

**COMMON COUNCIL
Agenda Request Form**

(Form B-01-2012)

Organizations and individuals are asked to submit a request form and supporting documents to be placed on the agenda. You will be contacted by the City confirming the date of the meeting in which your request will be heard. Please make sure that your contact information is accurate in case we need to get in touch with you. The Common Council meets on the 1st and 3rd Monday of each month at 6:00 p.m. in City Hall located at 70 E. Monroe Street.

Date Submitted:	10.17.2024	Meeting Date:	10.21.2024
Contact Information:			
Requested by:	Lynnette Gray		
On Behalf of Organization or Individual:			
		City of Franklin	
Telephone:	317-738-3365		
Email address:	lynng@jgmlawfirm.com		
Mailing Address:	63 E. Court St., P.O. Box 160, Franklin, IN 46131		
Describe Request:			
Approval of Ordinance Number 24-09 An Ordinance Prohibiting Reckless Driving Exhibitions			
List Supporting Documentation Provided:			
Ordinance Number 24-09			
Who will present the request?			
Name:	City Attorney Lynnette Gray	Telephone:	(317) 738-3365

In order for an individual and/or agency to be considered for new business on the Common Council agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 4:00 p.m. on the Wednesday before the meeting.

ORDINANCE NO.: 2024-09
OF THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA
AN ORDINANCE PROHIBITING RECKLESS DRIVING EXHIBITIONS

WHEREAS, pursuant to I.C. § 36-1-3-4 and I.C. § 36-1-3-6, the City of Franklin, Indiana (“City”) is authorized and entitled to protect the public health, safety, and welfare, and to exercise its police powers to protect the public health, safety and welfare of its citizens; and

WHEREAS, I.C. § 9-21-1-3 also provides authority for the City to regulate standing or parking of vehicles, to regulate traffic, and to regulate or prohibit processions or assemblages on the highways; and to further regulate traffic by means of police officers or traffic control signals; and

WHEREAS, the use of a motor vehicle to engage in reckless driving exhibitions in the City’s corporate limits results not only in unsafe traffic conditions for other vehicles, children, and pedestrians, but also attracts reckless, uncivil, intimidating, and criminal activity to the vicinity of such events, which engenders fear and disinvestment among neighborhood residents and prevents the full and peaceful enjoyment of the use of their property, or otherwise negatively impacts the health, safety, and welfare of the community; and

WHEREAS, such reckless driving exhibitions can result in damage to persons and private property and also public property, including the streets, which costs are born by the public and surrounding property owners, and can also necessitate the assignment of City personnel or equipment to protect the health, safety, welfare, and/or property of citizens; and

WHEREAS, such reckless driving exhibitions have been occurring in nearby jurisdictions with damage; and

WHEREAS, reckless driving exhibitions are therefore declared to be a public nuisance where action necessary to abate the public nuisance may be required, including the towing of the motor vehicles connected to the nuisance; and

WHEREAS, the Common Council wishes to prohibit reckless driving exhibitions and to protect the health, safety and welfare of its citizens and the community.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Common Council of the City of Franklin, Indiana:

Section 1. The foregoing Recitals are incorporated herein by this reference.

Section 2. City of Franklin Municipal Code is hereby amended and the following shall be added as follows:

“Reckless Driving Exhibitions Prohibited.

(a) Definitions:

Burnout. A maneuver performed while operating a motor vehicle whereby the motor vehicle is kept stationary, or is in motion, while the wheels are spun, resulting in friction which causes the motor vehicle's tires to heat up and emit smoke.

Doughnut. A maneuver performed while operating a motor vehicle whereby the front or rear of the motor vehicle is rotated around the opposite set of wheels in a continuous motion which may cause a circular skid-mark pattern of rubber on the driving surface and/or the tires to heat up and emit smoke from friction.

Drifting. A maneuver performed while operating a motor vehicle whereby the motor vehicle is steered so that it makes a controlled skid sideways through a turn with the front wheels pointed in a direction opposite to that of the turn.

