

ORDINANCE NO. _____

AN ORDINANCE TO RENAME THE WHITE STATION LIBRARY AS THE OFFICER
GEOFFREY REDD ~~MEMORIAL~~-LIBRARY

WHEREAS, the Memphis City Council seeks to honor the life and memory of Officer Geoffrey Redd, a beloved husband, father and son, well-respected and cherished member of the Memphis Police Department and veteran of the United States Marines, who lost his life in the line of duty; and

WHEREAS, Officer Redd brought his passion for honorable and distinctive service to his field training duties, where he ensured the next generation of Memphis Police officers were trained with the same dignity and intensity he had received in the Marines; he also served his community by being an active member and director of security for the Greater Community Temple Church of God in Christ.

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 rename the City of Memphis White Station Library at 5094 Poplar Avenue in the city of Memphis, Tennessee, in honor of Officer Geoffrey Redd in recognition of his heroism and great sacrifice in the service of others.

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

Section 1. The City of Memphis White Station Library at 5094 Poplar Avenue in the city of Memphis, Tennessee, and any replacement or successor facility, shall be renamed the “Officer Geoffrey Redd ~~Memorial~~-Library.”

Section 2. Upon passage of this ordinance, the newly named “Officer Geoffrey Redd ~~Memorial~~ Library” shall be memorialized with a new facility sign and a suitable memorial plaque inside the library, acknowledging the honor. Any costs associated with the construction or installation of the sign shall be incurred by the City of Memphis Engineering Division, and if necessary, the Engineering division shall bring a funding resolution before the City Council for consideration.

Section 3. The City of Memphis Division of Library Services shall make the appropriate arrangements to alter any media collateral and associated documentation to denote the name change to “Officer Geoffrey Redd ~~Memorial~~-Library.”

Section 4. 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 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.

SPONSORS

Dr. Jeff Warren
Ford Canale

CHAIRMAN

Martavius Jones

Chase Carlisle

Frank Colvett

Michalyn Easter-Thomas

Edmund Ford, Sr.

Cheyenne Johnson

Martavius Jones

Rhonda Logan

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ORDINANCE TO PROVIDE FOR POLICE REFORM, CODIFY POLICIES AND PROCEDURES FOR MEMPHIS POLICE OFFICERS RELATING TO TRAFFIC STOPS, USE OF FORCE, USE OF BODY CAMERAS, ANTI-PROFILING RULES, PERSONAL CONDUCT OF OFFICERS AND ESTABLISHING REPORTING REQUIRMENTS BY THE MEMPHIS POLICE DEPARTMENT FOR OFFICER MISCONDUCT AND INTERACTIONS WITH CITIZENS

WHEREAS, the wake of the interactions between Memphis Police Officers and the late Tyre Nichols, which led to his untimely and unfortunate death, the Memphis City Council has undertaken a review of MPD policies and procedures governing certain important activities involving interactions by such officers and the general public;

WHEREAS, the provisions of this Ordinance are not intended to inhibit legitimate police techniques to combat crimes against citizens nor are they intended to inhibit officers from using appropriate judgment and discretion in the performance of their duties and interactions with citizens and their fellow officers;

WHEREAS, the Council also recognizes that transparency in the policies MPD’s law enforcement officers are required to observe and obey when interacting with citizens is necessary to give citizens confidence that MPD’s law enforcement officers are truly committed to protecting and serving them;

WHEREAS, the Council has compiled and developed policies and procedures that cover the situations in which citizens often have interactions with police officers and to cover the activities of police officers that generate the most complaints for police misconduct.

NOW, THEREFORE, BE IT ORDAINED BY THE MEMPHIS CITY COUNCIL AS FOLLOWS:

SECTION 1 SHORT TITLE

This Ordinance may be cited as the “Tyre Nichols Justice in Policing Ordinance”.

SECTION 2 TRAFFIC STOPS

I. Stopping the Traffic Violator for Issuance of Ticket

1. Officers shall make a traffic stop for the purpose of taking an enforcement action only on reasonable suspicion that the occupant or occupants of a vehicle committed a motor vehicle violation or some other offense.
2. Officers may only use a marked law enforcement vehicle to stop traffic violators absent exigent circumstances. “Marked law enforcement vehicle” means a law enforcement vehicle equipped with: (A) At least one (1) light bar assembly designed to display more than one (1) steady burning, flashing, or revolving beam of light with three hundred sixty degrees (360°) visibility; (B) A horn, siren, electronic device, or exhaust whistle from

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which audible signals may sound; and (C) Graphics, markings, or decals clearly identifying MPD on at least three (3) of the following four (4) sides:

(i) Front; (ii) Rear; (iii) Left side; or (iv) Right side.

