

**ORDINANCE ~~TO ADD~~AMENDING ARTICLE VII, CHAPTER 36, SECTION 36-130 OF THE CITY OF MEMPHIS,
CODE OF ORDINANCE TO ESTABLISH RULES AND REGULATIONS RELATING TO THE OPERATION AND
REGULATION OF SHORT TERM RENTALS IN MEMPHIS**

WHEREAS, pursuant to Article 40 Section 353 of the Memphis City Charter the City Council shall have the power to pass, for the government of the City, any ordinance not in conflict with the Constitution or laws of the United States or of the State of Tennessee; and

WHEREAS, the City Council has the power to pass any ordinance regulating the assessment, levy and collection of all City taxes not inconsistent with the provisions of the Constitution and laws of the United States and of the State of Tennessee; and

WHEREAS, on November 1, 2016, the City Council adopted the Short Term Rental Ordinance as Ordinance 5631 placing it into effect on March 1, 2017; and

WHEREAS, the City Council finds occasion to amend Ordinance 5631 to add new rules and regulations governing short term rentals in Memphis; and

WHEREAS, the City Council finds that this ordinance is not inconsistent with the provisions of the Constitution and laws of the United States and of the State of Tennessee; and

WHEREAS, the City Council finds that it is in the public's interest to establish rules and regulations relating to the operation of short-term rentals in the City of Memphis to protect the public health, safety, and general welfare of individuals and the community at large; and to implement rationally based, reasonably tailored regulations to protect the integrity of the City's neighborhoods.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the findings and recitations set out in the preamble to this ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

BE IT FURTHER ORDAINED that the various sections of this ordinance are severable, and that any portion declared unlawful shall not affect the remaining portions.

BE IT FURTHER ORDAINED that this amended ordinance shall become effective March-July 1, 2017~~2023~~.

Section 1. SHORT TITLE

This Ordinance shall be known as "Short Term Rental Ordinance".

Section 2. DEFINITIONS AND GENERAL PROVISIONS

The following words and phrases when used in this ordinance shall have the meanings as set out herein:

1) "Short Term Rental Property" means ~~a structure or the part of a structure that is used as a home, residence, dwelling, or habitable room~~ a residential dwelling unit containing not more than four sleeping rooms that is used and/or advertised for rent, in whole or in part, for transient occupancy by guests and complies with Ordinance No. 4232 governing the minimum conditions of property. Any structure or detached accessory unit rented to the same occupant for more than thirty continuous days, bed and breakfast establishments, boarding houses, hotels, and motels shall not be considered short term rental property.

2) "Short Term Rental Property Owner" means the holder of the title in fee simple. Any person, group of persons, company, association or corporation in whose name tax bills on the property are submitted. It shall also mean any person who, alone or jointly or severally with others:

a) Shall have legal title to any dwelling unit with or without accompanying actual possession thereof; or

b) Shall have charge, care or control of any dwelling unit as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, assignee of rents, lessee or other person, firm or corporation in control of a building or their duly authorized agents.

3) "Hosting platform" means a person or entity that participates in short term rental business by providing a means through which a Short Term Rental Property Owner may offer a short term rental property for transient use. This business service is usually, though not necessarily, provided through an online platform that allows a Short Term Rental Property Owner to advertise through a website or mobile application and provides a means for potential tourist or transient users to arrange transient use and payment, whether the transient pays directly to the Short Term Rental Property Owner or to the hosting platform.

4) "Transient" means any natural person, who exercises occupancy or is entitled to occupancy of any short term rental property, lodging or accommodation.

5) "Occupancy" means the use or possession, or the right to the use or possession, of any short term rental property, lodging or accommodation.

6) "Dwelling" means any building or structure or part thereof, including single, two-family, and multi-family dwellings, used and occupied for human habitation or intended to be so used including any accessory building and appurtenances (right-of-way, i.e. driveway) belonging there or usually enjoyed therewith.

Section 3. ZONING SHORT TERM RENTAL PROPERTY

It is the intent of the Council of the City of Memphis that Short Term Rental Property be regulated by this Short Term Rental Ordinance. As of the effective date of this ordinance, all Short Term Rental Properties shall be subject to the regulations of this ordinance and not those outlined for rooming houses in Section 2.5.2 of the Memphis and Shelby County Unified Development Code.

Section 4. APPLICABILITY

As required by Tennessee Code Annotated (T.C.A.) § 13-7-603, this article, including but not limited to the requirement for a permit, or other standards herein established, shall not apply to any short term rental property if the property was used as a short term rental property by the owner prior to the effective date of this article until the property is sold, transferred, ceases to be used as a short term rental property for a period of 30 continuous months or has been in violation of generally applicable local law three or more separate times as provided in T.C.A § 13-7-604.

Section 54. ASSESSMENTS AND PRIVILEGE TAX ON SHORT TERM RENTAL PROPERTIES

1) A Hosting Platform, under a voluntary collection agreement with the city, which facilitates a transaction between a Short Term Rental Property Owner and a transient for lodging accommodations,

shall be solely responsible and liable for collecting and remitting all occupancy and sale taxes to the city; and a Short Term Rental Property Owner who is not the hosting platform shall not be responsible for collecting and remitting occupancy and sales tax to the city on any transaction for which it has received confirmation that the Hosting Platform has collected the aforementioned taxes and remitted them to the city, pursuant to a voluntary collection agreement; otherwise, Short Term Rental Property Owners shall be liable for the collection and remittance of occupancy and sales taxes, if no such voluntary collection agreement between a hosting platform and the city has been executed.

2) The city shall impose an assessment of two dollars (\$2.00) per paid occupied room night on short term rental properties in the city. This assessment shall be dedicated to destination marketing and to provide supplemental funding for marketing programs above and beyond that currently provided, pursuant to Ordinance 5595.

3) The city levies a privilege tax upon the privilege of occupancy in a short term rental property of each transient. Such tax shall be in the amount of three and one-half percent (3.5%) of the consideration charged by the Short Term Rental Property Owners. Such tax is a privilege tax upon the transient occupying such short term rental property and is to be collected and enforced by the city as provided, pursuant to Ordinance 5619.

Section 6. PERMIT REQUIRED

1) No person or entity shall operate a short term rental property or advertise residential property for use as a short term rental property without the owner of the property first having obtained a short term rental property permit issued by the City of Memphis Division of Public Works. Any owner of more than one short term rental property shall be required to obtain a permit for each short term rental property. If more than one short term rental property exists within a dwelling, each short term rental property, as defined herein, shall be treated as one unit, and permit shall be required for each unit.

2) Any advertising or description of a short term rental property on an internet website, mobile application, or other hosting platform must display a permit number for the short term rental property.

3) Short term rental property permits required by this article shall be applied for and renewed electronically or in writing, on such forms as the Division of Public Works may prescribe which forms shall include:

a) The maximum number of transient capacity per night for each short term rental unit including a site plan, drawn to scale, showing each unit and other structures and site features as determined by the Division of Public Works;

b) The owner's agreement to use best efforts to assure that use of the short term rental property will not interfere with the rights or rules of neighboring property owners to the quiet enjoyment of their properties;

c) Proof of owner's current ownership of the short term rental property;

d) Verification of insurance evidencing fire, hazard and liability coverages of not less than \$1,000,000.00 per occurrence;

e) A "compliance verification form" certifying that every short term rental unit currently complies with applicable building, health, and life safety code provisions of applicable ordinances of the City of Memphis;

f) The applicant's acknowledgement of receipt of the short term rental ordinance stating the applicant has reviewed and understands its requirements;

g) Particular instances in which conditions or conduct on the applicant's property resulted in issuance of any citation by a local state or local law enforcement or regulatory agency within the last 12 months;

h) The identification of one or more adult persons, entities or businesses ("responsible party") residing or located within 50 miles of the subject short term rental property who shall be engaged to appear on the premises of the short term rental property to respond to alleged violations of the City of Memphis Code of Ordinances or other applicable state law, including those pertaining to alleged noise, disorderly conduct, overcrowding, traffic or nuisances existing on the property.

4) Prior to the issuance of any permit, the representatives from the Division of Public Works shall be permitted, but not required, to conduct an on-site inspection of the property for which a permit or permits are sought to confirm the units comply with the requirements of this article. An inspection is also authorized, but not required, before any renewal of a permit is given.

5) Each applicant for a short term rental permit under the provisions of this article shall pay to the Division of Public Works, a non-refundable application fee of \$300.00 at the time of the filing of the application to cover new applicant screening and on-site property inspection; and

6) Failure of the responsible party to make a timely appearance on the premises of short term rental property to respond to alleged violations of the City of Memphis Code of Ordinances or other applicable state law including those pertaining to alleged noise, disorderly conduct, overcrowding, traffic, or nuisance existing on the property shall be grounds for permit suspension against the owner. The owner of the short term rental property shall be sent a notice of proposed suspension and given an opportunity to show cause as to why a short term rental permit should not be suspended. Failure to appear as requested or to satisfy the requirements of the notice to show cause shall result in suspension of the short term rental permit for a period of not to exceed 30 days.

7) An owner may replace the responsible party, temporarily or permanently, at any given time with written or electronic notice to the Division of Public Works. To replace a responsible party, the owner shall notify the Division of Public Works of the new responsible party's identity, together with all information required by this chapter prior to making short term rental units available for transients.

8) The Division of Public Works shall issue a permit under this article under the following conditions:

a) That the applicant's application for a permit has been fully completed, signed and the application fee included in the application; and

b) That the operation as proposed by the applicant, if permitted, will contemporaneously comply with the ordinance, as well as the city's current property maintenance code and required insurance coverages; and

c) That the applicant has not knowingly made any false, misleading, or fraudulent statement of fact in the permit application or in any document required by the city in conjunction therewith; and

d) That the applicant has not has a similar permit denied, suspended or revoked for any cause by any city or state agency within 365 days preceding the filing of this application, and

e) That the applicant has no unpaid assessed court fines or court costs related to violations of the short term rental property ordinance.

f) That the applicant is current on any local property taxes owed on the short term rental property and all other property in the city owned by the applicant.

9) A short term rental permit shall expire 365 days after it is issued. Short term rental permits may be renewed upon the payment of a \$150.00 fee to cover the applicant renewal screening and on-site inspection by the Division of Public Works. All renewal requests shall be received at least 30 days prior to the expiration date for their existing permit.

10) Any short term rental property found to be operating without the required permit being obtained shall be subject to double fees when the necessary permits are obtained.

11) A short term rental property permit shall not be transferred or assigned to another individual, person, entity, or address, nor shall the permit authorize any person, other than the person named therein, to operate a short term rental property on that property.

12) Any false, misleading, or fraudulent statement of fact submitted to the city in furtherance of obtaining a short term rental permit shall be taken as grounds for permit denial or revocation by the Division of Public Works. Upon a finding that such statement of fact has been submitted, the Division of Public Works shall deliver notice giving an owner an opportunity to show cause as to why a short term rental permit should not be revoked. Failure to appear as requested or to satisfy the requirement of the notice of show cause shall result in revocation of the short term rental permit for a period of 12 months.

13) The Division of Public Works shall have the authority to enforce this article, including the authority to grant, deny, suspend, or revoke short term rental permits.

