



AGENDA
for the Planning Commission
of the Town of Palisade, Colorado
341 W. 7th Street (Palisade Civic Center)

July 16, 2024

6:00 pm Regular Meeting

<https://us06web.zoom.us/j/3320075780>

Meeting ID: 332 007 5780

I. REGULAR MEETING CALLED TO ORDER AT 6:00 pm

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. AGENDA ADOPTION

V. ANNOUNCEMENTS

A. Calling all passionate community members!

We're seeking applications for the Planning Commissioner position. If you're interested in shaping the future of our community, this is your chance to get involved!

Application Period: Applications will be accepted from June 27, 2024, to August 2, 2024.

Selection Process: Qualified applicants will be interviewed by the Board of Trustees on Tuesday, August 13, 2024.

How to Apply: Submit a letter of intent outlining your qualifications and interest in the role to kfrasier@townofpalisade.org

Don't miss this opportunity to make a difference! We look forward to receiving your application.

VI. APPROVAL OF MINUTES

A. Minutes from July 2, 2024, Regular Planning Commission Meeting

VII. TOWN MANAGER REPORT

VIII. CONTINUED BUSINESS

A. ORDINANCE 2024-04 – Reducing the Height Maximums in Zoning Districts Throughout the Town of Palisade

The Planning Commission will consider recommending approval of Ordinance 2024-04 amending the Palisade Land Development Code building height maximums to the Board of Trustees. This Ordinance is intended to maintain a consistent character in town while allowing for future potential development.

1. Staff Presentation

2. Board Discussion

3. Public Comments and Questions - *Please state your name and address, keep comments to the current planning topic, and 3 minutes or less.*

4. Decision - Motion, Second, and Rollcall Vote to:

Approve, deny, or postpone (until August 6, 2024) recommending approval of Ordinance 2024-04 amending the maximum building heights in residential and non-residential zoning districts in the Palisade Land Development Code to the Board of Trustees.

IX. NEW BUSINESS

A. Review Ordinances from Estes Park and Boulder regarding regulating E-Scooter Businesses

This discussion item focuses on analyzing regulations implemented by Estes Park and Boulder for managing E-Scooter businesses. The purpose is to understand how these neighboring communities approach E-Scooter regulations, potentially informing similar measures for our town.

1. Staff Presentation
2. Commission Discussion
3. Public Comments and Questions - *Please state your name and address, keep comments to the current planning topic, and 3 minutes or less.*
4. Decision - Motion, Second, and Rollcall Vote to:

Approve, deny, or postpone (until August 6, 2024) advising the Board of Trustees to consider a recommendation for an amendment to the Land Development Code for E-Scooter Businesses. The Planning Commission may also request staff to alter one of the ordinances presented or draft one from scratch for an amendment to the Land Development Code.

B. Planning Commission Authority and Powers Discussion

This agenda item will explore the scope of the Planning Commission's authority and powers. The discussion may cover:

- *The Commission's role in the development review process*
- *Specific authorities outlined in relevant statutes or local ordinances.*
- *Palisade Art Vision (PAV)*

1. Staff Presentation
2. Board Discussion
3. Public Comment - *Please state your name and address, keep comments to the current planning topic, and 3 minutes or less.*
4. Commission Direction:

Following the discussion and public comment, the Planning Commission will provide recommendations for further action. This may include requesting staff to prepare draft amendments to the Land Development Code Authorities or recommending no changes to the current regulations.

X. PUBLIC COMMENT – For items not on the Public Hearing agenda

Please keep comments to 3 minutes or less and state your name and address. Neither the Planning Commissioners nor staff will respond to comments at this time. The Commission may direct staff to look into specific comments to bring back as an Agenda item at a future meeting.