3. The following steps must be followed when stopping and approaching traffic violators and are intended to provide maximum safety for the officer, the violator, and others. Varying conditions regarding the engineering of the particular traffic artery, the urgency to stop the violator (drinking driver/ known or suspected felon), and the existing volume of traffic may require adjusting or altering the recommended procedure. These procedures are to be followed when possible, and are presented from the perspective that ideal conditions exist:
 - A. Once the determination has been made to stop the violator the officer should notify the dispatcher of the intended location of the traffic stop, license number, make of vehicle, model of vehicle, color of vehicle and number of occupants.
 - B. The officer should note the license number of the vehicle on a note pad, to be left inside the patrol vehicle if the dispatcher cannot be notified.
 - C. The officer should be thoroughly familiar with the area, and anticipate the appropriate location with ample space, appropriate lighting, and should avoid stops on hills, curves, intersections, private drives, and business locations which have limited parking spaces.
 - D. The officer should signal the violator to stop. This task should be accomplished by activating the blue light emergency system, hand signals, sounding horn, and if necessary sounding siren. These signals also alert other drivers of the intent of an officer and will usually facilitate securing the right of way for the stopping maneuver.
 - E. The violator should be signaled and directed to the right side of the roadway close to the curb, or onto the shoulder when feasible.
 - F. **On** multi-lane roadways, the officer should insure the safety of the violator during changes by gradually changing from lane to lane with violator until the right side of the roadway is reached.
 - G. Should the violator stop abruptly in the wrong lane or in another undesirable location, they should be promptly directed to move to a safer location. Officers should use the public address system to instruct violators to move to a safer location. If the officer's verbal directions and gestures are insufficient to bring understanding, the officer should exit from the patrol vehicle and give verbal instructions to the violator.
 - H. If the operator is suspected of drinking to the extent their driving abilities are impaired the violator should not be permitted to move their vehicle once it has stopped.
 - I. Once the violator has stopped in an appropriate location, the officer should position the patrol unit approximately 12 feet behind the violator's vehicle. The patrol unit should be positioned so that it will offer the officer some protection from oncoming traffic as well as cover from the violator. This position should be 2 feet outside and to the left of the violator's vehicle. This position provides maximum safety to the violator, the officer, and all other traffic. The patrol car should not be left blocking

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the lane of traffic once the violator has pulled from the roadway at the completion of the stop.

- J. The officer should exit from the patrol vehicle and be continuously alert for any suspicious movement or actions on part of the violator or other occupants in the violator's vehicle.
- K. The officer should approach from the rear of the violator's car, looking into the rear seat area, and stop at a point to the rear of the tailing edge of the driver's side door. This position should be maintained if there are only occupants in the front seat of the vehicle. From this position, the officer can communicate with the violator, keeping them in a slightly awkward position, and at the same time keep all occupants of the vehicle in view.
- L. In those cases where the violator's vehicle has occupants in both, the front and rear seats, the officer should approach to a point near the tailing edge of the rear driver's side door. From this position, the officer can communicate with the violator, keeping him in a slightly awkward position, and at the same time keeping all occupants of the vehicle in view.
- M. In those traffic stops made by two or three more officers, one officer should be responsible for all radio communications. During the traffic stop, all officers should dismount from the vehicle. At no time should the two officers approach the violator's vehicle side-by-side.

At night, the procedure is basically the same with the additional necessity of exercising caution in selecting an appropriate place for the traffic stop, signaling the violator and positioning the police vehicle. After the stop, the headlights should be on low beam for the safety of oncoming traffic, and emergency bar lights in use on patrol vehicle.

Officers may utilize a shining spotlight in rearview mirror of vehicle being stopped to make visibility in stopped vehicle clearer and offer better concealment for the officers.

II. Officer Violator Relations --Approaching the Traffic Violator

Once the officer has stopped the violator and approaches to a point where communications can begin, the following guidelines should be followed by the officer in terms of officer-violator relationships:

- A. Be absolutely certain the observations of the traffic violation were accurate, without reservation.
- B. Present a professional image in dress, grooming, language, bearing, and emotional stability.
- C. Be prepared for the contact by having necessary equipment and forms immediately available if they are to be used.
- D. Decide on the appropriate enforcement action based upon the observed violation not the violator's attitude. In most cases, it is advisable to have the form of enforcement action decided prior to initial contact with violator.
- E. GREET THE VIOLATOR WITH AN APPROPRIATE TITLE AND IN A COURTEOUS MANNER. ALWAYS BE MINDFUL OF HOW YOU ARE

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PERCEIVED AND HOW YOU WOULD WANT AN OFFICER TO TREAT A MEMBER OF YOUR FAMILY.

- F. Inform the violator of the traffic law they have violated for which the traffic stop was made and the intended enforcement action. This statement by the officer should be made at the time of initial communication with the violator in such a way that the statement can be recorded on the officer's body camera. All subsequent statements should also be recorded.
- G. Ask for the violator's operator's license, vehicle registration and insurance verification, and accept only these forms.
- H. If the operator has no driver's license, obtain another document of identification.
- I. Take the time to fully explain your actions and allow the operator to discuss the violation. Do not argue, berate, belittle, or otherwise verbally abuse the violator.
- J. Complete the forms required for the enforcement action taken or exercise a verbal warning.
- K. Explain to the violator exactly what they are supposed to do in response to the action taken. Upon issuance, officers will advise the motorists of the following:
 - 1. Court appearance
 - 2. Optional or mandatory nature of court appearance

Issuance of Traffic Tickets:

Tennessee law requires citations to be issued for traffic violations. **Arrest of a traffic violator is permitted only in exceptional situations**, such as when the violator refuses to sign the citation.

