

ORDINANCE NO. 5084

AN ORDINANCE TO AMEND THE GRAND JUNCTION MUNICIPAL CODE TO AMEND TITLE 10 TO ADD AND AMEND SECTIONS IN CHAPTER 10.04 TO BRING THE TRAFFIC CODE UP TO DATE, ADD CHAPTER 10.14 FOR THE OPERATION OF SHARED MICROMOBILITY DEVICES AND TO AMEND SECTIONS 9.04.200 FOR CLARIFICATION

RECITALS:

The Grand Junction Municipal Code ("GJMC") currently permits the use of personal micromobility devices such as bicycles, electric bicycles ("E-bikes"), skateboards, etc., to be operated on certain trails and streets. In recent years, cities across the country have seen the introduction of shared micromobility devices as alternative transportation. Unlike personal micromobility, where an individual owns the device being operated, shared micromobility consists of transportation services and resources (e.g., vehicles, parking infrastructure, etc.) used by an individual on a temporary basis for a fee, and that are shared among multiple users. Shared micromobility has the potential to expand mobility choice for routine or special short-distance trips. (Shared micromobility is comprised of bicycles, E- bike, electric scooters ("E-scooters) or any other small, lightweight vehicles. (See CRS 42-4-1412.5 Low Speed Conveyance.) E-scooters in particular, have the potential to offer similar benefits as E-bikes by offering mobility options for the public, adding equity to service areas, and accommodating riders with a greater range of physical abilities. In addition, E-scooters may reduce the use of vehicles with higher emission rates.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION THAT:

Title 10 shall be amended to add and amend definitions in Section 10.04.020, amend various sections in Chapter 10.04, include Chapter 10.14 with adding Section 10.14.010. In Title 9, Section 9.04.200 shall be revised. The changes are as follows (additions are shown in **bold print** and deletions marked with ~~strike-through notations~~):

10.04.020 Definitions.

Electric scooter also referred to as an ***e-scooter*** means:

(1) A device:

- (a) Weighing less than one hundred pounds;**
- (b) With handlebars and powered by an electric motor;**

(c) That has a maximum speed of twenty miles per hour on a paved level surface when powered solely by the electric motor.

(2) **Electric scooter does not include an electrical assisted bicycle, EPMAD, motorcycle or low-power scooter.**

Low-power scooter means:

(1) A self-propelled vehicle designed primarily for use on the roadways with not more than three wheels in contact with the ground, no manual clutch, and either of the following:

(i) A cylinder capacity not exceeding 50 cubic centimeters if powered by internal combustion; or

(ii) A wattage not exceeding 4,476 if powered by electricity.

(2) *Low-power scooter* **does** not include a toy vehicle, bicycle, electrical assisted bicycle, **electric scooter**, wheelchair, or any device designed to assist **people with mobility-impairments** who use pedestrian rights-of-way.

Motor vehicle means any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include electrical assisted bicycles, **electric scooters**, low-power scooters, wheelchairs, or vehicles moved solely by human power. For the purposes of the offenses described in GJMC [10.04.1401](#) for farm tractors and off-highway vehicles, as defined in § [33-14.5-101](#)(3), C.R.S., operated on streets and highways, *motor vehicle* includes a farm tractor or an off-highway vehicle that is not otherwise classified as a motor vehicle.

***Plug-in electric motor vehicle* means:**

(a) A motor vehicle that has received an acknowledgment of certification from the federal internal revenue service that the vehicle qualifies for the plug-in electric drive vehicle credit set forth in [26 U.S.C. sec. 30D](#), as amended, or any successor statute; or

(b) Any motor vehicle that can be recharged from an external source of electricity and that uses electricity stored in a rechargeable battery pack to propel or contribute to the propulsion of the vehicle's drive wheels.

Toy vehicle means:

(1) Any vehicle that has wheels and is not designed for use on public highways or for off-road use.

(2) *Toy vehicle* includes, but is not limited to, gas-powered or electric-powered vehicles commonly known as mini bikes, "pocket" bikes, kamikaze boards, go-peds, and stand-up scooters.

(3) *Toy vehicle* does not include **electric scooters**, off-highway vehicles or snowmobiles.

Vehicle means a device that is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks. *Vehicle* includes, without limitation, a bicycle, electrical assisted bicycle, **electric scooter**, or EPAMD, but does not include a wheelchair, off-highway vehicle, snowmobile, farm tractor, or implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved exclusively over stationary rails or tracks or designed to move primarily through the air.

