

ORDINANCE NO. 2382  
INTRODUCED BY: Cushing

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BRIGHTON, COLORADO, AMENDING CHAPTER 5 OF THE BRIGHTON MUNICIPAL CODE BY THE ADDITION OF NEW SECTION 5-99 TO AUTHORIZE THE OPERATION OF SHARED ELECTRIC SCOOTERS IN THE CITY AND TO PROVIDE FOR THE LICENSING THEREOF

WHEREAS, mobility technology in municipalities has come to the time when shared electric scooters and other individual transportation devices can be used, operated, maintained, regulated, and periodically reviewed as an additional means for persons in designated City areas to more readily traverse these areas; and

WHEREAS, after consultations to deal with issues such as the age of a user of such device, the speed of such a device, where such a device can be safely used, and the licensing of companies providing such services, the City desires to provide additional regulations governing the use of shared electric scooters and other mobility devices inside the City boundaries; and

WHEREAS, the City Council finds that the provisions of this ordinance further the health, safety, and welfare of the City's residents and visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BRIGHTON, COLORADO, AS FOLLOWS:

Section 1. Section 5-5-99 of the Brighton Municipal Code is hereby amended to add the following:

ARTICLE 5-99 – Transportation of Persons—Shared Electric Scooters

Sec. 5-99-10. – Purpose and intent.

The purpose and intent of this Article is to establish rules and regulations governing the operation of shared electric scooters within the City and to ensure that such mobility sharing systems are consistent with the safety and well-being of bicyclists, pedestrians, and other riders within the public rights-of-way.

Sec. 5-99-20. – Definition.

*Shared electric scooter* means a device weighing less than 200 pounds that: (i) has handlebars and an electric motor; (ii) is solely powered by the electric motor and/or human power; and (iii) has a maximum speed of no more than 15 mph on a paved level surface when powered solely by the electric motor.

Sec. 5-99-30. – License required.

It shall be unlawful for any person or entity to engage in the business of operating a shared electric scooter service upon the streets of the City without first obtaining a non-exclusive license as hereinafter provided. The City shall issue no more than two (2) licenses per calendar year.

Sec. 5-99-40. – License application; information.

Applications for a non-exclusive Electric Scooter Share License (“License”) shall be made as provided in Chapter 5 of this Title and, in addition to the information there required, shall state the following facts: the number of scooters the applicant desires to operate and the names, addresses and telephone numbers of each fleet manager of each Licensee.

Sec. 5-99-50. – Transfer.

A non-exclusive license issued under this Article shall not be transferable.

Sec. 5-99-60. – Fees.

The non-exclusive License issued pursuant to this Article shall be for one year, have an initial annual fee of \$500 and have a renewal fee of \$200 per year thereafter. In addition, at the time of a Licensee’s annual renewal of its License, Licensee shall make payment to the City of \$0.20 per ride completed during the preceding year.

Sec. 5-99-70. – Operating Regulations.

- (a) Riders of shared electric scooters shall be 18 years of age or older.
- (b) A shared electric school shall not be operated on sidewalks or other pedestrian walkways or paths in the City less than 8 feet in width.
- (c) Shared electric scooters are to be operated on streets and, where available, in bike lanes and bike paths greater than 8 feet in width. Shared electric scooters are to stay to the right of street lanes and yield the right of way to bikes in bike lanes.
- (d) Each shared electric scooter shall have easily visible contact information, including a toll-free telephone number and/or email address to enable City employees and/or members of the public to make relocation requests or to report other issues with the scooters.
- (e) No Licensee shall place a shared electric scooter in service which is capable of exceeding a maximum speed of 15 mph.
- (f) Licensees shall maintain 24-hour customer service for customers and the public to report safety concerns, complaints, or to ask questions. Licensees shall maintain a multilingual website, call center, and/or mobile app customer interface that is available twenty-four hours per day, seven days per week. The aforementioned requirements shall also be compliant with the Americans with Disabilities Act.
- (g) In the event a safety or maintenance issue is reported for a specific scooter, that shared electric scooter shall be made unavailable to riders and shall be removed from service. Any inoperable or unsafe scooter shall be repaired before it is put back into service.
- (h) Licensees shall respond to reports of incorrectly parked shared electric scooters, shared electric scooters continuously parked in one location for more than 48 hours, or unsafe and/or inoperable shared electric scooters by relocating, re-parking, or removing the shared electric scooters, as appropriate, within 24 hours of receiving notice, except that Licensees shall respond within 4 hours of receiving notice in emergency situations.
- (i) In the event a Licensee does not timely respond, and the condition of the shared electric scooter cannot be easily remedied, such shared electric scooters may be removed by City crews with notice to Licensee and taken to a City facility for storage at the expense of the Licensee, not to exceed \$100 per shared electric scooter.

- (j) Licensees shall provide notice to all riders that:
1. Shared electric scooters shall not be operated on sidewalks or other pedestrian walkways or paths in the City less than 8 feet in width;
  2. Shared electric scooters are to stay to the right of street lanes and to yield the right of way to bicycles on bike lanes and bike paths;
  3. Helmets are encouraged for all riders; and
  4. Riding responsibly is encouraged. Licensee will notify riders that repeated irresponsible riding is reported and recorded with identifying rider information.

