

ORDINANCE NO. 5249

AN ORDINANCE TO AMEND THE GRAND JUNCTION MUNICIPAL CODE BY THE AMENDMENT OF TITLE 10 REGARDING SHARED MOBILITY DEVICES AND TO CREATE A PROGRAM AND PROCESS FOR SHARED MOBILITY TO BE PROVIDED IN THE CITY

RECITALS:

In 2023 the City engaged in a pilot project to deploy for public use shared micromobility devices including e-scooters. 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. Through the pilot project the City found that shared micromobility has offered benefits and mobility options to the users.

By and with this Ordinance the Grand Junction Municipal Code (GJMC) is amended to provide a process by which micromobility equipment may be deployed in the City.

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

The foregoing Recitals are incorporated herein, and the City Manager is authorized to implement the program and process regarding shared micromobility together with Title 10 of the GJMC being amended as follows with additions shown with underlined text bold print and deletions are shown with ~~strike-through~~. To the extent necessary or required the current sections of the GJMC are repealed and replaced as shown on the attached marked and unmarked drafts.

CHAPTER 10.14
Shared Micromobility Devices

§ 10.14.010. Operation of shared micromobility equipment, devices

(a) Definitions.

As used in this Cchapter, the following shall apply and mean as follows:

Adaptive Vehicle refers to Equipment designed to accommodate a User(s) with mobility impairments, such as Equipment with some combination of seated, larger wheelbase, 3 or more wheels, hand-propelled, etc., classified as such with approval from the City.

Complaints refer to any issue(s) reported by Users, the City, or the member(s) of the

public. A Complaint may be made to an Operator via telephone, email, website, social media, or other medium monitored by the Operator on a daily basis.

Corral – see Dedicated Parking Corral.

Dedicated Parking Corral(s) (“Corral(s)”) refer to specific locations within or surrounding Mandatory Parking Zones where a User may park the rented device and end their ride.

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

Dockless Equipment device consists of Equipment such as 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.

Equipment – see Shared Micromobility Equipment.

Fleet refers collectively to Docked Equipment, Dockless Equipment and/or Micromobility Equipment owned and managed by the Operator-is, lawfully deployed within the Program Area, and available for public use.

Fleet Cap refers to a limit on the number of devices comprising a Fleet and available to Users from the Operator.

Guidelines – see Local Riding Guidelines.

Local Riding Guidelines (“Guidelines”) refer to the rules and expectations which Operators must introduce to Users prior to using any device, either upon each rental, at periodic frequency, or upon account creation.

Operator refers to a person or entity authorized by the City to own and operate a shared micromobility fleet Fleet and service, integrating on-board technology allowing a user User to utilize rent or borrow either any Equipment from the Operator’s Fleet docked or dockless devices remotely in designated rights-of-way. The term includes any employee, agent or independent contractor hired by the operator Operator.

Permit refers to a lawful approval and license from the City to an Operator to own and operate a Fleet pursuant to Grand Junction Municipal Code, Program Criteria, and Permit Agreement.

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 prior to establishing a permanent permitting or licensing system.

Program Area refers to the geographical area encompassed by the City’s Urban Development Boundary and nearby parts of unincorporated Mesa County.

Service Area(s) refers to geographical region(s) in which the operator is permitted to

deploy a Fleet and in which Users may ride the same.

Shared micromobility~~Micromobility~~ means a transportation option providing Equipment ~~either dockless or docked devices~~ for short term rental for point-to-point trips among multiple Users where ~~those~~ 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, check out, and process payment for the use of the same ~~ose~~ devices.

Shared micromobility device ~~(device)~~ Micromobility Equipment (“Equipment”) means any lightweight, low-powered or human powered vehicular unit, including various classes of vehicles, such as bicycles, electrical assisted bicycles, seated electric scooters, or standing electric scooters; either dockless or docked, including Adaptive Devices, that is part of a shared Fleet permitted to and lawfully operating in the City.

