless electric bicycle, and/or dockless scooter;~~
- ~~iv. Average time each dockless mobility units spends available (not in use);~~
- ~~v. Number of rides per user per day;~~
- ~~vi. Number of rides per dockless bicycle, dockless electric bicycle, and/or dockless scooter per day;~~
- ~~vii. Duration of rides per rider per day as well as rides per dockless bicycle, dockless electric bicycle, and/or dockless scooter per day;~~
- ~~viii. Average duration of ride per day of the week;~~

- ~~ix. Monthly summary of dockless bicycle, dockless electric bicycle, and/or dockless scooter distribution and GPS-based natural movement in heat map format;~~
- ~~x. Summary of fleet numbers lost to theft/vandalism;~~
- ~~xi. Summary of customer comments/complaints, resolution to, and time it took to resolve each complain.~~
- ~~xii. Summary of repairs per dockless bicycle, dockless electric bicycle, and/or dockless scooter per month;~~

~~Dockless mobility operators shall distribute a six month and one-year customer satisfaction survey, the summary and raw results of which shall be provided to the Town.~~

~~Dockless mobility operators shall provide real-time or semi real-time dockless bicycle, dockless electric bicycle, and/or dockless scooter location data via a publicly accessible API in General Bikeshare Feed Specification (GBFS) format per North American Bikeshare Association (NABSA) guidelines. The Town reserves the right to post this information through a publicly available portal.~~

~~(f) Terms~~

- ~~(1) No operator shall display, offer, or make available for rent any shared mobility device within the Town, unless the person has a valid fully executed agreement with the Town or has obtained approval from the Town through an established process.~~
- ~~(2) Operators shall obtain an insurance policy as agreed to that shall include the Town as a third party and indemnify the Town from any harm.~~
- ~~(3) If a dockless mobility provider without a valid agreement with the Town is found deploying dockless mobility devices within the Town it will be presumed that the provider is in violation of this section. A violation of this section shall be considered a code enforcement violation and is punishable by a fine of \$500.00 per instance.~~
- ~~(4) Impoundment. A dockless mobility device that is displayed, offered, made available for rent by a dockless mobility provider without a valid agreement within the town, or abandoned on the Town rights of way, Town park, or Town Public building is subject to impoundment.~~

~~(g) Operator agreements.~~



~~(1) Agreements with operators shall first come before the Council prior to execution.~~

~~(Ord. No. 19-245, § 2(Exh. A), 7-16-2019)~~

## EXHIBIT B

### CHAPTER 20. – TRANSPORTATION

#### ARTICLE I. – MULTIMODAL TRANSPORTATION

##### DIVISION 1. – RESERVED

##### DIVISION 2. – RESERVED

##### DIVISION 3. – RESERVED

##### DIVISION 4. - RESERVED

##### DIVISION 5. – MICROMOBILITY DEVICES

###### Sec. 20-500. – Purpose.

The purpose of this division is to:

Permit and regulate the providers of Micromobility devices in the Town of Miami Lakes.

###### Sec. 20-501. – Applicability.

The provisions of this division shall apply to Micromobility providers and their devices. For the purpose of this division, the applicant, managing agent or provider, and owner shall be jointly and severally liable for complying with the provisions of this division, licensing application, and the license.

###### Sec. 20-502. - Definitions.

For purposes of this article, the following definitions apply:

- (1) Applicable state laws shall mean all general laws of the State of Florida relating to Micromobility devices. The program implemented in the Town will operate in a manner consistent with and subject to applicable general laws of the state including, without limitation, F.S. § 316.003, 316.008, 316.2065, and 316.2128, and the entirety

