

## Memphis City Council Summary Sheet

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

AN ORDINANCE TO AMEND TITLE 6, CHAPTER 92 OF THE CODE OF ORDINANCES FOR THE CITY OF MEMPHIS, TO EXTEND THE SUNSET CLAUSE FOR THE EQUAL BUSINESS OPPORTUNITY PROGRAM

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

ADMINISTRATION

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

CHANGE TO AN EXISTING ORDINANCE

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

This will impact all council districts and super districts.

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

This does not require a new contract.

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

N/A

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

There are no MWBE goals associated with this Resolution.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND TITLE 6, CHAPTER 92 OF THE CODE OF ORDINANCES FOR THE CITY OF MEMPHIS, TO EXTEND THE SUNSET CLAUSE FOR THE EQUAL BUSINESS OPPORTUNITY PROGRAM**

**WHEREAS**, a study of available data, including data maintained by the City of Memphis and other public agencies, data gathered from a survey of businesses in the Memphis MSA, and other commercially available data regarding the economic opportunities available to businesses in the Memphis MSA was conducted by Griffin and Strong, P.C. in 2016, concluding in the City of Memphis Minority and Women Business Enterprise Program Disparity Study and Legal Analysis (the "Disparity Study");

**WHEREAS**, the Memphis City Council passed an amendment to Ordinance No. 5662 in 2017 to implement the Equal Business Opportunity Program, consistent with certain findings based on the Disparity Study, legal analysis report and other data relative to the business opportunities available to Minority and Women Businesses in the Memphis Metropolitan Statistical Area (MSA);

**WHEREAS**, pursuant to Memphis City Code Section Title 6, Chapter 92, Section 7(R)(3), the Equal Opportunity Program contains a sunset clause, which was originally June 30, 2021, but was amended on June 21, 2021, pursuant to Ordinance 5787, to extend the sunset clause by two (2) years as follows: "This chapter shall sunset on June 30, 2023, unless prior to such date the city council, after conducting public hearings, finds that the purposes of this chapter have not yet been achieved, in which case it may extend the effective period of this chapter for an additional five years";

**WHEREAS**, the sunset clause operates as a mechanism to facilitate a periodic review process to assess and support the need for the Equal Business Opportunity program; and

**WHEREAS**, the City seeks to continue the Equal Business Opportunity programming, and has retained Griffin and Strong, P.C. to perform and to conduct a new Disparity Study as part of its periodic review process to assess the continued need for the Equal Business Opportunity program; and

**WHEREAS**, Griffin and Strong has begun work on the new Disparity Study but will not be able to complete its review and analysis prior to the expiration of the sunset clause;

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS** that the sunset clause set forth in Section 6-92-7(R)(3) be extended for a period of one (1) year to June 30, 2024 and that Section 6-92-7(R)(3) of the Code of Ordinances be repealed and deleted in its entirety and the following be inserted in lieu thereof:

"This chapter shall sunset on June 30, 2024, unless prior to such date the city council, after conducting public hearings, finds that the purposes of this chapter have not yet been achieved, in which case it may extend the effective period of this chapter for an additional five years."

Sponsor: Administration

**CITY OF MEMPHIS  
COUNCIL AGENDA CHECK OFF SHEET**

Planning & Development  
DIVISION

ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS

Planning & Zoning COMMITTEE: 5/02/2023  
DATE  
PUBLIC SESSION: 5/02/2023  
DATE

ITEM (CHECK ONE)

ORDINANCE       RESOLUTION       REQUEST FOR PUBLIC HEARING

ITEM CAPTION:      Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located at the northwest corner of N Front Street and A.W. Willis Avenue. By taking the land out of the Heavy Industrial (IH) Use District and including it in the Mixed Use (MU) Use District, known as case number Z 23-003

CASE NUMBER:      Z 23-003

LOCATION:      463 N Front Street – Northwest corner of N Front Street and A.W. Willis Avenue

COUNCIL DISTRICTS:      District 7 and Super District 8

OWNER/APPLICANT:      Ashaif Enterprises, LLC/ Ashaif Enterprises, LLC

REPRESENTATIVES:      Cindy Reaves on behalf of SR Consulting, LLC

REQUEST:      Rezoning of +/-0.506 acres from Heavy Industrial (IH) to Mixed Use (MU)

RECOMMENDATION:      The Division of Planning and Development recommended *Approval*  
The Land Use Control Board recommended *Approval*

RECOMMENDED COUNCIL ACTION:      **Public Hearing Required**  
Set date for first reading – April 11, 2023  
Second reading – April 25, 2023  
Third reading – May 2, 2023

**PRIOR ACTION ON ITEM:**

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
<u>03/9/2023</u>	DATE
(1) Land Use Control Board	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

**FUNDING:**

(2) _____	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____	AMOUNT OF EXPENDITURE
\$ _____	REVENUE TO BE RECEIVED

**SOURCE AND AMOUNT OF FUNDS**

\$ _____	OPERATING BUDGET
\$ _____	CIP PROJECT # _____
\$ _____	FEDERAL/STATE/OTHER

**ADMINISTRATIVE APPROVAL:**

	<u>DATE</u>	<u>POSITION</u>
<u>Kendra Cobbs</u>	<u>3/30/2023</u>	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
<u>Burt Ryan</u>	<u>3/30/23</u>	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	<b>CHIEF ADMINISTRATIVE OFFICER</b>
_____	_____	<b>COMMITTEE CHAIRMAN</b>



## Memphis City Council Summary Sheet

### **Z 23-003**

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT THE NORTHWEST CORNER OF N FRONT STREET AND A.W. WILLIS AVENUE. BY TAKING THE LAND OUT OF THE HEAVY INDUSTRIAL (IH) USE DISTRICT AND INCLUDING IT IN THE MIXED USE (MU) USE DISTRICT, KNOWN AS CASE NUMBER Z 23-003

- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby County Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.



## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, March 9, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** Z 23-003

**LOCATION:** 463 N Front Street – Northwest corner of N Front Street and A.W. Willis Avenue

**COUNCIL DISTRICT(S):** District 7 and Super District 8

**OWNER/APPLICANT:** Ashaif Enterprises, LLC/ Ashaif Enterprises, LLC

**REPRESENTATIVE:** Cindy Reaves on behalf of SR Consulting, LLC

**REQUEST:** Rezoning of +/-0.506 acres from Heavy Industrial (IH) to Mixed Use (MU)

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**The following spoke in support of the application:** None

**The following spoke in opposition of the application:** None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval of the application.

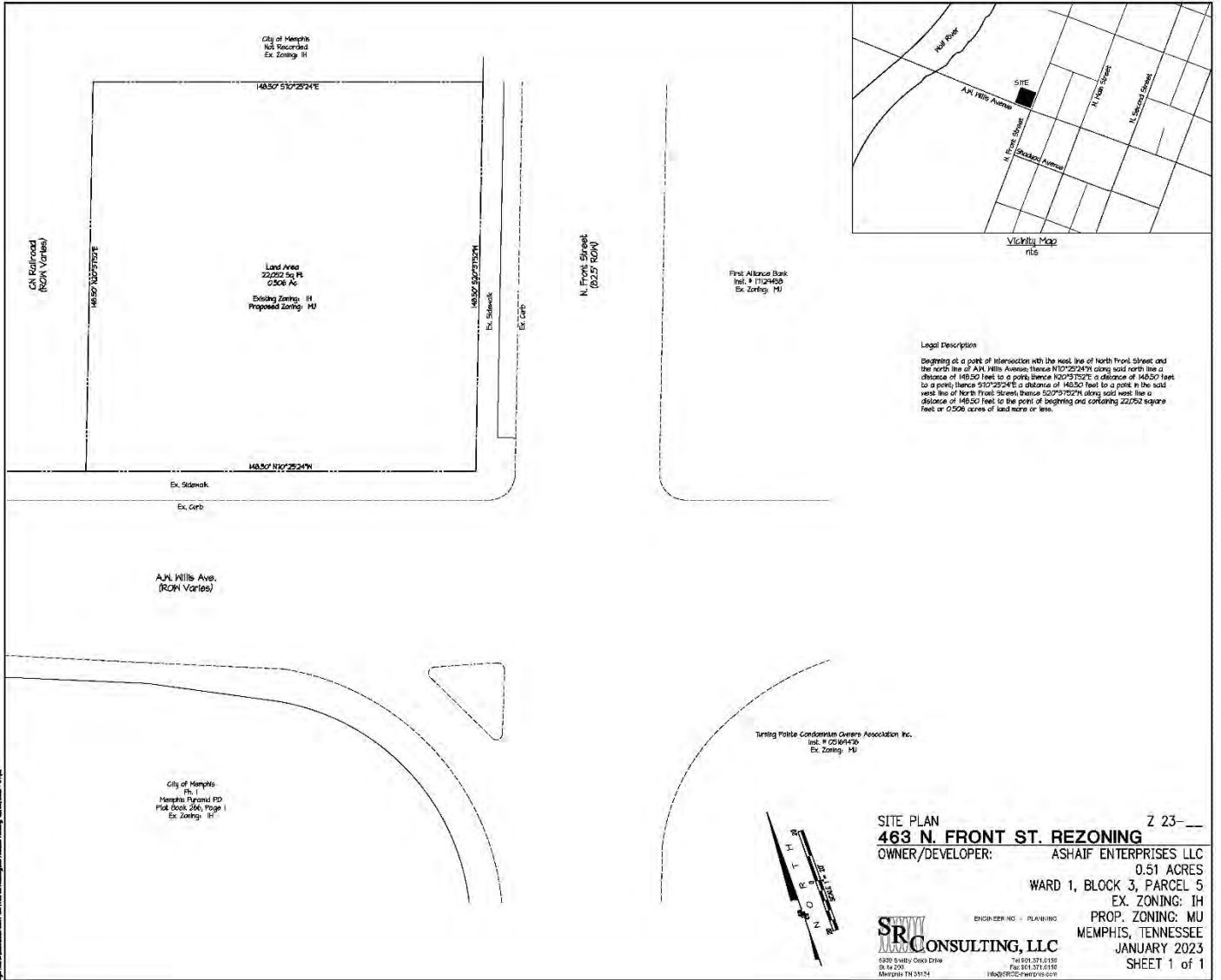
**The motion passed by a unanimous vote of 9-0 on the consent agenda.**

Respectfully,  
*Kendra Cobbs*

Kendra Cobbs, AICP  
Planner III  
Land Use and Development Services  
Division of Planning and Development

Cc: Committee Members  
File

# PLOT PLAN



**ORDINANCE NO: \_\_\_\_\_**

**ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT THE NORTHWEST CORNER OF N FRONT STREET AND A.W. WILLIS AVENUE. BY TAKING THE LAND OUT OF THE HEAVY INDUSTRIAL (IH) USE DISTRICT AND INCLUDING IT IN THE MIXED USE (MU) USE DISTRICT, KNOWN AS CASE NUMBER Z 23-003**

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**WHEREAS**, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 23-003**; and

**WHEREAS**, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Division of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

**WHEREAS**, the Council of the City of Memphis has reviewed the aforementioned amendment pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said amendment is consistent with the Memphis 3.0 General Plan; and

**WHEREAS**, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

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

**SECTION 1:**

**THAT**, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

**BY TAKING THE FOLLOWING PROPERTY OUT OF THE HEAVY INDUSTRIAL (IH) USE DISTRICT AND INCLUDING IT IN THE MIXED USE (MU) USE DISTRICT.**

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

**BEGINNING AT A POINT OF INTERSECTION WITH THE WEST LINE OF NORTH FRONT STREET AND THE NORTH LINE OF A.W. WILLIS AVENUE; THENCE N70°25'24"W ALONG SAID NORTH LINE A DISTANCE OF 148.50 FEET TO A POINT; THENCE N20°37'52"E A DISTANCE OF 148.50 FEET TO A POINT; THENCE S70°25'24"E A DISTANCE OF 148.50 FEET TO A POINT IN THE SAID WEST LINE OF NORTH FRONT STREET; THENCE S20°37'52"W ALONG SAID WEST LINE A DISTANCE OF 148.50 FEET TO THE**

**POINT OF BEGINNING AND CONTAINING 22,052 SQUARE FEET OR 0.506 ACRES OF LAND MORE OR LESS.**

**SECTION 2:**

**THAT**, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

**SECTION 3:**

**THAT**, this ordinance 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.

**ATTEST:**

**CC: Division of Planning and Development  
– Land Use and Development Services  
– Office of Construction Enforcement  
Shelby County Assessor**

**//: ATTACHMENT  
Survey**

City of Memphis  
Not Recorded  
Ex. Zoning: IH

148.50' S10°25'24"E

CN Railroad  
(ROW Varies)

148.50' N20°31'52"E

Land Area  
22,052 sq Ft  
0.506 Ac  
Existing Zoning: IH  
Proposed Zoning: MU

148.50' S20°31'52"W

Ex. Sidewalk

Ex. Curb

N. Front Street  
(82.5' ROW)

First Alliance Bank  
Inst. # 17124458  
Ex. Zoning: MU

148.50' N10°25'24"W

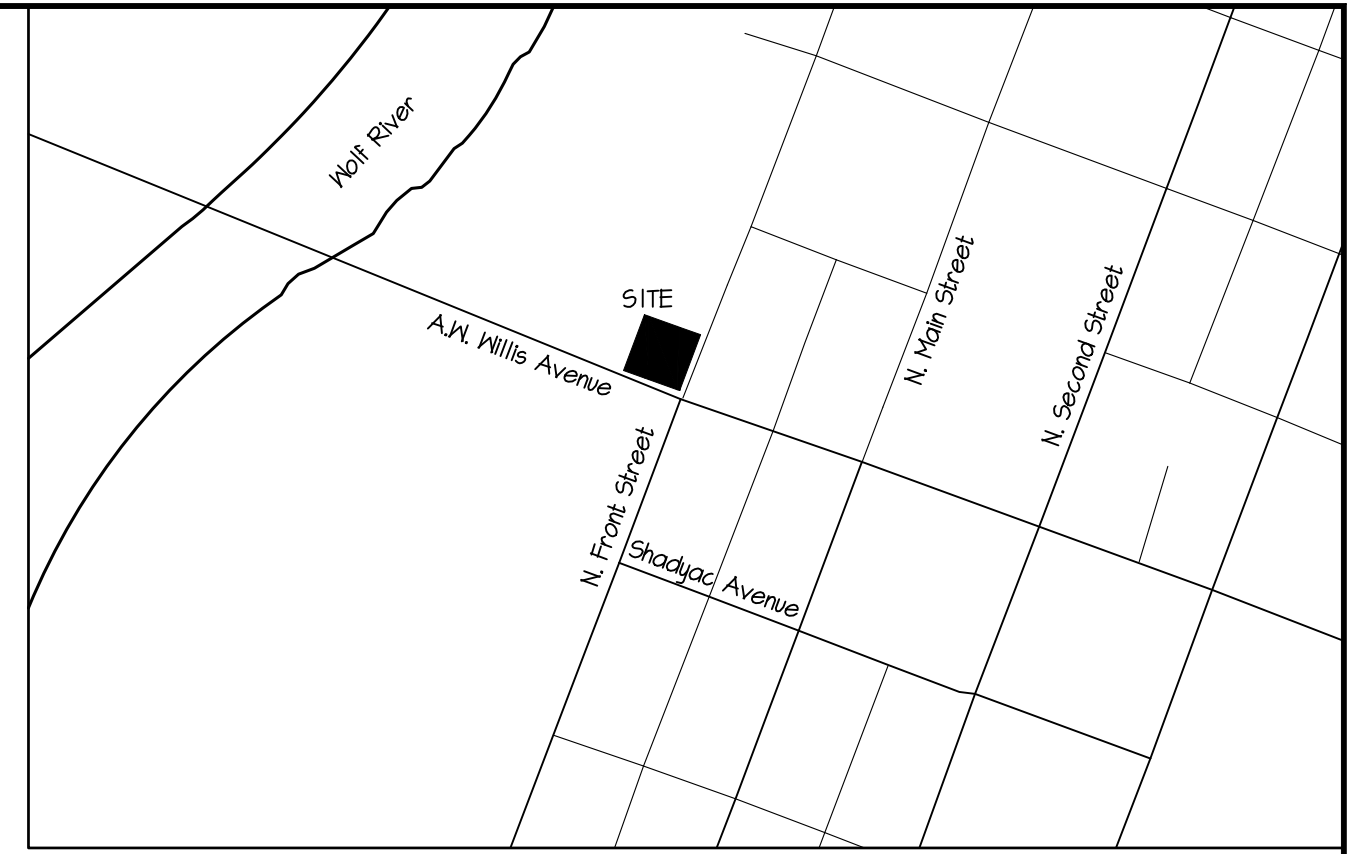
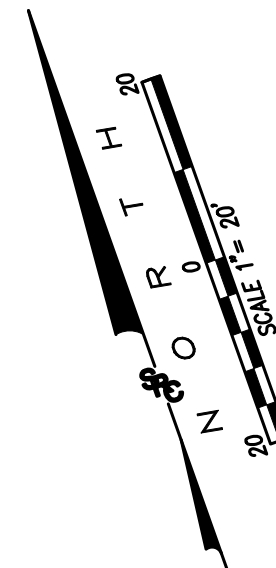
Ex. Sidewalk

Ex. Curb

A.W. Willis Ave.  
(ROW Varies)

City of Memphis  
Ph. 1  
Memphis Pyramid PD  
Plat Book 266, Page 1  
Ex. Zoning: IH

Turning Pointe Condominium Owners Association Inc.  
Inst. # 05164476  
Ex. Zoning: MU



Vicinity Map  
nts

Legal Description

Beginning at a point of intersection with the west line of North Front Street and the north line of A.W. Willis Avenue; thence N10°25'24"W along said north line a distance of 148.50 feet to a point; thence N20°31'52"E a distance of 148.50 feet to a point; thence S10°25'24"E a distance of 148.50 feet to a point in the said west line of North Front Street; thence S20°31'52"W along said west line a distance of 148.50 feet to the point of beginning and containing 22,052 square feet or 0.506 acres of land more or less.

SITE PLAN  
**463 N. FRONT ST. REZONING**

Z 23-\_\_

OWNER/DEVELOPER: ASHAIF ENTERPRISES LLC

0.51 ACRES

WARD 1, BLOCK 3, PARCEL 5

EX. ZONING: IH

PROP. ZONING: MU

MEMPHIS, TENNESSEE

JANUARY 2023

SHEET 1 of 1

**SRCONSULTING, LLC**

ENGINEERING - PLANNING

5909 Shelby Oaks Drive  
Suite 200  
Memphis TN 38134

Tel 901.371.0150  
Fax 901.371.0160  
info@SRCE-memphis.com



**AGENDA ITEM:** 17

**CASE NUMBER:** Z 2023-003 **L.U.C.B. MEETING:** March 9, 2023

**LOCATION:** 463 N Front Street – Northwest corner of N Front Street and A.W. Willis Avenue

**COUNCIL DISTRICT:** District 7 and Super District 8

**OWNER/APPLICANT:** Ashaif Enterprises, LLC/ Ashaif Enterprises, LLC

**REPRESENTATIVE:** Cindy Reaves on behalf of SR Consulting, LLC

**REQUEST:** Rezoning of +/-0.506 acres from Heavy Industrial (IH) to Mixed Use (MU)

## CONCLUSIONS

1. The request is to rezone 0.506 acres from Heavy Industrial (IH) to Mixed Use (MU).
2. The intent of the MU District is for uses to be physically integrated, permitting land use types such as commercial, townhouses, apartments and institutions.
3. Properties directly across North Front Street, west of the subject property, are zoned MU.
4. Staff finds the request is an appropriate zoning district for the area and will be compatible with the surrounding land uses.

## CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 13-16 of this report.

## RECOMMENDATION

*Approval*

**GENERAL INFORMATION**

<b>Street Frontage:</b>	North Front Street	+/-148.5 linear feet
	A.W. Willis Avenue	+/-148.5 linear feet
<b>Zoning Atlas Page:</b>	1925	
<b>Parcel ID:</b>	001003 00005	
<b>Area:</b>	+/-0.506 acres	
<b>Existing Zoning:</b>	Heavy Industrial (IH)	
<b>Requested Zoning:</b>	Mixed Use (MU)	

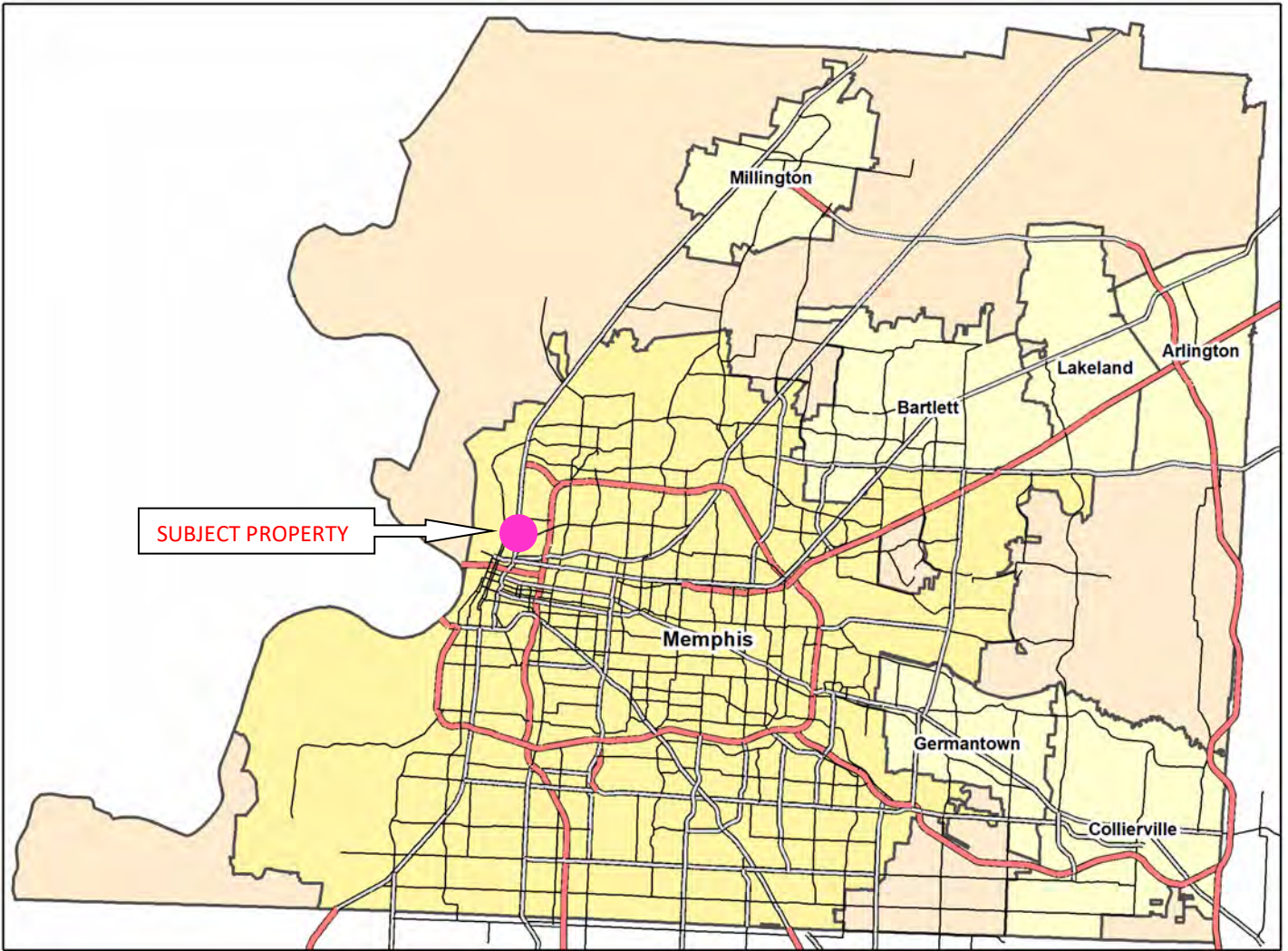
**NEIGHBORHOOD MEETING**

Not required, zoning change is in compliance with the Memphis 3.0 Plan.

