

ORDINANCE 2019-08

AN ORDINANCE OF THE CITY OF BRENTWOOD, TENNESSEE PROVIDING THAT THE CODE OF ORDINANCES OF THE CITY OF BRENTWOOD BE AMENDED BY REVISING VARIOUS SECTIONS OF CHAPTER 66, REGARDING DOCKLESS SMALL VEHICLE SYSTEMS

WHEREAS, Chapter 66 of the Code of Ordinances of the City of Brentwood contains provisions regarding traffic and vehicles within the City; and

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

WHEREAS, the City of Brentwood has the authority under state law 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 demand for both privately-owned and on-demand dockless small vehicle systems, which include bicycles, scooters, electric bicycles, and 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 right-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 dockless small vehicle systems are being operated on sidewalks in neighboring communities, creating hazards for pedestrians, and most operators using them on streets are without helmets; and

WHEREAS, on-demand dockless small vehicle systems 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 dockless small vehicle systems in other cities and an understanding of the current technology of active operators, adequate mechanisms are not in place to prevent such nuisance conditions and ensure safe operation; and

WHEREAS, the Board of Commissioners of the City of Brentwood 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 dockless small vehicle systems that operate in the public right-of-way or on public property.

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

SECTION 1. That section 66-2 of the Code of Ordinances of the City of Brentwood is hereby amended to revise or insert certain definitions as follows:

Insert definition of "electric scooter" to read as follows:

Electric scooter means a device weighing less than one hundred pounds (100 lbs.) that: (a) Has handlebars and an electric motor; (b) Is solely powered by the electric motor or human power, or both; and (c) Has a maximum speed of no more than twenty miles per hour (20 mph) on a paved level surface when powered solely by the electric motor; and does not include an electric bicycle, electric personal assistive mobility device, motorcycle, or motor-driven cycle.

Revise definition of "motor vehicle" to read as follows:

Motor vehicle means every vehicle including a low speed vehicle or a medium-speed vehicle that is self-propelled, excluding motorized bicycles and electric scooters.

Revise definition of "motor driven cycle" to read as follows:

Motor-driven cycle means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower, or with a motor with a cylinder capacity not exceeding 125 cubic centimeters. Motor-driven cycle does not include electric scooters.

SECTION 2. That a new Article XI is added to Chapter 66 of the Code of Ordinances of the City of Brentwood and it shall read as follows:

ARTICLE XI. DOCKLESS SMALL VEHICLE SYSTEMS.

Sec. 66-490. Definitions.

Sec. 66-491. Prohibition.

Sec. 66-492. Penalties.

Sec. 66-490. Definitions.

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

"Dockless Small Vehicle System" or "System" means a system which provides bicycles, scooters, electric bicycles, electric scooters, or other small vehicles for short-term rentals for point-to-point trips and which may be locked and unlocked without the requirement of a bicycle rack or other docking station.

"Dockless Small Vehicle" means a bicycle, scooter, electric bicycle, electric scooter, and other small, wheeled vehicle designed specifically for shared use utilizing GPS technology and can be deployed as part of a Dockless Small Vehicle System.

Sec. 66-491. Dockless Small Vehicle Systems Prohibited.

(a) It is unlawful to provide or offer for use a Dockless Small Vehicle anywhere within the City.

(b) It is unlawful to park, leave standing, leave lying, abandon, or otherwise place a Dockless Small Vehicles in a public right-of-way or on public property anywhere within the City.

(c) It is unlawful to operate a Dockless Small Vehicles in a public right-of-way or on public property anywhere within the City.

Sec. 66-492. Violations; impoundment.

(a) A violation of Section 66-491 is punishable by a fine not to exceed Fifty Dollars (\$50.00) for each offense.

(b) Dockless small vehicles 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. A dockless small vehicle shall be impounded by the City or its designee as provided in section 66-88, *et seq.*

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. That this ordinance shall take effect from and after its final passage and publication thereof, or fifteen days after its first passage, whichever occurs later, the general welfare of the City of Brentwood, Williamson County, Tennessee, requiring it.

PASSED: 1st reading 09-09-2019

2nd reading 09-23-2019

PUBLIC HEARING

Notice published in: n/a

Date of publication: _____

Date of hearing: _____


VICE MAYOR

Ken Travis

PLANNING COMMISSION n/a

NOTICE OF PASSAGE

Notice published in:

Date of publication:

Tennessean (Williamson Am)
09-29-2019

EFFECTIVE DATE

09-29-2019


RECORDER

Holly Earls

Approved as to form:


CITY ATTORNEY

Kristen L. Corn