10.04.221 Bicycle, **electric scooter**, and personal mobility device equipment.

(1) No other provision of the GJMC [10.04.201](#) through [10.04.237](#) shall apply to a bicycle, electrical assisted bicycle, **electric scooter**, or EPAMD or to equipment for use on a bicycle, electrical assisted bicycle, **electric scooter**, or EPAMD except those provisions in this chapter made specifically applicable to such a vehicle.

(2) Every bicycle, electrical assisted bicycle, **electric scooter**, or EPAMD in use at the times described in GJMC [10.04.204](#) shall be equipped with a lamp on the front emitting a white light visible from a distance of at least 500 feet to the front.

(3) While being operated every bicycle, electrical assisted bicycle, **electric scooter**, or EPAMD shall be equipped with a red reflector of a type approved by the Department, which shall be visible for 600 feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle.

(4) Every bicycle, electrical assisted bicycle, **electric scooter**, or EPAMD when in use at the times described in GJMC [10.04.204](#) shall be equipped with reflective material of sufficient size and reflectivity to be visible from both sides for 600 feet when directly in front of lawful lower beams of head lamps on a motor vehicle or, in lieu of such reflective material, with a lighted lamp visible from both sides from a distance of at least 500 feet.

(5) A bicycle, electrical assisted bicycle, **electric scooter**, or EPAMD or its rider may be equipped with lights or reflectors in addition to those required by subsections (2) to (4) of this section.

(6) A bicycle, **electric scooter**, or electrical assisted bicycle shall not be equipped with while in use, nor shall any person use upon a bicycle, **electric scooter**, or electrical assisted bicycle, any siren or whistle.

(7) Every bicycle, electrical assisted bicycle, **or electric scooter** while in use shall be equipped with a brake or brakes that will enable its rider to stop the bicycle, electrical assisted bicycle, **or electric scooter** within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.

(8) A person engaged in the business of selling bicycles, electrical assisted bicycles, **or electric scooters** at retail shall not sell any bicycle, electrical assisted bicycle, **or electric scooter** unless the bicycle, electrical assisted bicycle, **or electric scooter** has an identifying number permanently stamped or cast on its frame.

(9) (a) Every manufacturer or distributor of new electrical assisted bicycles **or electric scooters** intended for sale or distribution in this State shall permanently affix to each electrical assisted bicycle **or electric scooter**, in a prominent location, a label that contains the classification number, top assisted speed, and motor wattage of the electrical assisted bicycle. The label must be printed in Arial font in at least nine-point type.

(b) A person shall not knowingly modify an electrical assisted bicycle **or electric scooter** so as to change the speed capability or motor engagement of the electrical assisted bicycle without also appropriately replacing, or causing to be replaced, the label indicating the classification required by subsection (9)(a) of this section.

10.04.224 Horns or warning devices.

(3) While in use no bicycle, electrical assisted bicycle, **electric scooter**, or low-power scooter shall be equipped with nor shall any person use upon such vehicle a siren or whistle.

10.04.234 Slow-moving vehicles – Display of emblem.

(1) (a) All machinery, equipment, and vehicles, except bicycles, electrical assisted bicycles, **electric scooters**, and other human-powered vehicles, designed to operate or normally operated at a speed of less than 25 miles per hour while operated on a public highway, shall display a triangular slow-moving vehicle emblem on the rear.

(b) Low-speed electrical vehicles while operated shall display on the rear of the vehicle a triangular slow-moving emblem designed as specified by the State Department of Transportation.

(c) Bicycles, electrical assisted bicycles, **electric scooter**, and other human-powered vehicles shall be permitted but not required to display the emblem specified in this subsection (1).

10.04.503 Projecting loads on passenger vehicles.

No passenger-type vehicle, except a motorcycle, a bicycle, **electric scooter**, or an electrical assisted bicycle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof. Any person who violates this section commits a traffic infraction.

10.04.714 Bicyclist or other authorized user in bicycle lane.

(1) The driver of a vehicle shall yield the right-of-way to a bicyclist or other authorized user of a bicycle lane in a bicycle lane.

(2) (a) Except as provided in subsection (2)(b) of this section, any person who violates subsection (1) of this section commits a traffic infraction.