**PUBLIC NOTICE**

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 64 notices were mailed on February 21, 2023, and a total of 2 signs posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



Subject property located within the pink circle, Pinch District neighborhood

VICINITY MAP



Subject property highlighted in yellow



**AERIAL**



Subject property outlined in yellow



**ZONING MAP**



Subject property highlighted in yellow

**Existing Zoning:** Heavy Industrial (IH)

**Surrounding Zoning**

**North:** IH

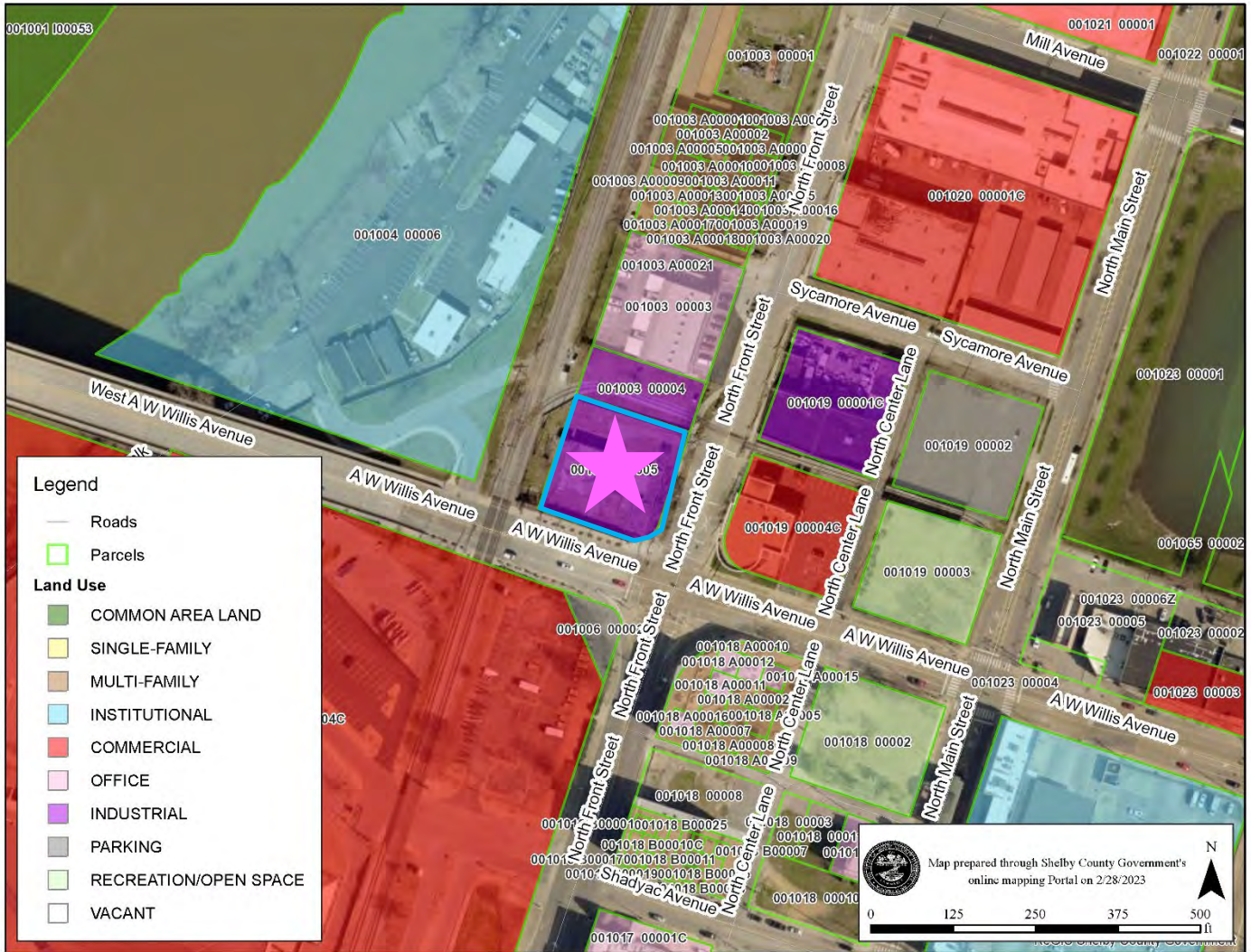
**East:** Mixed Use (MU)

**South:** IH

**West:** IH

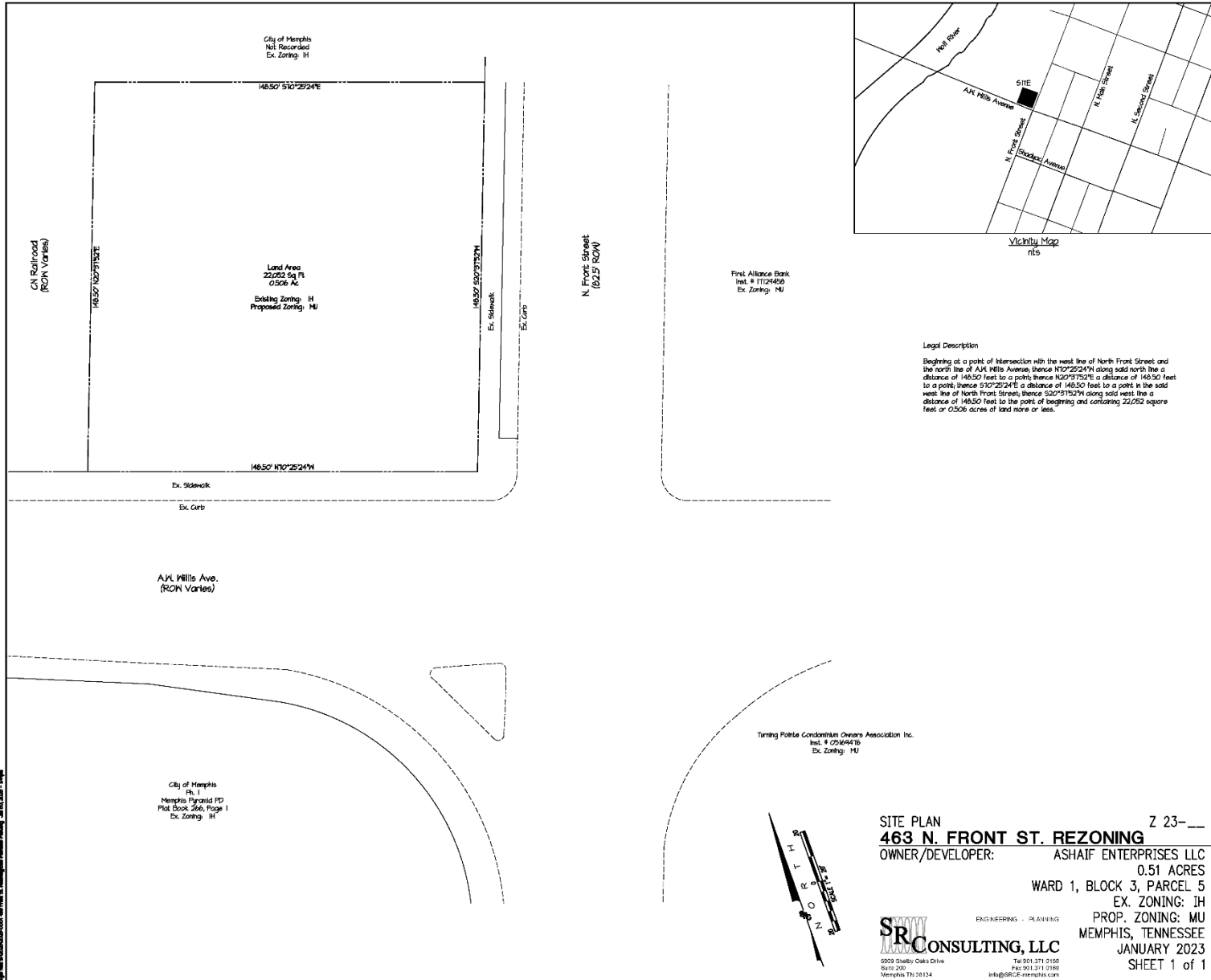


LAND USE MAP



Subject property outlined in electric blue and indicated by pink star

**PLOT PLAN**





**SITE PHOTOS**



View of subject property from North Front Street looking southwest

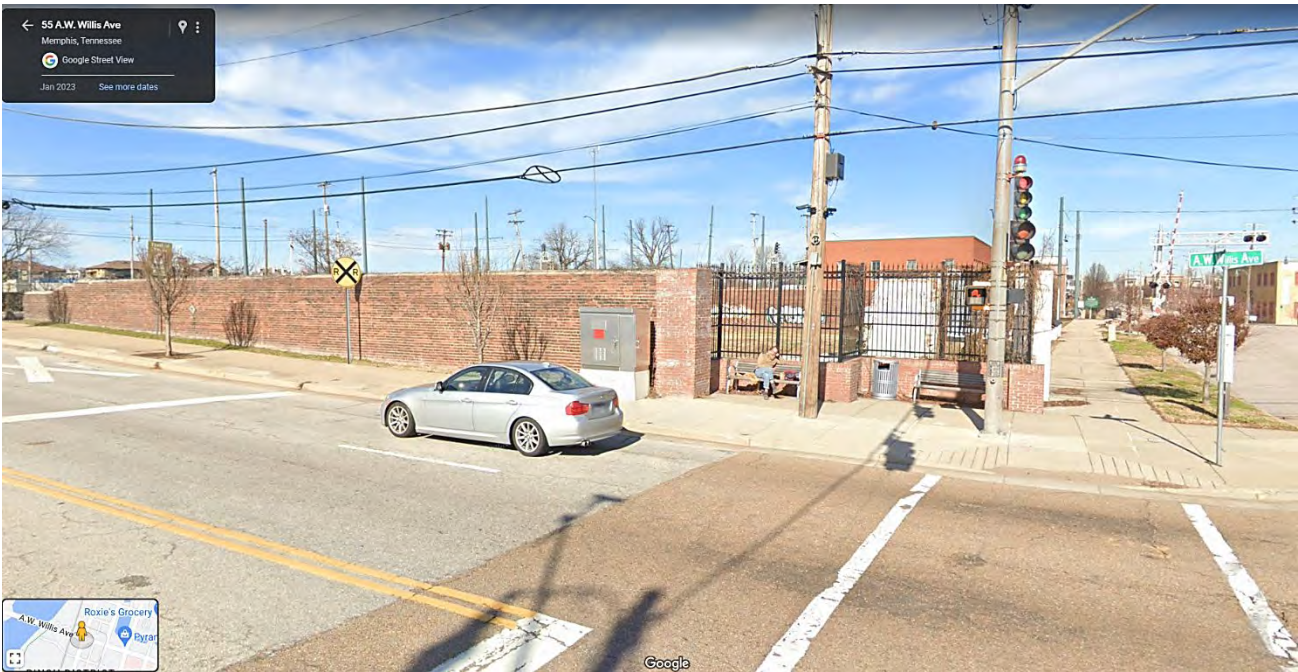


View of subject property from North Front Street looking northwest





View of subject property from private driveway looking west



View of subject property from A.W. Willis Avenue looking north

## **STAFF ANALYSIS**

### **Request**

The application and letter of intent have been added to this report.

The request is to rezone 0.506 acres from Heavy Industrial (IH) to Mixed Use (MU).

### **Review Criteria**

Staff agrees the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

#### *9.5.7B Review Criteria*

*In making recommendations, the Land Use Control Board shall consider the following matters:*

*9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);*

*9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;*

*9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;*

*9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and*

*9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.*

### **Site Description**

The subject property is +/-0.506 acres and comprised of one parcel located at the northwest corner of North Front Street and A.W. Willis Avenue. The site is currently zoned Heavy Industrial (IH) and is vacant land. According to the Assessor of Property site, it is appraised as vacant industrial land. Remnants of the previous brick and wrought iron fencing are present around the perimeter, as well as a curb cut from North Front Street for the previous building. The Assessor website also shows that a demolition permit was issued for the structure on May 28, 2021. Lastly, the property abuts a railroad in the rear and to the north.

### **Conclusions**

The request is to rezone 0.506 acres from Heavy Industrial (IH) to Mixed Use (MU).

The intent of the MU District is for uses to be physically integrated, permitting land use types such as commercial, townhouses, apartments and institutions.

Properties directly across North Front Street, west of the subject property, are zoned MU.

Staff finds the request is an appropriate zoning district for the area and will be compatible with the surrounding land uses.

The subject property is currently vacant.

## **RECOMMENDATION**

Staff recommends approval.

**DEPARTMENTAL COMMENTS**

The following comments were provided by agencies to which this application was referred:

**City/County Engineer:** See comments as follows:

**CITY ENGINEERING COMMENTS - 17**      **DATE: 3/3/2023**

**CASE: Z-23-003**                      **NAME: 463 N Front St; PINCH DISTRICT**

1. Standard Public Improvement Contract or Right-Of-Way Permit as required in Section 5.5.5 of the Unified Development Code.

**Sewers:**

2. The availability of City sanitary sewer is unknown at this time. Once the developer has submitted proposed sewer discharge rates to the City's Sewer Design Dept, a determination can be made as to available sewer capacity.

**City/County Fire Division:** No comments received.

**City Real Estate:** No comments received.

**City/County Health Department:** No comments received.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

**Memphis Light, Gas and Water:** No comments received.

**Office of Sustainability and Resilience:** See comments as follows:

From: Leigh Huffman, Municipal Planner

Date: February 23, 2023

Subject: OSR Comments on Z 23-03: PINCH DISTRICT

**General Comments & Analysis:**

Located in Zone 1 of the Resilience Zone Framework:

Zone 1 areas have the lowest level of development risk and conflict. These areas avoid high risk disaster zones, such as floodplains, and they also do not conflict with sensitive ecological areas. These areas are the most straightforward for development, and development would have the lowest impact on regional resilience. Consider incorporating the protection of ecological assets while balancing the promotion of low-impact site design and compact development typologies in appropriate areas.



The Applicant would like to rezone a parcel from Heavy Industrial (IH) to Mixed Use (MU). The parcel in question is not listed as a brownfield or hazardous waste site on the United States Environmental Protection Agency<sup>1</sup>; however, there are four hazardous waste EPA Facilities of Interest within a block of the location.

**Consistent with the Mid-South Regional Resilience Master Plan best practices:** Yes

This planned development request is generally consistent with the Mid-South Regional Resilience Master Plan. The parcel is not located in an area with a high risk for flooding or ecological damage. Rezoning the property to a zoning district that allows mixed-use developments will promote future infill development, which is consistent with Section 4.2 – Smart Growth.

**Consistent with the Memphis Area Climate Action Plan best practices:** N/A

**Recommendations:** Staff recommends that the Property Owner and/or Developer continue to do due diligence regarding the former uses on the site and conduct environmental assessments prior to construction.

**Office of Comprehensive Planning:** See comments as follows:

Site Address/Location: 463 N Front

Overlay District/Historic District/Flood Zone: In the Central Business Improvement District, not in a Historic District, located in a Flood Zone with a reduced flood risk due to levee

Future Land Use Designation: Anchor Neighborhood-Urban (AN-U)

Street Type: Avenue

*The applicant is requesting to rezone the parcel from Heavy Industrial (IH) to Mixed-Use (MU). In an email correspondence between the applicant's representative and the LUDS staff planner, the applicant intends on constructing apartments on the parcel.*

The following information about the land use designation can be found on pages 76 – 122:

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<sup>1</sup> EPA (n.d.). *EnviroMapper*. <https://enviro.epa.gov/enviro/em4ef.home>. Accessed February 23, 2023.

### 1. Future Land Use Planning Map



Red polygon indicates the application site on the Future Land Use Map.

### 2. Land Use Description/Intent

Anchor Neighborhood-Urban (AN-U) are walkable residential and mixed-use within a 5 – 10-minute walk of a City Anchor, consisting of block-scale buildings. Graphic portrayal of AN-U is to the right.



#### “AN-U” Form & Location Characteristics

NURTURE, SUSTAIN, and ACCELERATE

Buildings attached, semi-detached, and detached; Primarily block-scale with some house-scale, Residential, commercial, or mix of uses; Primarily within 1/4 mile of a Citywide Anchor

#### “AN-U” Zoning Notes

Generally compatible with the following zone districts: RU-4, RU-5, R-B, CBD in accordance with form and characteristics listed above.

#### Existing, Adjacent Land Use and Zoning

Existing Land Use and Zoning: Vacant, IH

Adjacent Land Use and Zoning: Commercial, MU, CMU-3

**Overall Compatibility:** *This requested use is compatible with the land use description/intent, form & location characteristics, and existing, adjacent land use and zoning. While, the requested zoning is not listed in the zoning notes, it is compatible with all zoning districts listed.*

### 3. Degree of Change Map



Red polygon denotes the proposed site in Degree of Change area. The Degree of Change is Accelerate.

### 4. Degree of Change Description

Accelerate areas rely on a mix of primarily private and philanthropic resources along with some public resources to intensify the existing pattern of a place.

*The proposed application is a private investment and promoting pedestrian-oriented infill development and allowing a greater mix of uses.*

### 5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities

*The requested use is consistent with Objective 1.5 – Strengthen neighborhood commercial districts, Action 1.5.1 – Focus residential infill efforts in anchor neighborhoods to support anchors and neighborhood commercial districts with appropriate population density.*

### 6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations

*The parcel is located in the Core City Planning District and the requested use is consistent with Core City priority – Encourage growth and density by improving underutilized land for development.*

### Consistency Analysis Summary

*The applicant is requesting to rezone the parcel from Heavy Industrial (IH) to Mixed-Use (MU). In an email correspondence between the applicant's representative and the LUDS staff planner, the applicant intends on constructing apartments on the parcel. This requested use is compatible with the land use description/intent, form & location*

*characteristics, and existing, adjacent land use and zoning. While, the requested zoning is not listed in the zoning notes, it is compatible with all zoning districts listed.*

*The proposed application is a private investment and promoting pedestrian-oriented infill development and allowing a greater mix of uses. The requested use is consistent with Objective 1.5 – Strengthen neighborhood commercial districts, Action 1.5.1 – Focus residential infill efforts in anchor neighborhoods to support anchors and neighborhood commercial districts with appropriate population density. The parcel is located in the Core City Planning District and the requested use is consistent with Core City priority – Encourage growth and density by improving underutilized land for development.*

**Based on the information provided, the proposal is CONSISTENT with the Memphis 3.0 Comprehensive Plan.**

Summary Compiled by: Melanie Batke Olejarczyk, Comprehensive Planning.

**APPLICATION**



### Record Summary for Rezoning

Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: February 3, 2023

Record Number: Z 2023-003

Expiration Date:

Record Name: 463 N. Front St. Rezoning

Description of Work: Rezoning from IH to MU

Parent Record Number:

**Address:**

463 N FRONT ST, MEMPHIS 38105

**Owner Information**

Primary Owner Name

Y ASHAIF ENTERPRISES LLC

Owner Address

3000 WALNUT GROVE RD, MEMPHIS, TN 38111

Owner Phone

**Parcel Information**

001003 00005

**Data Fields**

PREAPPLICATION MEETING

Name of DPD Planner N/A

Date of Meeting -

GENERAL INFORMATION

Is this application in response to a citation from Construction Code Enforcement or Zoning No

**GENERAL INFORMATION**

Letter?   
 Have you held a neighborhood meeting? No   
 If yes, please provide additional information -   
**GIS INFORMATION**   
 Central Business Improvement District Yes   
 Case Layer -   
 Class I   
 Downtown Fire District No   
 Historic District -   
 Land Use VACANT   
 Municipality MEMPHIS   
 Overlay/Special Purpose District Central Business Improvement District   
 Zoning IH   
 State Route -   
 Lot 420T0423   
 Subdivision -   
 Planned Development District -   
 Wellhead Protection Overlay District -

**Contact Information**

Name ASHAIF ENTERPRISES LLC Contact Type APPLICANT   
 Address

Phone -

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1446547	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	02/03/2023
1446547	Credit Card Use Fee (.026 x fee)	1	26.00	INVOICED	0.00	02/03/2023

Total Fee Invoiced: \$1,026.00 Total Balance: \$0.00

**Payment Information**

Payment Amount \$1,026.00 Method of Payment Credit Card



**LETTER OF INTENT**



Date: January 24, 2023

To: Division of Planning & Development

From: Cindy Reaves

Re: 463 N. Front St. Rezoning

**LETTER OF INTENT**

We are submitting a Rezoning application for property at 463 N. Front Street, at the northwest corner of N. Front Street and A.W. Willis Avenue. The property is within the IH zoning district and is approximately 0.51 acres in area. We are requesting a rezoning to the MU zoning district which is compatible with the adjacent properties to the east.