- A. Traffic citations should be issued to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, for violations including, but are not limited to, hazardous or non-hazardous violations, **operating unsafe and improperly equipped vehicles** and violating City traffic laws, such as speeding. If multiple infractions occur, check appropriate boxes or write in box provided on citation. WARNINGS, however, may be issued under following circumstances:
 - 1. There is a minor traffic infraction committed in those areas where traffic crash occurrences are minimal or non-existent.
 - 2. When the act may be due operation of an improperly equipped vehicle that does not under the circumstances jeopardize the safe and efficient flow of vehicular and pedestrian traffic
 - 3. Non-hazardous violations such as lack of illumination of a single brake light or head light, loosely secured but visible registration plate or any other minor mechanical violation.
 - 4. Or a violation of which the driver may not be aware.
- B. Traffic citations and traffic summons are to be issued only on public streets and roadways. Citations and summons are not to be issued on private property or upon public property, which is not a public street or roadway, except in the following circumstances:
 - 1. When the area in question has been designated as a restricted or prohibited parking zone. In such cases, only a traffic citation covering the specific parking violation should be issued.

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2. If an officer has observed an offender to be operating a vehicle on a public street or roadway and then pull onto private property, or onto public property, which is not a street or roadway, then the officer may follow that person onto said property and issue the citation.
3. Leaving the scene of a private property vehicle crash witnessed by the officer.

Arrests Incident To A Traffic Stop

A. To Be A Legal Arrest, The Officer Must:

1. Restrict the arrestee's freedom of movement, **AND**
2. Tell the arrestee they are under arrest.

B. Officers may arrest a driver, based on probable cause, for state misdemeanor charges in the following circumstances:

1. Whenever, from personal investigation of the scene, driver's statements, or witness statements, there is probable cause to believe the defendant violated Tennessee Code Title 55, Chapter 8 or 10, **and** the vehicle crash resulted in personal injury or property damage over \$1,000.00 (TCA 40-7-103).
2. Whenever, from personal investigation at the scene, there is probable cause to believe a driver has committed D.U.I. regardless of personal injury or property damage **and** such person is arrested within four (4) hours of being transported to a medical facility or within four (4) hours of leaving the scene of the accident.

C. Officers **SHALL** arrest a driver without a warrant, if the driver is involved in an accident resulting in serious bodily injury or death and the driver:

1. Does not have a valid driver license, **AND**
2. Does not have evidence of financial responsibility. (TCA 55-10-119)

D. Justification to support using force to remove non-compliant individuals from a vehicle given the following conditions:

1. A lawful stop or detention has been made;
2. The officer has articulable reasonable suspicion/probable cause that the person may have committed a crime or safety concerns exist to order the driver from their vehicle;
3. The driver has been ordered to exit their vehicle;
4. The driver refuses to exit their vehicle;
5. The officer has called for Back-Up and a Supervisor to make the scene;
6. The driver has been advised of probable cause arrest;
7. The driver has been advised or warned that force will be used to remove driver;
8. Minimum amount of force necessary is used to remove driver from the vehicle; and
9. A physical arrest of the driver has been made.

It is critical to note that officers must articulate reason for removing said driver from

vehicle. Absent any other articulable justification, officers shall not use force to remove individuals from vehicles.

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- E. When an officer investigating a vehicle crash cannot establish reasonable and probable grounds to substantiate a charge the officer is only authorized to file a report of the interaction.

III. Searches Incident To A Traffic Stop

Searches can only be conducted after an arrest, but not when a traffic citation is issued. A search is not allowed incident to a traffic citation. If an officer has articulable facts to support a reasonable belief that the traffic offender poses a present danger to the officer's safety then the officer may frisk the traffic offender. The articulable facts supporting the frisk should be stated to the traffic offender on the record.

The arrest of an occupant of a motor vehicle does not automatically authorize a search of the motor vehicle incident to that arrest. Only two situations authorize a search of the interior of a motor vehicle incident to the arrest of an occupant.

One, the motor vehicle can be searched if the arrested occupant or other non-arrested occupants are unrestrained and within reach of the motor vehicle.

Two, the motor vehicle can be searched if it could contain evidence related to the crime the occupant was arrested for, such as robbery, theft or DUI. **However, if the arrest crime could not have evidence related to it, such as driving while license revoked, the search of the motor vehicle incident to that arrest would not be lawful.**

There are lawful ways to search a motor vehicle other than search incident to arrest. Consent, inventory and probable cause to believe the motor vehicle contains seizable items are all lawful search methods if the appropriate facts are present.

If an officer makes an arrest of a traffic offender in bad faith or as a scheme to conduct an otherwise unlawful search, the search may be ruled illegal and the case would be lost.

IV. Possession Of Weapons By Persons Subject To A Traffic Stop

THIS POLICY SECTION IS UNDER REVIEW 7-01-21

An officer who comes in contact with a person in possession of a weapon should use caution and good judgment. Individuals may lawfully carry a knife or switchblade of any length and a handgun with a valid permit. A person commits an offense who **possesses any deadly weapon with the intent to employ it** during the commission of, attempt to commit, or escape from any offense.