(b) (I) If a person violates subsection (1) of this section and the person's actions are the proximate cause of a crash, the person commits careless driving and shall be punished as described in [section 10.04.1402\(2\)\(a\)](#).

(II) If a person violates subsection (1) of this section and the person's actions are the proximate cause of bodily injury to another person, the person commits careless driving and shall be punished as described in [section 10.04.1402\(2\)\(b\)](#).

10.04.802 Pedestrians' right-of-way in crosswalks.

(3) No pedestrian shall suddenly leave a curb or other place of safety and ride a bicycle, ride an electrical assisted bicycle, **ride an electric scooter**, walk, or run into the path of a moving vehicle that is so close as to constitute an immediate hazard.

10.04.1401 Reckless driving – Penalty

(1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, **electric scooter**, or low-power scooter in such a manner as to indicate either a wanton or a willful disregard for the safety of persons or property is guilty of reckless driving.

10.04.1402 Careless driving – Penalty

(1) A person who drives a motor vehicle, bicycle, electrical assisted bicycle, **electric scooter** or low-power scooter in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, is guilty of careless driving.

10.04.1407.5 Splash guards – When required.

(3) This section does not apply to:

(g) Bicycles, **electric scooter**, or electrical assisted bicycles.

Section 10.04.1412(1) is amended as follows:

(1) Every person riding a bicycle, electrical assisted bicycle, **or electric scooter** shall have all of the rights and duties applicable to the driver of any other vehicle under this chapter, except as to special regulations in this chapter, except as provided in section 10.04.1412.5, and except as to those provisions which by their nature can have no application. Said riders shall comply with the rules set forth in this section and GJMC 10.04.221.

(3) No bicycle, electrical assisted bicycle, **or electric scooter** shall be used to carry more persons at one time than the number for which it is designed or equipped.

(4) No person riding upon any bicycle, electrical assisted bicycle, **or electric scooter** shall attach the same or himself or herself to any motor vehicle upon a roadway.

(5) (a) Any person operating a bicycle, an electrical assisted bicycle, **or electric scooter (for this section referred to as "rider")** upon a roadway at less than the normal speed of traffic shall ride in the right-hand lane, subject to the following conditions:

(I) If the right-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a **rider** shall ride far enough to the right as judged safe by the **rider** to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

(II) A **rider** may use a lane other than the right-hand lane when:

(A) Preparing for a left turn at an intersection or into a private roadway or driveway;

(B) Overtaking a slower vehicle; or

(C) Taking reasonably necessary precautions to avoid hazards or road conditions.

(III) Upon approaching an intersection where right turns are permitted and there is a dedicated right-turn lane, a **rider** may ride on the left-hand portion of the dedicated right-turn lane even if the **rider** does not intend to turn right.

(b) A **rider** shall not be expected or required to:

(I) Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or

(II) Ride without a reasonable safety margin on the right-hand side of the roadway.

(c) A person operating a bicycle, an electrical assisted bicycle, **or electric scooter** upon a one-way roadway with two or more marked traffic lanes may ride as near to the left-hand curb or edge of such roadway as judged safe by the **rider**, subject to the following conditions:

(I) If the left-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a **rider** shall ride far enough to the left as judged safe by the **rider** to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

(II) A **rider** shall not be expected or required to:

(A) Ride over or through hazards at the edge of a roadway, including but not limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or narrow lanes; or

(B) Ride without a reasonable safety margin on the left-hand side of the roadway.

(6) (a) Persons riding bicycles, electrical assisted bicycles, **or electric scooters** upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(b) Persons riding bicycles, electrical assisted bicycles, **or electric scooters** two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

(7) A person operating a bicycle, electrical assisted bicycle, **or electric scooter** shall keep at least one hand on the handlebars at all times.

(8) (a) A person riding a bicycle, electrical assisted bicycle, **or electric scooter** intending to turn left shall follow a course described in GJMC [10.04.901\(1\)](#), [10.04.903](#), and [10.04.1007](#) or may make a left turn in the manner prescribed in subsection (8)(b) of this section.

(b) A person riding a bicycle, electrical assisted bicycle, **or electric scooter** intending to turn left shall approach the turn as closely as practicable to the right-hand curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the **rider** shall stop, as much as practicable, out of the way of traffic. After stopping, the **rider** shall yield to any traffic proceeding in either direction along the roadway that the **rider** had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the **rider** intends to proceed, the **rider** may proceed in the new direction.