User is any person that uses, rents, or rides a docked Docked Equipment, or dockless device Dockless Equipment, and/or a Micromobility Equipment and/or is a customer of an ~~the shared micromobility operator~~ Operator.

(b) **Shared Micromobility Operator Requirements.**

- (1) The City Manager shall develop a shared micromobility operator pilot criterion, Shared Micromobility Operator Program Criteria and application process (Program), 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 an Operator’s deployment plans for qualified operator Operator(s) who submit applications to participate in a the pilot Program within the City.
- (3) The City Manager shall promulgate additional regulations governing S shared M micromobility, which at a minimum requires operators an Operator(s) to provide device Equipment with Device lights and reflectors as minimum 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 service. Users must be informed and educated on Local Riding Guidelines consistent with the published Program Criteria.
- (4) The City Manager shall set requirements for operators Operators to remove Equipment shared micromobility devices that is are parked improperly and/or in-inappropriately/in an inappropriate area(s), rebalance the deployment of the devices Fleet, Devices, and any other similar operator Operator obligations and responsibilities established by law or regulation.
- (5) Operators are required to provide proof of insurance of the types and at the levels determined by the City Program, City, together with indemnification, surety bonds, and cost recovery fees.

- (6) A ~~pilot~~Permit shall be subject to termination or Fleet Cap penalties for noncompliance, for, including but not limited to, any operation(s) that in the City's discretion constitute a nuisance, dangerous condition(s), and/or for repeated violation(s) by the Operator and/or Users of the Operators Equipment.
- (7) The City Manager shall establish a process to determine well-planned, designated locations for ~~dedicated parking spaces~~Dedicated Parking Corrals for ~~shared micromobility devices~~ Equipment ~~Shared Micromobility Devices~~ in the City's ~~right~~rights-of-way.
- (8) The ~~pilot~~Permit is only valid for operations within designated City rights-of-way within the Service Area(s) as defined by the Program Criteria. An ~~operator~~Operator shall not otherwise restrict use of its ~~F~~fleet within certain geographical areas of the City unless approved by the City. Permission to operate ~~devices~~Equipment outside the public right-of-way shall require advanced written permission ~~offrom~~ the property owner(s). Operators shall have a means of communicating to the ~~user or customer~~User when any Equipment~~the device~~ has been operated in non-permitted areas. The communication to the ~~user~~User shall be sent electronically at the conclusion of the trip.

(c) **Identification of Equipment ~~Devices~~.**

- (1) Each d~~Devices in the Fleet/all Equipment is~~are required to be individually numbered by the ~~operator~~Operator.
- (2) All Equipment is~~Devices—~~are required to use a unique identifier sticker/placard that is clearly visible to the ~~user~~User and the City. Such identifier must:
 - (i) Be affixed to the ~~vehicle stem~~ Equipment~~Device~~;
 - (ii) Be at least two inches high;
 - (iii) Include that operation~~the particular device is allowed to be operated within the City; and~~
 - (iv) Include a 24-hour toll-free telephone number and, email address so, and website, in order for a userUser and/or the public can report issues or make relocation requeststo make issue a Complaint(s).
- (3) Operators are required to provide an inventory list of ~~device~~Equipment identification numbers to the City Manager prior to deployment within the City.
- (4) Fleet inventory shall be audited throughout 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 Equipment whose identification number is not filed with the City Manager.

(d) **Communications to Users/Customers.**

- (1) ~~All operators~~ Operator shall conspicuously include in the operator's Operator's app's information that:
- (2) ~~Educates users or customers about safe use of the devices that are in the operator's inventory; and~~
- (3) ~~Informs the users or customers of parking zones to orient Users to Local Riding Guidelines per Program Criteria.~~

(e) **Use.**

- (1) Every user 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 Equipment shall be used to carry more persons at anyone time than the number for which it is designed and equipped.