Individuals exercising their right to carry or possess a firearm in a vehicle should not be subject to investigatory detention unless an officer has reasonable suspicion that the aforementioned individual has committed or is about to commit a crime (i.e. the firearm is removed from the vehicle or brandished towards someone). The officer may take control of the firearm and then determine whether the individual is carrying the firearm legally as part of the officer's investigation into suspected criminal activity. However, this does not prevent an officer from approaching an individual possessing a firearm in a vehicle for the purpose of engaging them in voluntary conversation regarding the circumstances of the carry.

Carrying or possessing a firearm or firearm ammunition in a motor vehicle is legal if the person is not prohibited from possessing or receiving a firearm **and the person is in lawful**

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possession of the motor vehicle. Passengers may not lawfully carry or possess a firearm without a permit, unless they are the registered owner of the vehicle.

Persons may not legally carry or possess a firearm or ammunition if any of the following conditions apply:

1. The person has a domestic violence conviction; (check JSSI, Communications)
2. The person is under indictment or pending indictment for a felony; (check Fugitive)
3. The person is a convicted felon (verify); (check JSSI, Communications - III)
4. The person is the subject of an order of protection or ex parte order; (check Communications, Fugitive)
5. Bail/ bond conditions prevent possession; (check Fugitive)
6. The person is a fugitive from justice; (check Fugitive, Communications)
7. The person has a dishonorable discharge from the military; (check Communications)
8. The person is a mental consumer;
9. The person is under the influence drugs/alcohol;
10. The firearm is prohibited, stolen, or the serial number is obliterated; (check Communications)
11. The individual is a juvenile or undocumented immigrant;
12. The firearm is possessed on school property;
13. The person is a driver of a vehicle provided by a government/private entity for the course of employment and that entity prohibits its drivers from carrying or possessing firearms or ammunition in their vehicle(s).

The following steps will assist officers in conducting field interviews and investigations.

1. Determine ownership of the vehicle and check the firearm to determine if it is stolen.
2. Determine ownership of the weapon.
 - In a situation where there are multiple occupants in a vehicle and no one claims ownership of a firearm, officers should make an arrest **if it is determined** that the owner is in unlawful possession of the firearm. Have all occupants of the vehicle complete Rights Waiver Forms and tag the firearm and Rights Waiver Forms as evidence.
 - If ownership cannot be determined, officers should take a memo, have all occupants' complete Rights Waiver forms, and tag the firearm as found property.
 - If an occupant is transported to a bureau for further investigation, the investigator will complete the Rights Waiver Form. (Rights Waiver questions may be incorporated into a Defendant Statement.) Scene officers will still complete Rights Waiver forms for all occupants not transported to a bureau.
3. Check each person for warrants and contact Fugitive concerning bail/bond conditions.
4. Contact an investigator 170 N. Main and have them request a criminal history check (Triple I/III) from Communications. The criminal history will advise if the person has been convicted of a crime or offense that prevents them from possessing a firearm by 18 U.S.C. 922(g). South Main GIB (or Economic Crimes) should be contacted during daytime business hours (B shift). Felony Response should be contacted after hours (C, D, and A shifts).

Once the investigation has concluded and there are no known felony convictions in any jurisdiction (which would require the seizure of the weapon and arrest of the individual as a convicted felon) the subject should be released and their weapon returned without further action.

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Officers should not allow a legal weapon to remain in a vehicle that is not under the direct control of a person designated by the weapon's owner. That designee must be at least 18 years of age, not legally prohibited from possessing the weapon, and otherwise competent to safeguard the weapon.

If a firearm is tagged, the owner should be advised to contact the Legal Advisor's Office (901-636-3718) concerning the release of the weapon.

SECTION 3 GENERAL RULES OF CONDUCT MEMPHIS POLICE OFFICERS

The following Rules of Conduct apply to all members of the Memphis Police Department at all times including during the performance of duties incident to Traffic Stops:

- 1) Members must comply with all the stated policies, rules, regulations, orders, or directives of the Department.
- 2) A member shall not aid, abet, or incite another member to violate departmental regulations, duties, orders, policies or prescribed procedures.
- 3) A member shall act in accord with the constitution, statutes, ordinances, administrative regulations and the official interpretations thereof, of the United States, the State of Tennessee, the County of Shelby, and the City of Memphis.
- 4) A member shall be courteous, civil, and respectful in his/her conduct and manner towards all persons.
- 5) A member shall not be humiliate, ridicule or taunt any person. The use of coarse, profane, vulgar, racial, derogatory, or discourteous language to any other member or any citizen is prohibited, unless extenuating circumstances exist for the use of such language.
- 6) A member shall at all times consider it his or her duty to be of service to anyone in danger or distress and shall neither discriminate against nor show partiality for any person because of race, sex, religion, friendship, fraternal or social affiliations, or for any reason.
- 7) A member must present their current photo ID card upon request by any citizen or by any MPD or a Supervisor unless such action is likely to jeopardize the successful completion of a police assignment or undercover operation.
- 8) A member shall give their name, rank, badge number, or other identifiable information when so requested by other members of the Department or by a private citizen who has a legitimate need for the information, unless such action is likely to jeopardize the successful completion of a police assignment or undercover operation.
- 9) Any member who directly observes another member engaged in dangerous or criminal conduct or abuse of a subject shall take reasonable action to intervene.
- 10) A member shall immediately report to the Department any violation of policies and regulations or any other improper conduct which is contrary to the policy, order or directives of the Department. For sworn employees this reporting requirement also applies to allegations of uses of force not yet reported.
- 11) A member shall not use or direct violence, abuse, force, or threats against, or otherwise intimidate any person or member of this department.
- 12) A member shall not abuse their authority or official position in order to embarrass, degrade, oppress, torment, sexually harass, discriminate predicated on gender, or persistently without due cause take action against any person to prevent that person from exercising lawful or constitutionally protected conduct or exercising the same.