(c) Notwithstanding the provisions of subsections (8)(a) and (b) of this section, the City may cause official traffic control devices to be placed on roadways and thereby require and direct that a specific course be traveled.

(9) (a) Except as otherwise provided in this subsection (9), every person riding a bicycle, electrical assisted bicycle, **or electric scooter** shall signal the intention to turn or stop in accordance with GJMC [10.04.903](#); except that a **rider** may signal a right turn with the right arm extended horizontally.

(b) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the bicycle, electrical assisted bicycle, **or electric scooter** before turning and shall be given while the bicycle, electrical assisted bicycle, **or electric scooter** is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle, electrical assisted bicycle, **or electric scooter**.

(10) (a) A person riding a bicycle, electrical assisted bicycle, **or electric scooter** upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. A person riding a bicycle, **electrical assisted bicycle, or electric scooter** in a crosswalk shall do so in a manner that is safe for pedestrians.

(b) A person shall not ride a bicycle, electrical assisted bicycle, **or electric scooter** upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where such use of bicycles, electrical assisted bicycles, **or electric scooters** is prohibited by official traffic control devices or ordinances. A **rider** shall dismount before entering any crosswalk where required by official traffic control devices or ordinances.

(c) A person riding or walking a bicycle, electrical assisted bicycle, **or electric scooter** upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, including, but not limited to, the rights and duties granted and required by GJMC [10.04.802](#).

(11) (a) A person may park a bicycle, electrical assisted bicycle, **or electric scooter** on a sidewalk unless prohibited or restricted by an official traffic control device or ordinance.

(b) A bicycle, electrical assisted bicycle, **or electric scooter** parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

(c) A bicycle, electrical assisted bicycle, **or electric scooter** may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.

(d) A bicycle, electrical assisted bicycle, **or electric scooter** may be parked on the road abreast of another such **vehicle(s)** near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of traffic.

(e) In all other respects, bicycles, electrical assisted bicycles, **or electric scooters** parked anywhere on a highway shall conform to Chapter [10.08](#) GJMC regulating the parking of vehicles.

(12) (a) Any person who violates any provision of this section commits a misdemeanor; except that § [42-2-127](#), C.R.S. shall not apply.

(b) Any person riding a bicycle, electrical assisted bicycle, **or electric scooter** who violates any provision of this chapter **and chapter 10.14** other than this section which is applicable to such a vehicle and for which a penalty is specified shall be subject to the same specified penalty as any other vehicle; except that § [42-2-127](#), C.R.S. shall not apply.

(13) Upon request, the Police Department shall complete a report concerning an injury or death incident that involves a bicycle, electrical assisted bicycle, **or electric scooter** on the roadways of the State, even if such accident does not involve a motor vehicle.

(14) (a) (I) A person may ride a class 1 or class 2 electrical assisted bicycle, **or electric scooter** on a bike or pedestrian path where bicycles are authorized to travel.

(II) The City may prohibit the operation of a class 1 or class 2 electrical assisted bicycle, **or electric scooter** on a bike or pedestrian path.

Chapter 10.14 Shared Micromobility Devices

10.14.010 Operation of shared micromobility devices.

(a) Definitions

As used in this Chapter, the following shall apply:

Docked devices consist of shared micromobility devices such as a bicycle, electrical assisted bicycle, electric scooter, or other City-approved vehicle that can be rented from an automated station or “docking station” or “docks” and can be returned at the same station or another station belonging to the same system.

Dockless device means a bicycle, electric scooter, electrical assisted bicycle or other City-approved vehicle that does not require a fixed apparatus or infrastructure for its parking, receipt, or return.

Operator is a person authorized by the City to own and operate a shared micromobility fleet and service integrating on-board technology allowing a user to utilize either docked or dockless devices remotely in designated right-of-way. The term includes any employee, agent or independent contractor hired by the operator.

Pilot means a preliminary study governed by a pilot agreement and conducted to evaluate factors related to the operation of shared micromobility in the City that include but are not limited to feasibility, duration, cost and adverse events, and improve upon study design to prior to establishing a permanent permitting or licensing system.

Shared micromobility means a transportation option providing either dockless or docked devices for short term rental for point-to-point trips among multiple users where the devices are intended to remain in the public right-of-way, even when not being rented/used by a user; that are part of a shared fleet; and that uses smart-phone applications (“Apps”) to locate, reserve, checkout, and process payment for the use of those devices.