Section 57. REGULATION OF SHORT TERM RENTAL PROPERTY

1) All Short Term Rental Property Owners and their Transient guests shall abide by all applicable noise control restrictions of Memphis City Code §22-1 and garbage collection and disposal provisions of Ordinance No. 4840 of the City of Memphis Ordinances.

2) The Short Term Rental Property Owner shall meet all applicable requirements of the state and local building and fire safety codes, including, but not limited to, having approved smoke alarms meeting Underwriters Laboratory (UL) 217 standards meeting applicable state law standards installed as follows:

a) In all sleeping areas.

b) In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.

- 3) The Short Term Rental Property Owner shall meet all applicable requirements of the state and local building and fire safety codes, including, but not limited to, having approved carbon monoxide detectors meeting applicable state law standards installed on every habitable floor.
- 4) The principal renter of a short term rental property unit shall be at least eighteen (18) years of age.
- 5) The Short Term Rental Property Owner shall not receive any compensation or remuneration to permit occupancy of a short term rental property for a period of less than twenty-four (24) hours.
- 6) The name and telephone number of each Short Term Rental Property Owner or their designee shall be conspicuously posted within the short term rental property unit. A Short Term Rental Property Owner or their designee shall answer calls twenty-four (24) hours a day, seven (7) days a week for the duration of each short term rental period to address problems or complaints associated with the short term rental property.
- 7) It is the intent of the Council of the City of Memphis that all Short Term Rental Property Owners, Hosting Platforms and their designees refrain from discrimination against any person in the terms, conditions, or privileges of the rental of short term rental property because some or all of the Transients are members of classes protected by the Tennessee Human Rights Act.

8) The Short Term Rental Property Owner shall ensure the property is in compliance with all local housing code ordinances.

Section 68. COMPLIANCE

It is the intent of the Council of the City of Memphis that complaints regarding short term rental property be resolved according to existing state law and City of Memphis Ordinances pertaining to public nuisances, vehicles and traffic, health and safety, and public peace, morals, and welfare. The continued use of property as a Short Term rental unit will be prohibited, and the permit revoked, if, as a direct result of the operation of the Short Term rental unit, the unit has been found to be in violation of a generally applicable local law three (3) or more separate times by a court of competent jurisdiction, and the provider has no appeal rights remaining for any of the three (3) violations. The burden of proof that a violation of a generally applicable local law was a direct result of the operation of the Short Term rental unit is on the City.

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND CITY OF MEMPHIS CODE OF ORDINANCES-LEGAL HOLIDAYS TO
ADD JUNETEENTH INDEPENDENCE DAY AS A LEGAL HOLIDAY**

WHEREAS, the Memphis City Council recognizes the need to establish a new holiday to recognize the end of slavery which did not reach the new frontier of the United States of America, in particular the State of Texas, including Southwestern state, until month after the conclusion of the Civil War on April 9, 1865, more than two and one-half (2 ½) years after President Abraham Lincoln formally issued the Emancipation Proclamation on January 1, 1863; and

WHEREAS, on June 19, 1865, Union soldiers, led by Major General Gordon Granger, arrived in Galveston, Texas, with welcomed news that the Civil War had ended and that the enslaved were free; and

WHEREAS, African Americans who had been enslaved in the Southwest began celebrating June 19, commonly known as "Juneteenth Independence Day," to inspire and encourage future generations; and

WHEREAS, forty-seven (47) States and the District of Columbia have designated Juneteenth Independence Day as a special day of observance in recognition of the emancipation of all enslaved African Americans in the United States of America; and

WHEREAS, Juneteenth Independence Day celebrations have been held to honor African American freedom while encouraging self-development and respect for all cultures; and

WHEREAS, the faith and strength of character demonstrated by formerly enslaved African-Americans and the descendants of formerly enslaved African Americans remain an example for all people of the United States, regardless of background, religion, or race; and

WHEREAS, despite the formal issuance of the Emancipation Proclamation on January 1, 1863, slavery was not officially abolished throughout the United State until the ratification of the 13th Amendment to the Constitution of the United States in December 1865; and

WHEREAS, over the course of its history, the City of Memphis has seen the damaging effects of slavery, the fight for freedom by way of the civil rights movement, and present-day efforts to achieve equity for all; and

WHEREAS, the Memphis Code of Ordinances establishes Title 3-Personnel, Chapter 3-4 Personnel Regulations Generally, Section 3-4-2.-Legal Holidays for City of Memphis employees adopted on June 27, 1972 and supplemented on December 8, 2022; and

NOW, THEREFORE,

SECTION 1: BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that the provisions of the Memphis Code of Ordinances Title 3, Chapter 3-4, Sections 3-4-2 relative to the City of Memphis Division of Human Resources Legal Holidays be hereby amended to add and proclaim a paid holiday for June 19, 2023 (Juneteenth Independence Day) and hereafter, as a paid holiday for the City of Memphis and employees.

SECTIION 2: BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that the provisions of this Ordinance are hereby severable and if any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3: BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this Ordinance shall take effect from and after the date it shall have been passed by the Council of the City of Memphis, signed by the Chairperson of the City Council, certified and delivered to the Office of the Mayor in writing by the Comptroller and become effective as otherwise provided by law.

SPONSOR(S):

Michalyn Easter-Thomas

CHAIRMAN:

Martavius Jones



RESOLUTION approving **Supplemental Agreement #1** for:
Pilot Cardlock Fueling Station [CR#5395]

WHEREAS, **Pilot Thomas Logistics, LLC., and it's affiliate, MERS, LLC.**, is the Developer of a certain property within the present limits of the City of Memphis, located at 480 Jack Carley Causeway, in Memphis, Tennessee.

and

WHEREAS, the developer desires to develop the property reflected on the engineering plans;

and

WHEREAS, attached hereto is **Supplemental Agreement #1** to the standard improvement contract entered into March 1, 2022 between **Pilot Thomas Logistics, LLC., and it's affiliate, MERS, LLC.**, and the City of Memphis **[CR#5395]** , extending the contract through June 1, 2024, covering the public improvements as a part of developing the property;

and

WHEREAS, the terms and conditions of the contract are in accordance with the policies of the City of Memphis for developing such a project.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the **Supplemental Agreement #1** for **Pilot Cardlock Fueling Station [CR#5395]** are hereby approved.



RESOLUTION accepting public improvements for:
3965 Old Getwell Rd - Mechanical Systems Company Drainage
and **releasing Bond** held as security

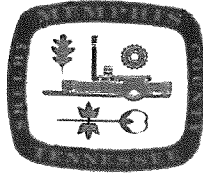
WHEREAS, **Mechanical Systems Company, Inc.**, is the Developer of a certain property within the present limits of the City of Memphis, located at 3965 Old Getwell Rd, in Memphis, Tennessee.

and

WHEREAS, all of the public improvements, required by the Standard Improvement Contract for the project, are completed;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the engineering plans for **3965 Old Getwell Rd Mechanical Systems Company, Inc. [CR#5410]**, and the completion of the public improvements therein, are and the same, are hereby accepted by the City.

BE IT FURTHER RESOLVED, that the **Ohio Casualty Insurance Company, Performance Bond No. 83B112176**, in the amount of **\$139,000.00** and held as security for the Standard Improvement Contract, is **hereby ordered released**.



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

A resolution accepting and appropriating the sum of \$50,000.00 funded by National Park Service-American Civil Rights Grant, chargeable to the FY23 budget for the National Park Service to support the Memphis Heritage Trail.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

The Division of Housing and Community Development Planning & Grants

3. State whether this is a change to an existing ordinance or resolution, if applicable.

Not applicable.

4. State whether this will impact specific council districts or super districts.

Council District 6, Super 8

5. State whether this requires a new contract, or amends an existing contract, if applicable.

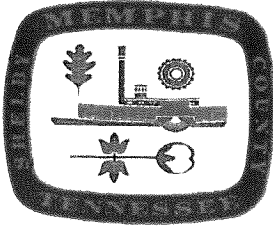
New contracts and contract amendments will be required.

6. State whether this requires an expenditure of funds/requires a budget amendment.

Expenditure of funds will be required.

7. If applicable, please list the MWBE goal and any additional information needed.

Not applicable to MWBE.



A resolution accepting and appropriating the sum of \$50,000.00 funded by National Park Service-American Civil Rights Grant, chargeable to the FY23 budget for the National Park Service to support the Memphis Heritage Trail.

WHEREAS, the City of Memphis has sought to support redevelopment activities for targeted communities within its inner-city boundaries; and

WHEREAS, as part of the initiative, the City of Memphis has undertaken efforts to promote public improvements, amenities, and options for said targeted communities; and

WHEREAS, the Memphis Heritage Trail is a culture district redevelopment project; and

WHEREAS, the City of Memphis has received these funds through a competitive grant application process; and

WHEREAS, these funds will be used by the Division of Housing and Community Development (HCD) to support the Memphis Heritage Trail: Youth and Civil Rights Camp. This project is designed to develop a youth civil rights camp related to Memphis Heritage Trail (MHT), a 20-block area in south Memphis where African Americans settled and built a distinct community reflecting the nexus of local black culture, civil rights, entrepreneurship, politics, and intellectualism.

WHEREAS, it is necessary to accept the grant funding and amend the Fiscal Year 2023 Operating Budget to establish funds for the National Park Service, and

WHEREAS, It is necessary to allocate and appropriate the FY23 grants funds in the amount of Fifty Thousand Dollars (\$50,000) for the Memphis Heritage Trail Project.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that the National Park Service grant to support the Memphis Heritage Trail: Youth and Civil Rights Camp in the amount of Fifty Thousand Dollars (\$50,000) be accepted by the City of Memphis.