We appreciate your support with this request. Please contact me if you have any questions.

**SIGN AFFIDAVIT**

AFFIDAVIT

Shelby County  
State of Tennessee

I, Cindy Reaves, being duly sworn, depose and say that at 5:28 pm on the 27th day of February, 2023 I posted two Public Notice Signs pertaining to Case No. Z 23-003 one on the property located at 463 N. Front Street and one on A.W. Willis Avenue providing notice of a Public Hearing before the March 9, 2023 Land Use Control Board for consideration of a proposed Land Use Action (Rezoning), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

Cindy Reaves  
Owner, Applicant or Representative

2/28/2023  
Date

Subscribed and sworn to before me this 28<sup>th</sup> day of February, 2023

Robert M. Sweeney  
Notary Public  
My commission expires: 9/27/23









**LETTERS RECEIVED**

No letters received at the time of completion of this report.





## Record Summary for Rezoning

### Record Detail Information

Record Type: Rezoning

Record Status: Assignment

Opened Date: February 3, 2023

Record Number: Z 2023-003

Expiration Date:

Record Name: 463 N. Front St. Rezoning

Description of Work: Rezoning from IH to MU

Parent Record Number:

---

### Address:

463 N FRONT ST, MEMPHIS 38105

### Owner Information

Primary Owner Name

Y ASHAIF ENTERPRISES LLC

Owner Address

3000 WALNUT GROVE RD, MEMPHIS, TN 38111

Owner Phone

---

### Parcel Information

001003 00005

---

### Data Fields

#### PREAPPLICATION MEETING

Name of DPD Planner N/A

Date of Meeting -

#### GENERAL INFORMATION

Is this application in response to a citation from Construction Code Enforcement or Zoning No

**GENERAL INFORMATION**

Letter? No  
Have you held a neighborhood meeting? No  
If yes, please provide additional information -

**GIS INFORMATION**

Central Business Improvement District Yes  
Case Layer -  
Class I  
Downtown Fire District No  
Historic District -  
Land Use VACANT  
Municipality MEMPHIS  
Overlay/Special Purpose District Central Business Improvement District  
Zoning IH  
State Route -  
Lot 420T0423  
Subdivision -  
Planned Development District -  
Wellhead Protection Overlay District -

**Contact Information**

Name ASHAIF ENTERPRISES LLC Contact Type APPLICANT

Address

Phone

-

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1446547	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	02/03/2023
1446547	Credit Card Use Fee (.026 x fee)	1	26.00	INVOICED	0.00	02/03/2023

Total Fee Invoiced: \$1,026.00

Total Balance: \$0.00

**Payment Information**

Payment Amount \$1,026.00 Method of Payment Credit Card

**MEMPHIS AND  
SHELBY COUNTY**  **DIVISION OF PLANNING  
AND DEVELOPMENT**

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

**Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.


I, Nash Hassen (Print Name)  (Sign Name), state that I have read the definition of

"Owner" as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

- I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises
- I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 463 N. Front St.  
and further identified by Assessor's Parcel Number 001003 00005  
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this 25<sup>th</sup> day of JAN in the year of 2023.

  
Signature of Notary Public



My Commission Expires  
January 19, 2025

My Commission Expires



ENGINEERING • PLANNING

5909 Shelby Oaks Drive  
Suite 200  
Memphis TN 38134

Tel: 901-373-0380  
Fax: 901-373-0370  
[www.SRCE-memphis.com](http://www.SRCE-memphis.com)

Date: January 24, 2023

To: Division of Planning & Development

From: Cindy Reaves

Re: 463 N. Front St. Rezoning

## **LETTER OF INTENT**

We are submitting a Rezoning application for property at 463 N. Front Street, at the northwest corner of N. Front Street and A.W. Willis Avenue. The property is within the IH zoning district and is approximately 0.51 acres in area. We are requesting a rezoning to the MU zoning district which is compatible with the adjacent properties to the east.

We appreciate your support with this request. Please contact me if you have any questions.



City of Memphis  
Not Recorded  
Ex. Zoning: IH

148.50' S10°25'24"E

CN Railroad  
(ROW Varies)

148.50' N20°31'52"E

Land Area  
22,052 sq Ft  
0.506 Ac  
Existing Zoning: IH  
Proposed Zoning: MU

148.50' S20°31'52"W

Ex. Sidewalk

Ex. Curb

N. Front Street  
(82.5' ROW)

First Alliance Bank  
Inst. # 17124458  
Ex. Zoning: MU

148.50' N10°25'24"W

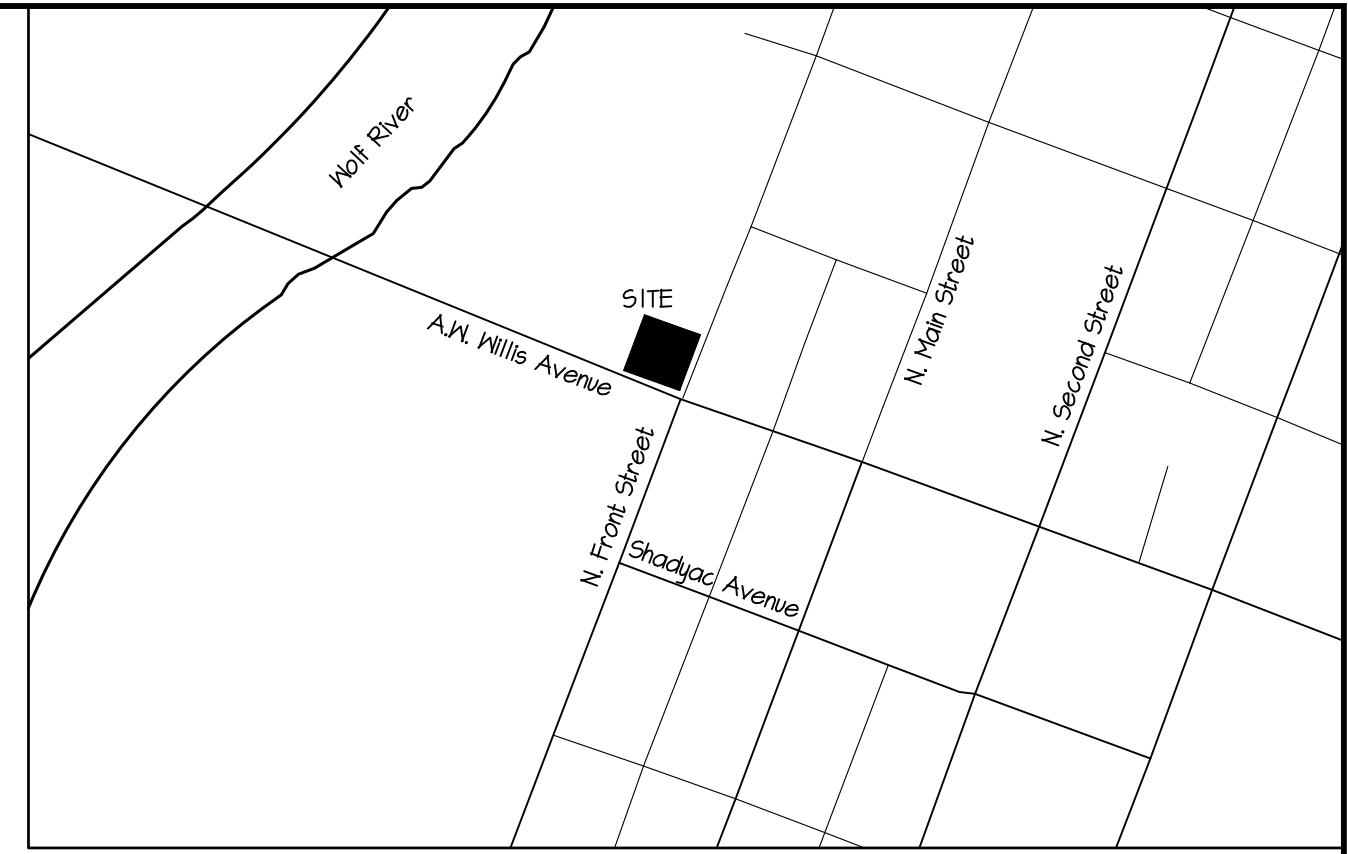
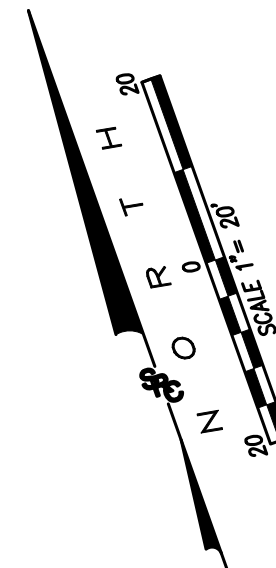
Ex. Sidewalk

Ex. Curb

A.W. Willis Ave.  
(ROW Varies)

City of Memphis  
Ph. 1  
Memphis Pyramid PD  
Plat Book 266, Page 1  
Ex. Zoning: IH

Turning Pointe Condominium Owners Association Inc.  
Inst. # 05164476  
Ex. Zoning: MU



Vicinity Map  
nts

Legal Description

Beginning at a point of intersection with the west line of North Front Street and the north line of A.W. Willis Avenue; thence N10°25'24"W along said north line a distance of 148.50 feet to a point; thence N20°31'52"E a distance of 148.50 feet to a point; thence S10°25'24"E a distance of 148.50 feet to a point in the said west line of North Front Street; thence S20°31'52"W along said west line a distance of 148.50 feet to the point of beginning and containing 22,052 square feet or 0.506 acres of land more or less.

SITE PLAN  
**463 N. FRONT ST. REZONING**

Z 23-\_\_

OWNER/DEVELOPER: ASHAIF ENTERPRISES LLC

0.51 ACRES

WARD 1, BLOCK 3, PARCEL 5

EX. ZONING: IH

PROP. ZONING: MU

MEMPHIS, TENNESSEE

JANUARY 2023

SHEET 1 of 1

**SRCONSULTING, LLC**

ENGINEERING - PLANNING

5909 Shelby Oaks Drive  
Suite 200  
Memphis TN 38134

Tel 901.371.0150  
Fax 901.371.0160  
info@SRCE-memphis.com

## Legal Description

Beginning at a point of intersection with the west line of North Front Street and the north line of A.W. Willis Avenue; thence N70°25'24"W along said north line a distance of 148.50 feet to a point; thence N20°37'52"E a distance of 148.50 feet to a point; thence S70°25'24"E a distance of 148.50 feet to a point in the said west line of North Front Street; thence S20°37'52"W along said west line a distance of 148.50 feet to the point of beginning and containing 22,052 square feet or 0.506 acres of land more or less.





**Legend**

**polygonLayer**  
 - Override 1  
 - Override 2

**polygonLayer**  
 - Override 1


— Roads

□ Parcels

■ Red: Band\_1

■ Green: Band\_2

■ Blue: Band\_3



Map prepared through Shelby County Government's  
 online mapping Portal on 1/16/2023

0 0.02 0.04 0.06 0.08 mi

North Arrow



ASHAIF ENTERPRISES LLC  
3000 WALNUT GROVE RD #200  
MEMPHIS TN 38111

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

GPN LLC  
PO BOX 771684 #  
MEMPHIS TN 38177

SHOFFNER CHARLES W  
612 S MAIN ST #  
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

P FIN I LLC  
3525 PIEDMONT RD #5, STE 410  
ATLANTA GA 30305

CITY OF MEMPHIS PARK COMM  
125 N MAIN ST #  
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

CITY OF MEMPHIS  
125 N MAIN ST #  
MEMPHIS TN 38103

N FRONT 400 LLC  
3500 S DUPONT HWY #  
DOVER DE 19901

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

EDWARDS W TERRY & BARBARA B  
2901 PINE VALLEY DR #  
MIRAMAR BEACH FL 32550

CITY OF MEMPHIS  
125 N MAIN ST #  
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

SCIFRES HAROLD L JR AND MARY A SCIFRES  
205 ALTA VISTA #  
MARION AR 72364

LYNCH COREY A & CHRISTINE A  
6829 S ATLANTIC AVE #  
NEW SMYRNA BEACH FL 32169

SANDERSON JEFF & SUSANNE  
4269 U S HIGHWAY 45 W #  
KENTON TN 38233

MCCONNELL KUM C  
132 ROBERTS BLVD #  
SATSUMA FL 32189

MCCONNELL KUM C  
132 ROBERTS BLVD #  
SATSUMA FL 32189

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

UNITED STATES OF AMERICA US COAST GUARD  
2 AUCTION AVE #  
MEMPHIS TN 38105

MCCONNELL KUM C  
132 ROBERTS BLVD #  
SATSUMA FL 32189

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

DOWNTOWN MINI STORAGE LLC  
525 N MAIN ST #  
MEMPHIS TN 38105

MCCONNELL KUM C  
132 ROBERTS BLVD #  
SATSUMA FL 32189

BASA RAMESH & JAYALAKSHMI PATTELA  
5395 GARDEN TRAIL LN  
COLLIERVILLE TN 38017

CITY OF MEMPHIS  
125 N MAIN ST #  
MEMPHIS TN 38103

MCCONNELL KUM C  
132 ROBERTS BLVD #  
SATSUMA FL 32189

FREIRE AMADO X & NANCY V  
9901 S HOUSTON WAY #  
GERMANTOWN TN 38139

CSC PROPERTIES CRAIG MEDNIKOW  
5265 WILTON CV #  
MEMPHIS TN 38117



N6GH INVESTMENTS LLC  
475 N MAIN ST  
MEMPHIS TN 38105

VRANICH YOLANDA  
497 N FRONT ST ##109  
MEMPHIS TN 38109

N MAIN 429 LLC  
5384 POPLAR AVE #400  
MEMPHIS TN 38119

CITY OF MEMPHIS PARK COMM  
125 N MAIN ST #  
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

WILSON HEATHER J  
440 N FRONT ST #208  
MEMPHIS TN 38105

MEMPHIS AREA TRANSIT AUTHORITY  
1370 LEVEE RD #  
MEMPHIS TN 38108

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST  
MEMPHIS TN 38105

CRONK MICHAEL T  
1793 MADISON AVE #203  
MEMPHIS TN 38104

MCCONNELL KUM C  
132 ROBERTS BLVD #  
SATSUMA FL 32189

HIGHSMITH WILLIE JR IRREVOCABLE TRUST  
PO BOX 1090 #  
PARIS TN 38242

WASHINGTON SIMONE  
426 N FRONT ST #302  
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

CRAIG S MEDNIKOW AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

TORELLI BRUCE L  
426 N FRONT ST #301  
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

RIVER MERCHANT LOFTS CONDOMINIUM OWNERS  
480 N FRONT ST #  
MEMPHIS TN 38105

BARKER WILLIAM J JR  
426 N FRONT ST #204  
MEMPHIS TN 38105

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

TURNING POINTE CONDOMINIUM OWNERS  
390 S MAIN ST #  
MEMPHIS TN 38103

STITTIAMS RYAN K  
426 N FRONT ST #206  
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

MEMPHIS CITY OF  
125 N MAIN ST #  
MEMPHIS TN 38103

MOORE JON G  
440 N FRONT ST #207  
MEMPHIS TN 38105

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

N MAIN 429 LLC  
5384 POPLAR AVE #400  
MEMPHIS TN 38119

WALDMAN CHARLES E  
440 N FRONT ST #205  
MEMPHIS TN 38105

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST  
MEMPHIS TN 38105

MEMPHIS CENTER CITY REVENUE FINANCE CORP  
695 W POPLAR AVE #1  
COLLIERVILLE TN 38017

BOSCH JASON  
79-755 RYAN WAY  
BERMULA DONES CA 92203

HARDY ROBERT JR  
440 N FRONT ST #201  
MEMPHIS TN 38105

WEERASINGHE NALIN S  
426 N FRONT ST #101  
MEMPHIS TN 38103

BARNETT LLOYD S & AMIE K DEVEREUX  
426 N FRONT ST #304  
MEMPHIS TN 38103

GABRE EZRA G  
497 N FRONT ST #205  
MEMPHIS TN 38105

FIRST ALLIANCE BANK  
51 GERMANTOWN CT #100  
CORDOVA TN 38018

HARBOR LIGHTS CONDOMINIUM OWNERS  
493 N FRONT ST #104  
MEMPHIS TN 38103

SULLIVAN ELLEN J  
497 N FRONT ST #110  
MEMPHIS TN 38105

STELLA TURNER LIVING TRUST  
655 S RIVERSIDE DR #1208  
MEMPHIS TN 38103

CITY OF MEMPHIS TENNESSEE  
125 N MID AMERICA MALL #568  
MEMPHIS TN 38103

WALLACE JAMES H  
497 N FRONT ST #105  
MEMPHIS TN 38105

MEMPHIS CENTER CITY REVENUE FINANCE CORP  
695 W POPLAR AVE #1  
COLLIERVILLE TN 38017

SHIPMAN KELLY R  
426 N FRONT ST #305  
MEMPHIS TN 38103

N MAIN 429 LLC  
5384 POPLAR AVE #400  
MEMPHIS TN 38119

FARNSLEY RYAN L  
426 N FRONT ST #107  
MEMPHIS TN 38103

N MAIN 429 LLC  
5384 POPLAR AVE #400  
MEMPHIS TN 38119

WILLIAMS MARLON L  
426 N FRONT ST #105  
MEMPHIS TN 38103

SCHMIDT BRYAN T  
440 N FRONT ST #103  
MEMPHIS TN 38103

FOX JOSEPH D  
426 N FRONT ST #202  
MEMPHIS TN 38103

BARNETT BARRY L & LINDA D  
493 N FRONT ST #104  
MEMPHIS TN 38105

SWAUNCY AISHA  
426 N FRONT ST #104  
MEMPHIS TN 38103

CASHMIR LLC  
1084 PORTSIDE DR  
CORDOVA TN 38018

ROSS ERION  
426 N FRONT ST #103  
MEMPHIS TN 38103

CASHMIR LLC  
426 N FRONT ST #402  
MEMPHIS TN 38103

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

Ashaif Enterprises LLC  
3000 Walnut Grove Rd. #200  
Memphis, TN 38111

Ashaif Enterprises LLC  
3000 Walnut Grove Rd. #200  
Memphis, TN 38111

Ashaif Enterprises LLC  
3000 Walnut Grove Rd. #200  
Memphis, TN 38111

Ashaif Enterprises LLC  
3000 Walnut Grove Rd. #200  
Memphis, TN 38111

Ashaif Enterprises LLC  
3000 Walnut Grove Rd. #200  
Memphis, TN 38111

001003 00005 - ASHAIF ENTERPRISES LLC  
001003 00003 - SHOFFNER CHARLES W  
001018 00002 - CITY OF MEMPHIS PARK COMM  
001017 00001C - N FRONT 400 LLC  
001023 00006Z - CITY OF MEMPHIS  
001018 B00006 - LYNCH COREY A & CHRISTINE A  
001018 00008 - MCCONNELL KUM C  
001018 A00005 - MCCONNELL KUM C  
001018 A00011 - MCCONNELL KUM C  
001018 A00015 - MCCONNELL KUM C  
001003 A00014 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
001003 A00012 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
001003 A00013 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
001003 A00011 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
001003 A00004 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
001003 A00003 - SANDERSON JEFF & SUSANNE  
001003 A00002 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
001003 A00001 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
001018 B00019 - BASA RAMESH & JAYALAKSHMI PATTELA  
001018 B00018 - FREIRE AMADO X & NANCY V  
001018 B00008 - GPN LLC  
001018 B00002 - P FIN I LLC  
001003 00004 - CITY OF MEMPHIS  
001018 B00024 - EDWARDS W TERRY & BARBARA B  
001018 A00004 - SCIFRES HAROLD L JR AND MARY A SCIFRES



001018 A00016 - MCCONNELL KUM C  
001004 00006 - UNITED STATES OF AMERICA US COAST GUARD  
001020 00001C - DOWNTOWN MINI STORAGE LLC  
001023 00001 - CITY OF MEMPHIS  
001019 00001C - CSC PROPERTIES CRAIG MEDNIKOW  
001019 00002 - N6GH INVESTMENTS LLC  
001019 00003 - CITY OF MEMPHIS PARK COMM  
001024 00002C - MEMPHIS AREA TRANSIT AUTHORITY  
001018 A00012 - MCCONNELL KUM C  
001003 A00020 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
001003 A00019 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
001003 A00018 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
001003 A00016 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
001003 A00017 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
001003 A00008 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
001003 A00009 - VRANICH YOLANDA  
001003 A00007 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
001003 A00006 - MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
001018 B00020 - HIGHSMITH WILLIE JR IRREVOCABLE TRUST  
001003 00001 - CRAIG S MEDNIKOW AND STACY P MEDNIKOW  
001003 A00021 - RIVER MERCHANT LOFTS CONDOMINIUM OWNERS  
001018 A00010 - TURNING POINTE CONDOMINIUM OWNERS  
001006 00002 - MEMPHIS CITY OF  
001018 00003 - N MAIN 429 LLC  
001023 00005 - MEMPHIS CENTER CITY REVENUE FINANCE CORP

001018 00011 - N MAIN 429 LLC  
001018 A00009 - WILSON HEATHER J  
001018 B00015 - CRONK MICHAEL T  
001018 B00014 - WASHINGTON SIMONE  
001018 B00013 - TORELLI BRUCE L  
001018 B00011 - BARKER WILLIAM J JR  
001018 B00010C - STITTIAMS RYAN K  
001018 A00008 - MOORE JON G  
001018 A00006 - WALDMAN CHARLES E  
001018 A00003 - BOSCH JASON  
001018 A00002 - HARDY ROBERT JR  
001003 A00015 - GABRE EZRA G  
001003 A00010 - SULLIVAN ELLEN J  
001003 A00005 - WALLACE JAMES H  
001018 B00017 - SHIPMAN KELLY R  
001018 B00007 - FARNSLEY RYAN L  
001018 B00005 - WILLIAMS MARLON L  
001018 B00009 - FOX JOSEPH D  
001018 B00004 - SWAUNCY AISHA  
001018 B00003 - ROSS ERION  
001018 B00001 - WEERASINGHE NALIN S  
001019 00004C - FIRST ALLIANCE BANK  
001018 A00007 - STELLA TURNER LIVING TRUST  
001023 00004 - MEMPHIS CENTER CITY REVENUE FINANCE CORP  
001018 00012 - N MAIN 429 LLC

001018 00010 - N MAIN 429 LLC

001018 A00013 - SCHMIDT BRYAN T

001018 B00023 - BARNETT BARRY L & LINDA D

001018 B00022 - CASHMIR LLC

001018 B00021 - CASHMIR LLC

001018 B00016 - BARNETT LLOYD S & AMIE K DEVEREUX

001018 B00025 - HARBOR LIGHTS CONDOMINIUM OWNERS

001004 00004C - CITY OF MEMPHIS TENNESSEE



# Shelby County Tennessee

## *Shelandra Y Ford*

Shelby County Register

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As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

21062392

05/23/2021 - 06:27:30 PM

4 PGS

CHRISTINAM 2231936-21062392

VALUE	10.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	0.00
EFILE FEE	2.00
TOTAL AMOUNT	24.00

SHELANDRA Y FORD

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE



This Instrument Prepared by  
And Return To:  
Stewart G. Austin, Jr.  
GLANKLER BROWN, PLLC  
6000 Poplar, Suite 400  
Memphis, TN 38119

**QUIT CLAIM DEED**

THIS INDENTURE, made and entered into effective as of the 10 day of May, 2021, by and between **LOUIS BUCCERI**, Trustee in his capacity as Trustee of the Edward Gore Reynolds Revocable Trust<sup>\*</sup> and the Trustee of the Terminating Trust created under the under the Edward Gore Reynolds Revocable Trust (hereinafter called "Grantor"), and **ASHAIF ENTERPRISES LLC**, a Tennessee limited liability company (hereinafter called "Grantee").