User is any person that uses, rents, or rides a docked or dockless device and/or is a customer of the shared micromobility operator.

Shared Micromobility Device (Device) means any lightweight, low-powered or human powered vehicular unit, including bicycles, electrical assisted bicycles and electric scooters, either dockless or docked, that is part of a shared fleet operating in the City.

(b) Shared micromobility operator requirements

- (1) The City Manager shall develop a shared micromobility operator pilot criterion, application process, and pilot requirements and define the period of performance to operate within the City’s right-of-way.**
- (2) The City Manager is authorized to review and approve operator’s deployment plans for qualified operator(s) who submit applications to participate in the pilot within the City.**
- (3) The City Manager shall promulgate additional regulations governing shared micromobility, which at a minimum requires operators to provide device safety features (such as lights and reflectors), follow established parking rules, meet operating and customer service performance standards, and perform data collection and reporting to the City that monitors performance and effectiveness of the pilot. Safety communication materials and application features must be preapproved by the City prior to launching.**
- (4) The City Manager shall set requirements for operators to remove shared micromobility devices that are parked in inappropriate areas, rebalance the devices, and similar operator obligations and responsibilities.**

- (5) Operators are required to provide proof of insurance of the types and at the levels determined by the City, indemnification, surety bonds, and cost recovery fees.**
- (6) A pilot shall be subject to termination for non-compliance, including but not limited to, operations that in the City's discretion constitute a nuisance, dangerous condition(s) or for repeated violation(s).**
- (7) The City Manager shall establish a process to determine well-planned, designated locations for dedicated parking spaces for shared micromobility devices in the City's right-of-way.**
- (8) The pilot is only valid for operations within designated City rights-of-way. An operator shall not restrict use of its fleet within certain geographical areas of the City unless approved by the City. Permission to operate devices outside the public right-of-way shall require advanced written permission of the property owner(s). Operators shall have a means of communicating to the user or customer when the device has been operated in non-permitted areas. The communication to the user shall be sent electronically at the conclusion of the trip.**

(c) Identification of devices

- (1) Devices are required to be individually numbered by the operator.**
- (2) Devices are required to use a unique identifier sticker that is clearly visible to the user and the City. Such identifier must:**
 - i. be affixed to the vehicle stem;**
 - ii. be at least 2 inches high**
 - iii. include that the particular device is allowed to be operated within the City;**
 - iv. include a toll-free telephone number and e-mail address so a user and/or the public can report issues or make relocation requests.**

- (3) Operators are required to provide an inventory list of device identification numbers to the City Manager prior to deployment within the City.**
- (4) Fleet inventory shall be audited through-out the City-approved period of performance to ensure fleet size requirements are respected.**
- (5) Operators are required to update the fleet inventory list monthly and are not allowed to deploy a device whose identification number is not filed with the City Manager.**

(d) Communications to users/customers

- (1) All operators shall conspicuously include in the operator's Apps information that:
 - i. educates users or customers about safe use of the devices that are in the operator's inventory; and**
 - ii. informs the users or customers of parking zones.****

(e) Use

- (1) Every user of a device shall have all the rights and duties applicable to a rider of the same type of vehicle not included in a shared fleet system under this Code, except as to special regulations in this chapter and except as to those provisions in which by their nature can have application.**
- (2) No device shall be used to carry more persons at one time than the number for which it is designed and equipped.**

(f) Parking requirements for devices

- (1) Devices shall be parked within dedicated parking zones which shall be adjacent to the curb in a parking lane of a roadway, and that are established and maintained solely at the cost of the operator. Dedicated parking zones shall be differentiated from other uses of the parking lane by pavement marking, delineators, wheel stops, flexible bollards or other City-approved material(s).**

- (2) Devices may not be parked on sidewalks, unless there is an on-sidewalk dedicated parking zone that is differentiated from other uses of the sidewalk by pavement markings, delineators, wheel stops, flexible bollards or other City-approved material(s).
- (3) Devices shall be upright when parked.
- (4) Operators shall inform users on proper parking of devices.
- (5) Dedicated parking zones shall not impede access to utilities, or access from the street to the sidewalk.
- (6) The City Manager reserves the right to reduce the number of devices allowed to operate in the City and revoke the operators ability to operate, if such devices are found to be consistently parked improperly.
- (7) To maintain parking compliance, operators shall:
 - i. Provide a single point-of-contact (telephone number and email address) customer service line, available 24 hours and answerable by the local representative of the operator, for complaints regarding improper parking;
 - ii. List the contact information clearly on each device along with a unique identifying number as described in section (c);
 - iii. Resolve complaints within one hour Monday through Friday, 7:00 a.m. to 6 p.m., and within four hours on Saturdays and Sundays and after the weekday hours listed herein;
 - iv. Assign a unique complaint number for each issue to both the City and the person who reported the issue;
 - v. When a complaint is closed provide a response to the City and the person who reported the issue; and
 - vi. Provide sufficient operations and maintenance staff to address issues and remove improperly parked vehicles.