BE IT FUTHER RESOLVED that the Fiscal year 2023 Operating Budget be and is hereby amended by accepting and appropriating the Revenue and Expenditures for National Park Service grant to support the Memphis Heritage Trail: Youth and Civil Rights Camp in the amount of Fifty Thousand Dollars (\$50,000) as follows:

Project Title: Memphis Heritage Trail: Arts CoLab

Project Number: CD90153-Memphis Heritage Trail Project

Revenues

State of Tennessee National Park Service Grant	<u>\$50,000.00</u>
Total	\$50,000.00

Expenditures

Memphis Heritage Trail Project	<u>\$50,000.00</u>
Total	\$50,000.00

NOTICE OF AWARD



AUTHORIZATION (Legislation/Regulations)
Annual Appropriations Act

1. DATE ISSUED MM/DD/YYYY 09/03/2022		1a. SUPERSEDES AWARD NOTICE dated except that any additions or restrictions previously imposed remain in effect unless specifically rescinded	
2. CFDA NO. 15.904 - Historic Preservation Fund Grants-In-Aid			
3. ASSISTANCE TYPE Project Grant			
4. GRANT NO. P22AP01854-00		5. TYPE OF AWARD Other	
Originating MCA #			
4a. FAIN P22AP01854		5a. ACTION TYPE New	
6. PROJECT PERIOD MM/DD/YYYY			
From	08/01/2022	Through	08/31/2024
7. BUDGET PERIOD MM/DD/YYYY			
From	08/01/2022	Through	08/31/2024
8. TITLE OF PROJECT (OR PROGRAM) Memphis Heritage Trail: Youth and Civil Rights Summer Camp			

9a. GRANTEE NAME AND ADDRESS MEMPHIS, CITY OF 125 N Main St Memphis, TN, 38103-2026	9b. GRANTEE PROJECT DIRECTOR Ms. FELICIA HARRIS 125 N Main St MEMPHIS, TN, 38103-2026 Phone: 9015767403
10a. GRANTEE AUTHORIZING OFFICIAL Ms. TONYA JOHNSON 170 North Main Street Memphis, TN, 38103-0000 Phone: 9016367387	10b. FEDERAL PROJECT OFFICER Ms. Marla Coltum 1849 C Street NW Mail Stop 7360 Washington, DC, 20240-0001 Phone: 202-354-2082

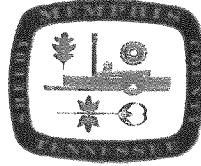
ALL AMOUNTS ARE SHOWN IN USD

11. APPROVED BUDGET (Excludes Direct Assistance)		12. AWARD COMPUTATION																	
I Financial Assistance from the Federal Awarding Agency Only		a. Amount of Federal Financial Assistance (from item 11m) \$ 50,000.00																	
II Total project costs including grant funds and all other financial participation		b. Less Unobligated Balance From Prior Budget Periods \$ 0.00																	
a. Salaries and Wages	\$ 20,600.00	c. Less Cumulative Prior Award(s) This Budget Period \$ 0.00																	
b. Fringe Benefits	\$ 27,900.00	d. AMOUNT OF FINANCIAL ASSISTANCE THIS ACTION \$ 50,000.00																	
c. Total Personnel Costs	\$ 48,500.00	13. Total Federal Funds Awarded to Date for Project Period \$ 50,000.00																	
d. Equipment	\$ 0.00	14. RECOMMENDED FUTURE SUPPORT (Subject to the availability of funds and satisfactory progress of the project):																	
e. Supplies	\$ 2,000.00	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>YEAR</th> <th>TOTAL DIRECT COSTS</th> <th>YEAR</th> <th>TOTAL DIRECT COSTS</th> </tr> </thead> <tbody> <tr> <td>a. 2</td> <td style="text-align: right;">\$</td> <td>d. 5</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>b. 3</td> <td style="text-align: right;">\$</td> <td>e. 6</td> <td style="text-align: right;">\$</td> </tr> <tr> <td>c. 4</td> <td style="text-align: right;">\$</td> <td>f. 7</td> <td style="text-align: right;">\$</td> </tr> </tbody> </table>		YEAR	TOTAL DIRECT COSTS	YEAR	TOTAL DIRECT COSTS	a. 2	\$	d. 5	\$	b. 3	\$	e. 6	\$	c. 4	\$	f. 7	\$
YEAR	TOTAL DIRECT COSTS	YEAR	TOTAL DIRECT COSTS																
a. 2	\$	d. 5	\$																
b. 3	\$	e. 6	\$																
c. 4	\$	f. 7	\$																
f. Travel	\$ 6,150.00	15. PROGRAM INCOME SHALL BE USED IN ACCORD WITH ONE OF THE FOLLOWING ALTERNATIVES: a. DEDUCTION b. ADDITIONAL COSTS c. MATCHING d. OTHER RESEARCH (Add / Deduct Option) e. OTHER (See REMARKS)																	
g. Construction	\$ 0.00																		
h. Other	\$ 28,528.00	<div style="border: 1px solid black; width: 30px; height: 30px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">b</div>																	
i. Contractual	\$ 12,250.00																		
j. TOTAL DIRECT COSTS	\$ 97,428.00	16. THIS AWARD IS BASED ON AN APPLICATION SUBMITTED TO, AND AS APPROVED BY, THE FEDERAL AWARDOING AGENCY ON THE ABOVE TITLED PROJECT AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE IN THE FOLLOWING: a. The grant program legislation. b. The grant program regulations. c. This award notice including terms and conditions, if any, noted below under REMARKS. d. Federal administrative requirements, cost principles and audit requirements applicable to this grant. In the event there are conflicting or otherwise inconsistent policies applicable to the grant, the above order of precedence shall prevail. Acceptance of the grant terms and conditions is acknowledged by the grantee when funds are drawn or otherwise obtained from the grant payment system.																	
k. INDIRECT COSTS	\$ 0.00																		
l. TOTAL APPROVED BUDGET	\$ 97,428.00																		
m. Federal Share	\$ 50,000.00																		
n. Non-Federal Share	\$ 47,428.00																		

REMARKS (Other Terms and Conditions Attached - Yes No)
African American Civil Rights - History Grant

GRANTS MANAGEMENT OFFICIAL:
Megan Brown, Chief - State, Tribal, Local, Plans & Grants
1849 C Street NW
7360
Washington, DC, 20240-1000
Phone: 202 354 2062

17. VENDOR CODE 0071384075		18a. UEI LSWERD3XLNU8		18b. DUNS 051388258		19. CONG. DIST. 09	
LINE#	FINANCIAL ACCT	AMT OF FIN ASST	START DATE	END DATE	TAS ACCT	PO LINE DESCRIPTION	
1	0051021753-00010	\$50,000.00	08/01/2022	08/31/2024	5140	FY212 HPF AACR TN Memphis Heritage Trail	



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

A resolution to accept grant funding in the amount of Two-Hundred Seventy-Nine Thousand Thirty-Six Dollars and 02/100 (\$279,036.02) from the Mid-South Emergency Planning Coalition/Tennessee Hospital Education

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

Fire Services is the initiating party.

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This is not a change to an existing ordinance or resolution.

4. State whether this will impact specific council districts or super districts.

This will impact all council and super districts.

5. State whether this requires a new contract, or amends an existing contract, if applicable.

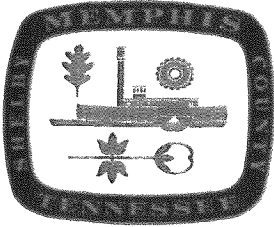
This request will not require a new contract.

6. State whether this requires an expenditure of funds/requires a budget amendment

The resolution does require a budget to be established and an expenditure of grant funds in the amount of \$279,036.02

7. If applicable, please list the MWBE goal and any additional information needed

N/A



A resolution to accept, allocate, and appropriate grant funding in the amount of Two-Hundred Seventy-Nine Thousand Thirty-Six Dollars and 02/100 (\$279,036.02) from the Mid-South Emergency Planning Coalition/Tennessee Hospital Education and Research Foundation.

WHEREAS, The City of Memphis Division of Fire Services will be receiving grant funds in the amount of Two-Hundred Seventy-Nine Thousand Thirty-Six Dollars and 02/100 (\$279,036.02) from Mid-South Emergency Planning Coalition/ Tennessee Hospital Education and Research Foundation on a reimbursement basis; and

WHEREAS, These funds will be used for the salary and benefits of the Executive Director position until such time the position does not exist, or The City of Memphis Division of Fire Services discontinues reimbursing for these expenses; and

WHEREAS, It is necessary to accept the grant funding and amend the Fiscal Year 2023 miscellaneous grants budget to establish funds for the Executive Director position; and

WHEREAS, It is necessary to allocate and appropriate the grant fund in the amount of Two-Hundred Seventy-Nine Thousand Thirty-Six Dollars and 02/100 (\$279,036.02) for the Executive Director position; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis that the Mid-South Emergency Planning Coalition/ Tennessee Hospital Education and Research Foundation grant funds in the amount of Two- Hundred Seventy-Nine Thousand Thirty-Six Dollars and 02/100 (\$279,036.02) be accepted by the City of Memphis.

BE IT FURTHER RESOLVED, that the Fiscal Year 2023 budget for Grants Fund 0205 be and is hereby amended by allocating and appropriating the Expenditures and Revenues for the Mid-South Emergency Planning Coalition/ Tennessee Hospital Education and Research Foundation grant in the amount of Two- Hundred Seventy-Nine Thousand Thirty-Six Dollars and 02/100 (\$279,036.02) annually as follows:

Revenue

Other Grant Revenue \$279,036.02

Expenses

Full-Time Salaries \$279,036.02

ORDINANCE TO ESTABLISH A PROCEDURE FOR THE MEMPHIS POLICE DEPARTMENT TO CONDUCT AN ANNUAL INDEPENDENT REVIEW OF THE POLICE TRAINING ACADEMY AND ALL TRAINING TECHNIQUES

WHEREAS, the Memphis City Council recognizes a need and the public’s desire for reforming the practices of the Memphis Police Department to ensure the safety and welfare of the people of Memphis; and

WHEREAS, it is of paramount importance that the training of the Memphis Police Department reflects best practices to make certain that officers are adequately equipped uphold their duty to protect and serve, and to ensure the safety of all members of the community; and

WHEREAS, the employment and training of officers is codified under Tennessee Code Annotated Title 38, Chapter 8; Part I of this Chapter provides that law enforcement agencies, including the Memphis Police Department, must provide training to its officers regarding de-escalation, the duty to intervene, and mental illness training; and

WHEREAS, the Jerry F. Agee Tennessee Law Enforcement Training Academy (TLETA), codified in Tennessee Code Annotated Section 38-8-201, was created for the purpose of training police and law enforcement officers in the methods of maintaining law enforcement services in state, municipal, county, and metropolitan jurisdictions; and

WHEREAS, Section 38-8-104 vests the authority to establish uniform standards and curriculum requirements for the employment and training of police recruits and police officers with the Commission, the composition of which is stipulated in Section 38-8-102(b)(1); this commission is required by statute to “Consult and cooperate with municipalities . . .” regarding the training of police recruits and police officers; thus, it is imperative the Memphis Police Department diligently review its training techniques and practices to adequately meet the current needs of the City of Memphis regarding its safety and welfare; and

WHEREAS, it is the intent of the Memphis City Council to ensure that the training provided to current officers and those enrolled in the training academy is in accordance with state law and best practices by conducting a regular audit thereof, by an independent third party with adequate expertise on the subject matter, to determine whether such training techniques and procedures are aligned with best practices.

NOW, THEREFORE,

SECTION 1: BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that the provisions of the City Code relating to the Division of Police Services be hereby amended to add a new section that shall read as follows:

_____ Audit of the Memphis Police Department Training Practices

The Director of the City of Memphis Division of Police Services shall conduct an audit of the training techniques taught to police recruits and police officers **annually** to assess whether such

training is in accordance with Tennessee law and best practices. The audit shall be conducted by an independent third party to be selected by the Chief of Police and the Mayor, **and the contract to hire to be approved by the Memphis City Council**. Any recommendations and reports prepared as a result of the audit shall be presented to the Members of the Memphis City Council.

SECTION 2. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3. BE IT FURTHER ORDAINED, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairperson of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller and become effective as otherwise provided by law.

Sponsor(s):
Chase Carlisle
JB Smiley, Jr.
J. Ford Canale

Chairman:
Martavius Jones

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution approving Change No. 1 to Contract No. 12027, Voice (PBX) Systems Network Maintenance with Black Box Network Services, Incorporated to increase the current contract value in the funded amount of \$11,000.00 to pay for various items added or moved.

