



## STAFF MEMO

**DATE OF COUNCIL MEETING: JUNE 10, 2019 / AGENDA ITEM NO. 13**  
**JUNE 24, 2019 / AGENDA ITEM NO. 13**  
**SEPTEMBER 9, 2019 / AGENDA ITEM NO. 21**

To: Mayor and City Council  
From: Jay N. Hutchison, Public Works Director, 303-987-7901  
Subject: **MICROMOBILITY – ORDINANCE O-2019-28 – TITLE 10 VEHICLES AND TRAFFIC**

**This ordinance was approved on 1st Reading by a vote of 11 ayes 0 nays and continued from June 24, 2019 to September 9, 2019 by a vote of 11 ayes 0 nays.**

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### SUMMARY STATEMENT:

Two ordinances revising Lakewood's municipal code are proposed to address micromobility:

- Revisions to Title 10 of the Municipal Code – *Vehicles and Traffic*.
- Creation of a new Municipal Code Chapter 5.57 – *Commercial Micromobility*.

This staff memorandum provides information developed before, during and after the August 9 study session for the proposed ordinance revising Title 10. City staff is seeking City Council's final action on the ordinance.

### BACKGROUND INFORMATION:

City Council received an initial informational presentation and discussed this transportation model during its October 1, 2018 study session. The public and the businesses that provide these types of devices have been engaged by city staff since October.

On February 4, 2019 City Council held a study session on this topic and discussed provisions to manage micromobility in Lakewood. The two ordinances noted above were then prepared for City Council consideration to implement micromobility with readings on June 10 and 24, 2019.

During consideration of the two ordinances on June 24, the City Council chose to continue second reading of the ordinances to a date certain of September 9, 2019. At the same time City Council scheduled an additional study session for August 5, 2019.

Attachment A to this memorandum was prepared based on City Council's discussion on August 5. Attachment A is the originally proposed ordinance with amendments, shown as tracked changes, that reflect Public Works' understanding of the August 5 consensus of City Council. A

motion to adopt the ordinance. No motion occurred during the June 24 meeting. Then, if further amendments are desired, they could be introduced and acted upon by City Council one at a time.

Attachment B contains other information City Council may want to review and, perhaps, consider amendments as follows:

- Definition amendment to document the distinctions among various classes of e-bikes. This definition expansion is necessary for implementation of ordinance provisions that address various classes of e-bikes differently. (e.g., Class 3 are prohibited in parks).
- Utilization of micromobility devices on paths, walks, bike lanes and motor vehicle lanes.

Attachment C is the material provided with the first reading of this ordinance.

The known potential licensees were directly contacted and encouraged by Public Works to attend the September 9 City Council meeting.

### **BUDGETARY IMPACTS:**

Financial aspects of micromobility implementation in Lakewood are discussed with material for ordinance O-2019-27 – *Commercial Micromobility* and summarized here. A licensing fee will be collected with each application to cover the city's costs of reviewing the application and, if approved, issuing the license.

City costs of managing the program operation are difficult to estimate given the recent creation of the industry and its ongoing evolution. To cover city costs of managing the program, each commercial micromobility company that is licensed will provide a financial deposit. The deposit will be used to cover costs incurred by the city due to the company and a proportional share of the costs incurred by the city that are due to commercial micromobility in general and not identifiable with a particular company. This approach will ensure the industry bears its actual costs to the public while avoiding over or under charging any particular company.

Tax will be collected pursuant to the current city tax code.

### **STAFF RECOMMENDATIONS:**

City staff is seeking City Council action on the proposed ordinance.

### **ALTERNATIVES:**

City Council may adopt with or without amendments the ordinance or reject the ordinance. Regardless of whether City Council chooses to create a micromobility licensing program (ordinance O-2019-27 creating chapter 5.57), Public Works does recommend adopting the ordinance revising Title 10 to establish rules of the road for micromobility devices, which can be privately owned even if commercial micromobility is not implemented in Lakewood.

### **PUBLIC OUTREACH:**

Public input has been obtained via four open house public meetings and online. In addition to typical notification platforms, a broad list was used to mail invitations. Invitees included business improvement districts, business associations, West Metro Fire, hospitals, the school district and all high school principals, colleges and universities, major retail centers and offices properties, Metro West Housing Solutions, registered neighborhood organizations, Colorado Department of Transportation, and the Regional Transportation District.

Additional public opportunities to provide feedback included the study sessions on October 1, 2018 and February 4, 2019 and the public hearing on June 24. In addition, discussion occurred with potential licensees and among multiple city departments.

Written public comments received are attached to the staff memorandum for ordinance O-2019-27 – *Commercial Micromobility*. No comments were received via Lakewood Speaks.

**NEXT STEPS:**

If the proposed ordinance is approved by city council, enforcement and educational efforts will change to be consistent with the new ordinance.

**ATTACHMENTS:**

- Ordinance O-2019-28
- Attachment A – Proposed ordinance with proposed amendments shown with tracked changes reflecting consensus of City Council during the August 5 study session
- Attachment B – Information and potential additional ordinance amendments
- Attachment C – June 10 and 24 City Council meetings packet material associated with this ordinance.

**REVIEWED BY:** Kathleen E. Hodgson, City Manager  
Benjamin B. Goldstein, Deputy City Manager  
Timothy P. Cox, City Attorney