(g) Areas of operations for devices

- (1) Devices may be operated in a designated bicycle lane if one is present, or in a vehicle travel lane except for circumstances described below and elsewhere in Chapter 10.04.
- (2) Devices may be used on City sidewalks unless otherwise posted to the contrary.

(3) Devices may be used in City parks or trails owned or maintained by the City unless otherwise posted to the contrary.

(h) Speed limits for devices.

(1) No user shall ride a device in excess of 15 miles per hour when riding on a multiuse path.

(2) No user shall ride a device in excess of a speed of 6 miles per hour when riding on a sidewalk.

(3) Where the posted speed limit is more than 35 miles per hour or more and there is no designated bike lane, the device shall be operated on a sidewalk if available.

(i) Safety

(1) A user of a device in any public place within the City shall use the same in a careful and prudent manner and at a rate of speed no greater than is reasonable and prudent under the conditions existing at the place and time of operation, taking into account any posted speed limits, the amount and character of pedestrian traffic, grade and width of path, trail or right-of-way and condition of the surface therefor.

(j) Advertising

Operators shall not display third party advertising on vehicles or parking zones without express approval from the City Manager.

(k) Privacy.

Each operator will be required to establish a privacy policy that safeguards user information and will be required to file a data privacy plan with the City. In addition, each operator shall be required to provide an electronic payment system.

(l) Device maintenance

Operator shall remove any inoperable device or any device that is not safe to operate as immediately as possible but no later than 24 hours after notification. Failure to do so may result in the revocation of the City's consent/authority to operate in the City.

(m) Data sharing

Each operator shall be responsible for providing quarterly reports to the City displaying trip information including, but not limited to, the following:

- (1) utilization rates**
- (2) total downloads, active users & repeat user information**
- (3) total trips by day of week and time of day**
- (4) origin and destination information for all trips**
- (5) trips per device**
- (6) average trip distance**
- (7) trips originating in or destined for designated opportunity areas**
- (8) parking compliance at designated zones and at transit and bus stops**
- (9) incidents of theft and/or vandalism**
- (10) complaints**
- (11) number of users participating in discount programs disaggregated by program type (low income, students, etc.)**
- (12) accident/crash information**
- (13) payment method information**

Complete data sharing requirements will be provided to approved operators. Operators shall comply with all data sharing requirements to remain in good standing. Failure to comply will result in termination of the pilot agreement.

(o) Indemnification.

Operators shall defend, indemnify, and hold harmless the City, its agents and employees for, from and against all liabilities, claims, judgments, suits or demands for damages to persons or property arising out of, resulting from, or relating to the services performed under the pilot, unless such claims have been specifically determined by the trier of fact to be the sole negligence or willful misconduct of the City. This indemnity shall be interpreted in the broadest possible manner to indemnify City for any acts or omissions of the permitted operator or its subcontractors either passive

or active, irrespective of fault, including City's concurrent negligence whether active or passive, except for the sole negligence or willful misconduct of City.

9.04.200 Skate devices, **electric scooters**, wheeled devices – Regulations.

(c) For this section, skate device(s) shall include and mean any skateboard(s), conventional or in-line roller skates, **bicycles, electrical assisted bicycles, electric scooters**, or other similar device or apparatus, all which may be collectively referred to as skate device or skate devices.

Introduced on first reading this 6th day of July 2022 and ordered published in pamphlet form.

Adopted on second reading this 20th day of July 2022 and ordered published in pamphlet form.

ATTEST:



Amy Phillips
City Clerk



Abe Herman
Mayor Pro Tem



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 5084 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 6th day of July 2022 and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 20th day of July 2022, at which Ordinance No. 5084 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 22nd day of July 2022.


Deputy City Clerk

Published: July 8, 2022
Published: July 22, 2022
Effective: August 21, 2022

