



**Metropolitan Council
PROPOSED AMENDMENT TO
RESOLUTION, LATE-FILED
RESOLUTION, SUBSTITUTE
ORDINANCE, SECOND
SUBSTITUTE ORDINANCE, AND
AMENDMENTS TO
ORDINANCES TO BE FILED
WITH THE METRO CLERK
FOR THE COUNCIL MEETING OF
TUESDAY, JANUARY 15, 2019**

AMENDMENT NO. _____

TO

RESOLUTION NO. RS2019-1531

Mr. President –

I move to amend Resolution No. RS2019-1531 as follows:

I. By amending Section 1 by adding the following additional parcel of land to the parcels described therein:

Map - Parcel No.	Address - Location	Council District
162-09-0-073.00	284 Ash Grove Drive	27

INTRODUCED BY:

Davette Blalock
Member of Council

Resolution No. _____

A resolution accepting a grant from the State of Tennessee, Department of Finance and Administration, to The Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Career Advancement Center, to serve youth and young adults with trauma.

WHEREAS, the State of Tennessee, Department of Finance and Administration, has awarded a grant in an amount not to exceed \$436,182.00 with a required cash match of \$436,182.00 to The Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Career Advancement Center, to serve youth and young adults with trauma; and,

WHEREAS, it is to the benefit of the citizens of The Metropolitan Government of Nashville and Davidson County that this grant be accepted.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That the grant by and between the State of Tennessee, Department of Finance and Administration, in an amount not to exceed \$436,182.00, and The Metropolitan Government of Nashville and Davidson County, acting by and through the Nashville Career Advancement Center, to serve youth and young adults with trauma, a copy of which grant is attached hereto and incorporated herein, is hereby approved, and the Metropolitan Mayor is authorized to execute the same.

Section 2. That the amount of this grant is to be appropriated to the Nashville Career Advancement Center based on the revenues estimated to be received and any match to be applied.

Section 3. That this resolution shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

APPROVED AS TO AVAILABILITY
OF FUNDS:

INTRODUCED BY:

Talia Lomax-O'dneal, Director
Department of Finance

APPROVED AS TO FORM AND
LEGALITY:

Member(s) of Council

Assistant Metropolitan Attorney

SUBSTITUTE ORDINANCE NO. BL2018-1404

An ordinance amending Section 6.80.550 and Section 12.08.150 of the Metropolitan Code of Laws to remove certain storage and impound fees for recovered stolen vehicles.

WHEREAS, section 6.80.415 of the Metropolitan Code of Laws authorizes the Metropolitan Government to contract with wreckers or private vehicle tow services for the towing or removal of any vehicle believed to be stolen; and

WHEREAS, owners of recovered stolen vehicles are currently required to pay certain fees in order to reclaim their vehicle from both Metro-owned and private facilities, including storage fees; and

WHEREAS, individuals who are victims of vehicle theft can often experience dramatic difficulties as a result of these crimes, including financial hardship; and their losses should not be compounded by assessing fees for the storage of their stolen vehicles; and

WHEREAS, storage fees for tow-in lots under the jurisdiction of the Metropolitan Nashville Police Department (MNPDP) are waived for owners of stolen vehicles, pursuant to Metro Code of Laws section 12.72.080, provided the owner reports the automobile as stolen to the MNPDP prior to recovery, and that the owner reclaims the vehicle within twenty-four hours after being notified by the MNPDP; and

WHEREAS, individuals who are the victims of vehicle theft should be similarly relieved of paying storage fees for vehicles held at facilities within the jurisdiction of the Metropolitan Government of Nashville and Davidson County.

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That section 6.80.550 of the Metropolitan Code of Laws be amended by adding the following new subsection:

K. Effective June 30, 2019, if upon being notified by the chief of police, or his designated representative, that a vehicle stored pursuant to this chapter is determined to be a stolen vehicle, a then the registered owner of the stolen vehicle may reclaim their vehicle within twenty-four hours of being notified by the police department, and shall not be charged a storage fee, provided that the waiver of storage fees charged pursuant to this section shall be granted to the owner, authorized operator, or lienholder seeking to reclaim the vehicle. An individual requesting a waiver under this subsection must present (1) a police report or other official documentation from the Metropolitan Nashville Police Department confirming that the vehicle was stolen and (2) fee shall not apply if the storage fees are eligible for coverage under any applicable insurance policy. The registered owner of the stolen vehicle shall provide an affidavit signed by the owner, authorized operator, or lienholder attesting that the storage fees are not eligible for coverage under any applicable insurance policy. If the registered owner fails to reclaim his vehicle and remove same from the storage lot within twenty-four hours after being notified, the owner shall be charged the regular storage fee from the time and date of receipt of the automobile at the storage lot. The provisions of this section shall apply only to those registered owners of stolen motor vehicles who have reported their automobile stolen to the metropolitan police department prior to recovery of their motor vehicle by the police department.