2. Additional Information

The project scope is to allow Black Box Network Services, Incorporated, as a sole source provider, to provide maintenance support services for its Siemens voice (PBX) system, Phone Mail System, and Telemate.Net Call Accounting System. The original award included maintenance support services for the MLGW telecommunication system related to communication links between PBX sites, hardware, communication platforms, and software.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of February 15, 2023 approved Change No. 1 to Contract No. 12027, Voice (PBX) Systems Network Maintenance with Black Box Network Services, Incorporated to increase the current contract value in the funded amount of \$11,000.00, and is now recommending to the Council of the City of Memphis that it approves said change as approved; and

WHEREAS, the project scope is to allow Black Box Network Services, Incorporated, as a sole source provider, to provide maintenance support services for its Siemens voice (PBX) system, Phone Mail System, and Telemate.Net Call Accounting System. The original award included maintenance support services for the MLGW telecommunication system related to communication links between PBX sites, hardware, communication platforms, and software. This change is to increase the current contract value in the funded amount of \$11,000.00 to pay the Vendor for additional charges due to items added and/or moved to various locations for this project. The contract term will remain through January 13, 2024. This change complies with all applicable laws and policies. The new contract value is \$1,118,024.75; and

NOW THEREFORE BE IT RESOLVED BY THE Council of the City of Memphis, that there be and is hereby approved Change No. 1 to Contract No. 12027, Voice (PBX) Systems Network Maintenance with Black Box Network Services, Incorporated to increase the current contract value in the funded amount of \$11,000.00.00 as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
February 15, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners the approval of Change No. 1 to Contract No. 12027, Voice (PBX) Systems Network Maintenance with Black Box Network Services, Incorporated to increase the current contract value in the funded amount of \$11,000.00.

The project scope is to allow Black Box Network Services, Incorporated, as a sole source provider, to provide maintenance support services for its Siemens voice (PBX) system, Phone Mail System, and Telemate.Net Call Accounting System. The original award included maintenance support services for the MLGW telecommunication system related to communication links between PBX sites, hardware, communication platforms, and software. This change is to increase the current contract value in the funded amount of \$11,000.00 to pay the Vendor for additional charges due to items added and/or moved to various locations for this project. The contract term will remain through January 13, 2024. This change complies with all applicable laws and policies. The new contract value is \$1,118,024.75.

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, Subject to the consent and approval of the Council of the City of Memphis, the approval of Change No. 1 to Contract No. 12027, Voice (PBX) Systems Network Maintenance with Black Box Network Services, Incorporated to increase the current contract value in the funded amount of \$11,000.00.00 as outlined in the above preamble, is approved; and further

THAT, the President or his designated representative is authorized to execute the Change.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular -special meeting held on 15th day of February, 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding a thirty-six (36) month purchase order to T.R. Miller Mill Company, Inc., for various sizes of southern yellow pine poles in the amount of \$9,891,100.65.

2. Additional Information

The poles will be ordered as needed to replenish inventory, and to ensure that MLGW has poles for infrastructure updates.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of February 15, 2023, approved a thirty-six (36) month purchase order for various sizes of southern yellow pine poles and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the 2023 fiscal year budget and subsequent budget years as approved; and

WHEREAS, the poles will be ordered as needed to replenish inventory, and to ensure we have poles for infrastructure updates. Bid quantities were based on historical usage, anticipated needs in the event of severe weather, and capital projects planned over the next thirty-six months; and

WHEREAS, bids were opened on October 12, 2022. Notice to Bidders was advertised. Twenty-one (21) bids were solicited and one (1) bid was received in full compliance with MLGW's specification from the firm of T.R. Miller Mill Company, Inc. This award complies with all applicable laws and policies; and

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Memphis that there be and is hereby approved the purchase of various sizes of southern yellow pine poles from T.R. Miller Mill Company, Inc. for the sum of \$3,076,643.33 chargeable to the MLGW 2023 fiscal year budget and the balance of \$6,814,457.32 chargeable to subsequent budget years as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
February 15, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it award a thirty-six (36) month purchase order to T.R. Miller Mill Company, Inc. in the amount of \$9,891,100.65 for various sizes of southern yellow pine poles.

The poles will be ordered as needed to replenish inventory, and to ensure we have poles for infrastructure updates. Bid quantities were based on historical usage, anticipated needs in the event of severe weather, and capital projects planned over the next thirty-six months.

Bids were opened on October 12, 2022. Notice to Bidders was advertised. Twenty-one (21) bids were solicited and one (1) bid was received in full compliance with MLGW's specification from the firm of T.R. Miller Mill Company, Inc. This award complies with all applicable laws and policies.

The 2023 budgeted amount for Planned Maintenance is \$10,263,000.00; of which \$3,076,643.33 will be spent in 2023 on this purchase order; leaving a balance available of \$7,186,356.67 after award; the remaining balance of \$6,814,457.32 to be spent in subsequent budget years as approved; and

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, subject to the consent and approval of the Council of the City of Memphis, award of a purchase order to T.R. Miller Mill Company, Inc. for furnishing:

Various sizes of southern yellow pine poles furnished in accordance with MLGW Specifications No. 30-8XXX dated June 10, 2022 as released by MLGW. A copy of all unit prices to be placed on file in MLGW's Accounting Department;

The total award for thirty-six (36) months amounts to an estimated \$9,891,100.65; f.o.b. Memphis, Tennessee, transportation prepaid; our dock; said prices being firm for the first year with a 7% increase for years two and three; delivery in 4 - 6 weeks after release; terms net 30 days.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular -special meeting held on 15th day of February, 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Memphis City Council Summary Sheet for MLGW Items

1. Description of the Item

Resolution awarding a thirty-six (36) month purchase order to Engineered Sealing Components, LLC., for concrete standards (street light poles) in the amount of \$1,296,742.76.

2. Additional Information

The concrete standards will be released as needed to replenish storeroom inventory and for future jobs.

RESOLUTION

WHEREAS, the Board of Light, Gas and Water Commissioners in their meeting of February 15, 2023 approved a thirty-six (36) month purchase order for concrete standards and is now recommending to the Council of the City of Memphis that it approves said purchase as approved in the 2023 fiscal year budget, and subsequent budget years as approved; and

WHEREAS, the concrete standards will be released as needed to replenish store room inventory and for future jobs; and

WHEREAS, bids were opened on November 2, 2022. Notice to Bidders was advertised. Eighteen (18) bids were solicited and four (4) bids were received with the most responsive and best complying bidder in accordance with MLGW's Local Bidding Preference policy being Engineered Sealing Components, LLC. This award complies with all applicable laws and policies; and

Now **THEREFORE BE IT RESOLVED** by the Council of the City of Memphis that there be and is hereby approved the purchase of concrete standards from Engineered Sealing Components, LLC for the sum of \$415,409.43 chargeable to the MLGW 2023 fiscal year budget and the remaining balance of \$881,333.33 chargeable to subsequent budget years as approved.

EXCERPT
from
MINUTES OF MEETING
of
BOARD OF LIGHT, GAS AND WATER COMMISSIONERS
CITY OF MEMPHIS
held
February 15, 2023

The Manager of Procurement and Contracts recommends to the Board of Light, Gas and Water Commissioners that it awards a thirty-six (36) month purchase order to Engineered Sealing Components, LLC in the amount of \$1,296,742.76 for concrete standards.

The concrete standards will be released as needed to replenish store room inventory and for future jobs.

Bids were opened on November 2, 2022. Notice to Bidders was advertised. Eighteen (18) bids were solicited and four (4) bids were received with the most responsive and best complying bidder in accordance with MLGW's Local Bidding Preference policy being Engineered Sealing Components, LLC. This award complies with all applicable laws and policies.

The 2023 budgeted amount for Street Light Maintenance is \$3,000,000.00; of which \$415,409.43 will be spent in 2023 on this purchase order; leaving a balance available of \$2,584,590.57 after award; the remaining balance of \$881,333.33 to be spent in subsequent budget years as approved;

NOW THEREFORE BE IT RESOLVED BY the Board of Light, Gas and Water Commissioners:

THAT, subject to the consent and approval of the Council of the City of Memphis, award of purchase order to Engineered Sealing Components, LLC is approved for furnishing:

Purchase order for a thirty-six (36) month period for providing concrete standards furnished in accordance with MLGW Specification No. 43-84XX dated July 22,

2002. A copy of all unit prices to be placed on file in MLGW's Accounting Department;

The total award for thirty-six (36) months is an estimated amount of \$1,296,742.76; f.o.b. Memphis, Tennessee, transportation prepaid; our dock; said prices being firm for the first year with a 4% increase for years two and three; terms net 30 days; delivery in 6-8 weeks after release.

I hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Light, Gas and Water Commissioners at a regular - special meeting held on 15th day of February, 2023, at which a quorum was present.



SVP, CFO & CAO Secretary - Treasurer

Ordinance No. _____

Ordinance to establish an Independent Review Process of Memphis Police Department Incidents involving the use of Excessive, Unnecessary and, or Deadly Force by Police Officers and Deaths or Serious Injuries of Persons Occurring while in Police Custody

WHEREAS, in the City of Memphis Code of Ordinances, Division of Police Services, Section 2-28-9, *Complaints against officers and patrol officers*, it currently states, “Complaints against officers or patrol officers of the division of police services shall be made through the director of police to the appropriate internal investigative unit of the division of police services;” and

WHEREAS, the Memphis City Council believes that it is important for citizens to have the option to appeal directly to the Council to conduct an independent review regarding complaints related to incidents of excessive, unnecessary and, or deadly force by officers of the Memphis Police Department and, or deaths or serious injuries of persons occurring while in police custody.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Memphis, that

Section 1. Chapter 28, Division of Police Services, Article IX, Complaints against officers and patrol officers, shall be repealed in its entirety and rewritten as follows:

(A) Complaints against officers or patrol officers of the division of police services shall be made through the Director (Chief) of police to the appropriate internal investigative unit of the division of police services.

(B) The Chief Security Officer of the Memphis City Council, in receipt of a complaint against officers or patrol officers of the division of police services, involving the use of excessive, unnecessary, and or deadly force by police officers, or that a death or serious injury of persons occurred while in police custody, may report such a complaint to the Council Attorney.

(C) Upon receipt of notification from a member of the Memphis City Council, the Council Attorney will inform City Council members of the complaint during an Attorney Client Privileged meeting. At that time, the Council may elect to conduct an independent review of the complaint.

(D) If the Council chooses to conduct an independent review, the Council Attorney shall be authorized to obtain the services of an independent consultant or investigator with a background in policing, law, and, or civil rights. The Council Attorney shall send written notice of the Council’s decision to conduct an independent review to the Mayor, Director (Chief) of Police Services, and City Attorney. Upon receipt of written notice, the Director (Chief) of Police Services shall send to the Council Attorney within 5 (five) business days (i) copies of the original incident, and or arrest report(s) and (ii) any video recordings of the incident from the body cameras of all officers at the scene of the incident and, or any cameras in the area owned by the City of Memphis.