XI. ADJOURNMENT



**MINUTES OF THE REGULAR MEETING OF THE
PALISADE PLANNING COMMISSION
July 2, 2024**

The regular meeting of the Planning Commission for the Town of Palisade was called to order at 6:02 pm by Chair Amy Gekas. Present were Commissioners LisaMarie Pinder, Don Bosch, and Brandon Burke. Absent were Commissioner David Hull and Vice-Chair Ed Seymour. A quorum was declared. Also in attendance were Town Manager Janet Hawkinson, Community Development Director Devan Aziz, and Town Clerk Keli Frasier.

AGENDA ADOPTION

Motion #1 by Commissioner Burke, seconded by Commissioner Bosch, to approve the agenda as presented.

A voice vote was requested.
Motion carried unanimously.

APPROVAL OF MINUTES

Motion #2 by Commissioner Bosch, seconded by Commissioner Burke, to approve the minutes of the Palisade Planning Commission from June 18, 2024, as written.

A voice vote was requested.
Motion carried unanimously.

TOWN MANAGER REPORT

Town Manager Janet Hawkinson reviewed current and ongoing projects led by the Town of Palisade.

NEW BUSINESS

Review and Discussion of Height Maximums and Accessory Dwelling Units (ADUs) in Relation to Small Town Character and the 2022 Comprehensive Plan

Community Development Director Aziz gave a brief presentation and led Commission discussion on Height Maximums and Accessory Dwelling Units (ADUs) in Relation to Small Town Character and the 2022 Comprehensive Plan.

Tim Wedel of Palisade asked the Commissioners to not just consider the rights of property owners and builders when considering regulations but also to consider the rights of the neighboring property owners as zero setbacks on lot lines infringe upon neighbors and alleyways.

The consensus of the Commission is to move forward with scheduling public workshops inviting the public to comment on ADUs. Commissioners would also like to see a draft Ordinance amending building height requirements.

PUBLIC COMMENT

None was offered.

ADJOURNMENT

Motion #5 by Commissioner Bosch, seconded by Commissioner Burke, to adjourn the meeting at 7:18 pm.

A voice vote was requested.
Motion carried unanimously.

X

Amy Gekas
Planning Commission Chair

X

Keli Frasier
Town Clerk



PALISADE PLANNING COMMISSION
Agenda Item Cover Sheet

Meeting Date: July 16, 2024

Presented By: Devan Aziz, Community Development Director

Department: Community Development & Planning

Re: Draft Ordinance Reducing Maximum Building Heights In Residential and Non-Residential Zones

SUBJECT:

Draft Ordinance No. 2024-04: Reducing Maximum Building Heights

SUMMARY:

This ordinance amends the Town of Palisade's Land Development Code to reduce the maximum building heights in residential and non-residential zoning districts. The changes aim to:

- **Promote a consistent building scale** across the Town, enhancing aesthetics.
- **Create a more human-scaled built environment**, improving the pedestrian experience, particularly in the Town Center District.
- **Improve compatibility** between development and surrounding neighborhoods.
- **Encourage street-level activity** in commercial areas.
- **Reduce the visual impact** of development on the landscape.

The ordinance reduces heights in the following districts:

- Agricultural & Forestry Transitional (AFT)
- Single Family Residential (SFR)
- Multifamily Residential (MFR)
- Mixed Use (MU)
- Town Center (TC)
- Commercial Business (CB)
- Light Industrial (LI)
- Community Public (CP)

New maximum heights are:

- Residential Districts AFT, SFR, MFR, MU: 28 feet (previously 35 feet)
- Non-residential Districts TC, CB, LI, CP 35 feet (previously varied heights)

The full ordinance details the specific amendments to the Land Development Code.

TOWN OF PALISADE, COLORADO

ORDINANCE NO. 2024-04

AN ORDINANCE OF THE TOWN OF PALISADE, COLORADO, AMENDING THE LAND DEVELOPMENT CODE REGARDING REDUCING MAXIMUM BUILDING HEIGHTS IN RESIDENTIAL AND NONRESIDENTIAL DISTRICTS.