Section 2. That section 12.08.150 of the Metropolitan Code of Laws be amended by adding the following new subsection:

G. Effective June 30, 2019, ~~the owner or authorized driver or operator of the impounded vehicle may have storage fees waived if the vehicle is a recovered stolen vehicle. An individual requesting a waiver of fees must present (1) a police report or other official documentation from the Metropolitan Nashville Police Department confirming that the vehicle was stolen and (2) upon being notified by the chief of police, or his designated representative, that a vehicle stored pursuant to this chapter is a stolen vehicle, then the registered owner of the stolen vehicle may reclaim their vehicle within twenty-four hours of being notified by the police department, and shall not be charged a storage fee, provided that the waiver of storage fee shall not apply if the storage fees are eligible for coverage under any applicable insurance policy. The registered owner of the stolen vehicle shall provide an affidavit signed by the owner or authorized driver or operator attesting that the storage fees are not eligible for coverage under any applicable insurance policy. If the registered owner fails to reclaim his vehicle and remove same from the storage lot within twenty-four hours after being notified, the owner shall be charged the regular storage fee from the time and date of receipt of the automobile at the storage lot. The provisions of this section shall apply only to those registered owners of stolen motor vehicles who have reported their automobile stolen to the metropolitan police department prior to recovery of their motor vehicle by the police department.~~

Section 3. This Ordinance shall take effect from and after its passage, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Kevin Rhoten
Member of Council

AMENDMENT NO. ____

TO

ORDINANCE NO. BL2018-1407

Mr. President:

I move to amend Ordinance No. BL2018-1407 by deleting Section 1 in its entirety and substituting in lieu thereof the following:

Section 1. That Title 15, Section 15.64.170(B) be amended by deleting ~~the first paragraph~~ in its entirety and replacing it with the following:

"B. Notwithstanding the provisions of subsection A. to the contrary, the stormwater division may allow the construction of the following types of structures within the floodway, consistent with the provisions of the stormwater management manual, provided that the structure is designed and engineered, in such a manner so as to have no adverse impact:"

INTRODUCED BY:

Freddie O'Connell
Member of Council

SECOND SUBSTITUTE ORDINANCE NO. BL2018-1441

An ordinance amending Chapters 12.62 and 12.84 of Title 12 of the Metropolitan Code of Laws regarding shared urban mobility devices.

BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Title 12, Section 12.62.020, Subsection D of the Metropolitan Code of Laws is hereby amended by deleting said subsection in its entirety and replacing it as follows:

D. The number of permitted operators shall ~~not be limited by the Metropolitan Government, except the number of permitted operators that rent powered SUMDs that are not bicycles shall~~ be limited to four, ~~however, the~~ MTLC may issue additional certificates of public convenience and necessity to ~~additional permitted operators that rent powered SUMDs that are not bicycles~~ after it conducts a hearing to review applications and subject to the criteria set out below.

1. The MTLC director shall fix a time and place for public hearings, to be held biannually, to review applications for additional certificates of public convenience and necessity.
2. No such hearing shall be held to review applications for additional certifications of public convenience and necessity without giving due notice of the time and place of such hearing to each applicant and to all current certificate holders. Additionally, notice shall be given to the general public by posting notice of the hearing on the MTLC home web page at least five days prior to the hearing.
3. Any person may file with the MTLC a memorandum, letter or electronic correspondence in support of or opposition to the issuance of an additional certificate of public convenience and necessity.
- ~~4. The MTLC may, in its discretion, call special meetings in addition to the biannual meetings for the consideration of additional certificates of public convenience and necessity.~~
5. An applicant shall pay all necessary applicant fees, program administrative fees as set forth in Section 12.62.080, and any other fees set forth in this chapter or established by the MTLC before the applicant may be considered by the MTLC for a certificate of public convenience and necessity. These fees shall be payable at the time of application and are nonrefundable.
6. The MTLC may set any additional fees as it deems necessary to process and consider an application for a certificate of public convenience and necessity.
7. The Metropolitan Government desires to limit the number of permitted operators that rent powered SUMDs that are not bicycles only for the following purposes to promote and protect the health, safety, and well-being of the public:
 - a. Establish a deliberate and careful process to incorporate SUMDs, a completely new and innovative transportation option, into Nashville's transportation infrastructure while monitoring their impact on public safety.
 - b. Fully evaluate SUMD utilization.
 - c. Develop a sufficient regulatory scheme and safety plan.
 - d. Allow pedestrians and drivers of motor vehicles time to become accustomed to these new and alternative modes of transportation as they begin to share roads and sidewalks with them.
 - e. Limit safety hazards such as clutter of public sidewalks and obstructions of access to the right of way for pedestrians, cars, bicycles, transit, or other modes of transportation.
 - f. Allow MNP, MTLC, and other parts of Metropolitan Government time to develop enforcement tactics and programs.