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- 13) Under no circumstances will more than two police vehicles gather at any location at the same time unless:
 - They are answering a call for **service**;
 - They are on official police business; or
 - They have received a supervisor's approval.
- 14) Members shall not, under any circumstances, erase or delete, or instruct or require any other person to erase or delete, any recorded images or sounds from any camera or other recording device that is or was in the possession of a citizen or non-member, or that has been voluntarily turned over or seized for law enforcement purposes.
- 15) Members shall maintain cameras and other recording devices that are in Department custody so that they can be returned to the owner intact with all images or recordings undisturbed in a timely manner. In the case that a recording in the Department's custody is considered contraband or has been determined to be contraband by the AG's office, the recording and/or device will not be returned.
- 16) Officers shall never use excessive force, unnecessary force or any force or violence that is unprovoked, needless, or not required during performance of their duties when making an arrest or in dealing with a prisoner or any person, as is the case of deadly force to protect property as contrasted with protecting life.

SECTION 4 USE OF FORCE BY MPD LAW ENFORCEMENT OFFICERS.—

(1) DEFINITIONS.—In this subsection:

(A) DEESCALATION TACTICS AND TECHNIQUES.—The term “deescalation tactics and techniques” means proactive actions and approaches used by a MPD law enforcement officer to stabilize the situation so that more time, options, and resources are available to gain a person’s voluntary compliance and reduce or eliminate the need to use force, including verbal persuasion, warnings, tactical techniques, slowing down the pace of an incident, waiting out a subject, creating distance between the officer and the threat, and requesting additional resources to resolve the incident.

(B) NECESSARY.—The term “necessary” means that another reasonable MPD law enforcement officer would objectively conclude, under the totality of the circumstances, that there was no reasonable alternative to the use of force.

(C) REASONABLE ALTERNATIVES.—

(i) IN GENERAL.—The term “reasonable alternatives” means tactics and methods used by a MPD law enforcement officer to effectuate an arrest that do not unreasonably increase the risk posed to the law enforcement officer or another person, including verbal communication, distance, warnings, deescalation tactics and techniques, tactical repositioning, and other tactics and techniques

intended to stabilize the situation and reduce the immediacy of the risk so that more time, options, and resources can be called upon to resolve the situation without the use of force.

(ii) **DEADLY FORCE.**—With respect to the use of deadly force, the term “reasonable alternatives” includes the use of less lethal force.

(D) **TOTALITY OF THE CIRCUMSTANCES.**—The term “totality of the circumstances” means all credible facts known to the MPD law enforcement officer leading up to and at the time of the use of force, including the actions of the person against whom the MPD law enforcement officer uses such force and the actions of the MPD law enforcement officer.

(E) **DEADLY/EXCESSIVE FORCE.**—The term “deadly force” and/or excessive force means that force which a reasonable person would consider likely to cause death or serious bodily harm, including—

- a. the discharge of a firearm;
- b. a maneuver that restricts blood or oxygen flow to the brain, including chokeholds, strangleholds, neck restraints, neck holds, and carotid artery restraints; and
- c. multiple discharges of an electronic control weapon.

(F) **USE OF FORCE.**—The term “use of force” includes—

- a. the use of a firearm, electronic control weapon, explosive device, chemical agent (such as pepper spray), baton, impact projectile, blunt instrument, hand, fist, foot, canine, or vehicle against an individual;
- b. the use of a weapon, including a personal body weapon, chemical agent, impact weapon, extended range impact weapon, sonic weapon, sensory weapon, conducted energy device, or firearm, against an individual; or
- c. any intentional pointing of a firearm at an individual.

LESS LETHAL FORCE.—The term “less lethal force” means any degree of force that is not likely to cause death or serious bodily injury.

(2) **PROHIBITION ON LESS LETHAL FORCE.**—A MPD law enforcement officer may not use any less lethal force unless—

(A) the form of less lethal force used is necessary and proportional in order to effectuate an arrest of a person who the officer has probable cause to believe has committed a criminal

offense; and

(B) reasonable alternatives to the use of the form of less lethal force have been exhausted.