WHEREAS, pursuant to Section 31-23-305, C.R.S., the Board of Trustees may adopt, alter or amend zoning and regulations; and

WHEREAS, the Palisade Board of Trustees desires to amend the Land Development Code regarding established zoning districts; and

WHEREAS, the Board of Trustees of the Town of Palisade desires to implement the goals and objectives outlined in the Town's Comprehensive Plan regarding building scale and visual character; and

WHEREAS, the Board of Trustees desires to promote a more consistent building scale across various zoning districts within the Town; and

WHEREAS, the Board of Trustees desires to enhance the visual character of the Town by creating a more low-profile development pattern; and

WHEREAS, the Board of Trustees desires to ensure compatibility between new development and surrounding residential and rural areas;

WHEREAS, the Town's Planning Commission has recommended to the Board of Trustees that the amendments to the Land Development Code contained in this Ordinance be adopted; and

WHEREAS, in accordance with Sections 3.02 and 4.01 of the Land Development Code, and Section 31-23-306, C.R.S., on July 16, 2024 a public hearing was held before the Planning Commission to consider a recommendation of an amendment of the Land Development Code to the Board of Trustees as set forth herein, following public notice as required by law; and

WHEREAS, in accordance with Sections 3.02 and 4.01 of the Land Development Code, and Section 31-23-304, C.R.S., on _____ a public hearing was held before the Board of Trustees to consider the amendment of the Land Development Code as set forth herein, following public notice as required by law; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PALISADE AS FOLLOWS:

Section 1.

The foregoing recitals are incorporated herein as if set forth in full.

Section 2.

The Board of Trustees finds that reducing the maximum building height in the Agricultural and Forestry Transitional District (AFT), Single Family Residential District (SFR), Multifamily Residential District (MFR), Mixed Use District (MU), Town Center District (TC), Commercial Business District (CB), Light Industrial District (LI), and Community Public District (CP) will:

- Promote a more consistent building scale across all eight districts, enhancing the overall aesthetic for the Town.
- Create a more human-scaled built environment, particularly in the TC District, improving the pedestrian experience.
- Improve the visual compatibility of commercial and industrial development with nearby residential neighborhoods.
- Encourage a focus on street-level activity and interaction within the TC and CB Districts.
- Reduce the visual impact of development on the surrounding landscape.

Section 3.

Land Development Code Section 5.03 Residential Districts and Section 5.04 Nonresidential Districts, is hereby amended with new additions underlined and deletions in ~~strikethrough~~ as follows:

A. Amendment to Zoning Ordinance (AFT District)

The Town Zoning Ordinance, specifically Section 5.03 Residential Districts pertaining to the AFT District standards, is hereby amended as follows:

- **Building Requirements (Maximum)**
 - **Height (feet):** ~~35~~ is deleted and replaced with 28.

B. Amendment to Zoning Ordinance (SFR District)

The Town Zoning Ordinance, specifically Section 5.03 Residential Districts pertaining to the SFR District standards, is hereby amended as follows:

- **Building Requirements (Maximum)**
 - **Height (feet):** ~~35~~ is deleted and replaced with 28.

C. Amendment to Zoning Ordinance (MFR District)

The Town Zoning Ordinance, specifically Section 5.03 Residential Districts pertaining to the MFR District standards, is hereby amended as follows:

- **Building Requirements (Maximum)**
 - **Height (feet): ~~35~~** is deleted and replaced with **28**.

D. Amendment to Zoning Ordinance (MU District)

The Town Zoning Ordinance, Section 5.03 Residential Districts pertaining to the MU District standards, is hereby amended as follows:

- **Building Requirements (Maximum)**
 - **Height (feet): ~~35~~** is deleted and replaced with **28**.

E. Amendment to Zoning Ordinance (TC District)

The Town Zoning Ordinance, specifically Section 5.04 Nonresidential Districts pertaining to the TC District standards, is hereby amended as follows:

- **Building Requirements (Maximum)**
 - **Height (feet): ~~50~~** is deleted and replaced with **35**.