\*, dated January 6, 2015,

WITNESSETH:

That for and in consideration of Ten Dollars (\$10.00), cash in hand paid, and other good and valuable consideration, the receipt of all of which is hereby acknowledged, Grantor has bargained and sold and does hereby bargain, sell, quit claim and convey unto Grantee any and all of her interest in the following described real estate, situated and being in the City of Memphis, Shelby County, State of Tennessee, to-wit:

Beginning at a point of intersection with the northwest line of North Front Street and the northeast line of Auction Street; thence northeastwardly along said northwest line a distance of 148.50 feet to a point; thence northwestwardly parallel with Auction Street a distance of 148.50 feet to a point; thence southwestwardly parallel with North Front Street a distance of 148.50 feet to a point in the northeast line of Auction Street; thence southeastwardly along said northeast line a distance of 148.50 feet to the point of beginning.

Being the same property conveyed to Edward G Reynolds by deed of record at Instrument No. 08016218 in the Register's Office of Shelby County, Tennessee. Edward George Reynolds died on or about July 4, 2018, and his estate as to Tennessee property has been administered under Shelby County Probate Court Case No. PR-18284-I, with the sale of the Property

WITNESS the execution of this instrument by Grantor as of the day and year first above written.

**LOUIS BUCCERI**, Trustee in his capacity as Trustee of the Edward Gore Reynolds Revocable Trust and the Trustee of the Terminating Trust created under the under the Edward Gore Reynolds Revocable Trust

STATE OF Connecticut  
COUNTY OF Litchfield

\*, dated January 6, 2015,

Before me, a Notary Public in and for said State and County, duly commissioned and qualified, personally appeared **LOUIS BUCCERI**, Trustee of the Edward Gore Reynolds Revocable Trust and the Trustee of the Terminating Trust created under the under the Edward Gore Reynolds Revocable Trust, to me known (or proved to me on the basis of satisfactory evidence) to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same for the purposes therein contained.

WITNESS my hand and Notarial Seal at office this 10<sup>th</sup> day of May, 2021.

  
Notary Public

My Commission expires: \_\_\_\_\_

**NICOLE M. CHASE**

**NOTARY PUBLIC \*\*\*\*\***

My Commission Expires March 31, 2022 State of: Tennessee County of: Shelby

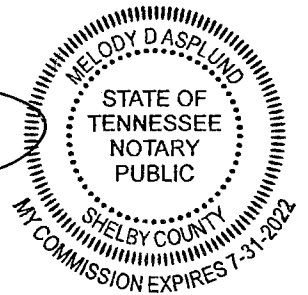
I hereby swear or affirm that, to the best of affiant's knowledge, information, and belief, the actual consideration for this transfer is less than \$10.00.

  
Affiant

Subscribed and sworn to before me this 13 day of May, 2021.

  
Notary Public

My Commission Expires: \_\_\_\_\_



Property Address:  
463 N. Front Street  
Memphis, TN 38105

Name and Property Address of  
Owner and Mail Tax Bills to:

ASHAIF ENTERPRISES, LLC  
3000 Walnut Grove Rd. #200  
Memphis, TN 38111

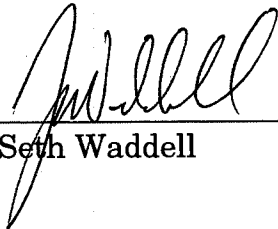
Tax Parcel No. 001003 00005

made under order authorizing the sale dated as of May <sup>4<sup>th</sup></sup> 10, 2021. This quit claim deed is executed for the purpose of having the trusts named herein convey any interest they may have in the Property to the Grantee.

Edward Gore Reynolds and Edward G Reynolds are one and the same person.

*[signature page follows]*

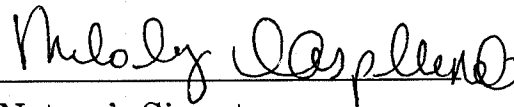
I, J. Seth Waddell, do hereby make oath that I am a licensed attorney and/or the custodian of the electronic version of the attached document tendered for registration herewith and that this is a true and correct copy of the original document executed and authenticated according to law.

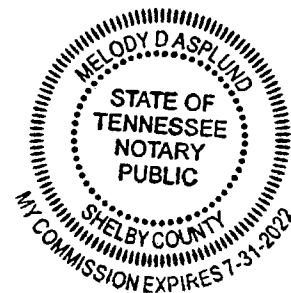
  
\_\_\_\_\_  
J. Seth Waddell

State of Tennessee

County of Shelby

Personally appeared before me, Melody D. Asplund, a notary public for this county and state, J. Seth Waddell, who acknowledges that this certification of an electronic document is true and correct, and whose signature I have witnessed.

  
\_\_\_\_\_  
Notary's Signature







**MEMPHIS AND  
SHELBY COUNTY** **DIVISION OF PLANNING  
AND DEVELOPMENT**

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

March 14, 2023

SR Consulting, LLC  
5909 Shelby Oaks Dr.  
Memphis, TN 38134

*Sent via electronic mail to: Cindy Reaves, cindy.reaves@srce-memphis.com*

Case Number: Z 23-003  
LUCB Recommendation: Approval

Dear Applicant,

On Thursday, March 9, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application located at the northwest corner of North Front Street and A.W. Willis Avenue to be included in the Mixed Use (MU) Zoning District.

This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall be in attendance at all meetings and hearings.

It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at [Kendra.Cobbs@memphistn.gov](mailto:Kendra.Cobbs@memphistn.gov).

Respectfully,  
*Kendra Cobbs*

Kendra Cobbs, AICP  
Planner III  
Land Use and Development Services  
Division of Planning and Development

Cc: Melissa Johnson, SR Consulting, LLC  
File

**NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT  
TO THE ZONING MAP OF THE CITY OF MEMPHIS**

Notice is hereby given that a Public Hearing will be held by the City Council of the City of Memphis in the Council Chambers, First Floor, City Hall, 125 North Main Street, Memphis, Tennessee 38103 on Tuesday, \_\_\_\_\_ at 3:30 P.M., in the matter of amending the Zoning Map of the City of Memphis, being Chapter 28, Article IV of the Code of Ordinances, City of Memphis, Tennessee, as amended, as follows:

**CASE NUMBER:** Z 23-003  
**LOCATION:** 463 N Front Street – Northwest corner of N Front Street and A.W. Willis Avenue  
**COUNCIL DISTRICTS:** District 7 and Super District 8  
**OWNER/APPLICANT:** Ashaif Enterprises, LLC/ Ashaif Enterprises, LLC  
**REPRESENTATIVE:** Cindy Reaves on behalf of SR Consulting, LLC  
**REQUEST:** Rezoning of +/-0.506 acres from Heavy Industrial (IH) to Mixed Use (MU)

**RECOMMENDATIONS:**

Memphis and Shelby County Division of Planning and Development: *Approval*

Memphis and Shelby County Land Use Control Board: *Approval*

**NOW, THEREFORE,** you will take notice that on Tuesday, \_\_\_\_\_, at 3:30 P.M. the City Council of the City of Memphis, Tennessee will be in session at the City Hall, Council Chambers, 125 North Main Street, Memphis, Tennessee 38103 to hear remonstrance’s or protests against the making of such changes; such remonstrance’s or protests must be by personal appearances, or by attorneys, or by petition, and then and there you will be present if you wish to remonstrate or protest against the same.

This case will also be heard at the Planning and Zoning Committee on the same day with the specific time to be determined prior to the meeting date and posted on the City of Memphis’ website.

**THIS THE \_\_\_\_\_, \_\_\_\_\_**

**MARTAVIOUS JONES**  
***CHAIRMAN OF COUNCIL***

**ATTEST:**

**WALTER PERSON**  
***CITY COMPTROLLER***

---

**TO BE PUBLISHED:**





**Legend**

**polygonLayer**  
 - Override 1  
 - Override 2

**polygonLayer**  
 - Override 1


— Roads

□ Parcels

■ Red: Band\_1

■ Green: Band\_2

■ Blue: Band\_3



Map prepared through Shelby County Government's  
 online mapping Portal on 1/16/2023

0 0.02 0.04 0.06 0.08 mi

North arrow pointing up with 'N' above it.



SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

Ashaif Enterprises LLC  
3000 Walnut Grove Rd. #200  
Memphis, TN 38111

Ashaif Enterprises LLC  
3000 Walnut Grove Rd. #200  
Memphis, TN 38111

Ashaif Enterprises LLC  
3000 Walnut Grove Rd. #200  
Memphis, TN 38111

Ashaif Enterprises LLC  
3000 Walnut Grove Rd. #200  
Memphis, TN 38111

Ashaif Enterprises LLC  
3000 Walnut Grove Rd. #200  
Memphis, TN 38111



ASHAIF ENTERPRISES LLC  
3000 WALNUT GROVE RD #200  
MEMPHIS TN 38111

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

GPN LLC  
PO BOX 771684 #  
MEMPHIS TN 38177

SHOFFNER CHARLES W  
612 S MAIN ST #  
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

P FIN I LLC  
3525 PIEDMONT RD #5, STE 410  
ATLANTA GA 30305

CITY OF MEMPHIS PARK COMM  
125 N MAIN ST #  
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

CITY OF MEMPHIS  
125 N MAIN ST #  
MEMPHIS TN 38103

N FRONT 400 LLC  
3500 S DUPONT HWY #  
DOVER DE 19901

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

EDWARDS W TERRY & BARBARA B  
2901 PINE VALLEY DR #  
MIRAMAR BEACH FL 32550

CITY OF MEMPHIS  
125 N MAIN ST #  
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

SCIFRES HAROLD L JR AND MARY A SCIFRES  
205 ALTA VISTA #  
MARION AR 72364

LYNCH COREY A & CHRISTINE A  
6829 S ATLANTIC AVE #  
NEW SMYRNA BEACH FL 32169

SANDERSON JEFF & SUSANNE  
4269 U S HIGHWAY 45 W #  
KENTON TN 38233

MCCONNELL KUM C  
132 ROBERTS BLVD #  
SATSUMA FL 32189

MCCONNELL KUM C  
132 ROBERTS BLVD #  
SATSUMA FL 32189

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

UNITED STATES OF AMERICA US COAST GUARD  
2 AUCTION AVE #  
MEMPHIS TN 38105

MCCONNELL KUM C  
132 ROBERTS BLVD #  
SATSUMA FL 32189

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

DOWNTOWN MINI STORAGE LLC  
525 N MAIN ST #  
MEMPHIS TN 38105

MCCONNELL KUM C  
132 ROBERTS BLVD #  
SATSUMA FL 32189

BASA RAMESH & JAYALAKSHMI PATTELA  
5395 GARDEN TRAIL LN  
COLLIERVILLE TN 38017

CITY OF MEMPHIS  
125 N MAIN ST #  
MEMPHIS TN 38103

MCCONNELL KUM C  
132 ROBERTS BLVD #  
SATSUMA FL 32189

FREIRE AMADO X & NANCY V  
9901 S HOUSTON WAY #  
GERMANTOWN TN 38139

CSC PROPERTIES CRAIG MEDNIKOW  
5265 WILTON CV #  
MEMPHIS TN 38117

N6GH INVESTMENTS LLC  
475 N MAIN ST  
MEMPHIS TN 38105

VRANICH YOLANDA  
497 N FRONT ST ##109  
MEMPHIS TN 38109

N MAIN 429 LLC  
5384 POPLAR AVE #400  
MEMPHIS TN 38119

CITY OF MEMPHIS PARK COMM  
125 N MAIN ST #  
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

WILSON HEATHER J  
440 N FRONT ST #208  
MEMPHIS TN 38105

MEMPHIS AREA TRANSIT AUTHORITY  
1370 LEVEE RD #  
MEMPHIS TN 38108

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST  
MEMPHIS TN 38105

CRONK MICHAEL T  
1793 MADISON AVE #203  
MEMPHIS TN 38104

MCCONNELL KUM C  
132 ROBERTS BLVD #  
SATSUMA FL 32189

HIGHSMITH WILLIE JR IRREVOCABLE TRUST  
PO BOX 1090 #  
PARIS TN 38242

WASHINGTON SIMONE  
426 N FRONT ST #302  
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

CRAIG S MEDNIKOW AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

TORELLI BRUCE L  
426 N FRONT ST #301  
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

RIVER MERCHANT LOFTS CONDOMINIUM OWNERS  
480 N FRONT ST #  
MEMPHIS TN 38105

BARKER WILLIAM J JR  
426 N FRONT ST #204  
MEMPHIS TN 38105

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

TURNING POINTE CONDOMINIUM OWNERS  
390 S MAIN ST #  
MEMPHIS TN 38103

STITTIAMS RYAN K  
426 N FRONT ST #206  
MEMPHIS TN 38103

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

MEMPHIS CITY OF  
125 N MAIN ST #  
MEMPHIS TN 38103

MOORE JON G  
440 N FRONT ST #207  
MEMPHIS TN 38105

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST #  
MEMPHIS TN 38105

N MAIN 429 LLC  
5384 POPLAR AVE #400  
MEMPHIS TN 38119

WALDMAN CHARLES E  
440 N FRONT ST #205  
MEMPHIS TN 38105

MEDNIKOW CRAIG S AND STACY P MEDNIKOW  
480 N FRONT ST  
MEMPHIS TN 38105

MEMPHIS CENTER CITY REVENUE FINANCE CORP  
695 W POPLAR AVE #1  
COLLIERVILLE TN 38017

BOSCH JASON  
79-755 RYAN WAY  
BERMULA DONES CA 92203

HARDY ROBERT JR  
440 N FRONT ST #201  
MEMPHIS TN 38105

WEERASINGHE NALIN S  
426 N FRONT ST #101  
MEMPHIS TN 38103

BARNETT LLOYD S & AMIE K DEVEREUX  
426 N FRONT ST #304  
MEMPHIS TN 38103

GABRE EZRA G  
497 N FRONT ST #205  
MEMPHIS TN 38105

FIRST ALLIANCE BANK  
51 GERMANTOWN CT #100  
CORDOVA TN 38018

HARBOR LIGHTS CONDOMINIUM OWNERS  
493 N FRONT ST #104  
MEMPHIS TN 38103

SULLIVAN ELLEN J  
497 N FRONT ST #110  
MEMPHIS TN 38105

STELLA TURNER LIVING TRUST  
655 S RIVERSIDE DR #1208  
MEMPHIS TN 38103

CITY OF MEMPHIS TENNESSEE  
125 N MID AMERICA MALL #568  
MEMPHIS TN 38103

WALLACE JAMES H  
497 N FRONT ST #105  
MEMPHIS TN 38105

MEMPHIS CENTER CITY REVENUE FINANCE CORP  
695 W POPLAR AVE #1  
COLLIERVILLE TN 38017

SHIPMAN KELLY R  
426 N FRONT ST #305  
MEMPHIS TN 38103

N MAIN 429 LLC  
5384 POPLAR AVE #400  
MEMPHIS TN 38119

FARNSLEY RYAN L  
426 N FRONT ST #107  
MEMPHIS TN 38103

N MAIN 429 LLC  
5384 POPLAR AVE #400  
MEMPHIS TN 38119

WILLIAMS MARLON L  
426 N FRONT ST #105  
MEMPHIS TN 38103

SCHMIDT BRYAN T  
440 N FRONT ST #103  
MEMPHIS TN 38103

FOX JOSEPH D  
426 N FRONT ST #202  
MEMPHIS TN 38103

BARNETT BARRY L & LINDA D  
493 N FRONT ST #104  
MEMPHIS TN 38105

SWAUNCY AISHA  
426 N FRONT ST #104  
MEMPHIS TN 38103

CASHMIR LLC  
1084 PORTSIDE DR  
CORDOVA TN 38018

ROSS ERION  
426 N FRONT ST #103  
MEMPHIS TN 38103

CASHMIR LLC  
426 N FRONT ST #402  
MEMPHIS TN 38103

**CITY OF MEMPHIS  
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL  
ONLY STAPLED  
TO DOCUMENTS**

**Planning & Development  
DIVISION**

**Planning & Zoning COMMITTEE: 04/11/2023**

*DATE*

**PUBLIC SESSION: 04/11/2023**

*DATE*

**ITEM (CHECK ONE)**

ORDINANCE      \_\_\_\_\_ RESOLUTION       REQUEST FOR PUBLIC HEARING

**ITEM CAPTION:**      Zoning ordinance amending Ordinance No. 5367 of Code of Ordinance, City of Memphis, Tennessee, adopted on August 10, 2010, as amended, known as the Memphis and Shelby County Unified Development code, to authorize a zoning use district reclassification for land located at 5591 Pidgeon Roost Road. By taking the land out of the Conservation Agriculture (CA) Use District and including it in the Employment (EMP) Use District, known as case number Z 23-004

**CASE NUMBER:**      Z 23-004

**LOCATION:**      5591 Pidgeon Roost Road

**COUNCIL DISTRICTS:**      District 3 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:**      David Crouch

**REPRESENTATIVES:**      David Crouch / SR Consulting

**REQUEST:**      Rezoning of +/-21.413 acres from Conservation Agriculture (CA) to Employment (EMP)

**RECOMMENDATION:**      The Division of Planning and Development recommended *Approval*  
The Land Use Control Board recommended *Approval*

**RECOMMENDED COUNCIL ACTION:**      **Public Hearing Required**  
Set date for first reading – April 11, 2023  
Second reading – April 25, 2023  
Third reading – May 2, 2023

**PRIOR ACTION ON ITEM:**

(1) _____	APPROVAL - (1) APPROVED (2) DENIED
03/09/2023 _____	DATE
(1) Land Use Control Board _____	ORGANIZATION - (1) BOARD / COMMISSION (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

**FUNDING:**

(2) _____	REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____	AMOUNT OF EXPENDITURE
\$ _____	REVENUE TO BE RECEIVED

**SOURCE AND AMOUNT OF FUNDS**

\$ _____	OPERATING BUDGET
\$ _____	CIP PROJECT # _____
\$ _____	FEDERAL/STATE/OTHER

**ADMINISTRATIVE APPROVAL:**

	<u>DATE</u>	<u>POSITION</u>
_____	_____	PRINCIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY
_____	_____	<b>CHIEF ADMINISTRATIVE OFFICER</b>
_____	_____	<b>COMMITTEE CHAIRMAN</b>



## Memphis City Council Summary Sheet

### **Z 23-004**

ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED 5591 PIDECON ROOST ROAD. BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 23-004

- Approval of this zoning district reclassification will be reflected on the Memphis and Shelby County Zoning Atlas; and
- No contracts are affected by this item; and
- No expenditure of funds/budget amendments are required by this item.



## **LAND USE CONTROL BOARD RECOMMENDATION**

At its regular meeting on **Thursday, March 09, 2023**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

**CASE NUMBER:** Z 23-004

**LOCATION:** 5591 Pidgeon Roost Road

**COUNCIL DISTRICT(S):** District 3, Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** David Crouch

**REPRESENTATIVE:** David Crouch / SR Consulting

**REQUEST:** Rezoning of +/-21.413 acres from Conservation Agriculture (CA) to Employment (EMP)

---

**The following spoke in support of the application:** None

**The following spoke in opposition of the application:** None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval of the application.