(k) Licensee shall provide education to shared electric scooter riders on the City's existing rules and regulations, safe and courteous riding, and proper parking.

(l) **Data Sharing.** Within fifteen days after the end of any calendar month, a Licensee shall provide the City anonymized fleet and ride activity data for the previous month for all trips starting or ending within the jurisdiction of the City on any vehicles of Licensee. Licensee shall ensure the individual privacy and anonymity of Licensee's customers' personally identifiable information shall not be included in such reports. All such data shall be safely and securely stored by the City, which shall implement administrative, physical, and technical safeguards to protect, secure, and, where appropriate, encrypt or limit access to the data. Any such data provided shall be treated as trade secrets and proprietary business information and shall not be disclosed by the City in response to public requests and requests by third-parties, except with the consent of Licensee or pursuant to court order.

#### Sec. 5-99-80. – Parking of shared electric scooters.

- (a) Riders of shared electric scooters shall park the vehicles upright on hard surfaces:
1. On the road, at any angle to the curb or edge of the road at any location where motor vehicle parking is allowed;
  2. On the edge of a sidewalk, provided that normal and reasonable movement of pedestrian traffic is not impeded; or
  3. Beside a bicycle rack or in another area specifically designated for bicycle parking.
- (b) Shared electric scooter riders are required to take a photo whenever they park their scooter at the end of a ride.

#### Sec. 5-99-90. – Operating Zones established.

Licensee shall coordinate with the City to develop and designate "Operating Zones" for the safe operation of shared electric scooters within the City and submit such "Operating Zones" for review and approval prior to the approval and issuance of License. In addition, the following "Operating Zones" shall be established:

Slow Zone: When riders enter a planned Slow Zone, they are notified by the shared electric scooter with a sound and in-app notification before their shared electric scooters safely reduce speed;

No-Ride Zone: When riders enter a designated No-Ride Zone, the shared electric scooter will safely slow to a complete stop. Riders are notified with a sound from the shared electric scooter and in-app notification.

**Sec. 5-99-100. – Indemnification.**

By accepting a License from the City, Licensee agrees to indemnify, defend, and hold harmless City (and its officials, employees, and agents) from and against all actions, damages or claims, including reasonable attorneys' fees, brought against the City for personal or bodily injury or death to any person, or damage or destruction of any property, arising out of or resulting from the operation of shared electric scooters under the License issued by the City, except for the negligence and/or willful misconduct of the City or its elected and appointed officials and employees acting within the scope of their employment. City's right to indemnification shall be contingent on City reasonably notifying Licensee following receipt or notice of any claim.

**Sec. 5-99-110. – Insurance.**

Licensees shall provide City with proof of insurance coverage exclusively for the operation of shared electric scooters including: (a) Commercial General Liability insurance coverage with a limit of no less than \$1,000,000.00 for each occurrence and \$2,000,000.00 aggregate; (b) Automobile Insurance coverage with a limit of no less than \$1,000,000.00 for each occurrence and \$1,000,000.00 aggregate; and (c) where Licensee employs persons within the City, Workers' Compensation coverage of no less than the statutory requirement.

**Sec. 5-99-120. – Suspension or revocation of License.**

(a) The City, after issuing a notice of an alleged violation and after providing a Licensee a right to cure such deficiency within 30 calendar days, may suspend or revoke a License for cause, defined as acts or omissions in violation of this Article, provided that the Licensee is provided with an opportunity for a hearing prior to such suspension or revocation.

(b) A Licensee who believes the alleged violation or penalty imposed by the City pursuant to this Article is unfounded, inconsistent with these regulations, or arbitrary and capricious may appeal the issue to the City Manager or his or her designee. Such appeal shall be in writing and shall state with specificity the grounds for the appeal. The appeal shall be filed within 14 days of issuance of the notice of License suspension or revocation. Pending the completion of the appeal, the License shall remain in full force and effect. The City Manager or designee shall hold a hearing within 30 calendar days of receipt by the City Manager of the appeal unless the parties agree to an extension. The City Manager or designee shall issue a written finding on the appeal within 30 calendar days of the hearing. The Licensee may waive the hearing and request the City Manager or designee decide the matter on the City's records and the documents submitted by the Licensee. The City Manager's decision shall be final.

Section 2. The purpose of this Ordinance is to provide for the health, safety, and welfare of the people.

INTRODUCED, PASSED ON FIRST READING AND ORDERED PUBLISHED THIS 5<sup>th</sup> DAY OF APRIL, 2022.

INTRODUCED, PASSED ON FINAL READING AND ORDERED PUBLISHED BY TITLE ONLY THIS 19<sup>th</sup> DAY OF APRIL, 2022.

CITY OF BRIGHTON, COLORADO

  
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GREGORY MILLS, Mayor

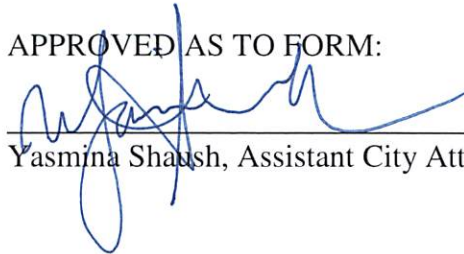
ATTEST:

  
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NATALIE HOEL, City Clerk

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APPROVED AS TO FORM:

  
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Yasmina Shaush, Assistant City Attorney