- g. Collect data to make informed decisions for better and safer transportation infrastructure that can handle a higher number of permitted SUMD operators.
- h. A limited number of permitted operators allows the Metropolitan Government better opportunity to partner and work with SUMD operators to integrate these new and alternative modes of transportation into the transportation infrastructure.
- i. Manage unexpected issues related to SUMDs being on streets and sidewalks by limiting negative effects to a smaller area and a smaller number of residents, business, and visitors while working to prevent them from occurring again on a larger scale.

Section 2. That if more than four operators that rent powered SUMDs that are not bicycles have a certificate of public convenience and necessity as of the effective date of this ordinance, the MTLC shall revoke the certificate of public convenience and necessity of any operator that rent powered SUMDs that are not bicycles that received its certificate after four certificates of public convenience and necessity were already issued. The MTLC may hold a hearing to review whether to issue a new certificate of public convenience and necessity to operators that rent powered SUMDs that are not bicycles whose certificate was revoked due to this section. The four permitted operators that continue to operate as a result of this section shall not have their certificates of public convenience and necessity revoked or fail to be renewed during the pilot project due to the limitation on the number of permitted operators, however all other provisions of Title 12, Section 12.62 regarding revocation and non-renewal shall still apply to the four permitted operators. The Metropolitan Government is authorized to carry out this section pursuant to Section 12.62.020.F, which states "operators must comply with any and all ordinances, regulations or policies that are duly and lawfully adopted by the Metropolitan Government after a permit is approved."

Section 3. That Title 12, Section 12.62.040.M of the Metropolitan Code is hereby amended by deleting said subsection in its entirety and replacing it as follows:

- M. In addition to penalties assessed for any separate violation of Tennessee law or Metropolitan Code of Laws, and except where it is specified otherwise in this chapter, any violation of this ordinance by a user in the operation or parking of a SUMD shall be a fine of twenty-five dollars (\$25) to be assessed on the SUMD and paid by the owner of the SUMD.

Section 34. That Title 12, Section 12.62.040 of the Metropolitan Code is hereby amended by adding new subsections O and P to read as follows:

- O. A powered SUMD shall only be operated by a person who is over eighteen (18) years of age or older. It is unlawful for any person who is less than eighteen (18) years of age to operate a powered SUMD.
- P. Section 12.84.020 sets out the penalty for violation of subsection O of this section.

Section 45. That Section 12.62.080.D is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

- D. Each expansion or increase in fleet size, including each incremental increase in 12.62.080.B, shall require a determination by the MTLC or its staff that:
 - 1. The permitted operator has fulfilled the requirements of this chapter;
 - 2. The number of violations associated with the SUMDs of that operator is below a threshold to be established by the MTLC; and
 - 3. The type or category of SUMD in the permitted operator's current fleet to be increased is meeting or exceeding the average utilization threshold.

Section 56. That Section 12.62.080.H is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

- H. All permitted operators shall have systems with service areas that do not exceed three hundred forty of each type of SUMDs per square mile. The MTLC shall designate the location of the square

mile locations in relation to service areas. The MTLC may require less than three hundred forty of each type of SUMD per square mile and establish other requirements to reduce clustering of SUMDs only after notice and a hearing before the MTLC.

Section 47. That Title 12, Section 12.84.020(A) of the Metropolitan Code is hereby amended by adding a new subsection 66 to read as follows:

66. 12.62.040(O) and (P), Operating a powered SUMD by a person who is less than eighteen (18) years old.

Section 8. That Title 12, Section 12.62 of the Metropolitan Code is hereby amended by adding new section to read as follows:

If any provision of Title 12, Section 12.62 or the application of any provision of Title 12, Section 12.62 to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of Title 12, Section 12.62 that can be given effect without the invalid provision or application, and to that end, the provisions of Title 12, Section 12.62 are declared to be severable.