**The motion passed by a unanimous vote of 9-0 on the consent agenda.**

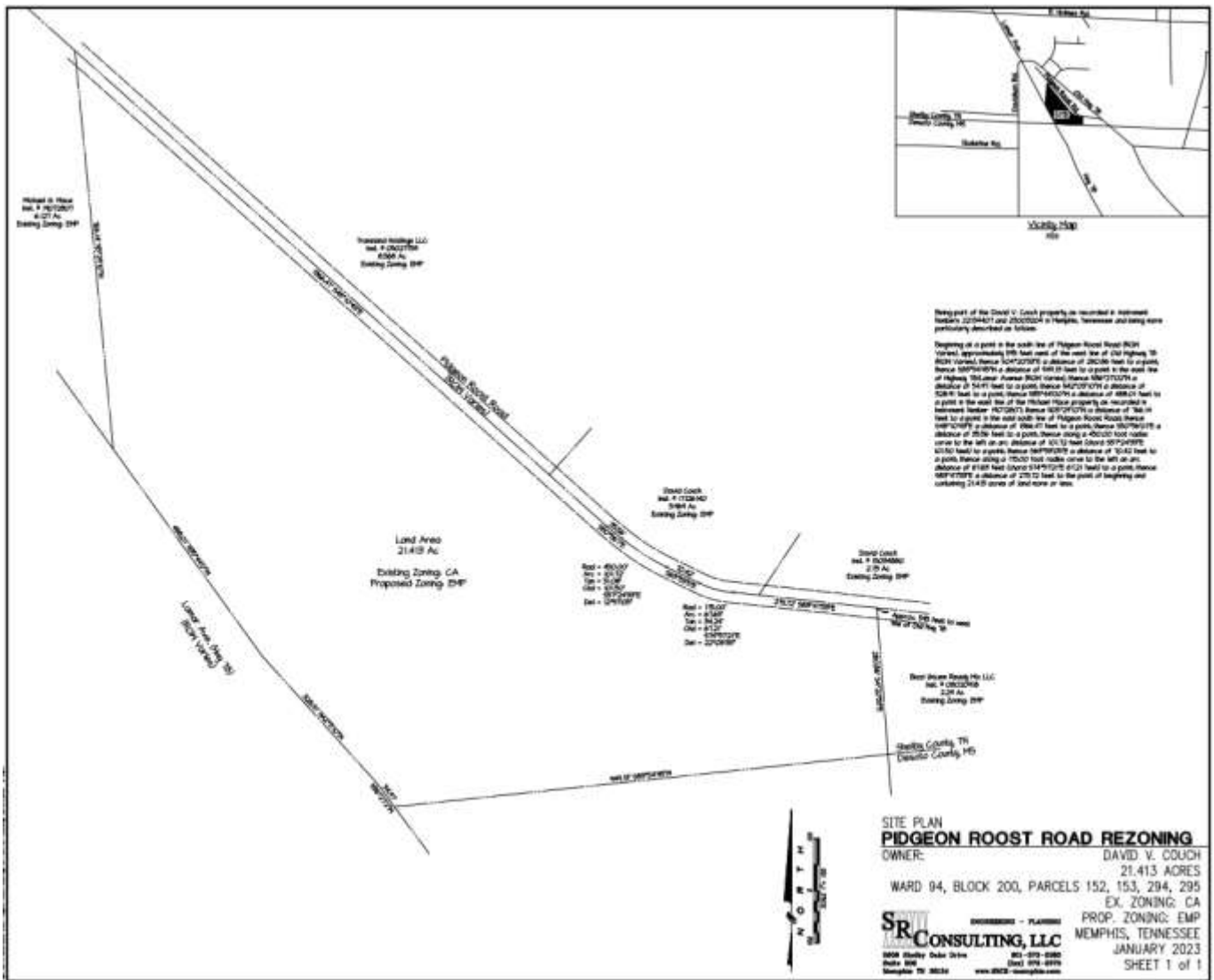
Respectfully,



Jordan McKenzie  
Principal Planner  
Land Use and Development Services  
Division of Planning and Development

Cc: Committee Members  
File

# PLOT PLAN



**ORDINANCE NO: \_\_\_\_\_**

**ZONING ORDINANCE AMENDING ORDINANCE NO. 5367 OF CODE OF ORDINANCE, CITY OF MEMPHIS, TENNESSEE, ADOPTED ON AUGUST 10, 2010, AS AMENDED, KNOWN AS THE MEMPHIS AND SHELBY COUNTY UNIFIED DEVELOPMENT CODE, TO AUTHORIZE A ZONING USE DISTRICT RECLASSIFICATION FOR LAND LOCATED AT 5591 PIDGEON ROOST ROAD. BY TAKING THE LAND OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT, KNOWN AS CASE NUMBER Z 23-004**

---

**WHEREAS**, a proposed amendment to the Memphis and Shelby County Unified Development Code, being Ordinance No. 5367 of the Code of Ordinances, City of Memphis, Tennessee, as amended, has been submitted to the Memphis and Shelby County Land Use Control Board for its recommendation, designated as **Case Number: Z 23-004**; and

**WHEREAS**, the Memphis and Shelby County Land Use Control Board has filed its recommendation and the Division of Planning and Development has filed its report and recommendation with the Council of the City of Memphis; and

**WHEREAS**, the Council of the City of Memphis has reviewed the aforementioned amendment pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said amendment is consistent with the Memphis 3.0 General Plan; and

**WHEREAS**, the provisions of the Code of Ordinances, City of Memphis, Tennessee, as amended, relating to the proposed amendment, have been complied with.

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

**SECTION 1:**

**THAT**, the Memphis and Shelby County Unified Development Code, Ordinance No. 5367 of the Code of Ordinances, City of Memphis, as amended, be and the same hereby is amended with respect to Use Districts, as follows:

**BY TAKING THE FOLLOWING PROPERTY OUT OF THE CONSERVATION AGRICULTURE (CA) USE DISTRICT AND INCLUDING IT IN THE EMPLOYMENT (EMP) USE DISTRICT.**

The following property located in the City of Memphis, Tennessee being more particularly described as follows:

**BOUNDARY**

DESCRIPTION OF 21.413 ACRES, BEING PART OF THE DAVID V. COUCH PROPERTY AS RECORDED IN INSTRUMENT NUMBERS 22134407 AND 23003204 IN MEMPHIS, TENNESSEE AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTH LINE OF PIDGEON ROOST ROAD (ROW VARIES), APPROXIMATELY 595 FEET WEST OF THE WEST LINE OF OLD HIGHWAY 78 (ROW VARIES); THENCE S04°20'53"E A DISTANCE OF 280.86 FEET TO A POINT; THENCE S83°54'45"W A DISTANCE OF 949.13 FEET TO A POINT IN THE EAST LINE OF HIGHWAY 78/LAMAR AVENUE (ROW VARIES); THENCE N36°27'02"W A DISTANCE OF 54.97 FEET TO A POINT; THENCE N42°03'10"W A DISTANCE OF 328.91 FEET TO A POINT; THENCE N35°44'00"W A DISTANCE OF 488.01 FEET TO A POINT IN THE EAST LINE OF THE MICHAEL MACE PROPERTY AS RECORDED IN INSTRUMENT NUMBER 19072807; THENCE N05°29'10"W A DISTANCE OF 766.14 FEET TO A POINT IN THE SAID SOUTH LINE OF PIDGEON ROOST ROAD; THENCE S48°10'43"E A DISTANCE OF 1366.47 FEET TO A POINT; THENCE S50°56'01"E A DISTANCE OF 35.56 FEET TO A POINT; THENCE ALONG A 450.00 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 101.72 FEET (CHORD S57°24'33"E 101.50 FEET) TO A POINT; THENCE S63°53'05"E A DISTANCE OF 70.42 FEET TO A POINT; THENCE ALONG A 175.00 FOOT RADIUS CURVE TO THE LEFT AN ARC DISTANCE OF 67.63 FEET (CHORD S74°57'21"E 67.21 FEET) TO A POINT; THENCE S83°47'33"E A DISTANCE OF 275.72 FEET TO THE POINT OF BEGINNING AND CONTAINING 21.413 ACRES OF LAND MORE OR LESS

## **SECTION 2:**

**THAT**, the Zoning Administrator of the Division of Planning and Development be, and is hereby directed to make the necessary changes in the Official Use District Maps to conform to the changes herein made; that all official maps and records of the Memphis and Shelby County Land Use Control Board and the City of Memphis be, and they hereby are, amended and changed so as to show the aforementioned amendment of the said Zoning Ordinance.

## **SECTION 3:**

**THAT**, this ordinance 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.

**ATTEST:**

**//: ATTACHMENTS**



**AGENDA ITEM:** 18

**CASE NUMBER:** Z 2023-004

**L.U.C.B. MEETING:** March 09, 2023

**LOCATION:** 5591 Pidgeon Roost Road

**COUNCIL DISTRICT:** District 3 and Super District 8 – Positions 1, 2, and 3

**OWNER/APPLICANT:** David Crouch

**REPRESENTATIVE:** David Crouch

**REQUEST:** Rezoning of +/- 21.41 acres from Conservation Agriculture (CA) to Employment (EMP)

## CONCLUSIONS

1. The request is to rezone 21.413 acres from Conservation Agriculture (CA) to Employment (EMP).
2. The purpose of this request is to allow for uses consistent with abutting properties.
3. Staff does have flood hazard concerns about the property, so future development of the site will be extensively review for flood mitigation.
4. Staff finds the request is consistent with the Memphis 3.0 and is an appropriate zoning district for the area that is compatible with the surrounding land uses.
5. The subject property is vacant currently.

## CONSISTENCY WITH MEMPHIS 3.0

This proposal is consistent with the Memphis 3.0 General Plan per the land use decision criteria. See further analysis on pages 16-18 of this report.

## RECOMMENDATION

*Approval*

**GENERAL INFORMATION**

<b>Street Frontage:</b>	Pidgeon Roost Road Lamar Avenue	+/- 1696 linear feet +/- 806 linear feet
<b>Zoning Atlas Page:</b>	2545	
<b>Parcel ID:</b>	094200 00294, 094200 00152, 094200 00295, 094200 00153	
<b>Area:</b>	+/- 21.41 acres	
<b>Existing Zoning:</b>	Conservation Agriculture (CA)	
<b>Requested Zoning:</b>	Employment (EMP)	

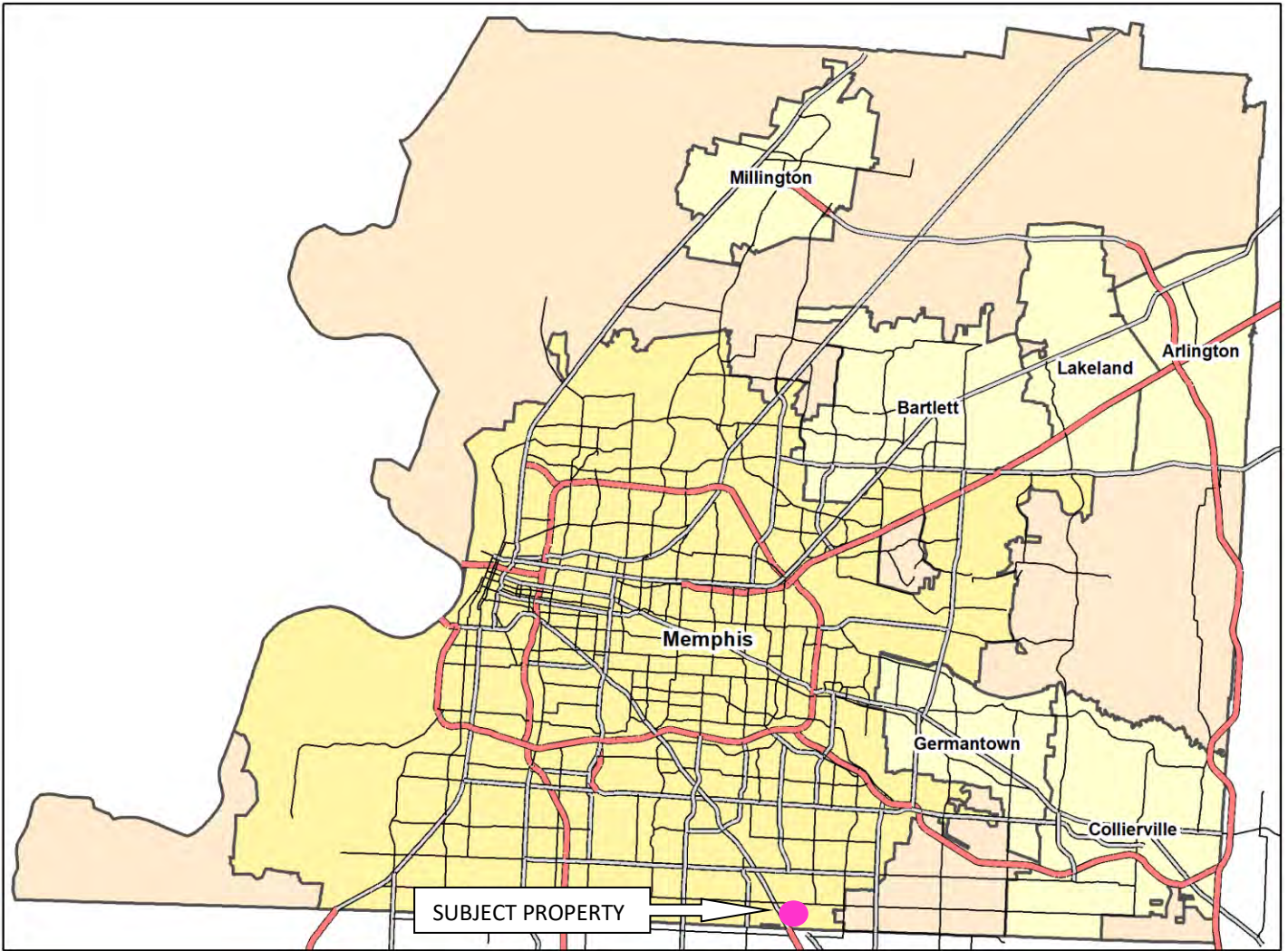
**NEIGHBORHOOD MEETING**

Not required, zoning change is following the Memphis 3.0 General Plan

**PUBLIC NOTICE**

In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 40 notices were mailed on February 23, 2023, and a total of 1 sign posted at the subject property. The sign affidavit has been added to this report.

**LOCATION MAP**



Subject properties located within the pink circle, near the TN State line.

J. B. EPPS SUBDIVISION (1974)

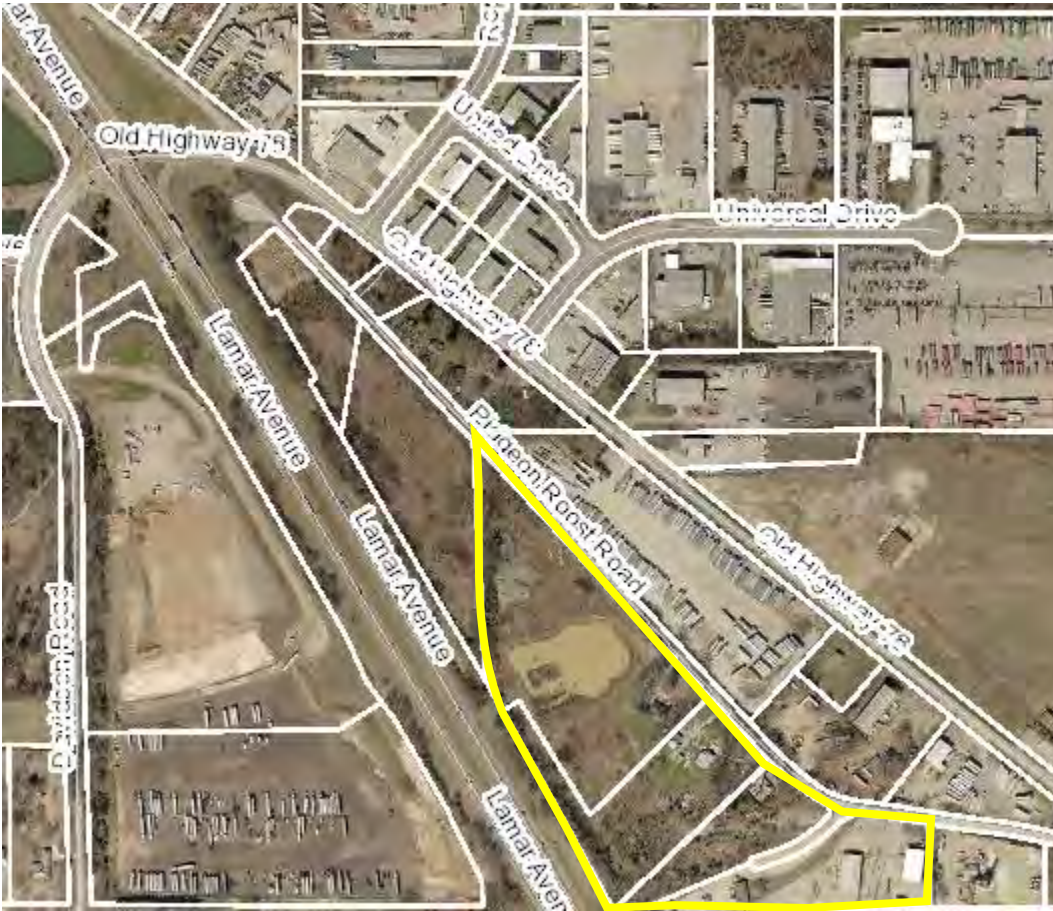


Subject properties highlighted in yellow





**AERIAL**



Subject properties outlined in yellow, imagery from 2023

**ZONING MAP**



Subject properties highlighted in yellow

**Existing Zoning:** Conservation Agriculture (CA)

**Surrounding Zoning**

**North:** Employment (EMP) and Commercial Mixed Use (CMU-3)

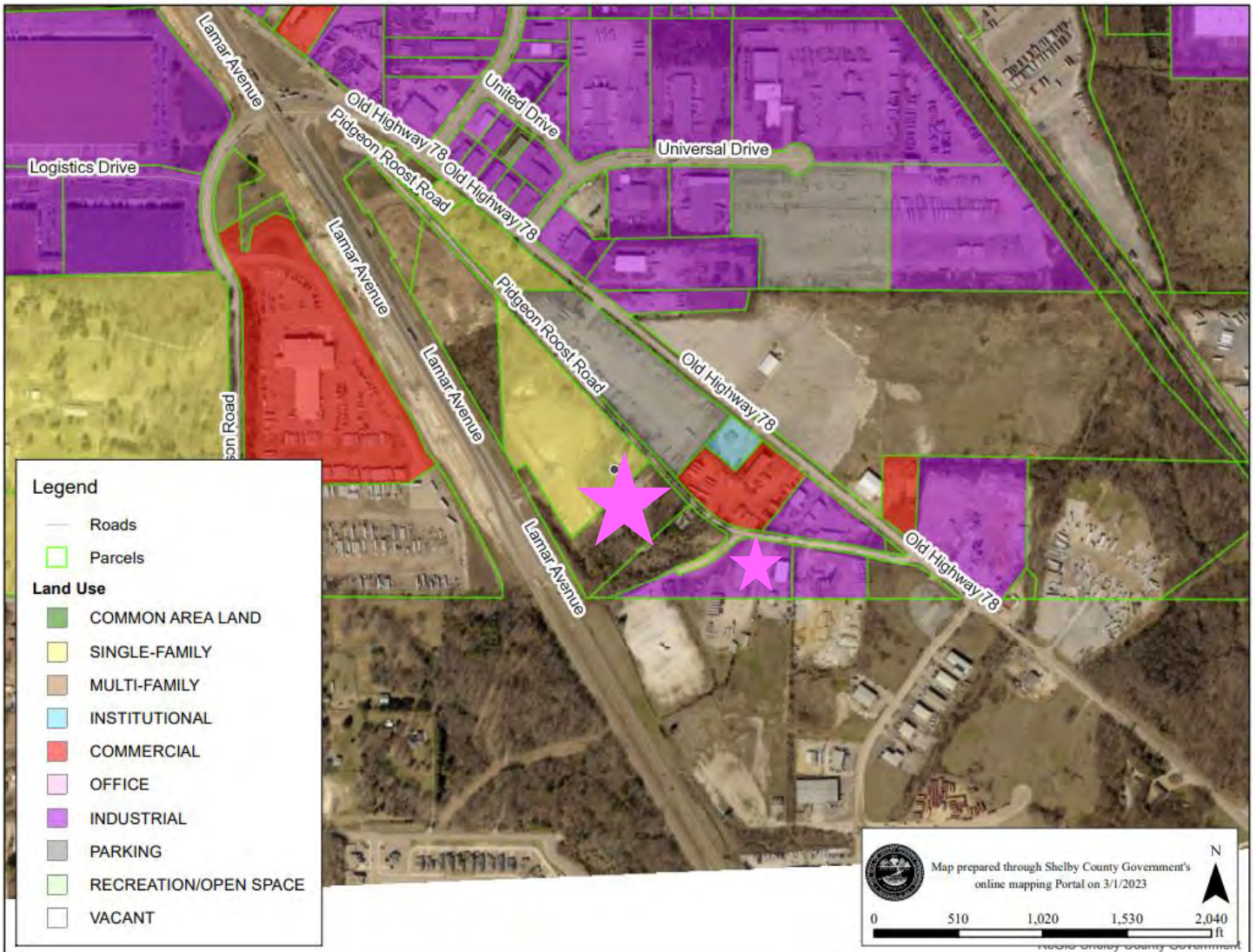
**East:** Employment (EMP)

**South:** TN/ MS State line

**West:** Employment (EMP)

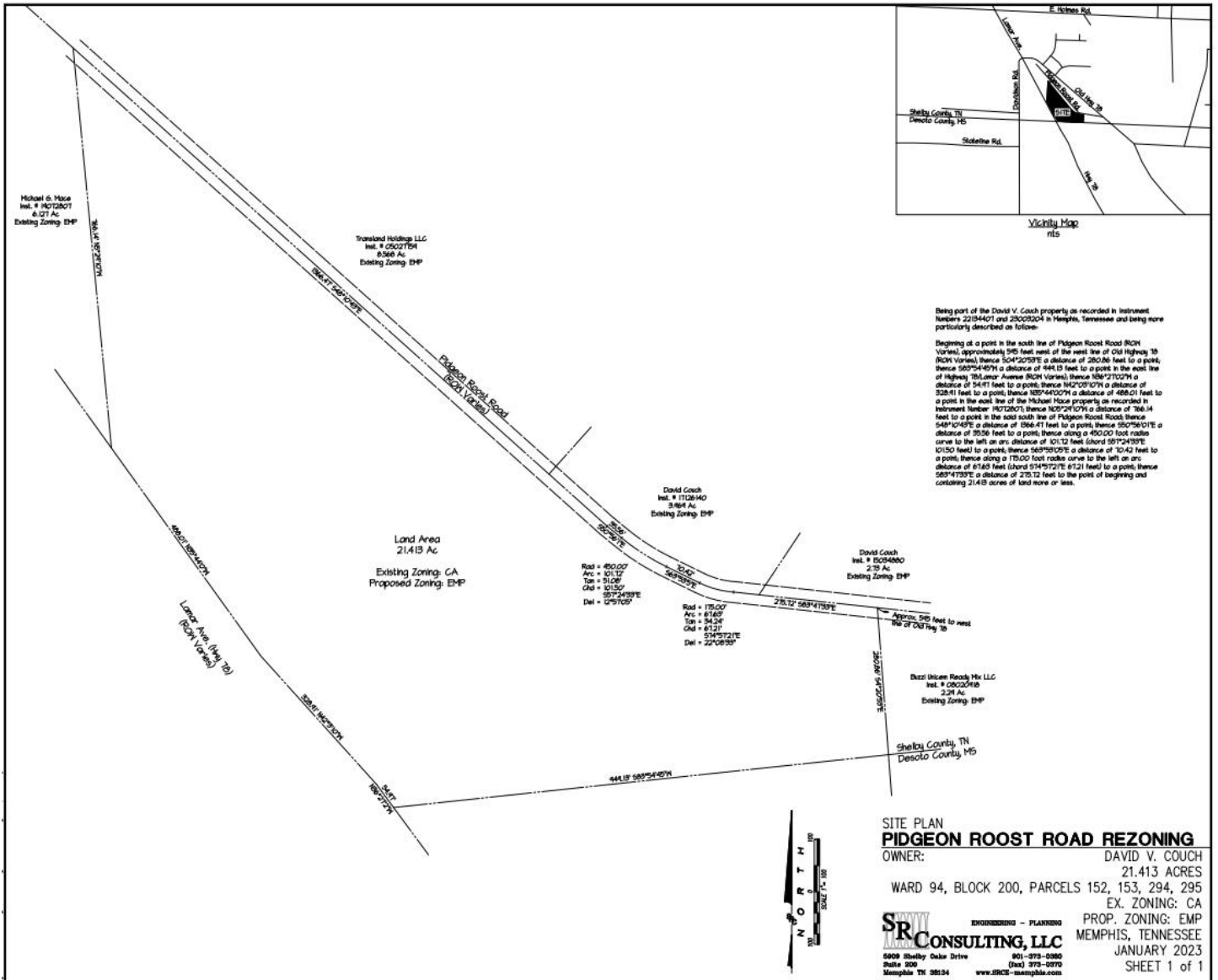


**LAND USE MAP**



Subject properties indicated by pink stars

**PLOT PLAN**





**SITE PHOTOS**



View of subject property from Lamar Avenue looking East



View of subject property from Pidgeon Roost Road looking southwest





View of subject property from unfinished street extending from Pidgeon Roost Road looking North

## **STAFF ANALYSIS**

### **Request**

The application and letter of intent have been added to this report.