(3) PROHIBITION ON DEADLY/EXCESSIVE USE OF FORCE.—
A MPD law enforcement officer may not use deadly force against a person unless—

(A) the form of deadly or excessive force used is necessary, as a last resort, to prevent imminent and serious bodily injury or death to the officer or another person;

(B) the use of the form of deadly or excessive force creates no substantial risk of injury to a third person; and

(C) reasonable alternatives to the use of the form of deadly or excessive force have been exhausted.

(4) REQUIREMENT TO GIVE VERBAL WARNING.—When feasible, prior to using force against a person, a MPD law enforcement officer shall identify himself or herself as a MPD law enforcement officer, and issue a verbal warning to the person that the MPD law enforcement officer seeks to apprehend, which shall—

(A) include a request that the person surrender to the law enforcement officer;

and

(B) notify the person that the law enforcement officer will use force against the person if the person resists arrest or flees.

(5) DUTY TO INTERVENE AND REPORT.--MPD law enforcement officers shall have a duty to intervene in cases where another law enforcement officer is using excessive force against a civilian and to report any such incidents to.

(6) REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Beginning in the six (6) months after the date of enactment of this Ordinance and each fiscal year thereafter MPD shall—

(A) report to the Mayor and the Memphis City Council, on a quarterly basis information regarding—

a) any incident involving the use of deadly force against a civilian by a MPD law enforcement officer and any reported interventions by other MPD law enforcement officers related thereto;

(ii) any incident involving the shooting of a local law enforcement officer or by a civilian;

(iii) any incident involving the death or arrest of a local law enforcement;

(iv) any incident during which use of force by or against a local law enforcement officer which is not reported under clause (i), (ii), or (iii);

(v) deaths in custody; and

(vi) uses of force in arrests and booking;

(B) establish a system and a set of policies to ensure that all use of force incidents and related interventions are reported by MPD law enforcement officers; and

(2) ADDITIONAL REPORT INFORMATION REQUIRED.—

(A) IN GENERAL.—The report required under paragraph (1)(A) shall also contain information that includes, at a minimum—

(i) the national origin, sex, race, ethnicity, age, disability, English language proficiency, and housing status of each civilian against whom a MPD law enforcement officer used force;

(ii) the date, time, and location, including whether it was on school grounds, and the zip code, of the incident and whether the jurisdiction in which the incident occurred allows for the open-carry or concealed-carry of a firearm;

(iii) whether the civilian was armed, and, if so, the type of weapon the civilian had;

(iv) the type of force used against the officer, the civilian, or both, including the types of weapons used;

(v) the reason force was used;

(vi) a description of any injuries sustained as a result of the incident;

(vii) the number of officers involved in the incident;

(viii) the number of civilians involved in the incident; and

(ix) a brief description regarding the circumstances surrounding the incident, which shall include information on—

a) the type of force used by all involved persons;

b) the legitimate police objective necessitating the use of force;

c) the resistance encountered by each MPD law enforcement officer involved in the incident;

d) the efforts by MPD law enforcement officers to—

(aa) de-escalate the situation in order to avoid the use

of force; or (bb) minimize the level of force used;

and

e) if applicable, the reason why efforts described in subclause (d) were not attempted.

SECTION 5 RACIAL PROFILING.-

(A) The term "racial profiling" means the practice of a law enforcement officer relying, to any degree, on actual or perceived race, ethnicity, national origin, religion, gender, gender identity, or sexual orientation in selecting which individual to subject to routine or spontaneous investigatory activities or in deciding upon the scope and substance of law enforcement activity following the initial investigatory procedure, except when there is trustworthy information, relevant to the locality and timeframe, that links a person with a particular characteristic described in this paragraph to an identified criminal incident or scheme.

(B) The term "routine or spontaneous investigatory activities" means the following activities by a law enforcement officer:

(C) Interviews.

(D) Traffic stops.

(E) Pedestrian stops.

(F) Frisks and other types of body searches.

(G) Consensual or nonconsensual searches of the persons, property, or possessions (including vehicles) of individuals using any form of public or private transportation, including motorists and pedestrians.

(H) Data collection and analysis, assessments, and predicated investigations:

- (a) MPD shall maintain adequate policies and procedures that prohibit racial profiling and are designed to cease existing practices that permit racial profiling.
- (b) The policies and procedures described in subsection (b)1) shall include:
 - 1) a prohibition on racial profiling;
 - 2) procedures for receiving, investigating, and responding meaningfully to complaints alleging racial profiling by law enforcement officers;
 - 3) any other policies and procedures the Police Chief/Director determines to be necessary to eliminate racial profiling by MPD law enforcement officers; and

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- 4) provide for the collection of data on all routine and spontaneous investigatory activities, which collected data shall ;
 - (A) be disaggregated by race, ethnicity, national origin, gender, disability, and religion;
 - (B) include the date, time, and location of such investigatory activities;
 - (C) include detail sufficient to permit an analysis of whether a law enforcement officer has or is engaging in racial profiling; and
 - (D) not include personally identifiable information;
- (c) the Director/Chief of MPD shall establish a training program for MPD law enforcement officers to cover racial profiling, implicit bias, and procedural justice
- (d) Not later than six (6) months after the date of enactment of this Ordinance, and annually thereafter, MPD shall submit to the Mayor and the Chairman of the Memphis City Council a report on racial profiling by MPD law enforcement officers, which shall include:
 - (A) a summary of data collected under subsection (b)(5) and from any other reliable source of information regarding racial profiling in the City of Memphis;
 - (B) the status of the adoption and implementation of policies and procedures by MPD under subsection (b);
 - (C) the status of the adoption and implementation of training programs by MPD under subsection (c);
 - (D) a description of any other policies and procedures that the Director/Chief of MPD believes would facilitate the elimination of racial profiling.