(E) Upon conclusion of the independent review, the Council Attorney will share the findings with members of the Memphis City Council, the City Attorney, and a legal representative from the Memphis Police Department in an Attorney Client Privileged meeting.

(F) Following review by the Council, and after the conclusion of the department of police services internal review, the Council’s independent review shall be published on the City Council website.

Section 2. Severability. The provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 3. Effective Date. This Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

SPONSORS

JB Smiley, Jr.
Chase Carlisle
Rhonda Logan

CHAIRMAN

Martavius Jones

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CITY OF MEMPHIS CODE OF ORDINANCES VEHICLES AND TRAFFIC CODE TO CLARIFY APPROPRIATE METHODS OF ENFORCEMENT OF TRAFFIC VIOLATIONS

WHEREAS, the Memphis City Council recognizes the need to establish the appropriate methods and circumstances of enforcement of traffic violations to provide for the fair and transparent administration and enforcement of traffic violations, prevent racial disparities, and protect public safety, and making certain technical changes, all under certain terms and conditions; and

WHEREAS, the Memphis City Council seeks to clarify appropriate methods of enforcement of traffic violations by the Memphis Police Department to further the just, equitable and fair enforcement of the law for all people, to provide for the fair and transparent administration of the vehicles and traffic code with respect to all, to prevent racial disparities, and to protect public safety in a manner consistent with these values; and

WHEREAS, the Title 11 of the Memphis Code of Ordinances for Vehicles and Traffic, establishes Chapter 11-4, General Provisions and Definitions, and Chapter 11-8, Administration and Enforcement, including the provisions of T.C.A. §§ 7-63-101 through 7-63-107 are adopted and the adoption of T.C.A. § 7-63-101 et seq., applies to violations of any traffic or other ordinances, laws and regulations of the City of Memphis as provided in such code provision.

NOW, THEREFORE,

SECTION 1: BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that the provisions of the Memphis Code of Ordinances relative to the Division of Police Services vehicles and traffic be hereby amended to add a new Section 11-8-12-Achieving Driving Equality, Compliance with the City of Memphis Vehicles and Traffic Code to read as follows:

TITLE 11, Chapter 11-8, Administration and Enforcement, Section 12-Achieving Driving Equality, Compliance and Enforcement of the City of Memphis Vehicles and Traffic Code

In this Chapter the following definitions apply:

- (1) Primary Violation. A violation of the City of Memphis Vehicles and Traffic Codes observed within the City of Memphis, that does not constitute a secondary violation.
- (2) Secondary Violation. Violations of the following of the City of Memphis Vehicles and Traffic Codes, and such other violations as are identified by the Police Department by regulation.
 - (a) Registration of Vehicles, when the vehicle had been previously registered within the City of Memphis within sixty days of the observed infraction.

- (b) Temporary Registration Permits, where the violation is related to the location of the permit, but the permit is otherwise clearly displayed in the rear window.
 - (c) Display of Registration Plate, where the violation pertains to a plate not securely fastened to the vehicle, but such plate is otherwise clearly displayed.
 - (d) Periods for Requiring Lighted Lamps, where the violation for lighting equipment not illuminating is limited to a single brake light, head light, or running light; a single bulb in a larger light of the same; or any other single light or bulb of a vehicle light.
 - (e) Other Obstructions; and
 - (f) Bumpers; and
 - (g) Operation of Vehicle Without Official Certificate of Inspection and
 - (h) Unlawful Operation Without Evidence of Emission Inspection.
- A. Compliance with the City of Memphis Vehicles and Traffic Code. So long as such conduct is prohibited by the City of Memphis Vehicles and Traffic Code, motorists who own or operate vehicles within the city limits shall operate, maintain, title, register, and license vehicles in accordance with the provisions of the Vehicles and Traffic Code.
 - B. Enforcement of Primary Violations. A police officer or law enforcement officer may initiate a motor vehicle stop and, at their discretion, cite a driver for a violation observed within the City of Memphis without observing any other City of Memphis Vehicles and Traffic Code violation.
 - C. Enforcement of Secondary Violations. To the full extent of Council’s legislative authority, a police officer or other law enforcement officer may initiate a motor vehicle stop for a secondary violation observed within the City of Memphis only where there is a simultaneously observed primary violation for which an officer, at their discretion, could issue a citation.

SECTIIION 2: BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS that t the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 3: BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairperson of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller and become effective as otherwise provided by law.

SPONSOR(S):
 Michalyn Easter-Thomas
 Rhonda Logan

CHAIRMAN:
 Martavius Jones

Ordinance No. _____

Ordinance to Amend the City of Memphis Code of Ordinances, Chapter 21, Motor Traffic and Vehicles, Article 1, General Provisions and Definitions, to Require the Division of Police Services to Use Only Appropriately Marked Law Enforcement Vehicles to Conduct Traffic Stops

WHEREAS, the Memphis City Council desires to reform practices of the City of Memphis Division of Police Services that may jeopardize the safety of the citizens of Memphis; and

WHEREAS, the City of Memphis is granted authority to the running of automobiles within its corporate limits, under Tenn. Code Ann. § 55-8-101 and Sections 68 and 77 of the City's Home Rule Charter, which vests the legislative council or body of the City of Memphis with police powers to regulate the use of its streets, alleys, thoroughfares, rights-of-way and public places for the protection of the health, safety and welfare of its citizens; and

WHEREAS, the Council desires to amend the current City of Memphis Code of Ordinances relating to the division of police services general duties and powers of enforcement of street traffic laws of the city and all state motor vehicle laws applicable to street traffic in the city.

NOW, THEREFORE BE IT ORDAINED by the Memphis City Council that

Section 1. Chapter 21, Motor Traffic and Vehicles, Article 1, General Provisions and Definitions, Section 11-4-1, is amended by adding the following:

Sec. 11-4-1. Definitions.

“Appropriately marked law enforcement vehicle” means a vehicle that bears the insignias, stripes, decals, labels, seals, symbols, or other pictorial signs or lettering indicating its identity as a law enforcement vehicle used by the division of police.

Section 2. Chapter 21, Motor Traffic and Vehicles, Article 1, General Provisions and Definitions, Section 11-4-3, is amended by adding the following:

Sec. 11-4-3. Establishment, control and general duties of traffic division of police division.

There is established in the police division of the city a traffic division to be under the control of an officer of police directly responsible to the director of police. It shall be the primary duty of the traffic division in appropriately marked law enforcement vehicles, with such aid as may be rendered by other member of the police division in appropriately marked law enforcement vehicles, to enforce the street regulations of the city and all of the state vehicle laws applicable to street traffic in the city, to make arrests for traffic violations, to investigate traffic accidents and to arrest and to assist in the prosecution of those persons charged with violations causing or contribution to such accidents, to cooperate with the director of public works and other officials of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon such division by this title and other traffic ordinances of the city.

Section 3. Chapter 21, Motor Traffic and Vehicles, Article 4, General Provisions and Definitions, Section 11-4-5, is amended by adding the following:

Sec. 11-4-5. Duty of police to enforce traffic laws.

It shall be the duty of the officers of the police division of the city, or such persons as are assigned by the director of police to enforce all street traffic laws of this city and all the state motor vehicle laws applicable to street traffic in the city. Officers of the police division of the city must be in an appropriately marked law enforcement vehicle in order to enforce all street traffic laws of this city and all the state motor vehicle laws applicable to street traffic in the city.

Section 4. Severability. The provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remained of this Ordinance shall continue in full force and effect.

Section 5. Effective Date. This Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

SPONSOR

Rhonda Logan

CHAIRMAN

Martavius Jones

ORDINANCE NO. _____

**AN ORDINANCE TO ESTABLISH A PUBLIC SAFETY REPORTING PROTOCOL
IN REGARD TO THE DISPOSITION BY THE MEMPHIS POLICE
DEPARTMENT OF RECOMMENDATIONS BY THE CIVILIAN LAW
ENFORCEMENT REVIEW BOARD (CLERB) TO THE MEMPHIS POLICE
DEPARTMENT REGARDING CLERB'S DISPOSITION OF COMPLAINTS
INVOLVING POLICE MISCONDUCT, THE USE OF DEADLY FORCE BY
POLICE OFFICERS AND DEATHS OR INJURIES OF PERSONS OCCURRING
WHILE IN POLICE CUSTODY**

WHEREAS, the Civilian Law Enforcement Review Board (CLERB) is a joint citizens' law enforcement review board for oversight of law enforcement that is authorized by ordinance to investigate Complaints filed by citizens alleging police misconduct by officers of the Memphis Police Department (MPD)

WHEREAS, CLERB is also authorized to receive, investigate, hear cases, make findings and recommend action on complaints regarding excessive and deadly force, deaths and injuries to persons occurring while in police custody, harassment by police, improper arrests, inadequate investigations, or any other misconduct by a member of MPD; and

WHEREAS, the Memphis City Council believes it is of paramount importance that the Council and citizens of Memphis are made aware of the disposition by the Memphis Police Department of the recommendations of CLERB made to the Director of the Memphis Police Department as provided by ordinance to ensure that recommendations are taken seriously, acted on in a timely manner, and there is accountability for misconduct of MPD officers; and

WHEREAS, it is the desire of the Memphis City Council to establish a public safety reporting protocol in relation to CLERB's recommendations to MPD to include the recommendations from CLERB in response to an Inspectional Services Bureau (ISB) case brought before the board, the disposition of CLERB's recommendations, and the rationale for the actions taken by MPD in response to CLERB's recommendations.

NOW, THEREFORE BE IT ORDAINED by the Council of the City of Memphis that

Section 1. Pursuant to City of Memphis Ordinance No. 5620, Section 28-161, the Memphis Police Department shall report, in writing, on a bimonthly (occurring every two (2) months) basis the disposition of recommendations made by Civilian Law Enforcement Review Board (CLERB) to the Director (Chief) of the Memphis Police Department regarding Inspectional Services Bureau (ISB) cases in which the

complaint was found to be “sustained” by CLERB. The report shall include the following information:

- Inspectional Services Bureau (ISB) case number
- Description of the ISB case
- CLERB hearing date for the ISB case
- CLERB disposition and recommendations for the ISB case
- Disposition/Result of each CLERB recommendation and associated date(s) of enactment or deferral for each recommendation
- Rationale for why each CLERB recommendation was enacted or deferred

Section 2. The Memphis Police Department shall be required to cooperate fully with all document and witness requests from the Civilian Law Enforcement Review Board (CLERB).

Section 3. The Civilian Law Enforcement Review Board (CLERB) shall be given the following powers:

- Investigative authority
- Ability to audit Memphis Police Department reports and policies
- Ability to research and put forth policy recommendations for implementation by the Memphis Police Department

Section 4. Each report shall be made available to the City Council members and posted on the CLERB, City Council, and Memphis Police Department websites.

Section 5. The City Council reserves the right to request a presentation regarding any report to be held in City Council committee or full Council meetings.