The request is to rezone 21.36 acres from Conservation Agriculture (CA) to Employment (EMP).

### **Review Criteria**

Staff agrees the review criteria as set out in Sub-Section 9.5.7B of the Unified Development Code are met.

#### *9.5.7B Review Criteria*

*In making recommendations, the Land Use Control Board shall consider the following matters:*

*9.5.7B(1) Consistency with any plans to be considered (see Chapter 1.9);*

*9.5.7B(2) Compatibility with the present zoning (including any residential corridor overlay district) and conforming uses of nearby property and with the character of the neighborhood;*

*9.5.7B(3) Suitability of the subject property for uses permitted by the current versus the proposed district;*

*9.5.7B(4) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City or County; and*

*9.5.7B(5) The availability of adequate police services, fire services, school, road, park, wastewater treatment, water supply and stormwater drainage facilities for the proposed zoning.*

### **Site Description**

The subject property is +/- 21.413 acres and comprised of four parcels located on the east side of Lamar Avenue and west side of Pidgeon Roost Road, with the state line abutting the southern property boundaries. The site is currently zoned Conservation Agriculture, and it is largely vacant land. There are overhead powerlines along the northern boundary property lines along with a cell tower located on the parcel abutting the unfinished street/alley. The site is adjacent to Employment in the northeast and northwest and abuts the state line to the south.

### **Site Zoning History**

The current Conservation Agriculture (CA) District or its predecessor Agricultural (AG) date back to the adoption of zoning for Shelby County, circa 1960.

### **Conclusions**

The request is to rezone 21.413 acres from Conservation Agriculture (CA) to Employment (EMP).

The purpose of this request is to allow for uses consistent with abutting properties.

Staff does have flood hazard concerns about the property, so future development of the site will be extensively review for flood mitigation.

Staff finds the request is consistent with the Memphis 3.0 and is an appropriate zoning district for the area that is compatible with the surrounding land uses.

The subject property is vacant currently.

**RECOMMENDATION**

Staff recommends approval.

**DEPARTMENTAL COMMENTS**

The following comments were provided by agencies to which this application was referred:

**City/County Engineer:** No comments received.

**City/County Fire Division:** No comments received.

**City Real Estate:** No comments received.

**City/County Health Department:** No comments received.

**Shelby County Schools:** No comments received.

**Construction Code Enforcement:** No comments received.

**Memphis Light, Gas and Water:** No comments received.

**Office of Sustainability and Resilience:**

**General Comments & Analysis:**

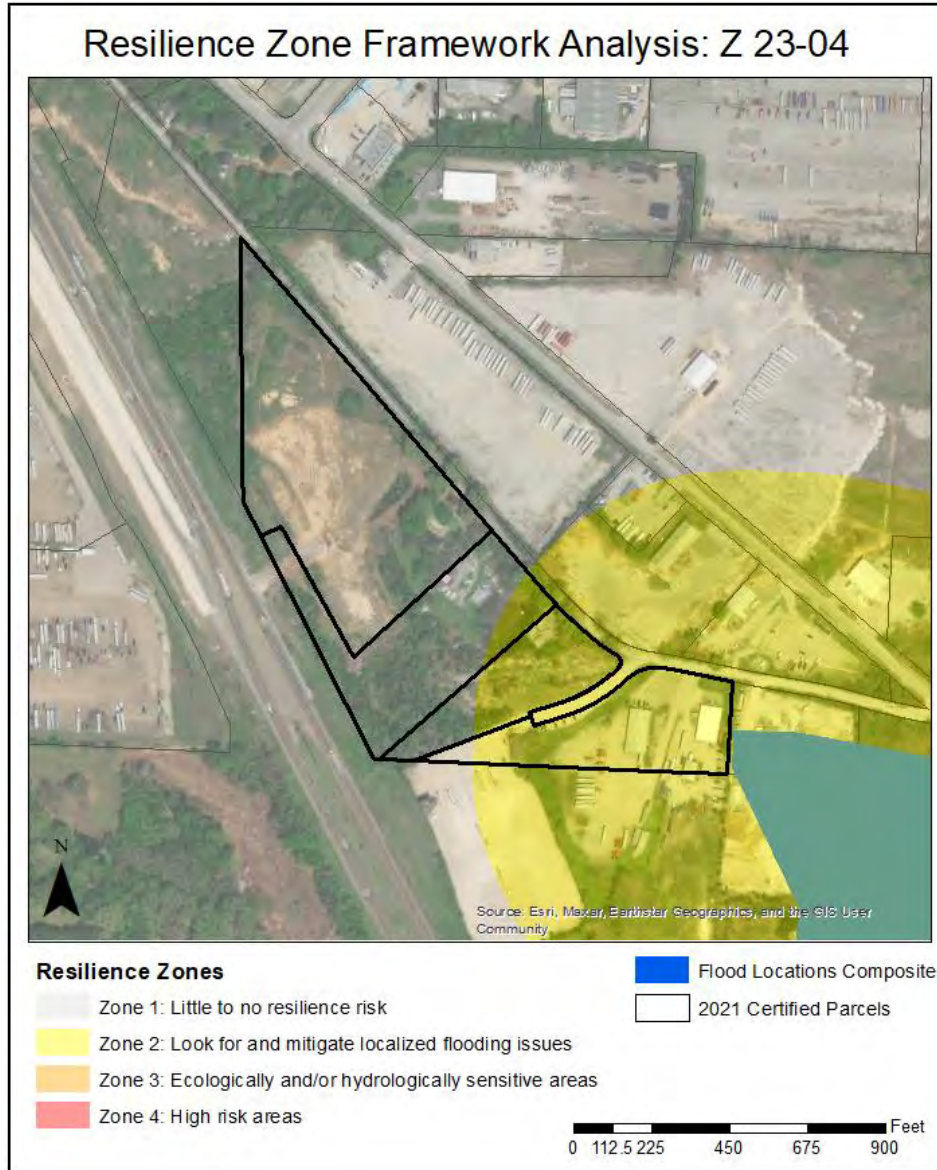
Located in Zone 1 and Zone 2 of the Resilience Zone Framework:

Zone 1 areas have the lowest level of development risk and conflict. These areas avoid high risk disaster zones, such as floodplains, and they also do not conflict with sensitive ecological areas. These areas are the most straightforward for development, and development would have the lowest impact on regional resilience. Consider incorporating the protection of ecological assets while balancing the promotion of low-impact site design and compact development typologies in appropriate areas.

Zone 2 areas have risks that can be mitigated with enhanced infrastructure. This zone includes areas with known localized flash flooding and/or insufficient storm drainage. Developing in Zone 2 is risky, but the risk can be mitigated. Consider the impact of new and existing development on localized flooding and propose measures to mitigate runoff and utilize potential development to mitigate areas of flood risk.

The site's Zone 2 designation is due to reported flooding to the southeast of the parcels in this rezoning request. It should also be noted that while none of the subject parcels are within the floodplain, there is a floodway nearby, less than a mile east of the easternmost parcel boundary.

The rezoning request, if approved, would change the zoning for these four parcels from Conservation Agriculture (CA) to Employment (EMP), which would make the area consistent with other parcels in the immediate vicinity to the north and east. Uses in CA districts are designed to encourage and promote agricultural uses and the conservation of undeveloped areas, while uses in EMP districts are intended to promote economic viability, encourage employment growth, and limit the encroachment of non-industrial development within established industrial areas.



**Consistent with the Mid-South Regional Resilience Master Plan best practices:** No

This rezoning request is inconsistent with the Mid-South Regional Resilience Master Plan. As noted in Section 4.1, Resilient Sites, development in Zone 2 areas is “risky, but the risk can be mitigated.” Without information regarding how the applicant plans to develop the site, it is difficult to discern the extent to which the change will impact the area, particularly regarding the mitigation of flood risk. There are ways in which development in this area could be consistent with best practices outlined in the Mid-South Regional Resilience Master Plan, but the nature of this request (i.e., a rezoning as opposed to a planned development) makes it difficult to make recommendations related to consistency with this plan.

**Consistent with the Memphis Area Climate Action Plan best practices:** N/A

**Recommendations:** Staff does not recommend approval of this rezoning request. However, staff would be amenable to the resubmission of this request as a planned development to ensure flood risk is addressed.



**Office of Comprehensive Planning:**

**Comprehensive Planning Review of Memphis 3.0 Consistency**

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This summary is being produced in response to the following application to support the Land Use and Development Services department in their recommendation: LUCB Case Z 23-04: SE Memphis

Site Address/Location: 5591, 5601, 5641, 0 Pidgeon Roost Rd

Overlay District/Historic District/Flood Zone: Not in an Overlay District, Historic District, or Flood Zone

Future Land Use Designation: Industrial Flex (IF)

Street Type: N/A

*The applicant is requesting to rezone the subject parcels from the Conservation Agriculture (CA) zoning district to the Employment (EMP) zoning district.*

The following information about the land use designation can be found on pages 76 – 122:

**1. Future Land Use Planning Map**



Red polygon indicates the application site on the Future Land Use Map.

**2. Land Use Description/Intent**

Lower intensity industrial areas with a mix of uses and building that are generally compatible with nearby neighborhoods. Graphic of IF is to the right.



scales  
portrayal

**“IF” Form & Location Characteristics**

Industrial with some commercial and service uses 1-6 stories

**“IF” Zoning Notes**

Generally compatible with the following zone districts: EMP, IH in accordance with Form and characteristics listed below. Consult zoning map and applicable overlays for current and effective regulations. May consider establishing Industrial mixed-use zones or CMU-zones that can accommodate compatible production-oriented facilities related to neighborhoods, using EMP more specifically to certain kinds of development (at the time of a small area plan).

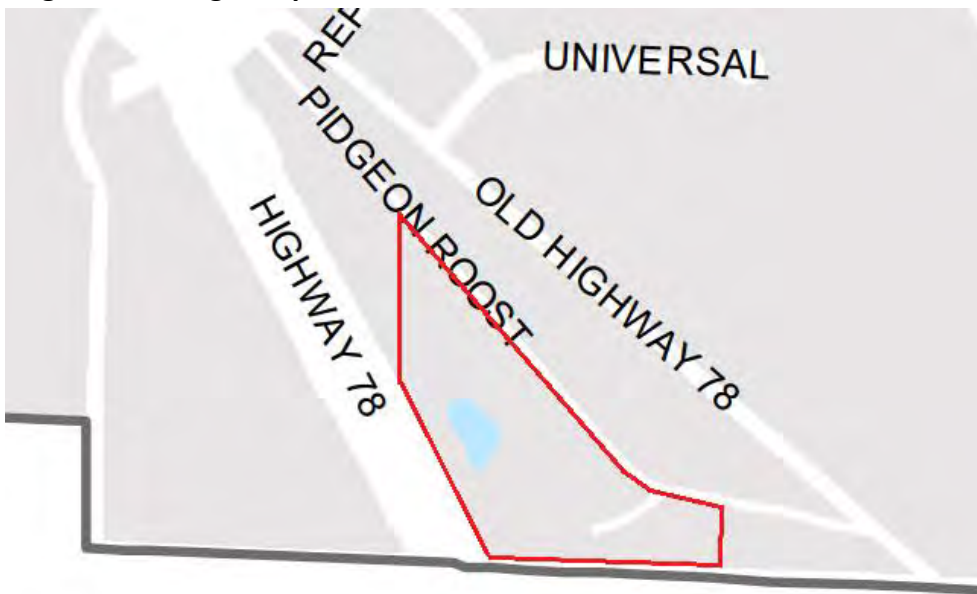
**Existing, Adjacent Land Use and Zoning**

Existing Land Use and Zoning: Vacant, Industrial, CA

Adjacent Land Use and Zoning: Vacant, Commercial, Parking, Industrial, Institutional; CA, EMP, CMU-3

**Overall Compatibility:** *This requested rezoning is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the EMP zoning district is present on adjacent parcels and compatible with the IF future land use.*

**3. Degree of Change Map**



Red polygon denotes the proposed site on the Degree of Change Map. There is no Degree of Change.

**4. Degree of Change Description**

N/A

**5. Objectives/Actions Consistent with Goal 1, Complete, Cohesive, Communities**

N/A

**6. Pertinent Sections of Memphis 3.0 that Address Land Use Recommendations**

N/A

**Consistency Analysis Summary**

*The applicant is requesting to rezone the subject parcels from the Conservation Agriculture (CA) zoning district to the Employment (EMP) zoning district.*

*This requested rezoning is compatible with the land use description/intent, form & location characteristics, zoning notes, and existing, adjacent land use and zoning as the EMP zoning district is present on adjacent parcels and compatible with the IF future land use.*

**Based on the information provided, the proposal is CONSISTENT with the Memphis 3.0 Comprehensive Plan.**

Summary Compiled by: Brian Mykulyn, Comprehensive Planning.

**APPLICATION**



**Record Summary for Rezoning**

**Record Detail Information**

Record Type: Rezoning

Record Status: Assignment

Opened Date: February 3, 2023

Record Number: Z 2023-004

Expiration Date:

Record Name: Pidgeon Roost Rezoning

Description of Work: Rezoning from CA to EMP

Parent Record Number:

---

**Address:**

5591 PIDGEON ROOST RD, MEMPHIS 38118

**Owner Information**

Primary Owner Name

Y COUCH DAVID V

Owner Address

3218 CHAPEL WOODS CV, GERMANTOWN, TN 38139

Owner Phone

---

**Parcel Information**

094200 00294

---

**Data Fields**

**PREAPPLICATION MEETING**

Name of DPD Planner N/A

Date of Meeting -

**GENERAL INFORMATION**

Is this application in response to a citation from No

Construction Code Enforcement or Zoning

**GENERAL INFORMATION**

Letter?	
Have you held a neighborhood meeting?	No
If yes, please provide additional information	-
<b>GIS INFORMATION</b>	
Central Business Improvement District	No
Case Layer	Z00-112cc
Class	R
Downtown Fire District	No
Historic District	-
Land Use	SINGLE-FAMILY
Municipality	MEMPHIS
Overlay/Special Purpose District	-
Zoning	CA
State Route	1
Lot	1 & 2
Subdivision	EPPS J B
Planned Development District	-
Wellhead Protection Overlay District	-

**Data Tables**

**ADDRESS AND PARCEL LIST**

Property Address:	5591 Pidgeon Roost Rd
Property Parcel Number:	094200 00294

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Property Address:	5601 Pidgeon Roost Rd
Property Parcel Number:	094200 00295

---

Property Address:	0 Pidgeon Roost Rd
Property Parcel Number:	094200 00152

---

Property Address:	5641 Pidgeon Roost Rd
Property Parcel Number:	094200 00153

---

**Contact Information**

<b>Name</b>	<b>Contact Type</b>
DAVID COUCH	APPLICANT
<b>Address</b>	
<b>Phone</b>	



**LETTER OF INTENT**



Date: January 27, 2023  
To: Division of Planning & Development  
From: Cindy Reaves  
Re: Pidgeon Roost Rd. Rezoning

**LETTER OF INTENT**

We are submitting a Rezoning application for property at 5591, 5601, 5641& 0 Pidgeon Roost Road, located west of Old Highway 78. The property is within the CA zoning district and is approximately 21.413 acres in area. We are requesting a rezoning to the EMP district which is compatible with the adjacent properties.

We appreciate your support with this request. Please contact me if you have any questions.

**SIGN AFFIDAVIT**

AFFIDAVIT

Shelby County  
State of Tennessee

I, Kristin Reaves, being duly sworn, depose and say that at 11:25 am on the 24th day of February, 2023 I posted two Public Notice Signs pertaining to Case No. Z 23-004 on of the property located on Pidgeon Roost Road providing notice of a Public Hearing before the March 9, 2023 Land Use Control Board for consideration of a proposed Land Use Action (Rezoning), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

[Signature] \_\_\_\_\_ Date 2/28/23  
Owner, Applicant or Representative

Subscribed and sworn to before me this 28th day of Feb, 2023

[Signature]  
Notary Public  
My commission expires: 9/27/23



**LETTERS RECEIVED**

No letters received at the time of completion of this report.



**MEMPHIS AND  
SHELBY COUNTY** **DIVISION OF PLANNING  
AND DEVELOPMENT**

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

March 14, 2023

David Crouch  
3218 Chapel Woods CV,  
Germantown, TN 38139

*Sent via electronic mail to: melanie.jones@srce-memphis.com*

Case Number: Z 23-004  
LUCB Recommendation: Approval

Dear applicant,

On Thursday, March 9, 2023, the Memphis and Shelby County Land Use Control Board recommended **approval** of your rezoning application located at 5591 Pidgeon Roost Road to be included in the Employment (EMP) Zoning District.

This application will be forwarded, for final action, to the Council of the City of Memphis. Ordinances appear on three consecutive Council Agendas with the third one being the Public Hearing. The Council will review your application in a committee meeting prior to voting on it in a public hearing. The applicant or the applicant's representative(s) shall attend all meetings and hearings.

It is the applicant's responsibility to contact the City Council Records Office to determine when the application is scheduled to be heard at committee and in public session. The City Council Records Office may be reached at (901) 636-6792.

If for some reason you choose to withdraw your application, a letter should be mailed to the Land Use and Development Services Department of the Division of Planning and Development at the address provided above or emailed to the address provided below.

If you have questions regarding this matter, please feel free to contact me at (901) 636-6619 or via email at [jordan.mckenzie@memphistn.gov](mailto:jordan.mckenzie@memphistn.gov).

**Letter to Applicant**

**Z 23-004**

Respectfully,

A handwritten signature in black ink, appearing to read "Jordan McKenzie", with a long horizontal flourish extending to the right.

Jordan McKenzie  
Principal Planner  
Land Use and Development Services  
Division of Planning and Development

Cc: Melanie Jones, SR Consulting, LLC  
File





## Record Summary for Rezoning

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Record Status: Assignment

Opened Date: February 3, 2023

Record Number: Z 2023-004

Expiration Date:

Record Name: Pidgeon Roost Rezoning

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Parent Record Number:

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Y COUCH DAVID V

Owner Address

3218 CHAPEL WOODS CV, GERMANTOWN, TN 38139

Owner Phone

**Parcel Information**

094200 00294

**Data Fields**

**PREAPPLICATION MEETING**

Name of DPD Planner N/A

Date of Meeting -

**GENERAL INFORMATION**

Is this application in response to a citation from Construction Code Enforcement or Zoning No

**GENERAL INFORMATION**

Letter?  
Have you held a neighborhood meeting? No  
If yes, please provide additional information -

**GIS INFORMATION**

Central Business Improvement District No  
Case Layer Z00-112cc  
Class R  
Downtown Fire District No  
Historic District -  
Land Use SINGLE-FAMILY  
Municipality MEMPHIS  
Overlay/Special Purpose District -  
Zoning CA  
State Route 1  
Lot 1 & 2  
Subdivision EPPS J B  
Planned Development District -  
Wellhead Protection Overlay District -

**Data Tables**

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Property Parcel Number: 094200 00294

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Property Address: 5601 Pidgeon Roost Rd  
Property Parcel Number: 094200 00295

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Property Address: 0 Pidgeon Roost Rd  
Property Parcel Number: 094200 00152

---

Property Address: 5641 Pidgeon Roost Rd  
Property Parcel Number: 094200 00153

---

**Contact Information**

**Name** **Contact Type**  
DAVID COUCH APPLICANT

**Address**

**Phone**

-

---

**Fee Information**

Invoice #	Fee Item	Quantity	Fees	Status	Balance	Date Assessed
1446573	Non-Residential Rezoning - 5 acres or less	1	1,000.00	INVOICED	0.00	02/03/2023
1446573	Non-Residential Rezoning - each additional acre or fraction above 5	17	1,700.00	INVOICED	0.00	02/03/2023
1446573	Credit Card Use Fee (.026 x fee)	1	70.20	INVOICED	0.00	02/03/2023

Total Fee Invoiced: \$2,770.20

Total Balance: \$0.00

---

**Payment Information**

Payment Amount	Method of Payment
\$2,770.20	Credit Card

**MEMPHIS AND  
SHELBY COUNTY**  **DIVISION OF PLANNING  
AND DEVELOPMENT**

City Hall – 125 N. Main Street, Suite 468 – Memphis, Tennessee 38103 – (901) 636-6619

**Property Owner's Affidavit**

Memphis and Shelby County Unified Development Code Section 12.3.1

OWNER: Includes the holder of legal title as well as holders of any equitable interest, such as trust beneficiaries, contract purchasers, option holders, lessees under leases having an unexpired term of at least ten years, and the like. Whenever a statement of ownership is required by the Memphis and Shelby County Unified Development Code, full disclosure of all legal and equitable interest in the property is required. Memphis and Shelby County Unified Development Code Section 12.3.1.