- of F.S. Ch. 316, the "Florida Uniform Traffic Control Law", as amended. The Town in this division reserves all municipal home rule powers to impose more restrictive public safety, insurance, licensing, data sharing, parking, and similar requirements.
- (2) *Micromobility Device* is 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, bicycles, and any hybrid model as defined in this section.
  - (3) *Motorized scooter* means the same as the term is defined in F.S. § 316.003 and includes gas and electric powered scooters or any combination of the two such as a hybrid scooter and which is not capable of propelling the device at speed greater than 20 miles per hour on level ground. The term does not include an electric bicycle.
  - (4) *Electric Bicycle* is a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of fewer than 750 watts which meets the requirements of one of the three classifications as stated in F.S. § 316.003
  - (5) Bicycle shall have the meaning as ascribed to it in F.S. § 316.003.
  - (6) *Hybrid Micromobility Device* are (also referred to herein as "hybrid device") shall have the meaning ascribed to it in F.S. § 316.003(39), as amended. "Hybrid devices" are further defined as a device, with an electric motor, designed to transport only one person, with two wheels, handlebars, a seat, or saddle for the use of the rider, stationary footpegs, and front and rear brakes, with a maximum length of fifty-five (55) inches.
  - (7) *Damaged Micromobility device* is defined as one that does not meet the minimum ordinance requirements of the Micromobility program.
  - (8) *License* shall mean the document by which a privilege is granted by the town to authorize a person to operate a motorized scooter service within its municipal boundaries. Any license issued in accordance with this article shall be nonexclusive.
  - (9) *Micromobility Program* is a regulatory system whereby Micromobility devices, including but not limited to motorized bicycles and motorized scooters, are intended for point-to-point trips and are intended to remain in the public right-of-way.
  - (10) *Micromobility provider* means an individual or business entity that has been issued a license pursuant to this division and/or pursuant to appropriate procurement process if approved by the Town Manager or his/her designee to deploying, operating, redistributing, and/or rebalancing shared Micromobility devices within the town.
  - (11) *Geofences* are used to define areas with the use of a Global Positioning System (GPS) or similar technology to create a virtual geographic boundary where Micromobility devices may be balanced or rebalanced, may begin or end, may be prohibited from operation, may enter, or leave a particular area, are capable of receiving specialized speed limits, or other uses as determined by the Town Manager and/or Designee.
  - (12) *Rebalancing* is 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.
  - (13) *Right-of-way or ROW* is the surface and space above and below an improved or unimproved public roadway, highway, boulevard, road, freeway, bridge, alley, court, street, bicycle lane, public sidewalk, and terrace in which the city or other public entity

- has an interest in law or equity whether held in fee, easement, dedication, plat or other estate or interest including any other dedicated right-of-way for travel purposes.
- (14) Service area is defined as a geographic area(s) within the Town of Miami Lakes as defined by the department, where the Micromobility program may offer service for its users.
- (15) User is an individual who utilizes a Micromobility device and is at least 16 years of age.

Sec. 20-503. General Provisions.

- (1) It shall be unlawful for a provider to offer or operate a Micromobility program within the Town without first obtaining an official license from the Town Administration.
- (2) A Micromobility provider shall submit all documentation and comply with all requirements to be issued a license to operate a Micromobility program in the Town.
- (3) Providers shall obtain a separate license for each Micromobility device type provided by that provider.
- (4) License shall be subject to the approval of the Town Manager or his/her designee.
- (5) The licenses will be effective during the specified dates by the Town Manager or his/her designee after proper notification to the provider(s).
- (6) All bicycles utilized in a Micromobility program shall conform with the standards set forth in Title 16, Code of Federal Regulations, Chapter II, Subchapter C, Part 1512 - Requirements for Bicycles, the safety standards outlined in ISO 43.150 - Cycles, subsection 4210, and F.S. § 316.2065, as may be amended or revised.
- (7) All Micromobility devices shall comply with the lighting standards set forth in F.S. § 316.2065(7), as may be amended or revised, which requires a reflective front white light visible from a distance of at least five hundred (500) feet and a reflective rear red light visible from a distance of at least six hundred (600) feet.
- (8) All Micromobility devices utilized shall include easily accessible and identifiable language that clearly directs users to customer support mechanisms, including not limited to a customer service phone number, websites, and applications.
- (9) All electric bicycles (e-bikes) utilized under this program shall meet the National Highway Traffic Safety Administrations (NHTSA) definition of low-speed electric bicycles; and shall be subject to the same requirements as ordinary bicycles and with the requirements of F.S. Ch. 316.003, which defines bicycles. This means, among other requirements, that electric bicycles shall have fully operable pedals, an electric motor of less than seven hundred and fifty (750) watts, and a top motor-powered speed of less than fifteen (15) miles per hour when operated by a rider.
- (10) All Micromobility devices utilized shall be equipped with GPS, cell phone, or a comparable technology for the purpose of tracking.
- (11) The riding of any Micromobility device propelled by a motor as defined in this division, is permissible upon all bicycle lanes on roads with a speed limit of 25 miles per hour or less, unless the bicycle infrastructure contains a physical buffer from any travel lanes, and all sidewalks located within the Town, except where otherwise prohibited by official posting or ordinance.
- (12) Users of Micromobility devices propelled by a motor as defined in this division must yield to pedestrians at all times.

- (13) Users of Micromobility devices propelled by a motor as defined in this division **who are 16 years old of age, or younger must wear a helmet at all times.** The provider's mobile application must inform users of helmet laws and encourage the use of helmets.
- (14) Provider shall comply with all applicable rules, regulations, and laws, including any additional rules and regulations promulgated by the Town Manager or his or her designee, applicable to Micromobility devices user, except those which, by their very nature, can have no application. Providers should encourage the use of a bicycle helmet that is properly fitted and is fastened securely upon the user's head by a strap, and that meets the federal safety standard for bicycle helmets, Final Rule, 16 C.F.R. Part 1203
- (15) The Town Manager, or his or her designee, may administratively issue, promulgate and establish additional rules and regulations consistent with this division and applicable state and federal laws, as determined to affect the policy of this division.
- (16) The Town Manager, or his or her designee, reserves the right to cancel any license if there is a violation of the division, violations involving public health, safety or general welfare, failure to maintain the required insurance, or bonding or otherwise comply with this division, or for other good and sufficient cause as determined by the Town Manager or his or her sole discretion.