(f) **Parking Requirements for Devices.**

- (1) ~~Devices~~ Within a Mandatory Parking Zone, Equipment shall be deployed and parked within dedicated parking zones which shall be adjacent to the curb in a parking lane of a roadway, and that are Dedicated Parking Corral as established and maintained solely at the cost of the operator. Dedicated parking zones shall be by the City. Corrals may be differentiated from other uses areas of the parking lane by City's right-of-way via pavement marking, delineators, wheel stops, flexible bollards or other City-approved material(s). ~~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, and/or other City-approved material(s).~~
- (2) ~~Devices~~ Each piece of Equipment shall be upright and parallel to others, if any, when parked or deployed.
- (3) Each piece of Equipment shall be prohibited from blocking curb cuts, driveways, or ADA areas; marked parking or loading areas (unless designated as a Corral); fire hydrants, utility boxes, street furniture (e.g., benches, trash and recycling receptacles, or parking meters); and business or residential entryways; and must leave a minimum of 4' of sidewalk clear width when parked or deployed.
- (4) Operators shall inform users Users on proper parking of Equipment devices.
- (5) ~~Dedicated parking zones~~ Parking Corrals shall not impede access to utilities, or access from the street to the sidewalk.

- (6) The City Manager reserves the right to reduce an Operator's Fleet Cap the number of devices allowed to operate in the City and/or revoke the operator's Operator's ability to operate as provided in the Program/this ordinance/any rule or regulation promulgated by the City. , if such devices are found to be consistently parked improperly.
- (7) To maintain parking compliance, an operators Operator 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 Operator with awareness of the local program, for complaints Complaints regarding improper parking or other concerns;
 - (i) List the contact information clearly on each all Equipment device along with a unique identifying number as described in subsection (c) of this section;
 - (ii) Resolve complaints Respond to Complaints within one hour Monday through Friday, 7 two hours, seven days per week, 9:00 a.m. to 6 5:00 p.m., and within four hours on Saturdays and Sundays and after outside of the weekday hours listed herein;
 - (iii) Assign a unique complaint number for each issue to both the City and the person who reported the issue;
 - (iv) When a complaint is closed provide a response to the City and the person who reported the issue; and
 - (v) Provide sufficient operations and maintenance staff to address issues and remove improperly parked vehicles; and
 - (vi) Provide the City with a summary of all complaints and resolution actions as described in the Program Criteria.

(g) **Operating Areas of Operations for Devices.**

- (1) Equipment may only be deployed and operated within the Service Area(s) as defined by the Program Criteria.
- (2) Equipment 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 GJMC.
- (3) Equipment Devices may be used on City sidewalks unless otherwise posted to the contrary.
- (4) Equipment Devices may be used in City parks or trails owned or maintained by the City unless otherwise posted to the contrary except as identified in the Program Criteria.

(h) **Speed Limits for Users of Devices.**

- (1) No ~~user~~User shall ride ~~any Equipment~~a device in excess of 15 miles per hour when riding on a multiuse path.
- (2) No ~~user~~User shall ride ~~any Equipment~~a device in excess of a speed of six 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 a device~~User shall be operated Equipment on a sidewalk, if available.
- (4) Speed limits shall otherwise be managed as described in the Program Criteria.

(i) **Safety.**

A ~~user~~User of ~~any Equipment~~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.**

- (1) Operators shall not display third-party advertising on ~~vehicles~~Equipment, docking stations, or ~~parking zones~~Corrals without express approval from the City Manager.
- (2) If approved by the City Manager, any such advertisement will be limited to exclude any reference to gambling, drugs or alcohol, any political statements or endorsements, any adult themes or explicit content, any religious themes, or any other advertising containing sensitive or offensive material as determined by the City Manager. The approval of any advertisement shall not constitute an implied or explicit endorsement by the City.
- (3) Fees or revenue splitting may be considered as a part of any advertising consideration.

