

ORDINANCE NO. 24

Series 2019

AN ORDINANCE CONCERNING ELECTRIC SCOOTER RENTAL BUSINESSES

WHEREAS, the Town Council previously adopted Chapter 1 of Title 4 of the Breckenridge Town Code, known as the Town's "Business and Occupational Licenses and Tax" ordinance ("**BOLT**"); and

WHEREAS, the purposes of BOLT include the licensing and regulation of business activities, occupations, and enterprises operating within the corporate limits of the Town; and

WHEREAS, with certain exceptions, it is unlawful to operate a business within the Town without a license issued under BOLT; and

WHEREAS, Section 4-1-7(A) of BOLT provides, in pertinent part, that an application for a BOLT license shall be denied by the Town's Finance Director if the business for which the license is sought is an unlawful business; and

WHEREAS, the Town Council finds, determines, and declares that it should be unlawful for any person to operate an electric scooter rental business within the Town, and that no license to operate an electric scooter rental business should be issued under BOLT.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Findings. The Town Council hereby finds and determines as follows:

1. The Colorado legislature recently adopted and the Governor signed into law HB19-1221, entitled "An Act Concerning the Regulation of Electric Scooters."
2. HB19-1221 authorizes the operation of electric scooters on public streets.
3. The Town's streets are extremely crowded with motor vehicles much of the year, and the interaction between motor vehicles and electric scooters on the Town's streets would present a substantial risk of a collision between a motor vehicle and an electric scooter.
4. During the winter months the Town's streets can be icy and snowy, which would present an increased risk of a collision between a motor vehicle and an electric scooter. Even if an accident did not occur, operating an electric scooter on icy and snowy streets would present an increased risk of death or injury to a person operating an electric scooter on the street.
5. The operation of electric scooters on the Town's public streets would create an unsafe situation for both the operators of the electric scooters and the operators of motor vehicles.
6. Allowing for the operation of a commercial business that rents electric scooters would greatly increase the number of electric scooters that are present on the Town streets throughout the year, and thus substantially worsen the unsafe situation described in Finding 5.
7. Electric scooter rental businesses should be declared to be unlawful and not be permitted to operate within the corporate limits of the Town.
8. No BOLT license should be issued to the operator of an electric scooter rental business, thus effectively prohibiting the operation of an electric scooter rental business in the Town.
9. The operation of an electric scooter rental business within the Town should also be declared to be a public nuisance, and subject to abatement as provided by law.

Section 2. As used in this ordinance, the term "electric scooter" has the meaning provided in Section 42-1-102 (28.8)(a), C.R.S., and the term "electric scooter rental business" has the meaning provided in Section 4 of this ordinance.

Section 3. The operation of an electric scooter rental business within the Town is unlawful, and the Finance Director shall not issue any license under Chapter 1 of Title 4 of the

Breckenridge Town Code, known as the Town's "Business and Occupational Licenses and Tax" ordinance, to the owner or operator of an electric scooter rental business.

Section 4. Section 5-1-4 of the Breckenridge Town Code is amended by the addition of the following definitions:

- BUSINESS: Has the meaning providing in Section 4-1-2 of this Code.
- ELECTRIC SCOOTER RENTAL BUSINESS: Means a business physically located within the corporate limits of the Town whose business includes the rental of electric scooters.
- ELECTRIC SCOOTER: Has the meaning provided in Section 42-1-102 (28.8)(a), C.R.S.

Section 5. Section 5-1-7 of the Breckenridge Town Code, entitled "Nuisances Declared," is amended by the addition of the following provision:

L. Operation of Electric Scooter Rental Business: The operation of an electric scooter rental business anywhere within the corporate limits of the Town is declared to be a nuisance.

Section 6. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 7. The Town Council hereby finds, determines, and declares that this ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort, and convenience of the Town of Breckenridge and the inhabitants thereof.

Section 8. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to: (i) Section 31-15-501(1)(c), C.R.S. (concerning the power to license and regulate businesses); (ii) Section 31-15-401(1)(c), C.R.S. (concerning the power to declare and abate nuisances); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers contained in the Breckenridge Town Charter.

Section 9. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 23th day of July, 2019.

This ordinance was published in full on the Town of Breckenridge website on July 24, July 25, July 26, July 27 and July 28, 2019.

A public hearing on this ordinance was held on August 13, 2019.

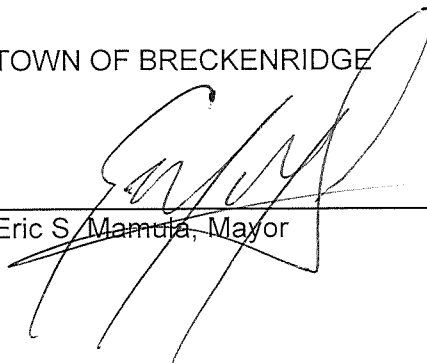
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 13th day of August, 2019. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE



Helen Cospolich, CMC, Town Clerk



Eric S. Mamula, Mayor

APPROVED IN FORM



Town Attorney

8/13/19
Date

This Ordinance was published on the Town of Breckenridge website on August 16, August 17, August 18, August 19 and August 20, 2019. This ordinance shall become effective on September 19, 2019.