I, David V. Couch David V. Couch, state that I have read the definition of  
(Print Name) (Sign Name)

“Owner” as outlined in the Memphis and Shelby County Unified Development Code Section 12.3.1 and hereby state that (select applicable box):

I am the owner of record as shown on the current tax rolls of the county Assessor of Property; the mortgage holder of record as shown in the mortgage records of the county Register of Deeds; purchaser under a land contract; a mortgagee or vendee in possession; or I have a freehold or lesser estate in the premises

I have charge, care or control of the premises as trustee, agent, executor, administrator, assignee, receiver, guardian or lessee (and have included documentation with this affidavit)

of the property located at 5591, 5601, 0, 5641 Pidgeon Roost Rd.  
and further identified by Assessor’s Parcel Number 094200 00294, 295, 152, 153,  
for which an application is being made to the Division of Planning and Development.

Subscribed and sworn to (or affirmed) before me this Feb. day of Feb. in the year of 2023

Connie Evans  
Signature of Notary Public



Jan 12, 2025  
My Commission Expires



ENGINEERING • PLANNING

5909 Shelby Oaks Drive  
Suite 200  
Memphis TN 38134

Tel: 901-373-0380  
Fax: 901-373-0370  
[www.SRCE-memphis.com](http://www.SRCE-memphis.com)

Date: January 27, 2023

To: Division of Planning & Development

From: Cindy Reaves

Re: Pidgeon Roost Rd. Rezoning

## **LETTER OF INTENT**

We are submitting a Rezoning application for property at 5591, 5601, 5641 & 0 Pidgeon Roost Road, located west of Old Highway 78. The property is within the CA zoning district and is approximately 21.413 acres in area. We are requesting a rezoning to the EMP district which is compatible with the adjacent properties.

We appreciate your support with this request. Please contact me if you have any questions.



Michael G. Mace  
Inst. # 19072807  
6.127 Ac  
Existing Zoning: EMP

Transland Holdings LLC  
Inst. # 05021754  
8.568 Ac  
Existing Zoning: EMP

David Couch  
Inst. # 17126140  
3.969 Ac  
Existing Zoning: EMP

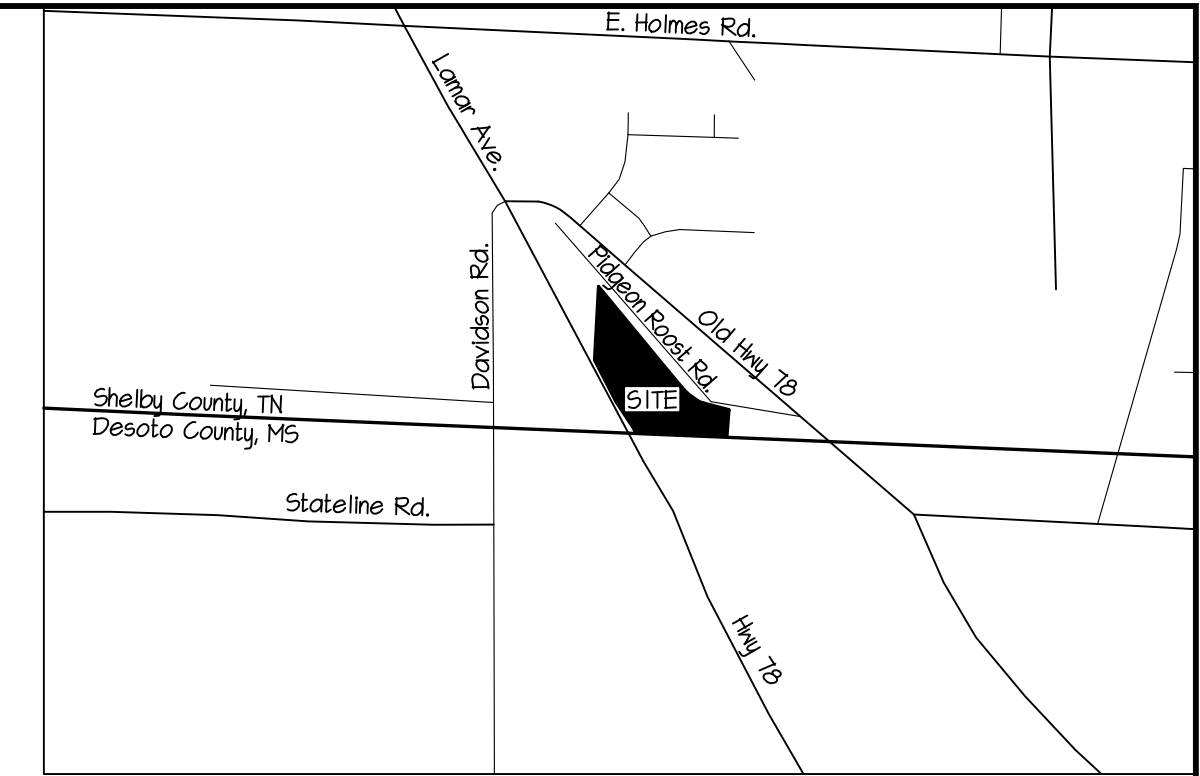
David Couch  
Inst. # 15034880  
2.73 Ac  
Existing Zoning: EMP

Buzzi Unicem Ready Mix LLC  
Inst. # 08020918  
2.29 Ac  
Existing Zoning: EMP

Land Area  
21.413 Ac  
Existing Zoning: CA  
Proposed Zoning: EMP

Being part of the David V. Couch property as recorded in Instrument Numbers 22134407 and 23003204 in Memphis, Tennessee and being more particularly described as follows:

Beginning at a point in the south line of Pidgeon Roost Road (ROW Varies), approximately 595 feet west of the west line of Old Highway 78 (ROW Varies); thence S04°20'53"E a distance of 280.86 feet to a point; thence S83°54'45"W a distance of 949.13 feet to a point in the east line of Highway 78/Lamar Avenue (ROW Varies); thence N36°27'02"W a distance of 54.97 feet to a point; thence N42°03'10"W a distance of 328.91 feet to a point; thence N35°44'00"W a distance of 488.01 feet to a point in the east line of the Michael Mace property as recorded in Instrument Number 19072807; thence N05°29'10"W a distance of 766.14 feet to a point in the said south line of Pidgeon Roost Road; thence S48°10'43"E a distance of 1366.47 feet to a point; thence S50°56'01"E a distance of 35.56 feet to a point; thence along a 450.00 foot radius curve to the left an arc distance of 101.72 feet (chord S57°24'33"E 101.50 feet) to a point; thence S63°53'05"E a distance of 10.42 feet to a point; thence along a 175.00 foot radius curve to the left an arc distance of 67.63 feet (chord S74°57'21"E 67.21 feet) to a point; thence S83°47'33"E a distance of 275.72 feet to the point of beginning and containing 21.413 acres of land more or less.



Vicinity Map  
nts

File No. 9/10/2021(2021-0201) Pidgeon Roost Rezoning/Plan/Plat/Map, Jan. 24, 2023 - 2:46pm

**SITE PLAN  
PIDGEON ROOST ROAD REZONING**

OWNER: DAVID V. COUCH

21.413 ACRES

WARD 94, BLOCK 200, PARCELS 152, 153, 294, 295

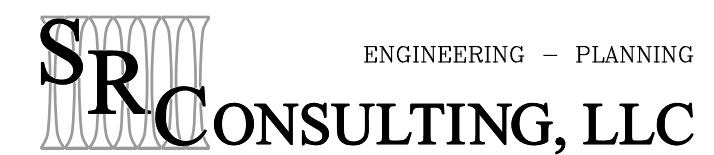
EX. ZONING: CA

PROP. ZONING: EMP

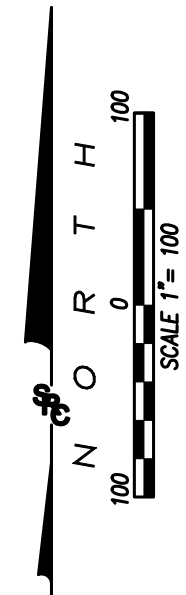
MEMPHIS, TENNESSEE

JANUARY 2023

SHEET 1 of 1

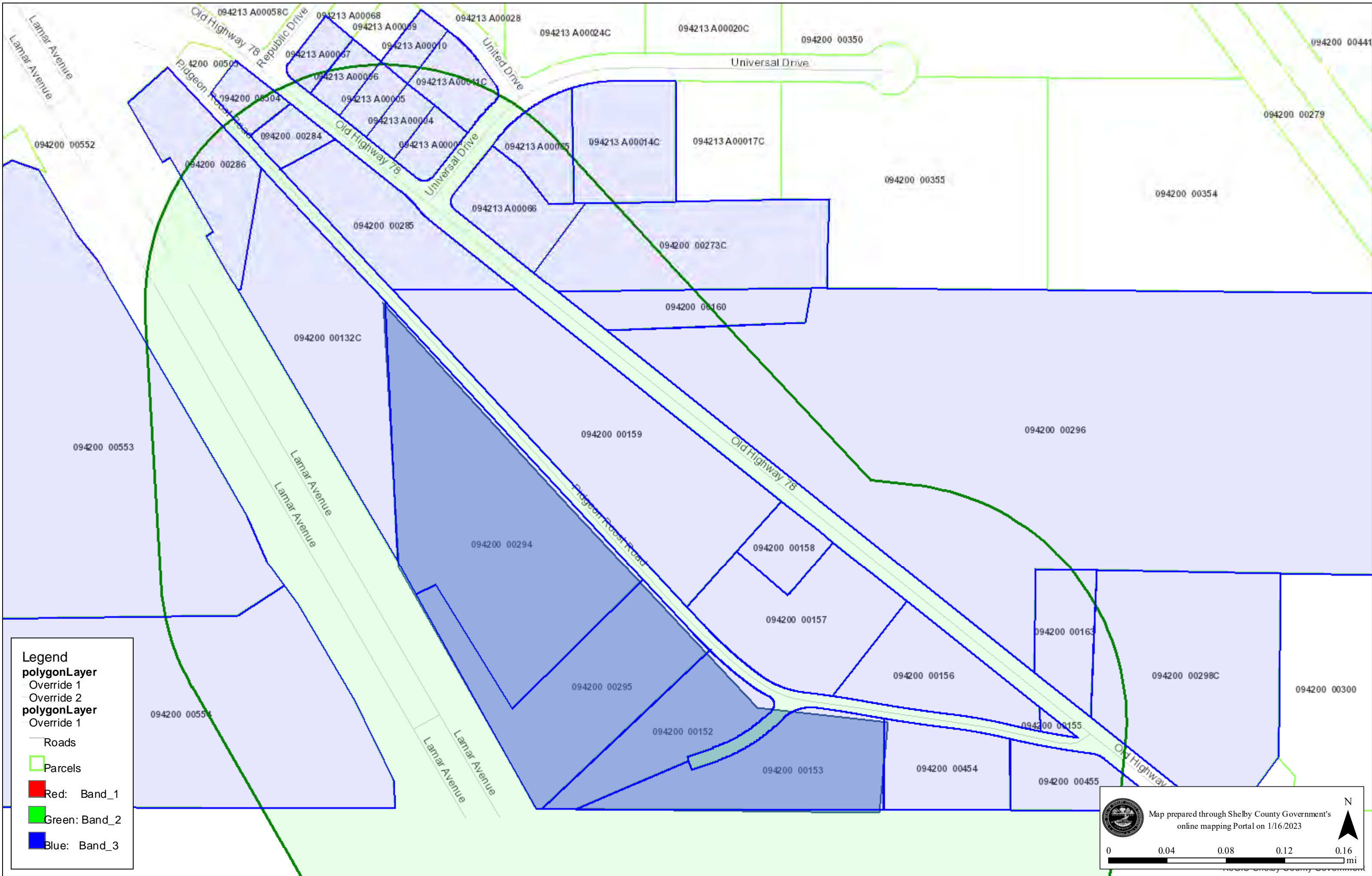


ENGINEERING - PLANNING  
5909 Shelby Oaks Drive Suite 200 Memphis TN 38134  
901-373-0380 (fax) 373-0370  
www.SRCE-memphis.com



Being part of the David V. Couch property as recorded in Instrument Numbers 22134407 and 23003204 in Memphis, Tennessee and being more particularly described as follows:

Beginning at a point in the south line of Pidgeon Roost Road (ROW Varies), approximately 595 feet west of the west line of Old Highway 78 (ROW Varies); thence  $S04^{\circ}20'53''E$  a distance of 280.86 feet to a point; thence  $S83^{\circ}54'45''W$  a distance of 949.13 feet to a point in the east line of Highway 78/Lamar Avenue (ROW Varies); thence  $N36^{\circ}27'02''W$  a distance of 54.97 feet to a point; thence  $N42^{\circ}03'10''W$  a distance of 328.91 feet to a point; thence  $N35^{\circ}44'00''W$  a distance of 488.01 feet to a point in the east line of the Michael Mace property as recorded in Instrument Number 19072807; thence  $N05^{\circ}29'10''W$  a distance of 766.14 feet to a point in the said south line of Pidgeon Roost Road; thence  $S48^{\circ}10'43''E$  a distance of 1366.47 feet to a point; thence  $S50^{\circ}56'01''E$  a distance of 35.56 feet to a point; thence along a 450.00 foot radius curve to the left an arc distance of 101.72 feet (chord  $S57^{\circ}24'33''E$  101.50 feet) to a point; thence  $S63^{\circ}53'05''E$  a distance of 70.42 feet to a point; thence along a 175.00 foot radius curve to the left an arc distance of 67.63 feet (chord  $S74^{\circ}57'21''E$  67.21 feet) to a point; thence  $S83^{\circ}47'33''E$  a distance of 275.72 feet to the point of beginning and containing 21.413 acres of land more or less.



**Legend**

**polygonLayer**

- Override 1
- Override 2

**polygonLayer**

- Override 1

— Roads

□ Parcels

- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3

Map prepared through Shelby County Government's online mapping Portal on 1/16/2023

0 0.04 0.08 0.12 0.16 mi

N

MCCOOL ANGELA AND EDWARD B MCCOOL  
6355 RAGAN FARM DR #  
MEMPHIS TN 38141

CANNON DAVID W SR IRREVOCABLE TRUST  
5492 OLD HIGHWAY 78 #  
MEMPHIS TN 38118

MISSISSIPPI MATERIALS CO  
PO BOX 673 #  
HORN LAKE MS 38637

LUMPKIN EDWIN B JR  
100 METRO PKWY  
PELHAM AL 35124

LUNATI TICER PARTNERSHIP  
7170 STOUT RD #  
GERMANTOWN TN 38138

COUCH DAVID V  
9950 CENTER HILL RD #  
COLLIERVILLE TN 38017

COUCH DAVID V  
3218 CHAPEL WOODS CV  
GERMANTOWN TN 38139

PURKEY CONSTANCE M (TR)  
5571 UNIVERSAL DR #  
MEMPHIS TN 38118

BUZZI UNICEM READY MIX LLC  
1029 JOHN A DENIE DR #  
MEMPHIS TN 38134

MACE MICHEAL G  
3501 KNIGHT ARNOLD RD #  
MEMPHIS TN 38118

SIMON PHILIP  
5516 LAMAR AVE #  
MEMPHIS TN 38118

COLE CALVIN AND VALLEENA C FAULKNER AND  
3020 DARROW ST #  
MEMPHIS TN 38118

COUCH PAMELA A  
5591 PIDGEON ROOST RD #  
MEMPHIS TN 38118

MITCHELL BROTHERS INVESTMENTS LLC  
14875 NE TANGEN RD #  
NEWBERG OR 97132

COUCH DAVID V  
9950 CENTER HILL DR #  
COLLIERVILLE TN 38017

COUCH PAMELA A  
5601 PIDGEON ROOST RD #  
MEMPHIS TN 38118

TRANSLAND HOLDINGS LLC  
2947 WAGON CT #  
SAINT CLOUD FL 34772

ALLEN DAVID S  
5500 DAVIDSON RD #  
MEMPHIS TN 38118

COLE PEARCE & DOROTHY  
996 S WHITEHAVAN #  
MEMPHIS TN 38116

LUNATI TICER PARTNERSHIP  
7170 STOUT RD #  
GERMANTOWN TN 38138

MACE MICHEAL G  
3501 KNIGHT ARNOLD RD #  
MEMPHIS TN 38118

COLE BOBBY  
6680 CHERRY BARK DR #  
MEMPHIS TN 38141

COUCH DAVID V  
9950 CENTER HILL DR #  
COLLIERVILLE TN 38017

CROW WILLIAM B & PAULA F  
5500 DAVIDSON RD #  
MEMPHIS TN 38118

SORO JUSTINE G TRUST  
1771 MALONE RD #  
NESBIT MS 38651

COUCH DAVID V  
9950 CENTER HILL RD #  
COLLIERVILLE TN 38017

WILLIAMS ROY S AND FRED L KERN  
PO BOX 460069 #905  
HOUSTON TX 77056

SORO JUSTINE G TRUST  
1771 MALONE RD #  
NESBIT MS 38651

LUMPKIN EDWIN B JR  
100 METRO PKWY  
PELHAM AL 35124

WILLIAMS ROY S AND FRED L KERN  
PO BOX 460069 #905  
HOUSTON TX 77056

178 LLC  
9950 CENTER HILL RD  
COLLIERVILLE TN 38017

178 LLC  
9950 CENTER HILL RD  
COLLIERVILLE TN 38017

YAWEH EXPRESS LLC  
1121 POPLAR VIEW LN N #1  
COLLIERVILLE TN 38017



SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

SR Consulting Engineering  
5909 Shelby Oaks Drive, Suite 200  
Memphis TN 38134

David Couch  
9950 Center Hill Rd.  
Collierville, TN 38017

David Couch  
9950 Center Hill Rd.  
Collierville, TN 38017

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9950 Center Hill Rd.  
Collierville, TN 38017

David Couch  
9950 Center Hill Rd.  
Collierville, TN 38017

David Couch  
9950 Center Hill Rd.  
Collierville, TN 38017



Shelby County Tennessee  
*Willie F. Brooks, Jr.*  
Shelby County Register

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As evidenced by the instrument number shown below, this document  
has been recorded as a permanent record in the archives of the  
Office of the Shelby County Register.

**Prepared by and Return to:**  
**Hugh H. Armistead, Attorney**  
**Armistead Law, PLLC**  
**8925 Goodman Road**  
**Olive Branch, MS 38654**  
**662-895-4844**

**Property Address:**  
**5991-5601 Pidgeon Roost Road**  
**Memphis, TN 38118**

**Tax Parcel Numbers:**  
**094-2000-0-00294-0 and**  
**094-2000-0-00295-0**

**New Property Owner/Send Tax Bills to:**  
**David V. Couch**  
**3218 Chapel Woods Cove**  
**Germantown, TN 38139**

## **WARRANTY DEED**

**THIS INSTRUMENT**, made and entered into this the 14<sup>th</sup> day of December, 2022, by and

between

**PAMELA ANN COUCH**, of the first part,

**and**

**DAVID V. COUCH**, an unmarried man, of the second part,

**WITNESSETH:** That for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00), cash in hand paid, and other good and valuable considerations, the receipt of all of which is hereby acknowledged, the said party of the first part has bargained and sold and does hereby bargain, sell, convey and confirm unto the said party of the second part the following described real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee, to-wit:

### **SEE ATTACHED EXHIBIT "A" FOR LEGAL DESCRIPTION**

TO HAVE AND TO HOLD the aforesaid real estate together with all the appurtenances and hereditaments thereunto belonging or in any wise appertaining unto the said party of the second part it heirs, successors and assigns in fee simple forever.

The said party of the first part does hereby covenant with the said party of the second part that it is lawfully seized in fee of the afore-described real estate; that it has a good right to sell and convey the same; that the same is unencumbered except for any and all subdivision restrictions, building lines and easements of record; **2023 City of Memphis and 2023 Shelby County Real Property Taxes** and all subsequent years, not yet due and payable; and that the title and quiet possession thereto they will warrant and forever defend against the lawful claims of all persons.

The said party of the first party does further hereby assign unto the party of the second party all of her right, title and interest in and to any leases of the subject property to the party of the second part.

By way of explanation, Pamela Ann Couch became the sole owner of the subject property via survivorship following the death of her husband, L. Don Couch, who passed away on July 21, 2002.

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

IN TESTIMONY WHEREOF, the Grantor has executed this instrument, this the 14<sup>th</sup> day of December, 2022.

  
PAMELA ANN COUCH

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Before me, the undersigned, a Notary Public of the State and County aforesaid, personally appeared **PAMELA ANN COUCH**, with whom I am personally acquainted, and who, upon oath, acknowledged that she executed the foregoing instrument for the purposes therein contained.

WITNESS my hand, at office, this 14<sup>th</sup> day of December, 2022.