Sec. 20-504. Operations.

- (1) Any Micromobility provider issued a license to deploy Micromobility devices within the Town of Miami Lakes shall have an operating plan approved by the Town Manager or his/her designee allowing for the deployment of their total fleet.
- (2) The Town retains the right to require providers to reduce their fleet size, to impose a cap on fleet sizes or on the number of operators as is warranted, or cease operations in the event that providers repeatedly fail to timely rebalance or remove vehicles blocking the right of way or provide timely responses to complaints received by the Town, each as may be warranted.
- (3) Providers shall maintain a 24-hour customer service phone number easily accessible to users for customers and citizens to report safety concerns, make complaints, ask questions, or request that a device(s) be relocated.
- (4) Devices must be well maintained and in good operating condition at all times. Must be of high quality and sturdily built to withstand the effects of weather and constant use for a period of no less than five years.
- (5) Micromobility devices are to be operated at a person's own risk, and that no representation is being made by the Town as to the condition of any sidewalk, street, road, bike path, lane, or sidewalk area.

Sec. 20-505. Micromobility Devices Parking.

- (1) Micromobility devices must be parked on a sidewalk or other hard surface, besides a bicycle rack, or at a town-owned location. Micromobility devices may only be parked on private property with the permission of the property owner.
- (2) Micromobility devices must be upright while parked.

- (3) Micromobility devices may not be 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 three feet.
- (4) Micromobility devices may not be parked in a manner that would impede vehicular traffic.
- (5) Micromobility devices may not be parked in a manner that would impose a threat to public safety or security.
- (6) Micromobility devices may not be parked on a block that does not have sidewalks.
- (7) Micromobility devices must be parked in a manner that is compliant with the applicable provisions of the Americans with Disabilities Act of 1990.
- (8) Micromobility devices may not be parked in a way that blocks:
  - a. Fire hydrants call boxes or other emergency facilities;
  - b. Transit facilities;
  - c. Loading spaces or zones;
  - d. Passenger loading spaces or zones, or valet parking service areas;
  - e. Disabled or prohibited parking zones;
  - f. Street furniture that requires pedestrian access, for example, but not limited to, benches, parking pay stations, or bicycle racks;
  - g. Window displays;
  - h. Building entryways;
  - i. Curb ramps; or
  - j. Vehicular driveways.

Sec. 20-506. Data Sharing.

- (1) Providers shall cooperate with the Town in the collection, analysis, and sharing of aggregated data concerning its operations. All data furnished under any Micromobility program will be in a form reasonably acceptable by the Town Manager or his/her designee.

Sec. 20-507. Insurance Requirements.

- (1) A provider shall procure and keep in full force and effect no less than the insurance coverage required by the implemented Micromobility program at the moment of submitting the application to the Town, through a policy or policies written by an insurance company or companies authorized to do business in Florida.
- (2) The insured provisions of the policy or policies must list the Town, their officers, employees, the Federal Department of Transportation, and Miami Dade County 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.

Sec. 20-508 Special Revenue Fund.

- (1) **Creation of the Micromobility Special Revenue Fund.** There is hereby created a Town of Miami Lakes Micromobility Special Revenue Fund account, the purpose of which is to primarily offset any costs incurred by the Town of Miami Lakes. Any excess licensing fees shall be designated to enhance the infrastructure and experience of any pedestrian and bicyclists in the Town.
- (2) The application, including new applications and all applications in relation to any extension(s), renewal(s), or reinstatements of a Micromobility program, shall be accompanied by an anticipated non-refundable licensing fee, which shall be used to offset any costs to the Town. Any excess licensing fees shall be designated to enhance the infrastructure and experience of any pedestrian and bicyclists in the Town.

Sec. 20-509. Indemnification.

Providers shall indemnify, defend, and hold harmless the town, jointly and severally, and their respective officials, employees, agents and instrumentalities from any and all liability, losses or damages, including any and all attorneys' fees and cost of defense, which the town and its 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 sidewalks and sidewalk areas, bike lanes or bike paths streets, or other areas within the town on which a Micromobility device is operated, to the extent arising out of or in any way connected with the operation of the Micromobility service or use of a Micromobility device. Providers 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 town, where applicable, including administrative, trial, and appellate proceedings, and shall pay all costs, judgments, and attorneys' fees which may issue thereon. Providers shall expressly understand and agree that any insurance protection required by this division, or otherwise provided or secured by a provider, shall in no way limit the responsibility to indemnify, defend and hold harmless the town, their 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 license. The operators will acknowledge on the license application form, which will include this indemnification in substantially the language provided by this section, that the granting of the license is, in part, conditioned on the granting of this indemnification which is knowingly and voluntarily given by the operators.