Section 6. Severability. All provisions of this Ordinance are hereby severable and if any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 7. Effective Date. This Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

SPONSOR
JB Smiley, Jr.
Chase Carlisle

CHAIRMAN
Martavius Jones

ORDINANCE NO.: _____

AN ORDINANCE TO AMEND THE CITY OF MEMPHIS CODE OF ORDINANCES RELATING TO PUBLIC SAFETY FOR THE CITY OF MEMPHIS LAW ENFORCEMENT TO COLLECT AND REGULARLY REPORT DATA REGARDING TRAFFIC STOPS, ARRESTS, USE OF FORCE, AND COMPLAINTS.

WHEREAS, Memphis City Council recognizes that good governance and effective policing relies on the collection, analysis, and public reporting of data; and

WHEREAS, The Southern Poverty Law Center states that “data collection and dissemination are also essential to ensure that police promote public safety in a constitutional, safe, and equitable manner”; and

WHEREAS, Data collected over the years shows, across the United States, that people of color are disproportionately pulled over, arrested, and incarcerated and often face harsher consequences; and

WHEREAS, The collection and reporting of data can inform local law enforcement agencies and the public about possible differential treatment in traffic stops, arrests, and use of force or the lack of evidence thereof; and

WHEREAS, Campaign Zero, an organization that promotes research-based policy solutions to end police brutality, observes that comprehensive data reporting can reduce lethal force by police by 25%; and

WHEREAS, The policy of the Memphis Police Department personnel prohibits “express[ing] bias against any race, any religion, or any protected class of individuals”; and

WHEREAS, Memphis City Council affirms the importance of eliminating bias from law enforcement practices.

NOW, THEREFORE, BE IT ORDAINED BY THE City of Memphis City Council, TENNESSEE, that the City of Memphis City Council Members hereby adopts the following ordinance to amend Chapter 28 of the Code of Ordinances and create a new Article.

Section 1. Purpose of Data Collection & Reporting Ordinance

The purpose of this Data Collection and Reporting Ordinance is to promote effective policing by the City Of Memphis Law Enforcement through the collection and reporting

of data as it pertains to traffic stops (including stopping someone on foot or vehicles with or without a motor), arrests, uses of force, complaints, and the demographics thereof.

Section 2. Definitions

2.1 The term “City of Memphis Law Enforcement” or “Officer” means Memphis Police Department employees and officers. This definition includes both civilian and non-civilian personnel.

2.2 The term “Traffic Stop” means the investigation or detention of an occupant/s of a vehicle (this includes but is not limited to any vehicle with or without a motor, i.e. bikes, scooters, skateboards) or on foot.

2.3 The term “Use of Force” means verbal or physical coercion by an Officer in performance of official duties, including but not limited to force the Officer believes will deescalate a situation, is in self-defense, or in defense of others.

2.4 The term “demographics” means tracking race, ethnicity, age and gender identity.

Section 3. Data Collection

3.1 When an Officer conducts a traffic or pedestrian stop, the Officer shall collect, record, and submit the following information:

- (a) The date, start and end time, and location (nearest intersection and zip code) of the traffic stop;
- (b) The year, make and model of the vehicle;
- (c) The primary reason for stop, including any dispatch code if associated with the stop, and any following reasons for stop or citations;
- (d) Any actions related to traffic stop such as warrant checks or car/ personnel searches (frisking), removal of individuals from vehicle, use of handcuffs or restraint of occupants, of any individuals subject to search;
- (e) If the traffic stop resulted in any use of force, the reason for use of force, what force was used, if there were injuries to the officer or person, and if there was a need for medical assistance;
- (f) If the traffic stop resulted in arrest and why;
- (g) If the traffic stop resulted in the recovery of contraband, or illegal items and substances; delineated by type (i.e. drugs, guns, stolen items);

(h) If a vehicle or any personal effects were seized damages, or injuries were incurred;

(i) The location, race, ethnicity, gender, and age of all individuals subject to the traffic stop;

- 1) The individuals subject to the stop should be presented the option to self-identify their race, ethnicity, gender, and/or age by the officer but this is not required of the individual.
- 2) A record should be made by the officer of the individual's request to self-identify. A copy of the record shall be signed by both the officer and the individual and provided to the individual for their personal records.
- 3) The record shall state that self-identification will not affect the outcome of the investigation, detention, or arrest of the individual being stopped.
- 4) A unique log number will be presented to the driver and recorded by the officer.

(j) The name of any ongoing MPD operations or task forces related to the traffic stop;

(k) The name of the officer who conducted the traffic stop and any other officers who arrived on scene, if any;

(l) 911 job IDs, Computer Aided Dispatch, and Records Management Systems related information leading to or used during the traffic stop.

3.2 When an Officer conducts an arrest or arrests, the Officer shall collect, record, and submit the following information:

- (a) The name of the arresting officer
- (b) Reason for arrest(s)
- (c) Time of arrest(s)
- (d) Location of arrest(s) if different from the original stop
- (e) Name of transporting officer
- (f) Time the individual was delivered to jail for booking

3.3 Complaints

- (a) If there are any complaints made by the individual(s) being stopped to Internal Affairs, the complaint(s) shall be recorded as part of Memphis Police Department's record of the corresponding traffic stop
- (b) If there are any complaints made by the individual(s) being stopped to Commanding Officers, the complaint(s) shall be recorded as part of Memphis Police Department's record of the corresponding traffic stop

3.4 The Officer shall promptly report the information recorded pursuant to this section to the Memphis Police Department ("MPD") in the manner the policy specifies;

- (a) To the extent not already in place, develop procedures and policies to reasonably ensure information entered into the database, is complete and accurate.
- (b) MPD shall create an online electronic database available to the public in an exportable .csv format for collecting, compiling, storing, and analyzing the information reported by Officers pursuant to this section, within (1) one year of the effective date of this ordinance
- (c) To the extent not already in place, MPD shall publicly publish exportable the full report in a .csv format online within (6) six months of the effective date of this ordinance and subsequent monthly reports with updated information
- (d) Transmit a bi-annual report detailing the Police Department's traffic enforcement, and identifying any best-practice policy changes that were implemented over the preceding year, to the City Council and Chair of the Public Safety Committee and publish publicly, two weeks prior to the public hearing scheduled in accordance with this ordinance

Section 4. Semi-Annual Analysis and Reporting of Officer Activity

4.1 On a semi-annual basis, MPD shall send a written report to the City of Memphis City Council members and the City of Memphis Mayor covering the previous six months.

4.2 The semi-annual report shall contain the total number of traffic stops and pedestrian stops during the reporting period. This report shall include demographic data such as the total number of traffic and pedestrian stops broken down by location, race or ethnicity, gender, and age. Traffic stops and pedestrian stops will need to be notated separately.

4.3 In addition, the semi-annual report shall contain the total number of arrests from traffic and pedestrian stops during the reporting period. This report shall include

demographic data such as the total number of arrests broken down by location, race or ethnicity, gender, and age.

4.4 The semi-annual report shall also contain the total number of uses of force, not limited to traffic stops or detentions, including uses of force, shots fired and/or stops that result in death and the cause of death, during the reporting period. This report shall include the following demographic data:

(a) The total number of uses of force broken down by location, race or ethnicity, gender, and age;

(b) The total number of uses of force that result in shots fired, or death by location, race or ethnicity, gender, and age.

4.5 Finally, the semi-annual report shall contain the total number of complaints and the total number of closed complaints from the Memphis Police - Internal Affairs Bureau in the reporting period. This report shall include the following demographic data:

(a) The total number of complaints characterized as allegations of bias based on race or ethnicity, gender or gender identity, and age;

(b) The total number of complaints closed characterized as allegations of bias based on race or ethnicity, gender or gender identity, and age;

(c) The total number of complaints characterized as allegations of excessive force during the commission of a traffic stop;

(d) The total number of closed complaints characterized as excessive force during the commission of a traffic stop;

Section 5. Severability. All provisions of this Ordinance are hereby severable and if any of these sections, provisions, sentences, clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force.

Section 6. Effective Date. This Ordinance shall take effect from and after the date it shall have passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

SPONSOR

JB Smiley, Jr.

Chase Carlisle

J. Ford Canale

Frank Colvett, Jr.

Michalyn Easter-Thomas

Edmund Ford, Sr.

CHAIRMAN

Martavius Jones

Cheyenne Johnson

Martavius Jones

Rhonda Logan

Worth Morgan

Jana Swearngen-Washington

Dr. Jeff Warren

SUPPLEMENTAL ADOPTING ORDINANCE
ORDINANCE NO. _____

***An Ordinance Supplementing and Amending the 2021 Memphis
Municipal Code of Ordinances of the City of Memphis,
Tennessee relative to Animals and Horse Drawn Carriages;
Providing for the Repeal of Certain Ordinances Not
Included herein; and Providing when such Amendments to the
Code and this Ordinance Shall Become Effective***

WHEREAS, the Council of the City of Memphis, as the City's legislative body, has the full power and authority under the Charter of the City to codify, revise and collect in the form of a code of ordinances of a general nature, and in doing so has the full power, to amend, alter, repeal or modify any ordinance of a general nature other than contract ordinances to conform such ordinances to the legislative intent of the Council before inclusion in said code;

WHEREAS, on February 15, 2022 the Council adopted a new Code of Ordinances, consisting of Titles 1 through 15, each inclusive, and the errata thereto, as the "2021 Code of Ordinances, City of Memphis, Tennessee" (the "2021 Code").

WHEREAS, due to the volume of ordinances to be considered and codified and the need to provide clear guidance to the City and its citizens, the City Attorney and the Council's Attorney the City Attorney and the Council's Attorney have only presented for codification two (2) Titles, namely "Title 1-General Provisions" and "Title 4-Pension and Retirement System.

WHEREAS, the Council has delegated to the City Attorney and the Council's Attorney the responsibility of making a thorough review of new and amending ordinances

adopted by the Council since September 1, 1985 for the purpose of producing for adoption by the City Council a new Official Code of Ordinances that accurately reflects the state of law of the City as of the date(s) of adoption by the City Council.

WHEREAS, the City Attorney and the Council's Attorney have been authorized and directed to periodically provide for adoption by the Council of supplementary codification ordinances to supplement the codification approved in Ordinance No. 5669.

WHEREAS, the Council desires to supplement the 2021 Code by adopting and codifying Titles 6-Business Licenses and Regulations and Title 8-Animals.

Be It Ordained by the Council of the City of Memphis That

Section 1. A Supplement to the 2021 Code of Ordinances, consisting of Titles 6 and 8, each inclusive, and the errata thereto, is hereby adopted and enacted. Titles 6 and 8 as proposed for adoption are attached hereto and incorporated herein by reference.

Section 2. Upon adoption of this Supplemental Ordinance the titles and chapters of the 2021 Code so approved hereby shall supersede and replace all then existing general and permanent ordinances of the City to the extent included in such codified titles and chapters or to the extent such ordinances are inconsistent with the provisions of the titles and chapters so codified.

Section 3. All provisions of the Titles and Chapters of this Supplement to the 2021 Code adopted and codified

by this ordinance shall be in full force and effect from and after this ordinance becomes effective, and all conflicting codes, provisions, chapters, sections, paragraphs and sentences of ordinances of a general and permanent nature in existence or enacted on final passage on or before the effective date of this ordinance, and not included in the 2021 Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of this Ordinance.

Section 5. the codification of any ordinances pursuant to the Adopting Ordinance and this Supplemental Adopting Ordinance are required by the City's Charter to be recorded in a well-bound book kept by the City Comptroller.