(k) **Privacy.**

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

(l) **EquipmentDevice Maintenance.**

Operator shall remove any inoperable ~~device~~and/or unsafe~~any device~~Device that is

~~not safe to operate as immediately~~ Equipment as soon as possible but no later than 124 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~~Operator~~ shall be responsible for providing quarterly reports~~anonymized data collected~~ to the City displaying ~~trip information including, but not limited to, the following:~~

~~Utilization rates.~~

~~Total downloads, active users, and repeat user information.~~

~~Total trips by day of week and time of day.~~

~~Origin and destination information for all trips.~~

~~Trips per device.~~

~~Average trip distance.~~

~~Trips originating in or destined for designated opportunity areas.~~

~~Parking compliance at designated zones and at transit and bus stops.~~

~~Incidents of theft and/or vandalism.~~

~~Complaints.~~

~~Number of users participating in discount programs disaggregated by program type (low income, students, etc.).~~

~~Accident/crash information.~~

~~Payment method information.~~

~~Complete data sharing requirements will be provided to approved operators. Operators via a micromobility dashboard. Data shall comply~~ be compliant with all data sharing requirements to remain in good standing industry standards, as identified in Program Criteria. Failure to comply ~~will~~ may result in termination of the ~~pilot agreement~~ Permit.

(n) **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~~ Permit, 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~~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.

The Operator shall not be obligated to indemnify the Owner for claims related to the Right of Way, including, but not limited to, the design, construction, or maintenance failure of the roadway, roadway infrastructure, roadway projects, or other rights of way, including, but not limited to, sidewalks, medians, curbs, and bridges, controlled,

maintained, or owned by the Owner.

The aforementioned indemnification obligation is limited by the Colorado Governmental Immunity Act.

CHAPTER 10.14

Shared Micromobility

§ 10.14.010. Operation of shared micromobility equipment.

(a) Definitions.

As used in this Chapter, the following shall apply and mean as follows:

Adaptive Vehicle refers to Equipment designed to accommodate a User(s) with mobility impairments, such as Equipment with some combination of seated, larger wheelbase, 3 or more wheels, hand-propelled, etc., classified as such with approval from the City.

Complaints refer to any issue(s) reported by Users, the City, or the member(s) of the public. A Complaint may be made to an Operator via telephone, email, website, social media, or other medium monitored by the Operator on a daily basis.

Corral – see *Dedicated Parking Corral*.

Dedicated Parking Corral(s) (“*Corral(s)*”) refer to specific locations within or surrounding Mandatory Parking Zones where a User may park the rented device and end their ride.

Docked Equipment consists of Equipment such as a bicycle, electrical assisted bicycle, electric scooter, or other City-approved vehicle that may only be rented from an automated “docking station” or “docks” and must be returned at the same station or another station belonging to the same system.

Dockless Equipment consists of Equipment such as 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.

Equipment – see *Shared Micromobility Equipment*.

Fleet refers collectively to Docked Equipment, Dockless Equipment and/or Micromobility Equipment owned and managed by the Operator, lawfully deployed within the Program Area, and available for public use.

Fleet Cap refers to a limit on the number of devices comprising a Fleet and available to Users from the Operator.

Guidelines – see *Local Riding Guidelines*.

Local Riding Guidelines (“*Guidelines*”) refer to the rules and expectations which Operators must introduce to Users prior to using any device, either upon each rental, at periodic frequency, or upon account creation.

Operator refers to a person or entity authorized by the City to own and operate a Fleet integrating on-board technology allowing a User to rent or borrow any Equipment from the Operator's Fleet remotely in designated rights-of-way. The term includes any employee, agent or independent contractor hired by the Operator.

Permit refers to a lawful approval and license from the City to an Operator to own and operate a Fleet pursuant to Grand Junction Municipal Code, Program Criteria, and Permit Agreement.

Program Area refers to the geographical area encompassed by the City's Urban Development Boundary and nearby parts of unincorporated Mesa County.

Service Area(s) refers to geographical region(s) in which the operator is permitted to deploy a Fleet and in which Users may ride the same.

Shared Micromobility means a transportation option providing Equipment for short term rental for point-to-point trips among multiple Users where those 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, check out, and process payment for the use of the same.