F. Amendment to Zoning Ordinance (CB District)

The Town Zoning Ordinance, specifically Section 5.04 Nonresidential Districts pertaining to the CB District standards, is hereby amended as follows:

- **Building Requirements (Maximum)**
 - **Height (feet): ~~45~~** is deleted and replaced with **35**.

G. Amendment to Zoning Ordinance (LI District)

The Town Zoning Ordinance, specifically Section 5.04 Nonresidential Districts pertaining to the LI District standards, is hereby amended as follows:

- **Building Requirements (Maximum)**
 - **Height (feet): ~~45~~** is deleted and replaced with **35**.

H. Amendment to Zoning Ordinance (CP District)

The Town Zoning Ordinance, specifically Section [Section Number] pertaining to the CP District standards, is hereby amended as follows:

- **Building Requirements (Maximum)**
 - **Height (feet): ~~50~~** is deleted and replaced with **35**.

TOWN OF PALISADE COLORADO
ORDINANCE NO. 2024-04

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED at a regular meeting of the Board of the Trustees of the Town of Palisade, Colorado, held on _____.

TOWN OF PALISADE, COLORADO

By: _____
Greg Mikolai, Mayor

ATTEST: _____
Keli Frasier, Town Clerk



PALISADE PLANNING COMMISSION
Agenda Item Cover Sheet

Meeting Date: July 16, 2024
Presented By: Devan Aziz, Community Development Director
Department: Community Development & Planning
Re: Potential Regulations for Shared Electric Scooters

SUBJECT:

Estes Park: Renting Micromobility Devices (MDs)

SUMMARY:

Licensing and Safety

Estes Park requires a business license to rent micromobility devices (MDs) like scooters. This ensures proper regulation and safe operation. Here's the gist:

- **Get a Business License:** You'll need a license to operate your rental business within the Town.
- **Maintain Safe MDs:** Your MDs must be in good working condition.
- **Equip with Warning Devices:** All MDs require functioning audible warning devices.
- **Train Tour Guides (if applicable):** If you offer MD tours, your guides must be properly trained/certified.
- **Follow the Law:** MDs must be operated according to all applicable laws.
- **Provide Helmets:** Certified helmets must be available for renters (following Model Traffic Code Section 1502(4.5)).
- **Secure Storage:** When not in use, MDs must be stored securely indoors on your business property.

These regulations promote safe and responsible operation of commercial MD rentals in Estes Park.

9.18.070 Commercial uses of micromobility devices.

- (a) It is unlawful for the owner of an MD to rent the MD to any person in the Town unless the owner of the MD has obtained a business license from the Town in compliance with the Municipal Code. Such rental services shall be operated from a building physically located in the Town on land properly zoned for such rental hub operations.
- (b) As a condition of the permit, the permittee shall: maintain the MDs in safe working condition; ensure that all MDs are equipped with operational audible warning devices at all times; require that all MD tour guides are properly trained and/or certified operators; ensure that the MDs are operated in compliance with all applicable law; provide certified helmets for the use of MD renters in compliance with Section 1502(4.5) of the Model Traffic Code, and store the MDs securely indoors on the business property when not in operation by customers/employees.

(Ord. No. 03-19 §1(Exh. A), 3-12-2019)



PALISADE PLANNING COMMISSION
Agenda Item Cover Sheet

Meeting Date: July 16, 2024
Presented By: Devan Aziz, Community Development Director
Department: Community Development & Planning
Re: Potential Regulations for Shared Electric Scooters

SUBJECT:

City of Boulder Regulations for Shared Electric Scooters Reducing Maximum Building Heights

SUMMARY:

Chapter 34: Shared Electric Scooters

This chapter regulates the operation of shared electric scooters within the City of Boulder. It aims to:

- **Promote safe use** of electric scooters.
- **Minimize conflict** between scooter riders and other users of public spaces.
- **Ensure responsible use** of the city's right-of-way and multi-use paths.

The chapter covers the following:

- Licensing requirements for commercial scooter companies.
- Operator responsibilities, including user education, scooter maintenance, and proper parking.
- Shared electric scooter standards for safety and data collection.
- User parking regulations and penalties for violations.
- City manager's authority to adopt additional rules for safe operation.