SECTION 6 TRAINING ON RACIAL BIAS AND DUTY TO INTERVENE AND REPORT.

- (a) **IN GENERAL.**—The Director/Chief of MPD shall establish a training program for MPD law enforcement officers that covers racial profiling, implicit bias, and procedural justice; and the discharge by MPD law enforcement officers of the duty to intervene and report in cases where another law enforcement officer is using excessive force against a civilian.
- (b) **MANDATORY TRAINING FOR MPD LAW ENFORCEMENT OFFICERS.**—The Director/Chief of MPD shall require each MPD law enforcement officer to complete the training programs established under subsection (a).

SECTION 7 BODY CAMERAS

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(a) USE OF BODY CAMERAS

(1) MPD law enforcement officers shall wear a body camera.

(2) REQUIREMENTS FOR BODY CAMERAS.—A body camera required under paragraph (1) shall—

(A) have a field of view at least as broad as the officer's vision; and

(B) be worn in a manner that maximizes the camera's ability to capture video footage of the officer's activities.

(b) REQUIREMENT TO ACTIVATE.—

(1) IN GENERAL.—Both the video and audio recording functions of the body camera shall be activated whenever a MPD law enforcement officer is responding to a call for service or at the initiation of any other law enforcement or investigative stop between a MPD law enforcement officer and a member of the public, except that when an immediate threat to the officer's life or safety makes activating the camera impossible or dangerous, the officer shall activate the camera at the first reasonable opportunity to do so.

(2) ALLOWABLE DEACTIVATION.—The body camera shall not be deactivated until the stop has fully concluded and the MPD law enforcement officer leaves the scene.

(3) The term “enforcement or investigative stop” means an action by a MPD law enforcement officer in relation to enforcement and investigation duties, including traffic stops, pedestrian stops, abandoned vehicle contacts, motorist assists, commercial motor vehicle stops, roadside safety checks, requests for identification, or responses to requests for emergency assistance.

(c) NOTIFICATION OF SUBJECT OF RECORDING.—A MPD law enforcement officer who is wearing a body camera shall notify any subject of the recording that he or she is being recorded by a body camera as close to the inception of the stop as is reasonably possible.

(d) EXCEPTIONS—Notwithstanding subsection (d), the following shall apply to the use of a body camera:

(1) Prior to entering a private residence without a warrant or in non-exigent circumstances, a MPD law enforcement officer shall ask the occupant if the occupant wants the officer to discontinue use of the officer's body camera. If the occupant responds affirmatively, the MPD law enforcement officer shall immediately discontinue use of the body camera.

(2) When interacting with an apparent crime victim, a MPD law enforcement officer shall, as soon as practicable, ask the apparent crime victim if the apparent crime victim wants the officer to discontinue use of the officer's body camera. If the apparent crime victim responds affirmatively, the MPD law enforcement officer shall

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immediately discontinue use of the body camera.

(3) When interacting with a person seeking to anonymously report a crime or assist in an ongoing law enforcement investigation, a MPD law enforcement officer shall, as soon as practicable, ask the person seeking to remain anonymous, if the person seeking to remain anonymous wants the officer to discontinue use of the officer's body camera. If the person seeking to remain anonymous responds affirmatively, the MPD law enforcement officer shall immediately discontinue use of the body camera.

(e) RECORDING OF OFFERS TO DISCONTINUE USE OF BODY CAMERA.—Each offer of a MPD law enforcement officer to discontinue the use of a body camera made pursuant to subsection (d), and the responses thereto, shall be recorded by the body camera prior to discontinuing use of the body camera.

(f) ENFORCEMENT.—

(A) IN GENERAL.—If any MPD law enforcement officer, or any employee or agent of MPD fails to adhere to the recording requirements of this section or intentionally interferes with a body camera's ability to accurately capture video footage, or otherwise manipulates the video footage captured by a body camera during or after its operation appropriate disciplinary action shall be taken against the individual officer, employee, or agent;

(B) PROOF COMPLIANCE WAS IMPOSSIBLE.—The disciplinary action requirement may be overcome by contrary evidence or proof of exigent circumstances that made compliance impossible. The non-compliant officer, or any employee or agent of MPD who is wearing a body-worn camera shall be required to provide an explanation if an activity that is required to be recorded by the body-worn camera is not recorded.

(g) DATA COLLECTION AND REPORTING REQUIREMENTS FOR MPD

MPD shall collect and report to the Mayor and the Memphis City Council statistical data during any reporting period on—

- (1) The number of incidences that a MPD law enforcement officer, or any employee or agent of MPD was disciplined pursuant to paragraph A hereof and the discipline imposed in each instance.
- (2) The number of incidences during the reporting period that a MPD law enforcement officer, or any employee or agent of MPD was not disciplined pursuant to paragraph A hereof and the reason(s) why discipline was not imposed in each instance.
- (3) The number and disposition of complaints against MPD law enforcement officers, or any employees or agents of MPD for failing to adhere to the recording requirements for body cameras, intentionally interfering with a body camera's ability to accurately capture video footage, or otherwise

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manipulating the video footage captured by a body camera during or after its operation.