Participate. Any act done for the purpose of organizing, facilitating, participating in and/or supporting a Reckless Driving Exhibition within the City of Franklin's corporate limits, including but not limited to:

1. Collecting or exchanging money or anything of value in connection with a Reckless Driving Exhibition;
2. Riding as a passenger in a motor vehicle engaging in a Reckless Driving Exhibition;
3. Causing or encouraging one or more motor vehicles to gather at a predetermined location within the City of Franklin's corporate limits in connection with a Reckless Driving Exhibition;
4. Causing or encouraging one or more persons to gather on, or adjacent to a street, highway, public property, parking garage, or parking lot in connection with a Reckless Driving Exhibition;
5. Causing or encouraging one or more persons and/or motor vehicles to impede pedestrian or vehicular traffic within the City of Franklin's corporate limits by acts, words, or physical barriers;
6. Standing or sitting in a location to act as a Reckless Driving Exhibition event official, including but not limited to a starter, steward, or announcer;
7. Promoting a Reckless Driving Exhibition, including any advertising, posting, or sharing the location of a Reckless Driving Exhibition or taking video or photographic images for purpose of promoting and/or profiting from the event.

Reckless Driving Exhibition. The use of a motor vehicle to perform or engage in any Burnouts, Doughnuts, Drifting, Wheelies, or other dangerous motor vehicle activity.

Wheelie. A maneuver performed while operating a motor vehicle whereby a motor vehicle is driven for a distance with the front wheel or wheels raised off

the ground.

- (b) A Reckless Driving Exhibition is specifically declared to be a public nuisance.
- (c) No person while operating a motor vehicle shall engage in a Reckless Driving Exhibition on any street, highway, or public property within the City of Franklin's corporate limits.
- (d) It is unlawful for any person to Participate in a Reckless Driving Exhibition within the City of Franklin's corporate limits.
- (e) Any Person who violates this Section shall be guilty of an ordinance violation punishable by a fine of \$500 for the first offense and a fine of \$2500 for each subsequent offense.
- (f) Any motor vehicle used in a Reckless Driving Exhibition as defined in this Section may be towed at the direction of the Franklin Police Department to an area designated by the City at the owner's expense. The owner shall also be required to pay any and all towing and storage fees resulting from this action."

Section 3. The provisions of the City of Franklin's Municipal Code not specifically amended or not affected by this Ordinance shall remain in full force and effect.

Section 4. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance, such repeal to have prospective effect only.

Section 5. Should any provision or portion of this Ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be affected so long as they can, without the invalid provision, be given the effect intended by the Common Council in adopting this Ordinance. To this end, the provisions of this Ordinance are severable.

Section 6. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor and such publication as is required by law.

BE IT FURTHER ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA THAT: this Ordinance shall become effective upon passage and approval by the Mayor of the City of Franklin, Indiana.

Introduced and Filed on the ____ day of _____, 2024.

DULY PASSED on this _____ day of _____, 2024 by the Common Council of the City Of Franklin, Johnson County, Indiana, having been passed by a vote ____ in Favor and ____ Opposed.

City of Franklin, Indiana, by its Common Council:

Voting Affirmative:

Voting Opposed:

Kenneth W. Austin, President

Kenneth W. Austin, President

Todd Shuck, Member

Todd Shuck, Member

Anne McGuinness, Member

Anne McGuinness, Member

Irene Nalley, Member

Irene Nalley, Member

Jennifer Price, Member

Jennifer Price, Member

Josh Prine, Member

Josh Prine, Member

Shawn Taylor, Member

Shawn Taylor, Member

Attest:

Jan Jones
City Clerk-Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana Code § 36-4-6-15, this ____ day of _____, 2024 at ____ o'clock a.m./p.m.

Jan Jones
City Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me was Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-1(a)(1) Vetoed pursuant to Indiana code § 36-4-6-16(a)(2), this _____ day of _____, 2024 at _____ o'clock a.m./p.m.

Steve Barnett
Mayor

Attest:

Jan Jones
City Clerk-Treasurer

Approved as to Form:

Lynnette Gray
City Attorney