This ordinance does not apply to private electric scooter ownership or operation.

Chapter 34 Shared Electric Scooters

4-34-1. Findings and Purpose.

- (a) Commercial electric scooter companies distribute scooters that can be ridden after payment of a fee.
- (b) Regulation of commercial scooter companies is important to promote safe use, limit conflict with other users and regulate the use of the city's right-of-way and multi-use paths.
- (c) Other communities have experienced significant impacts from the operation of electric scooter companies. For example, communities have experienced costs associated with collecting and storing electric scooters left in city right-of-way.
- (d) Other communities have incurred costs for infrastructure to facilitate safe riding and storage.
- (e) The purpose of this chapter is to protect the public health, safety, and welfare to prevent or mitigate against any adverse impact that shared electric scooters may have to public or private property by licensing all persons who make available shared electric scooters in the city.

Ordinance No. 8423 (2020)

4-34-2. License Required.

- (a) No person shall conduct or carry on the business of offering shared electric scooters without first being awarded a contract pursuant to Chapter 2-8, "Purchasing Procedures," B.R.C. 1981, and within 180 days of the effective date of the contract, obtaining a license for such business from the city manager under this chapter.
- (b) Because the success of the city's shared micromobility program is impacted by the number of operators in the city, the city manager may limit the quantity of licenses issued under this chapter.

Ordinance No. 8423 (2020)

4-34-3. License Application.

- (a) An applicant for a license under this chapter shall apply on forms furnished by the city manager and pay the fee prescribed in Section 4-20-74, "Shared Electric Scooter License Fees," B.R.C. 1981.
- (b) The applicant shall maintain insurance during the period of the license as required by Section 4-1-8, "Insurance Required," B.R.C. 1981.
- (c) The applicant shall provide a financial guaranty upon which the city may draw, in the amount of \$50 per electric scooter, with a cap of \$5,000, to secure performance of the terms of this license. The financial guaranty shall be cash, a letter of credit from a surety or financial institution and in a form acceptable to the city manager, payable to the city as beneficiary, or another form of financial guaranty approved by the city manager. If a permitted operator increases the size of its fleet as permitted by this chapter, the financial guaranty shall be adjusted appropriately before deploying additional electric scooters. The financial guaranty will be used to pay city expenses including without limitation the following:
 - (1) Public property repair and maintenance costs caused by the operator's equipment,

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- (2) Any cost for removing or storing shared electric scooters improperly parked, and
 - (3) Any cost to the city to remove shared electric scooters if a license issued pursuant to this chapter expires or is otherwise terminated.
- (d) An applicant for a license shall submit, along with the application, a management plan that addresses accessibility of the electric scooter share system, and how the applicant will prevent or mitigate against adverse impacts that shared electric scooters may have to public or private property. The city manager will not approve a management plan unless it adequately addresses such impacts. The management plan shall include the following components:
- (1) A description of how the applicant will develop and implement the requirements in Subsection 4-34-7(n),
 - (2) A proposed service plan to achieve equitable distribution of shared electric scooters within the city including deployment of shared electric scooters at transit facilities and high demand areas of the city as identified by a city manager rule authorized by this chapter,
 - (3) A description of how the applicant will respond to complaints of improperly parked or abandoned shared electric scooters,
 - (4) A description of how the operator will respond when notified of safety or operational concerns of a shared electric scooter in the system,
 - (5) A maintenance plan for shared electric scooters, and
 - (6) A proposed user education and outreach plan for proper electric scooter parking and riding.
- (e) By applying for a license under this chapter, the applicant consents to the city using its own staff or a third-party consultant for evaluation of records and reports required to be maintained by this chapter and the shared electric scooter license program authorized by this chapter.

Ordinance No. 8423 (2020)

4-34-4. Authority to Deny Issuance of License.

The city manager may deny an application for a license under this chapter if the applicant fails to demonstrate that it meets all of the requirements in Subsection 4-1-9(a) or 4-31-4, B.R.C. 1981.