Shared Micromobility Equipment ("Equipment") means any lightweight, low-powered or human powered vehicular unit, including various classes of vehicles, such as bicycles, electrical assisted bicycles, seated electric scooters, or standing electric scooters; either dockless or docked, including Adaptive Devices, that is part of a Fleet permitted to and lawfully operating in the City.

User is any person that uses, rents, or rides Docked Equipment, a Dockless Equipment, and/or Micromobility Equipment and/or is a customer of an Operator.

(b) Shared Micromobility Operator Requirements.

- (1) The City Manager shall develop a Shared Micromobility Operator Program Criteria and application process (Program) 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 an Operator's deployment plans for qualified Operator(s) who submit applications to participate in a Program within the City.
- (3) The City Manager shall promulgate additional regulations governing Shared Micromobility, which at a minimum requires an Operator(s) to provide Equipment with lights and reflectors as minimum safety features, 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 service. Users

must be informed and educated on Local Riding Guidelines consistent with the published Program Criteria.

- (4) The City Manager shall set requirements for Operators to remove Equipment that is parked improperly and/or inappropriately/in an inappropriate area(s), rebalance the deployment of the Fleet, and any other Operator obligations and responsibilities established by law or regulation.
 - (5) Operators are required to provide proof of insurance of the types and at the levels determined by the City Program, together with indemnification, surety bonds, and cost recovery fees.
 - (6) A Permit shall be subject to termination or Fleet Cap penalties for noncompliance, for, including but not limited to, any operation(s) that in the City's discretion constitute a nuisance, dangerous condition(s), and/or for repeated violation(s) by the Operator and/or Users of the Operators Equipment.
 - (7) The City Manager shall establish a process to determine well-planned, designated locations for Dedicated Parking Corrals for Equipment in the City's rights-of-way.
 - (8) The Permit is only valid for operations within designated City rights-of-way within the Service Area(s) as defined by the Program Criteria. An Operator shall not otherwise restrict use of its Fleet within certain geographical areas of the City unless approved by the City. Permission to operate Equipment outside the public right-of-way shall require advanced written permission from the property owner(s). Operators shall have a means of communicating to the User when any Equipment 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 Equipment.**
- (1) Each device in the Fleet/all Equipment is required to be individually numbered by the Operator.
 - (2) All Equipment is required to use a unique identifier sticker/placard that is clearly visible to the User and the City. Such identifier must:
 - (i) Be affixed to the Equipment;
 - (ii) Be at least two inches high;
 - (iii) Include that operation is allowed within the City; and
 - (iv) Include a 24-hour toll-free telephone number, email address, and website, in order for a User and/or the public to make a Complaint(s).

- (3) Operators are required to provide an inventory list of Equipment identification numbers to the City Manager prior to deployment within the City.
- (4) Fleet inventory shall be audited throughout 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 Equipment whose identification number is not filed with the City Manager.

(d) **Communications to Users/Customers.**

An Operator shall conspicuously include in the Operator's app's information to orient Users to Local Riding Guidelines per Program Criteria.

(e) **Use.**

- (1) Every User 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 Equipment shall be used to carry more persons at any time than the number for which it is designed and equipped.

(f) **Parking Requirements.**

- (1) Within a Mandatory Parking Zone, Equipment shall be deployed and parked within a Dedicated Parking Corral as established by the City. Corrals may be differentiated from other areas of the City's right-of-way via pavement marking, delineators, wheel stops, flexible bollards, and/or other City-approved material(s).
- (2) Each piece of Equipment shall be upright and parallel to others, if any, when parked or deployed.
- (3) Each piece of Equipment shall be prohibited from blocking curb cuts, driveways, or ADA areas; marked parking or loading areas (unless designated as a Corral); fire hydrants, utility boxes, street furniture (e.g., benches, trash and recycling receptacles, or parking meters); and business or residential entryways; and must leave a minimum of 4' of sidewalk clear width when parked or deployed.
- (4) Operators shall inform Users on proper parking of Equipment.
- (5) Dedicated Parking Corrals shall not impede access to utilities, or access from the street to the sidewalk.