Section 6. Any such codified ordinances as maintained by the City Comptroller may be relied on by the City or any person and may be read in evidence in any court of this State, unless there is a bona fide dispute as to the meaning of any such ordinance being consistent with the Council's intent. In any such case, the City Attorney shall present such ordinance(s) to the Council for a determination of the consistency of the ordinance(s) with the Council's intent as appearing in the record of its proceedings and for any further action that the Council deems appropriate in accordance with its authority under City Charter § 361.

Section 7. Three (3) copies of the 2021 Code, as supplemented hereby, shall be kept on file in the

office of the comptroller preserved in loose-leaf form, or in such other form as the comptroller may consider most expedient. The comptroller is also authorized to contract with a nationally recognized legal code publication company for the official publication of the 2021 Code and supplements as approved by the Council. The comptroller is also authorized to contract with a nationally recognized legal code publication company for the unofficial republication of the 2021 Code and supplements as approved by the Council in electronic format.

Section 8. It shall be the express duty of the comptroller or someone authorized by him or her to insert in such copies and in their designated places all amendments or ordinances which the council has specifically codified and approved, from time to time, to be to made a part of the 2021 Code when the same have been printed or reprinted in page form, and to extract from such copies all provisions which may be from time to time repealed by the Council. Such copies shall be available for inspection in accordance with law by all persons desiring to examine the same.

Section 9. The provisions the 2021 Code as approved by the Council or any copy thereof which purports to be published and maintained, in written or electronic form, by authority of the City of Memphis shall be

conclusively held to be evidence of the law of the City of Memphis from and after the times of their passage, with respect to any subject or provisions contained therein, and no person shall be permitted to impeach any such code provision on the ground that it was not duly and regularly passed in accordance with the laws existing at the time of its passage. Any prior uncodified republications of ordinances of the City with respect to any subject or provisions contained in the 2021 Code shall not be read and accepted in evidence from and after the adoption of the Adopting Ordinance and any Supplemental Adopting Ordinances.

Section 10. The provisions the 2021 Code as approved by the Council, or any copy thereof which purports to be published by authority of the City of Memphis, may be read and accepted in evidence in any court in this State without further proof of its passage.

Section 11. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 12. Severability. The provisions of this Ordinance are hereby declared to be severable. If any of the sections, amendments, provisions, sentences, clauses, phrases, or parts hereof are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 13. Effective Date. The provisions of this Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of Mayor in writing by the comptroller and become effective as otherwise provided by law.

SPONSOR:
Carlisle

MARTAVIUS JONES
CHAIRMAN

Title 6 - BUSINESS LICENSES AND REGULATIONS

CHAPTER 1 HORSE-DRAWN CARRIAGES

DEFINITIONS

Sec. 6-1-1. Definitions.

POWERS OF DIRECTOR—REGULATIONS

Sec. 6-1-2. Rules and regulations of the director of police services relative to horse-drawn

Sec. 6-1-3. City treasurer—Powers; appeal of decisions.

Sec. 6-1-4. Duty of vehicle for hire inspectors to enforce chapter.

Sec. 6-1-5. Certificate required; exceptions.

CERTIFICATION REQUIREMENTS

Sec. 6-1-6. Application for certificate.

Sec. 6-1-7. Standards for issuance of certificate.

Sec. 6-1-8. Certificate issued to owner only.

Sec. 6-1-9. Fee.

Sec. 6-1-10. Business license.

Sec. 6-1-11. Insurance.

Sec. 6-1-12. Business to be conducted by certificate holder; agreement with drivers.

Sec. 6-1-13. Increase in number of carriages after issuance; enlargement of authority.

Sec. 6-1-14. Replacement of vehicles.

Sec. 6-1-15. Accident reports.

Sec. 6-1-16. Assignment or transfer of certificates.

Sec. 6-1-17. Expiration and renewal of the certificate.

Sec. 6-1-18. Fines, suspension and revocation of certificates.

Sec. 6-1-19. Horse-drawn carriage stands—Use by other vehicles prohibited.

DRIVERS AND CONDUCTORS

Sec. 6-1-20. Vehicle drivers.

Sec. 6-1-21. Application for a driver's permit.

Sec. 6-1-22. Application for a carriage driver's training permit.

Sec. 6-1-23. Applicant to fill out identification questionnaire and be fingerprinted.

Sec. 6-1-24. Investigation; issuance; not to issue to certain persons.

Sec. 6-1-25. Notification of arrest or indictment.

Sec. 6-1-26. Notification of company change of driver.

Sec. 6-1-27. Permit fee.

Sec. 6-1-28. Form, size, design and contents.

Sec. 6-1-29. Possession of permit.

Sec. 6-1-30. Expiration and renewal.

Sec. 6-1-31. Fines, suspension and revocation of permit.

Sec. 6-1-32. Unauthorized use of permit; defacing or removing permit.

Sec. 6-1-33. Standards of appearance and conduct of drivers.

Sec. 6-1-34. Total passengers in vehicle; carrying passengers on driver's seat prohibited.

Sec. 6-1-35. Consent required for horse-drawn carriage driver to pick up additional passen

- Sec. 6-1-36. Drivers not to work more than 12 hours out of 24.
- Sec. 6-1-37. Solicitation of passengers by drivers; drivers to remain in or near carriage.
- Sec. 6-1-38. Drivers of horse-drawn carriages.

VEHICLES

- Sec. 6-1-39. Carriage safety equipment.
- Sec. 6-1-40. Television equipment.
- Sec. 6-1-41. Horse-drawn carriage maintenance.

CARE OF ANIMALS

- Sec. 6-1-42. Proper care of animals used for horse-drawn carriages for hire.
- Sec. 6-1-43. Conditions for horse-drawn carriages for hire.
- Sec. 6-1-44. Harnesses for horse-drawn carriages for hire.
- Sec. 6-1-45. Whip.
- Sec. 6-1-46. Food, water and exercise.
- Sec. 6-1-47. Stalls and stables.
- Sec. 6-1-48. Litter.
- Sec. 6-1-49. Immediate cleanup of waste products.

Title 8—ANIMALS

CHAPTER 8-1. DEFINITIONS

Sec. 8-1-1. Definitions.

CHAPTER 8-2. ANIMALS GENERALLY

Sec. 8-2-1. General maintenance requirements for animals and fowl.

Sec. 8-2-2. Running at large of livestock and fowl prohibited.

Sec. 8-2-3. Impoundment, redemption and disposition.

Sec. 8-2-4. Destruction of abandoned or neglected animals.

Sec. 8-2-5. Cruelty to animals.

Sec. 8-2-6. Trapping animals.

Sec. 8-2-7. Striking or hitting animal with moving vehicle.

Sec. 8-2-8. Killing birds—Prohibited generally.

Sec. 8-2-9. Killing birds-Removal of pigeons and birds from private, residential and commercial property.

Sec. 8-2-10. Keeping of livestock within 1,000 feet of residence or place of business.

Sec. 8-2-11. Disposal of animals.

Sec. 8-2-12. Unlawful to sell fowl as pets or novelties.

Sec. 8-2-13. Roadside sale of animals prohibited.

CHAPTER 8-3 MEMPHIS ANIMAL SHELTER

Sec. 8-3-1. Establishment and supervision.

Sec. 8-3-2. Business hours.

Sec. 8-3-3. Badges, uniforms and police power of shelter officers.

Sec. 8-3-4. Resisting or interfering with animal shelter employee.

Sec. 8-3-5. Animal shelter advisory committee—Creation.

Sec. 8-3-6. Animal shelter advisory committee—Chairperson and secretary.

Sec. 8-3-7. Animal shelter advisory committee—Rules and regulations.

Sec. 8-3-8. Animal shelter advisory committee—Powers and duties.

CHAPTER 8-4. DOGS AND CATS

Sec. 8-4-1. Evidence of ownership of animals.

Sec. 8-4-2. Dog license tags required—Fees—Exceptions—Cat rabies vaccination required.

Sec. 8-4-3. Examination for rabies.

Sec. 8-4-4. Kennel license fees.

Sec. 8-4-5. Duplicate dog licenses or tags.

Sec. 8-4-6. Dogs running at large.

Sec. 8-4-7. Impoundment and redemption of dogs.

Sec. 8-4-8. Adoption of animals.

Sec. 8-4-9. Defecation by dogs or cats.

Sec. 8-4-10. Adequate food, water, shelter, care and conditions—Defined—Penalties.

Sec. 8-16-11. Impoundment and redemption of cats.

CHAPTER 8-5. DANGEROUS AND VICIOUS ANIMALS

Sec. 8-5-1. Definitions.

- Sec. 8-5-2. Determination of dangerous/vicious dog or animal.
- Sec. 8-5-3. Dog or animal declared dangerous/vicious.
- Sec. 8-5-4. Duty of owner of dangerous/vicious dog or animal.
- Sec. 8-5-5. Surrender of dog or animal.
- Sec. 8-5-6. Unowned or abandoned dog or animal.
- Sec. 8-5-7. Dogs or animals not declared dangerous/vicious.
- Sec. 8-5-8. Exemptions.
- Sec. 8-5-9. Duties of animal control officer.
- Sec. 8-5-10. Violation—Penalty.
- Sec. 8-5-11. Guard dogs.
- CHAPTER 8-6. ENFORCEMENT
- Sec. 8-6-1. Official to designate special officers.
- Sec. 8-6-2. Issuance of ordinance summons.
- Sec. 8-6-3. Procedures applicable to summonses and animal citations.
- Sec. 8-6-4. Animal violation forfeiture schedule.
- Sec. 8-6-5. Limitation on action for violations—When action deemed commenced—Service of summons.
- Sec. 8-6-6. Dismissal or entering a nolle prosequi of citation/summonses not prohibited.
- Sec. 8-6-7. Aid and assistance.
- CHAPTER 8-7. MANDATORY SPAYING AND NEUTERING OF CATS AND DOGS
- Sec. 8-7-1. Spay and neuter requirement.
- Sec. 8-7-2. Owner.
- Sec. 8-7-3. Exemption for certain animals.
- Sec. 8-7-4. Fertile animal permits.
- Sec. 8-7-5. Enforcement.
- Sec. 8-7-6. Proof of compliance to enforcement agents, including ACOs.
- Sec. 8-7-7. Penalties.
- Sec. 8-7-8. Data.
- CHAPTER 8-8. CRUELTY TO ANIMALS
- Sec. 8-8-1. Cruelty to animals.
- Sec. 8-8-2. Cock and animal fighting.
- Sec. 8-8-3. Penalty.