Ordinance No. 8423 (2020)

4-34-5. Suspension or Revocation of License.

- (a) The city manager may suspend or revoke the license issued under this chapter for the grounds and under the procedures prescribed by Section 4-1-10, "Revocation of Licenses," B.R.C. 1981.
- (b) In addition to any other provision of this code, the city manager may suspend or revoke a license issued under this chapter if the operator does not comply with the requirements of this chapter, any city manager rule adopted to implement or enforce this chapter, or pay any fine, civil penalty or assessment imposed pursuant to this chapter within thirty days from the date of notice thereof.
- (c) Any operator whose license has been suspended or revoked by the city manager shall reclaim and remove their entire fleet of shared electric scooters from wherever the shared scooters are located, within thirty days of notice of revocation or suspension.

Ordinance No. 8423 (2020)

4-34-6. Operator Responsibilities.

- (a) No person shall offer a shared electric scooter for use that does not meet each of the standards set forth in this section.
- (b) An operator shall provide, on its mobile application in both English and Spanish language, a link for customers to notify the operator if there is a safety or maintenance issue with the scooter; account, technical and operational troubleshooting; information on the operator's policies, pricing and terms and conditions of use; and shall conspicuously post the operator's privacy policy on the application and shall comply with such policy.
- (c) An operator shall include, in its mobile application in both English and Spanish language, prominently displayed notification to users that:
 - (1) Helmet use is encouraged while riding a scooter,
 - (2) Electric scooter users shall yield to pedestrians on sidewalks,
 - (3) When riding on-street, users must comply with all traffic regulations, as drivers would in a motor vehicle except as modified by this chapter or by rules established by the city manager under this chapter, and
 - (4) Shared electric scooters may only be parked in designated scooter parking areas or on private property with the consent of the property owner.
- (d) An operator shall provide users with a twenty-four-hour customer service telephone number to report safety concerns, complaints, or ask questions.
- (e) An operator shall understand and educate users in both English and Spanish language regarding the laws applicable to riding, operating and parking an electric scooter in the City of Boulder.
- (f) An operator shall provide the city manager with current contact information for the operator or its staff that are capable of rebalancing shared electric scooters.
- (g) An operator shall relocate or rebalance shared electric scooters within two hours of receiving notification by the city.
- (h) An operator shall remove or maintain any inoperable shared electric scooter that is not safe to operate, within twenty-four hours of notice by any means to the operator by any individual or entity.
- (i) An operator shall comply with the record keeping, ridership data, and reporting requirements established by the city manager under this chapter.
- (j) No operator shall initially deploy more than two hundred shared electric scooters. The city manager is authorized to modify the number of shared electric scooters each operator may deploy based on the operator's ability to meet key performance indicators established by the manager.
- (k) No operator shall violate the conditions of the license or approved management plan.
- (l) An operator shall provide written notice to the city at least thirty days before discontinuing operations.
- (m) An operator shall remove its fleet of shared electric scooters within twenty-four hours of the time the operator ceases operation in the city for any reason.
- (n) An operator shall offer users a one-year low-income plan that waives any applicable vehicle deposit otherwise required by the operator and provides a cash payment option and unlimited trips under thirty minutes to any user who provides proof of an income level at or below the federal poverty guidelines established by the United States Department of Health and Human Services, subject to annual renewal.

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- (o) An operator shall participate in city-initiated engagement and user education efforts, including but not limited to special events and neighborhood outreach opportunities, no less than two times per year.
 - (p) An operator shall make pricing information including low-income program and discount membership available to the public, in both English and Spanish language, on its online application and in print materials that are distributed at a frequency and target areas pursuant to rules issued by the city manager under this chapter.
 - (q) An operator shall provide its customers on the operator's software application and via written notification by electronic mail if available or mailed first-class mail, postage pre-paid, to the last known address of the customer, two weeks' advance notification of any increase in the costs or fees to provide its services. This written notification shall be in both English and Spanish language.
 - (r) An operator shall comply with all data security laws required by the State of Colorado and shall not collect or maintain personal data related to a user's race, creed, color, sex, sexual orientation, gender identity, gender expression, genetic characteristics, marital status, religion, religious expression, national origin, ancestry, pregnancy, parenthood, custody of a minor child, mental or physical disability, source of income, or immigration status except for survey data collected in the aggregate on an opt-in basis or for a public purpose as determined by the city manager.