- (4) The number of MPD law enforcement officers who have been promoted to the rank of Captain and above with any history of discipline for failing to adhere to the recording requirements for body cameras, intentionally interfering with a body camera's ability to accurately capture video footage, or otherwise manipulating the video footage captured by a body camera during or after its operation.

SECTION 8 INDEPENDENT AUDIT AND OF MPD TRAINING PROGRAMS

The Police Chief/Director shall conduct an audit annually of the training programs and techniques taught to police recruits and police officers to assess whether such training is in accordance with Tennessee law and best practices. The audit shall be conducted by an independent third party with expertise in police training to be selected by the Chief of Police and the Mayor. The party selected **and the professional services contract shall be approved by the Memphis City Council.** Police Chief/Director shall prepare and present a report to the Mayor and Members of the Memphis City Council that addresses any recommendations by the expert and the effectiveness or lack thereof regarding compliance by MPD law officers with their obligations against use of excessive/deadly force, racial bias and profiling, misuse of body cameras and failures to intervene and/or report.

SECTION 9 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 10 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

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CHAIRMAN

Martavius Jones

ORDINANCE TO AMEND THE MEMPHIS CITY COUNCIL MEETING DATES FOR 2023

WHEREAS, Referendum Ordinance 4274, approved by the citizens of Memphis on November 8, 1994, amended the Council’s meeting dates to the first and third Tuesdays of each month; and

WHEREAS the Council wishes to approve the 2023 meeting dates.

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council will conduct its regular meetings on the following Tuesdays of each month:

January 10	January 24
February 7	February 21
March 7	March 21
April 11	April 25
May 2	May 16
June 6 June 13	June 20 June 27
July 11	July 25
August 8	August 22
September 12	September 26
October 10	October 24
November 7	November 21
December 5	December 19

Sponsor:
Chase Carlisle



RESOLUTION approving the Engineering plans for:
Shady Grove Median Enhancement
and accepting Bond as security

WHEREAS, **Poplar Corridor Business District Association of Owners**, is the Developer of a certain property within the present limits of the City of Memphis, located at Ridgeway Road and Shady Grove Road in Memphis, Tennessee.

and

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

and

WHEREAS, attached hereto is a standard improvement contract entered into by and between **Poplar Corridor Business District Association of Owners**, and the City of Memphis 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 engineering plans for **Shady Grove Median Enhancement** are hereby approved.

BE IT FURTHER RESOLVED, that the proper official be and are hereby authorized to execute the attached standard improvement contract and accept **Performance Bond No. 107640079** in the amount of **\$2,321,700.00** as security for project



RESOLUTION terminating public improvements for
[CR#5288] 235 Union Avenue
and authorizes **release of Bond**

WHEREAS, **Hospitality Builders of America, Inc.**, the Developer, has requested termination of the public improvement contract within the present limits of Memphis, entitled **[CR#5288] 235 Union Avenue**, located at the southwest corner of the intersection at Union Avenue and Fourth Street, in Memphis Tennessee.

and

WHEREAS, all of the public improvements, required by the Standard Improvement Contract for the project, are confirmed to have not yet begun.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Memphis, that the termination of the public improvement contract **[CR#5288] 235 Union Avenue** and the termination of the public improvements therein, be and the same, are hereby accepted by the City.

BE IT FURTHER RESOLVED, that the **Performance Bond No. 9066301**, in the amount of **\$32,500.00**, held as security for the Standard Improvement Contract, is **hereby ordered released**.



RESOLUTION accepting public improvements for
Stonebriar PD Phase 10 [CR#5370]
and authorizes **release of Bond**

WHEREAS, **Stonebriar Holdings, LLC.**, is the Developer of certain property within the present limits of Shelby County, shown on the engineering plans entitled **Stonebriar PD Phase 10 [CR#5370]**, located on the west side of Meadowbriar Trail and Stone Arch Place/Bridalbrook Lane intersections, in Shelby County, 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 **Stonebriar PD Phase 10 [CR#5370]** and the completion of the public improvements therein, are and the same, are hereby accepted by the City.

BE IT FURTHER RESOLVED, that the **Pinnacle Bank Letter of Credit No. 9066301**, in the amount of **\$175,700.00** and held as security for the Standard Improvement Contract, is **hereby ordered released.**

**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 5. 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 States 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

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.

SUBSTITUTE ORDINANCE NO. 5849

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) Where the violation is only related to the location of the Temporary Registration Permit, but the permit is otherwise clearly displayed in the rear window.
 - (c) Where the violation only pertains to a Registration Plate, not securely fastened to the vehicle, but such plate is otherwise clearly displayed.
 - (d) 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; and
 - (e) Loosely Secured Bumpers.
- 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. _____

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 Swearngen-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.