Ordinance No. _____

SUBSTITUTE ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS, CHAPTER 2-16., CITY REAL PROPERTY MANAGEMENT, TO REQUIRE THAT ANY CONTRACTS FOR THE **EXTERIOR** MODIFICATION OF CITY-OWNED PROPERTY THAT IS LEASED TO ANY UNAFFILIATED NONPROFIT ORGANIZATION, WITH A COST IN EXCESS OF **\$3,000,000**, BE PRESENTED TO THE MEMPHIS CITY COUNCIL FOR APPROVAL

WHEREAS, the Memphis City Council is committed to the growth and development of the City of Memphis, and maintains its support of the continuous improvement and maintenance of City-owned properties; and

WHEREAS, the Memphis City Council recognizes that its commitment to the City's growth includes the responsibility to consider the needs of the properties and residents that surround such developments; and

WHEREAS, the Memphis City Council understands that improvements to any City-owned property will affect the surrounding areas, and wants to ensure that such improvements are made known to the local residents and are done in consideration of the needs and desires of that community; and

WHEREAS, Chapter 2-6- 1. of the Code of Ordinances of the City of Memphis grants the Memphis City Council with the power to authorize contracts entered into by the Mayor; and

WHEREAS, the Memphis City Council seeks to utilize that authority to require that contracts for the modification or improvement of **the exterior of** City-owned property that is leased to any nonprofit entity that is unaffiliated with the City of Memphis receive prior authorization from the Council when the cost of the improvement or modification is in excess of \$3,000,000.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that

Section 1. Chapter 2-16., City Real Property Management, of the Code of Ordinances is hereby amended to add the following provision:

Sec. 2-16-3. Improvement or Modification to City-owned Property.

A. Property Leased to Nonprofit Entities

Any real property that is owned by the City of Memphis that has been leased to, or is otherwise occupied by, a nonprofit organization that is not affiliated with the City of Memphis, or is not under the sole supervision and control of the Mayor, shall not enter into an agreement regarding the improvement or modification **to the exterior** of such land, building, or facility without prior

authorization of the Memphis City Council if the cost associated therewith is in excess of **three million (\$3,000,000)** dollars.

Such proposed agreements for modification or improvement shall be brought before the Memphis City Council for authorization within a reasonable time, as determined by the City Council.

Section 2. Severability. The provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences clauses, phrases, or parts are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Section 5. Effective Date. This Ordinance shall take effect from and after the date it shall have been passed by the Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the comptroller and become effective as otherwise provided by law.

Sponsors:

Martavius Jones

Edmund Ford, Sr.

Cheyenne Johnson

Rhonda Logan

Jana Swearingen-Washington

Dr. Jeff Warren

Chairman:

Martavius Jones

Ordinance No. _____

**ORDINANCE RENAMING SOUTH SECOND STREET BETWEEN BEALE STREET
AND G.E. PATTERSON AVENUE AS REP. BARBARA COOPER STREET**

WHEREAS, the process for naming and renaming streets and other thoroughfares within the City of Memphis has been established by Chapters 2 and 12 of the City of Memphis Code of Ordinances; and

WHEREAS, the Memphis City Council possesses naming powers when the City acquires any street or other thoroughfare by purchase or dedication, per Section 12-16-2 of the City of Memphis Code of Ordinances; and

WHEREAS, under *Tennessee Code Annotated*, Section 7-86-127, “unless expressly provided otherwise by law, the authority to name public and private roads and streets, including roads and streets located within residential developments, and to assign property numbers relating to the roads and streets, is exclusively vested in the legislative bodies of ... municipalities within their incorporated boundaries;” and

WHEREAS, the Memphis City Council, on September 1, 2020, by Ordinance No. 5759 duly passed, amended the City of Memphis Code of Ordinances thereby vesting street, park, and public place/property name change powers in the Memphis City Council; and

WHEREAS, upon review, the Memphis City Council now seeks to exercise its naming authority under Chapters 2 and 12 of the City of Memphis Code of Ordinances to honor the life and legacy of Tennessee State Representative Barbara Cooper - a Memphis native, educator, and civil rights activist; Rep. Cooper represented the 86th District for 26 years.

NOW THEREFORE BE IT RESOLVED, that South Second Street between Beale Street and G.E. Patterson Avenue be officially renamed “Rep. Barbara Cooper Street.”

BE IT FURTHER RESOLVED, that the City Engineer is requested to affix suitable signs officially designating this public road, effective with the passage of this ordinance.

Sponsored by:
Edmund Ford, Sr.



Resolution to allocate and appropriate \$35,000.00 for supplies and professional services related to Memphis Parks' Teen Fest 2023

WHEREAS, the City of Memphis, through Memphis Parks, hosts an annual Teen Fest - a musical event showcasing local teen talent and entertainment for teens; and

WHEREAS, Teen Fest aligns with Memphis Parks' mission of creating positive and safe places to provide community-centered experiences that connect Memphians; and

WHEREAS, the Council intends to support the operations of Teen Fest in 2023, as positive youth activities in the Memphis community that are avenues for creative expression and entertainment are always needed.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council does hereby request that the City of Memphis allocate and appropriate \$35,000.00 from the City of Memphis FY23 unassigned general fund balance to the Play Your Park, Miscellaneous Professional Services line item of the Memphis Parks' FY23 operating budget for use for the Memphis Parks' Teen Fest 2023.

SPONSOR

JB Smiley, Jr.

Cheyenne Johnson

Patrice J. Robinson

Jana Swearngen-Washington

CHAIRMAN

Martavius Jones

Resolution Establishing a Park Restoration Fund and Reallocating and Reappropriating \$500,000 from the FY23 CIP

WHEREAS, the City of Memphis has made a significant investment in the restoration of Tom Lee Park, an invaluable public park and riverfront asset (the “Park”); and

WHEREAS, a newly renovated park and its amenities, particularly young growth vegetation and infrastructure, are most vulnerable to damage in the first two years of its renovation; and

WHEREAS, the Park has been the home to a world famous festival, Memphis in May (the “Festival”), which brings thousands of people to the Park, and it is anticipated that Memphis in May will be held at the Park in years 2023 and 2024; and

WHEREAS, the newly improved Park will require a modified/new approach to Festival operations, as Park and Festival operators figure out how to “load-in” and integrate a festival into a reconfigured Park with more “damageable” amenities; and

WHEREAS, the City desires to mitigate risk to the vegetation and physical infrastructure, and also to minimize financial risk to both the Park and Festival operator; and

WHEREAS, the Memphis City Council, through the FY23 budget, allocated \$5.5M for the purposes of improvements to Mud Island; and

WHEREAS, uses for the \$5.5M allocated to Mud Island have yet to be identified; and

WHEREAS, the City of Memphis proposes to establish a \$500,000 Park Restoration Fund (“Fund”) that will be used to cover expenses to repair or mitigate damage resulting from the Festival for the first two years following the renovation, to operate as follows:

- a. The source of funds will be \$500,000 of the \$5.5M of FY23 CIP funds that were appropriated for the renovation of Mud Island.
- b. The City will assign \$350,000 of the restoration fund to year 1 (2023), and \$150,000 of the restoration to year 2 (2024).
- c. The Fund money will be the first dollars used to restore the Park from any Festival damage in 2023 and 2024.
- d. The Festival operator will be required to submit a damage deposit each year in the amount of \$250,000, to cover the costs of repairs in excess of the amount provided for annually in the Fund, but if costs to repair damage resulting from the Festival do not exceed the amount of the City’s Fund balance for either of the first two years, then none of the Festival operator’s damage deposit will be drawn upon to correct the damage.
- e. The use of the Funds is permissive, and the City of Memphis will have sole discretion to approve payment of restoration funds for damage incurred by the Festival, and may, at its sole discretion, exclude any damage caused by willful/ wanton destruction of property, or damage incurred due to gross negligence of the Festival operator. In the event the City does not distribute all of the money from the Fund in any given year for these

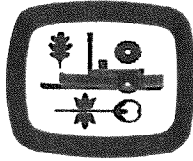
reasons, the deposit from the Festival Operator should be used to cover the cost of repairs.

- f. Should damages exceed the annual contribution by the City, plus the damage deposit by the Festival operator, the Memphis River Parks Partnership shall fund the balance of the restoration.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MEMPHIS that the Chief Financial Officer shall create a "Park Restoration Fund," to be funded by allocating and appropriating \$500,000 from the FY23 CIP budget from Mud Island; and the funds from the Park Restoration Fund shall be distributed consistent with the manner described herein.

Sponsor:

Chair Martavius Jones
Councilman Chase Carlisle
City Administration



Memphis City Council Summary Sheet

1. Description of the Item (Resolution, Ordinance, etc.)

This is a Resolution to transfer and appropriate \$978,422.50 from FY23 ADA Curb Ramp Coverline, #PW23300, to Curb Ramp Group 66, #PW23301; to construct four hundred and fifty (450) curb ramps Citywide.

2. Initiating Party (e.g. Public Works, at request of City Council, etc.)

This project is being initiated by the Public Works Division with the Engineering Division administering the project.

3. State whether this is a change to an existing ordinance or resolution, if applicable.

This project does not involve a change to an existing ordinance or resolution

4. State whether this will impact specific council districts or super districts.

This project will impact all City Council Districts.

5. State whether this requires a new contract, or amends an existing contract, if applicable.

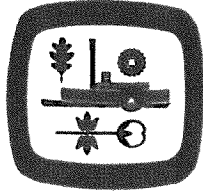
This project will require a new contract.

6. State whether this requires an expenditure of funds/requires a budget amendment

This resolution requires the amendment of the FY23 Capital Budget to transfer and appropriate funds in the amount of \$978,422.50.

7. If applicable, please list the MWBE goal and any additional information needed

The MBE goal was established at 47% and the WBE goal was established at 1%.



RESOLUTION

This is a Resolution to transfer and appropriate contract construction funds in the amount of \$978,422.50 from FY23 ADA Curb Ramp Coverline, project number PW23300 to Curb Ramp Group 66, project number PW23301 to construct four hundred and fifty (450) curb ramps Citywide. This project will impact all Districts.

WHEREAS, the Council of the City of Memphis approved FY23 ADA Curb Ramp Coverline, project number PW23300 and Curb Ramp Group 66, project number PW23301 as part of the Fiscal Year 2023 Capital Improvement Budget; and

WHEREAS, \$978,422.50 is needed to fund a new contract for the construction of four hundred and fifty (450) curb ramps citywide; and

WHEREAS, a MBE goal at 47% and WBE goal at 1% was established for the ADA Curb Ramps Group 66 project to construct four hundred and fifty (450) curb ramps citywide; and

WHEREAS, it is necessary to transfer a Contract Construction allocation in the amount of \$978,422.50 funded by G.O. Bonds-General from FY23 ADA Curb Ramp Coverline, project number PW23300 to Curb Ramp Group 66, project number PW23301 for the purpose stated above; and

WHEREAS, it is necessary to appropriate \$978,422.50 funded by G.O. Bonds-General in Curb Ramp Group 66, project number PW23301 for the purpose stated above; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Memphis that the Fiscal Year 2023 Capital Improvement Budget be and is hereby amended by transfer of a Contract Construction allocation of \$978,422.50 funded by GO Bonds-General from FY23 ADA Curb Ramp Coverline, project number PW22300 to Curb Ramp Group 66, project number PW23301 for the purpose stated above; and

BE IT FUTHER RESOLVED, that there be and is hereby appropriated the sum of \$978,422.50 funded by G.O. Bonds-General chargeable to the FY 2023 Capital Improvement Budget and credited as follows:

Project Title:	Curb Ramp Group 66
Project Number:	PW23301
Amount:	\$978,422.50