Ordinance Nos. 8423 (2020); 8447 (2021)

4-34-7. Shared Electric Scooter Standards.

No person shall offer a shared electric scooter for use that does not meet each of the standards set forth in this section.

- (a) The shared electric scooter shall meet the standards established by the United States Consumer Product Safety Commission, be certified as safe to operate under Standards for Safety established by Underwriters Laboratories, and comply with the Consumer Product Safety Act, Public Law 107-319, 15 U.S.C. § 2051 et seq.
- (b) Each shared electric scooter shall meet the definition of electric scooter under the provisions of Section 7-1-1, "Definitions," B.R.C. 1981.
- (c) The shared electric scooter shall be equipped with technology to track ridership data required by the license, including but not limited to Global Positioning System technology capable of providing real-time location data.
- (d) The shared electric scooter shall have affixed, in a prominent location in both English and Spanish language, identifying information that includes:
 - (1) The name, address, electronic mail address, and twenty-four-hour customer service telephone number of the operator; and
 - (2) A unique identifier number or series of numbers for each shared scooter.
- (e) The shared electric scooter shall be equipped with software that can respond to reduced speed requirements in areas defined pursuant to rules issued by the city manager under this chapter.

Ordinance No. 8423 (2020)

4-34-8. Parking Electric Scooters.

- (a) No user of an electric scooter shall park the scooter in any location except where authorized by this chapter or pursuant to rules issued by the city manager under this chapter. If the scooter is a shared scooter, both the operator and user are jointly and severally liable for any parking in violation of this chapter or the city manager rules issued under this chapter.
- (b) An operator shall remove any inoperable, damaged or unsafe shared electric scooter from the public right-of-way within two hours of notice by any means to the operator by any individual or entity, between the hours of 6:00 a.m. through 10:00 p.m.
- (c) An operator shall relocate any shared electric scooter left in an unauthorized location, including but not limited to bicycles parked in violation of Section 5-3-5, "Obstructing Public Streets, Places or Buildings," B.R.C. 1981, within two hours of notice by any means to the operator by any individual or entity between the hours of 6:00 a.m. through 10:00 p.m.
- (d) Violations of any of the provisions of this section are traffic infractions. Any person who is convicted of, who admits liability for, or against whom a judgment is entered for such a traffic infraction shall be fined not less than \$10 nor more than \$100.
- (e) In addition to any other provision of this code, the city manager is authorized to relocate any scooter left in an unauthorized location to a location authorized pursuant to rules issued by the city manager, to dispose of any abandoned or improperly parked scooter, and if the scooter was part of a shared scooter business to collect the cost of such relocation or disposal from the operator either through the financial guaranty required by this chapter or directly from the operator if the financial guaranty is insufficient to cover the cost. Section 2-4-6, "Disposition of Property Other Than Motor Vehicles," B.R.C. 1981, shall not apply to scooters.

Ordinance No. 8423 (2020)

4-34-9. Reserved.

4-34-10. Rules and Regulations.

- (a) The city manager may promulgate such rules and regulations consistent with this chapter as the manager considers necessary to implement and enforce this chapter. In addition, the manager may adopt rules that enhance public safety or to prevent or mitigate against any adverse impact that electric scooters may have to public or private property. In addition, the manager may adopt rules that designate where electric scooters may be operated, except that such rule adopted by the manager shall not include paths or trails on open space land as defined in the City Charter Section 170.
- (b) No person shall fail to comply with any city manager rule adopted pursuant to this chapter.

Ordinance No. 8423 (2020)