- (6) The City Manager reserves the right to reduce an Operator's Fleet Cap and/or revoke the Operator's ability to operate as provided in the Program/this ordinance/any rule or regulation promulgated by the City.
- (7) To maintain parking compliance, an Operator shall:
 - (i) Provide a single point-of-contact (telephone number and email address) customer service line, available 24 hours and answerable by a representative of the Operator with awareness of the local program, for Complaints regarding improper parking or other concerns;
 - (ii) List the contact information clearly on all Equipment along with a unique identifying number as described in subsection (c) of this section;
 - (ii) Respond to Complaints within two hours, seven days per week, 9:00 a.m. to 5:00 p.m., and within four hours outside of the hours listed herein;
 - (iii) Assign a unique complaint number for each issue to the person who reported the issue;
 - (iv) When a complaint is closed provide a response to the person who reported the issue;
 - (v) Provide sufficient operations and maintenance staff to address issues and remove improperly parked vehicles; and
 - (vi) Provide the City with a summary of all complaints and resolution actions as described in the Program Criteria.
- (g) **Operating Areas.**
 - (1) Equipment may only be deployed and operated within the Service Area(s) as defined by the Program Criteria.
 - (2) Equipment 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 GJMC.
 - (3) Equipment may be used on City sidewalks unless otherwise posted to the contrary.
 - (4) Equipment may be used in City parks or trails owned or maintained by the City except as identified in the Program Criteria.
- (h) **Speed Limits.**
 - (1) No User shall ride any Equipment in excess of 15 miles per hour when riding on a multiuse path.

- (2) No User shall ride any Equipment in excess of a speed of six 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, a User shall operate Equipment on a sidewalk, if available.
- (4) Speed limits shall otherwise be managed as described in the Program Criteria.

(i) **Safety.**

A User of any Equipment 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.**

- (1) Operators shall not display third-party advertising on Equipment, docking stations, or Corrals without express approval from the City Manager.
- (2) If approved by the City Manager, any such advertisement will be limited to exclude any reference to gambling, drugs or alcohol, any political statements or endorsements, any adult themes or explicit content, any religious themes, or any other advertising containing sensitive or offensive material as determined by the City Manager. The approval of any advertisement shall not constitute an implied or explicit endorsement by the City.
- (3) Fees or revenue splitting may be considered as a part of any advertising consideration.

(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) **Equipment Maintenance.**

Operator shall remove any inoperable and/or unsafe Equipment as soon as possible but no later than 12 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 anonymized data collected to the City via a micromobility dashboard. Data shall be compliant with industry standards, as identified in Program Criteria. Failure to comply may result in termination of the Permit.

(n) **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 Permit, 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.

The Operator shall not be obligated to indemnify the Owner for claims related to the Right of Way, including, but not limited to, the design, construction, or maintenance failure of the roadway, roadway infrastructure, roadway projects, or other rights of way, including, but not limited to, sidewalks, medians, curbs, and bridges, controlled, maintained, or owned by the Owner.

The aforementioned indemnification obligation is limited by the Colorado Governmental Immunity Act.

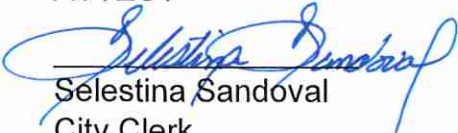
Introduced on first reading this 5th day of February 2025 and ordered published in pamphlet form.

Adopted on second reading this 19th day of February 2025 and ordered published in pamphlet form.



Abram Herman
President of the City Council

ATTEST



Selestina Sandoval
City Clerk



I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 5249 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 5th day of February 2025 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 19th day of February 2025, at which Ordinance No. 5249 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 25th day of February 2025.


Deputy City Clerk

Published: February 8, 2025
Published: February 22, 2025
Effective: March 24, 2025

