

**ORDINANCE 2019-56**

**An Ordinance to Amend Title 16, Chapter 1 of the City of Franklin Municipal Code Prohibiting On-Demand Electric Scooters**

**WHEREAS**, Title 16 Chapter 1 contains provisions regarding traffic and vehicles within the City; and

**WHEREAS**, the City of Franklin has a fundamental responsibility to ensure safe passage on public rights-of-way, to protect public health, safety, and welfare in the public right-of-way; and

**WHEREAS**, the City of Franklin has the authority under state law and its Charter to regulate the operation of vehicles, bicycles, and scooters on the public rights-of-way, including streets, trails, sidewalks, and other thoroughfares; and

**WHEREAS**, the City of Franklin has the authority under state law and its Charter to regulate commerce and commercial equipment that uses the public rights-of-way; and

**WHEREAS**, recent transportation and technology innovations in new mobility options have created a market for on-demand electric scooters; and

**WHEREAS**, while this equipment offers a new transportation alternative, the use of this technology results in shared equipment being placed or left virtually anywhere in the public rights-of-way, and both shared and privately-owned equipment being operated by users in a manner that is considered unsafe to the operator or other users of public rights-of-way; and

**WHEREAS**, on-demand electric scooters left on City sidewalks when users are done with them will create a tripping hazard, make the sidewalks inaccessible to the disabled, and create a cluttered and unsafe environment; and

**WHEREAS**, based on the operation of shared on-demand electric scooters in other cities and an understanding of the current technology of active operators, adequate mechanisms and infrastructure are not in place to prevent such nuisance conditions and ensure safe operation; and

**WHEREAS**, the Board of Mayor and Aldermen of the City of Franklin believes that it is in the best interest of the City and the preservation of the public health and safety that the City prohibit the operations of shared on-demand electric scooters that operate in the public rights-of-way or on public property.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:**

**SECTION 1.** That three new amendments are added to Title 16 Chapter 1 of the Code of Ordinances of the City of Franklin, and it shall read as follows:

**Sec. 16-117. Definitions.**

For purposes of this chapter, the following words and phrases shall have the meanings set forth below, unless the context clearly requires otherwise.

*“On-Demand Electric Scooter System”* means a system which provides electric scooters for short-term rentals for point-to-point trips and which may be locked and unlocked with or without the requirement of a bicycle rack or other docking station.

*“On-Demand Electric Scooter”* means an electric scooter designed specifically for shared use utilizing GPS technology and can be deployed as part of an On-Demand Electric Scooter System.

**Sec. 16-118. On-Demand Electric Scooter Systems Prohibited.**

(a) It is unlawful to provide or offer for use an On-Demand Electric Scooter anywhere within the City.

(b) It is unlawful to park, leave standing, leave lying, abandon, or otherwise place an On-Demand Electric Scooter in a public right-of-way or on public property anywhere within the City.

(c) It is unlawful to operate an On-Demand Electric Scooter in a public right-of-way or on public property anywhere within the City.

**Sec. 16-119. Violations; impoundment.**

(a) A violation of Section 16-118 is punishable by a fine not to exceed Fifty Dollars (\$50.00) for each offense issued by the City’s Police department.

(b) On-Demand Electric Scooters operated in violation of Article shall be considered a traffic and pedestrian hazard and shall immediately be removed from the right-of-way and impounded. An On-Demand Electric Scooter shall be impounded by the City or its designee as provided in section 15-704, *et seq.*

**SECTION 2.** Appendix A Chapter 16 shall be amended to include impoundment fee and \$50 citation per offense per day for On-Demand Electric Scooters.

**SECTION 3.** In case of conflict between this ordinance or any part hereof, and the whole or part of any existing ordinance of the City, the provision that establishes the higher standard shall prevail.

**SECTION 4.** If any section, subsection, clause, provision, or portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, subsection, clause, provision, or portion of this ordinance.

**SECTION 5. BE IT FINALLY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE,** that this Ordinance shall take effect immediately after its passage on second and final reading, the health, safety, and welfare of the citizens of Franklin, Tennessee, requiring it.

**(Signatures on page 3)**

**ATTEST:**

**CITY OF FRANKLIN, TENNESSEE:**

By: \_\_\_\_\_  
**ERIC S. STUCKEY**  
City Administrator/Recorder

By: \_\_\_\_\_  
**DR. KEN MOORE**  
Mayor

Approved as to form by:

\_\_\_\_\_  
Shauna R. Billingsley  
City Attorney

**PASSED FIRST READING** \_\_\_\_\_

**PASSED SECOND READING** \_\_\_\_\_