Section 59. This ordinance shall take effect from and after its adoption, the welfare of the Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Jeremy Elrod
Member of Council

AMENDMENT NO. A

TO

ORDINANCE NO. BL2018-1441

Mr. President:

I move to amend Ordinance No. BL2018-1441 by adding the following section before the last section and it be numbered appropriately:

Section _____. That Title 12, Section 12.62 of the Metropolitan Code is hereby amended by adding new section to read as follows:

The SUMD pilot program shall terminate one year from the enactment date of this ordinance, except it may be extended before such date by a resolution of the metropolitan council that specifically states the length of the extension. Once the pilot project is terminated, SUMDs and SUMD systems shall no longer be permitted within the geographic boundaries of Nashville and Davidson County, and all certificates of public convenience and necessity shall be revoked. The Metropolitan Government may take all necessary action to conclude the pilot project. By obtaining a certificate of public convenience and necessity under this chapter, a permitted operator agrees to abide by and comply with the Metropolitan Government as it ends the SUMD pilot project.

INTRODUCED BY:

Jeremy Elrod
Member of Council

AMENDMENT NO. B

TO

ORDINANCE NO. BL2018-1441

Mr. President:

I move to amend Ordinance No. BL2018-1441 by adding the following section before the last section and it be numbered appropriately:

Section _____. That Section 12.62.040.E.2.c is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

- C. Metro, through its Traffic and Parking Commission, ~~reserves the right to~~ shall determine certain block faces or areas where free-floating SUMD parking is prohibited. Geo-fenced areas may be used to designate where SUMD parking is or is not allowed. The Traffic and Parking Commission shall make its initial determinations no later than forty-five days from the enactment date of this ordinance and report them to the Metropolitan Council. The determinations shall be made available as a map on the Metropolitan Government's website and the Metro Open Data Portal. Permitted operators shall clearly and conspicuously inform users about these block faces or areas where SUMD parking is not allowed, including in their mobile applications.

INTRODUCED BY:

Jeremy Elrod
Member of Council

AMENDMENT NO. C

TO

ORDINANCE NO. BL2018-1441

Mr. President:

I move to amend Ordinance No. BL2018-1441 by adding the following section before the last section and it be numbered appropriately:

Section _____. That Section 12.62.050.N is hereby amended by deleting it in its entirety and substituting in lieu thereof the following:

- N. MTLC or its staff ~~may~~ shall establish limitations on the hours of operation of SUMDs ~~or on~~ on the streets within the metropolitan area in which they can operate, particularly late in the evening or when it is dark and difficult for others to see an SUMD being operated. Any deviation from the approved hours or locations of operation must be approved by the MTLC or its staff. Any approved deviation must be reported to the MTLC or the MTLC director staff prior to beginning of operations.

INTRODUCED BY:

Jeremy Elrod
Member of Council

AMENDMENT NO. D

TO

ORDINANCE NO. BL2018-1441

Mr. President:

I move to amend Ordinance No. BL2018-1441 by adding the following section before the last section and it be numbered appropriately:

Section _____. That Title 12, Section 12.62.040 of the Metropolitan Code is hereby amended by adding a subsection to read as follows:

The Metropolitan Government shall establish a program of assigning and marking a limited number of street parking spaces, small sections of sidewalk, areas adjacent to transit stops, and other rights of way as dedicated and preferred parking areas where SUMDs can park without penalty as long as they are properly parked and upright. The Metropolitan Government shall implement an initial first phase of this program no later than sixty days from the enactment date of this ordinance and report on it to the Metropolitan Council. Information on this program shall be made available as a map on the Metropolitan Government's website and the Metro Open Data Portal. Permitted operators shall clearly and conspicuously inform users about these dedicated and preferred parking areas for dockless SUMDs, including in their mobile applications. Dedicated and preferred parking areas for dockless SUMDs may be located where parking for dockless SUMDs is otherwise prohibited pursuant to Section 12.62.040.E.1.c.

INTRODUCED BY:

Jeremy Elrod
Member of Council

AMENDMENT NO. E

TO

ORDINANCE NO. BL2018-1441

Mr. President:

I move to amend Ordinance No. BL2018-1441 by deleting Section 3 in its entirety and substituting in lieu thereof the following:

"Section 3. That Title 12, Section 12.62.040 of the Metropolitan Code is hereby amended by adding new subsections O, P and Q to read as follows:

- O. A powered SUMD shall only be operated by a person who is over eighteen (18) years of age or older. It is unlawful for any person who is less than eighteen (18) years of age to operate a powered SUMD.
- P. Section 12.84.020 sets out the penalty for violation of subsection O of this section.
- Q. Parking a SUMD where it is prohibited pursuant to Section 12.62.040.E.1.c shall be a \$10 fine. In its mobile application and elsewhere, a permitted operator shall clearly and conspicuously inform users where SUMD parking is prohibited and inform them that parking where it is prohibited shall result in a \$10 fine. The fine shall be collected from the user by the permitted operator through its mobile application or other means, and it shall be remitted to the Metropolitan Government within 30 days."

INTRODUCED BY:

Jeremy Elrod
Member of Council