  
NOTARY PUBLIC

My Commission Expires \*



STATE OF MISSISSIPPI

COUNTY OF DESOTO

I hereby swear or affirm that to the best of affiant's knowledge, information and belief, the actual consideration for this transfer is **FOUR HUNDRED THOUSAND AND 00/100 Dollars (\$400,000.00)**.



\_\_\_\_\_  
AFFIANT

Sworn to and subscribed before me this the 14<sup>th</sup> day of December, 2022.



\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires:





**EXHIBIT "A"**

**Parcel I**

Being the north part of Lot 1, J.B. Epps Subdivision, as shown on plat of record in Plat Book 60, Page 46, in the Register's Office of Shelby County, Tennessee, more particularly described as follows:

Beginning at a point in the centerline of Pidgeon-Roost Road and the north line of said subdivision; thence south 48 degrees 10 minutes 44 seconds East 624.89 feet along the centerline of Pidgeon-Roost Road to a point; thence south 43 degrees 13 minutes 12 seconds west 530.43 feet to a point in the east line of New Highway #78; thence north 35 degrees 44 minutes west along the east line of New Highway #78 a distance of 50.0 feet to a point; thence north 5 degrees 29 minutes 10 seconds west along the north line of said subdivision, 766.15 feet to the point of beginning. Said parcel contains 4.024 acres and is vacant.

**Parcel II**

Being the south portion of Lot 1 and the north part of Lot 2 of the J.B. Epps Subdivision, as shown on plat of record in Plat Book 60, Page 46, in said Register's Office, more particularly described as follows:

Beginning at a point in the centerline of Pidgeon-Roost Road 297.31 feet north of the south line of said subdivision; thence south 37 degrees 22 minutes 19 seconds west 570.91 feet to a point; thence north 34 degrees 6 minutes 31 seconds west 469.94 feet to a point; thence south 54 degrees 16 minutes east 83.41 feet to a point in the east line of New Highway #78; thence north 35 degrees 44 minutes west along the east line of New Highway #78 a distance of 28.33 feet to a point; thence north 43 degrees 13 minutes 12 seconds east a distance of 530.43 feet to a point in the centerline of Pidgeon-Roost Road; thence south 48 degrees 10 minutes 44 seconds east along the centerline of Pidgeon-Roost Road 444.27 feet to the point of beginning. Said parcel contains 5.536 acres.

Parcels I and II being the same property conveyed to L. Don Couch and wife, Pamela Ann Couch by Warranty Deed recorded in Instrument No. DA 9387 in the Register's Office of Shelby County, Tennessee.

Address: 5591 Pidgeon Roost Road, Memphis, TN 38118

APN: 094-2000-0-00294-0

Parcel III

Beginning at a point in the centerline of Pidgeon Roost Road at the northwest corner of the "Wiseman Tract" and running thence south 41 degrees 48 minutes 06 seconds west, 659.77 feet (Plat Call 631.02 feet) to a point in the northern right-of-way line of New Highway No. 78 (Lamar Avenue); thence with said right-of-way line north 42 degrees 03 minutes 10 seconds west 328.91 feet (Plat Call 343.0 feet) to a concrete right-of-way monument of an angle point in said right-of-way, said monument being at the centerline station 18 + 00; thence with said right-of-way north 35 degrees 44 minutes west 409.67 feet to an iron pipe; thence north 54 degrees 15 minutes east, 83.41 feet to an iron pipe; thence south 34 degrees 06 minutes 31 seconds east, 469.94 feet to an iron pipe; thence north 37 degrees 22 minutes 19 seconds east 570.91 feet to a point in the centerline of Pidgeon Roost Road; thence south 48 degrees 10 minutes 44 seconds east 297.31 feet to the point of beginning, containing 212,384.762 square feet or 4.875 acres, and being the same property described in Installment Land Contract recorded as Instrument No. DA 9493, in the Register's Office of Shelby County, Tennessee.

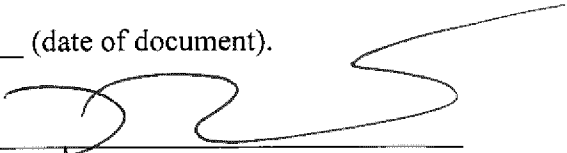
Being the same property conveyed to L. Don Couch and wife, Pamela Ann Couch by Quitclaim Deed recorded in Instrument No. GJ 9860 in the Register's Office of Shelby County, Tennessee.

Address: 5601 Pidgeon Roost Road, Memphis, TN

APN: 094-2000-0-00295-0

**Tennessee Certification of Electronic Document**

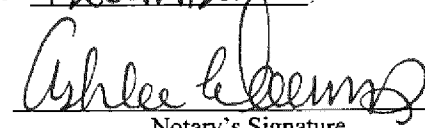
I, Rhett J. Armistead, do hereby make oath that I am a licensed attorney and/or the custodian of the original version of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on 12.14.2022 (date of document).

  
\_\_\_\_\_  
Affiant Signature

12.14.2022  
\_\_\_\_\_  
Date

State of Mississippi  
County of DeSoto

Sworn to and subscribed before me this 14<sup>th</sup> day of December, 2022.

  
\_\_\_\_\_  
Notary's Signature

MY COMMISSION EXPIRES: 10.18.2024

NOTARY'S SEAL





# Shelby County Tennessee

*Willie F. Brooks, Jr.*

Shelby County Register

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As evidenced by the instrument number shown below, this document has been recorded as a permanent record in the archives of the Office of the Shelby County Register.

23003204  
01/11/2023 - 10:34:30 AM

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4 PGS

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LAKECIA 2535342-23003204

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VALUE	0.00
MORTGAGE TAX	0.00
TRANSFER TAX	0.00
RECORDING FEE	20.00
DP FEE	2.00
REGISTER'S FEE	0.00
EFILE FEE	2.00
TOTAL AMOUNT	24.00

WILLIE F. BROOKS JR

REGISTER OF DEEDS SHELBY COUNTY TENNESSEE

**Prepared by and Return to:**

**Hugh H. Armistead, Attorney  
Armistead Law, PLLC  
8925 Goodman Road  
Olive Branch, MS 38654  
662-895-4844**

**New Property Owner/Send Tax Bills to:**

**David V. Couch  
9950 Center Hill Road  
Collierville, TN 38017**

**Property Address:**

**5641, 5671-5675 Pidgeon Roost, Memphis, Tennessee**

**Tax Parcel Numbers:**

**TN: 094-2000-0-00152-0 and 094-2000-0-00153-0  
MS: 1064-1800.0-00010.00**

**QUITCLAIM DEED**

**THIS INSTRUMENT, made and entered into this the 30<sup>th</sup> day of December, 2022, by and between  
178, LLC, a Mississippi limited liability company,  
of the first part,  
and  
David V. Couch, of the second part,**

**WITNESSETH:** That for and in consideration of **One and 00/100 DOLLARS (\$1.00)**, the said party of the first part does hereby bargain, sell, remise, release, quit claim and convey unto the said party of the second part all of their right, title and interest in and to the following described real estate, situated and being in the City of Memphis, County of Shelby, State of Tennessee, and in DeSoto County, Mississippi, to-wit:

**Beginning at the Southeast corner of the Southwest Quarter of Section 18, Township 1 South, Range 6 West; thence proceed North 89 degrees 25 minutes 50 seconds West, along the southerly line of said Southwest Quarter, Section 18, a distance of 296.65 feet to a point in the easterly line of U.S. Highway 78; thence proceed along said easterly line of U.S. Highway 78 the following courses: North 30 degrees 32 minutes 22 seconds West a distance of 795.90 feet; North 21 degrees 17 minutes 25 seconds West a distance of 304.14 feet; North 31 degrees 09 minutes 25 seconds West, passing the Mississippi/Tennessee state line at 230.71 feet, a total distance of 285.68 feet to a point, said point being the southwesterly corner of Pamela Couch 4.86 acre tract (GJ 9860); thence proceed North 47 degrees 05 minutes 43 seconds East, along Pamela Couch's southerly line, a distance of 669.77 feet to a point in Pidgeon Roost Road; thence proceed along said Pidgeon Roost Road the following courses: South 45 degrees 38 minutes 24 seconds East a distance of 35.56 feet to a point of curvature, a curve to the left, having an angle of 12 degrees 57**



minutes 05 seconds and a radius of 450.00 feet to a point of tangency; South 58 degrees 35 minutes 28 seconds East a distance of 70.42 feet to a point of curvature, a curve to the left, having an angle of 22 degrees 08 minutes 33 seconds and a radius of 175.00 feet, an arc distance of 76.63 feet to a point of tangency; South 78 degrees 29 minutes 56 seconds East a distance of 275.72 feet to a found railroad spike in the centerline of Pidgeon Roost Road; thence proceed South 00 degrees 56 minutes 44 seconds West, passing said state line at 287.57 feet, then along the Quarter Section line of said Section 18, a total distance of 1463.73 feet to the Point of Beginning.

Being the same property conveyed to 178, LLC by Warranty Deed dated May 12, 2021, and recorded as Instrument No. 21059459 in the Register's Office of Shelby County, Tennessee, and further recorded in Deed Book No. 958, at Page 85, in the Office of the Chancery Clerk of DeSoto County, Mississippi.

**BUT LESS AND EXCEPT 8.60 acres +/- located in DeSoto County, Mississippi conveyed to Capital Parking, LLC by Warranty Deed recorded in Deed Book 1000, at Page 499, in the Office of the Chancery Clerk of DeSoto County, Mississippi.**

The word "party" as used herein shall mean "parties" if it refers to more than one person or entity, and pronouns shall be construed according to their proper gender and number according to the context hereof.

IN TESTIMONY WHEREOF, the Grantor has executed this instrument, this the 30<sup>th</sup> day of December, 2022.

178, LLC,  
A Mississippi limited liability company

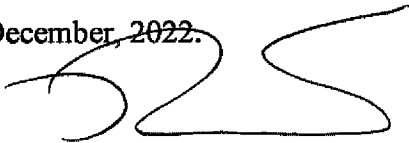
BY:   
\_\_\_\_\_  
DAVID V. COUCH, Member

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Before me, the undersigned, a Notary Public of the State and County aforesaid, personally appeared **DAVID V. COUCH**, with whom I am personally acquainted, and who, upon oath, acknowledged himself to be the **Member of 178, LLC, a Mississippi limited liability company**, the within named bargainor, and who acknowledged that he executed the within instrument for the purposes therein contained, being authorized so to do.

WITNESS my hand, at office, this 30<sup>th</sup> day of December, 2022.



NOTARY PUBLIC

My Commission Expires:

STATE OF MISSISSIPPI

COUNTY OF DESOTO

I hereby swear or affirm that to the best of affiant's knowledge, information and belief, the actual consideration for the transfer of that portion of the subject property lying in the State of Tennessee is ZERO AND 00/100 Dollars (\$0.00).



AFFIANT

Sworn to and subscribed before me this the 30<sup>th</sup> day of December, 2022.



NOTARY PUBLIC

My Commission Expires:



**Tennessee Certification of Electronic Document**

I, Rhett J. Armistead, do hereby make oath that I am a licensed attorney and/or the custodian of the original version of the electronic document tendered for registration herewith and that this electronic document is a true and exact copy of the original document executed and authenticated according to law on 12/30/2022 (date of document).

[Signature]  
Affiant Signature

1.11.2023  
Date

State of Mississippi

County of DeSoto

Sworn to and subscribed before me this 11<sup>th</sup> day of January, 2023.

[Signature]  
Notary's Signature

MY COMMISSION EXPIRES: 10.18.2024

NOTARY'S SEAL



094213 A00004 - MCCOOL ANGELA AND EDWARD B MCCOOL  
094200 00296 - LUMPKIN EDWIN B JR  
094200 00155 - COUCH DAVID V  
094200 00132C - MACE MICHEAL G  
094200 00294 - COUCH PAMELA A  
094200 00295 - COUCH PAMELA A  
094200 00284 - COLE PEARCE & DOROTHY  
094200 00504 - COLE BOBBY  
094213 A00010 - SORO JUSTINE G TRUST  
094213 A00011C - SORO JUSTINE G TRUST  
094213 A00006 - CANNON DAVID W SR IRREVOCABLE TRUST  
094213 A00005 - LUNATI TIGER PARTNERSHIP  
094213 A00014C - PURKEY CONSTANCE M (TR)  
094213 A00003 - SIMON PHILIP  
094200 00273C - MITCHELL BROTHERS INVESTMENTS LLC  
094200 00159 - TRANSLAND HOLDINGS LLC  
094200 00160 - LUNATI TIGER PARTNERSHIP  
094200 00158 - COUCH DAVID V  
094200 00157 - COUCH DAVID V  
094200 00163 - LUMPKIN EDWIN B JR  
094200 00298C - MISSISSIPPI MATERIALS CO  
094200 00156 - COUCH DAVID V  
094200 00454 - BUZZI UNICEM READY MIX LLC  
094200 00285 - COLE CALVIN AND VALLEENA C FAULKNER AND  
094213 A00067 - COUCH DAVID V

094200 00554 - ALLEN DAVID S

094200 00286 - MACE MICHEAL G

094200 00553 - CROW WILLIAM B & PAULA F

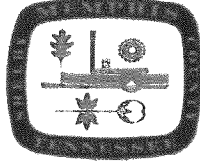
094213 A00065 - WILLIAMS ROY S AND FRED L KERN

094213 A00066 - WILLIAMS ROY S AND FRED L KERN

094200 00152 - 178 LLC

094200 00153 - 178 LLC

094200 00455 - YAWEH EXPRESS LLC



## Memphis City Council Summary Sheet

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

A resolution to accept reimbursement funding in the amount of One Hundred Twenty-Six Thousand Four Hundred Sixty-Three Dollars and 06/100 (\$126,463.06) from the US Department of Homeland Security for Ian.

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

Fire Services is the initiating party.

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

There is no change to an existing ordinance or resolution.

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

This will not impact council or super districts.

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

This will not require a new contract or an amendment to an existing contract.

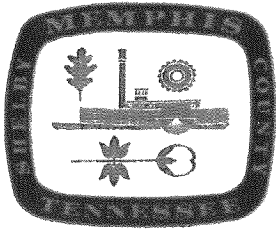
**6. State whether this requires an expenditure of funds/requires a budget amendment**

This requires an expenditure of funds and a budget adjustment.

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

Not applicable.





**A resolution to accept reimbursement funding in the amount of One Hundred Twenty-Six Thousand Four Hundred Sixty-Three Dollars and 06/100 (\$126,463.06) from the US Department of Homeland Security for Tropical Cyclone Ian.**

**WHEREAS**, The City of Memphis Division of Fire Services has submitted for reimbursement funds in the amount of One Hundred Twenty-Six Thousand Four Hundred Sixty-Three Dollars and 06/100 (\$126,463.06) from the US Department of Homeland Security - FEMA; and

**WHEREAS**, These funds are a reimbursement for expenditures sustained by Tennessee Task Force One during Tropical Cyclone Ian; and

**WHEREAS**, It is necessary to accept the reimbursement funding and amend the Fiscal Year 2023 budget; and

**WHEREAS**, It is necessary to appropriate the fund in the amount of One Hundred Twenty-Six Thousand Four Hundred Sixty-Three Dollars and 06/100 (\$126,463.06) for the Urban Search and Rescue reimbursement; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Urban Search and Rescue reimbursement funds in the amount of One Hundred Twenty-Six Thousand Four Hundred Sixty-Three Dollars and 06/100 (\$126,463.06) be accepted by the City of Memphis.

**BE IT FURTHER RESOLVED**, that the Fiscal Year 2023 budget be and is hereby amended by appropriating the Expenditures and Revenues for the Urban Search and Rescue reimbursement funds in the amount of One Hundred Twenty-Six Thousand Four Hundred Sixty-Three Dollars and 06/100 (\$126,463.06) as follows:

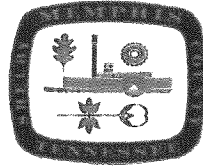
**Revenue**

**FEMA Reimbursements                      \$126,463.06**

**Expenses**

**Overtime                                              \$ 1,294.26**

**Misc Professional Services                      \$125,168.80**



## Memphis City Council Summary Sheet

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

A resolution to accept reimbursement funding in the amount of Four Hundred Twenty-Two Thousand One Hundred Ninety-Four and 26/100 (\$422,194.26) from the US Department of Homeland Security for Kentucky Floods.

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

Fire Services is the initiating party.

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

There is no change to an existing ordinance or resolution.

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

This will not impact council or super districts.

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

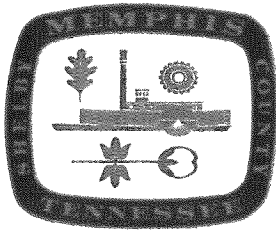
This will not require a new contract or an amendment to an existing contract.

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

This requires an expenditure of funds and a budget adjustment.

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

Not applicable.



**A resolution to accept reimbursement funding in the amount of Four Hundred Twenty-Two Thousand One Hundred Ninety-Four and 26/100 (\$422,194.26) from the US Department of Homeland Security for Kentucky Floods.**

**WHEREAS**, The City of Memphis Division of Fire Services has submitted for reimbursement funds in the amount of Four Hundred Twenty-Two Thousand One Hundred Ninety-Four Dollars and 26/100 (\$422,194.26) from the US Department of Homeland Security - FEMA; and

**WHEREAS**, These funds are a reimbursement for expenditures sustained by Tennessee Task Force One during Kentucky Floods; and

**WHEREAS**, It is necessary to accept the reimbursement funding and amend the Fiscal Year 2023 budget; and

**WHEREAS**, It is necessary to appropriate the fund in the amount of Four Hundred Twenty-Two Thousand One Hundred Ninety-Four Dollars and 26/100 (\$422,194.26) for the Urban Search and Rescue reimbursement; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Urban Search and Rescue reimbursement funds in the amount of Four Hundred Twenty-Two Thousand One Hundred Ninety-Four Dollars and 26/100 (\$422,194.26) be accepted by the City of Memphis.

**BE IT FURTHER RESOLVED**, that the Fiscal Year 2023 budget be and is hereby amended by appropriating the Expenditures and Revenues for the Urban Search and Rescue reimbursement funds in the amount of Four Hundred Twenty-Two Thousand One Hundred Ninety-Four Dollars and 26/100 (\$422,194.26) as follows:

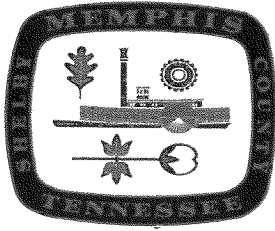
**Revenue**

**FEMA Reimbursements                      \$422,194.26**

**Expenses**

**Overtime                                              \$184,617.54**

**Misc Professional Services                \$237,576.72**



***Resolution to approve and accept in-kind donation in the value of One hundred fifty thousand dollars (\$150,000.00) from the Nancy Lieberman Charities, for outdoor basketball court renovation at Pierotti Park/Raleigh Community Center (District 1, Super District 9.)***

**WHEREAS**, the City of Memphis, through Memphis Parks, owns and operates Raleigh Community Center and Pierotti Park; and

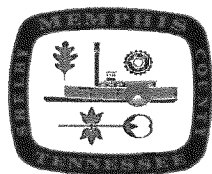
**WHEREAS**, the Nancy Lieberman Charities focuses on improving outcomes for underserved youth in the areas of education, health & wellness, and career/life preparedness; and

**WHEREAS**, Memphis Parks has been selected as an awardee of in-kind donation of outdoor basketball court renovations sponsored by Nancy Lieberman Charities in the value of One hundred fifty thousand dollars (\$150,000.00); and

**WHEREAS**, renovating the basketball courts at Raleigh Community Center will serve the Memphis community by creating impactful programs to youth that will foster inclusive attitudes regarding racial/gender equality, social justice, and civic engagement; and

**WHEREAS**, it is necessary to accept this in-kind donation and appropriate these in-kind funds in the amount of One hundred fifty thousand dollars (\$150,000.00) for the renovation of basketball courts at Raleigh Community Center; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that this in-kind donation be accepted and the basketball court renovation project facilitated by Memphis Parks.



## Memphis City Council Summary Sheet

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

Resolution to accept in-kind donation in the value of \$150,000 from Nancy Lieberman Charities for outdoor basketball court renovation at Pierotti Park/Raleigh Community Center.

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

Memphis Parks.

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

N/A.

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

District 1 / Super District 9

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

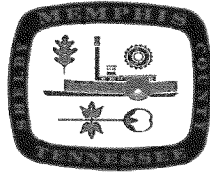
N/A.

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

N/A.

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

N/A.



## Memphis City Council Summary Sheet

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

Resolution to accept grant funds in the amount of ten thousand dollars (\$10,000.00) from Literacy MidSouth for "Passport to Literacy" literacy programming at Raleigh Community center.

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

Parks Division

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

N/A

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

Grant project will take place in Council District 1 and Super District 9

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

N/A

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

City of Memphis must approve revenue of ten thousand dollars (\$10,000.00) from Literacy MidSouth. This grant award does not require additional match funding.

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

N/A





***Resolution accepting grant funds of ten thousand dollars (\$10,000.00) from Literacy Mid-South for “Passport to Literacy” literacy programming at Raleigh Community Center [District 1, Super District 9].***

**WHEREAS**, Literacy Mid-South is a non-profit organization located in Memphis, TN dedicated to providing literacy resources to all ages and backgrounds; and

**WHEREAS**, the City of Memphis, through Memphis Parks, has conducted recreational programs to reinforce literacy skills through afterschool and summer programs for more than three years; and

**WHEREAS**, Memphis Parks has been selected as an awardee of the 2023 Literacy Mid-South grant in the amount of ten thousand dollars (\$10,000.00); and

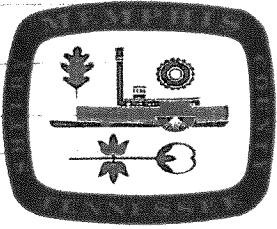
**WHEREAS**, funding from the Literacy Mid-South will support stronger and more robust literacy programming efforts in 2023; and

**WHEREAS**, it is necessary to accept these funds and amend the Fiscal Year 2023 operating budget grant account PK90121, and allow for expenditures of the same; and

**WHEREAS**, it is necessary to appropriate these funds in the amount of ten thousand dollars (\$10,000.00) for supplies to conduct literacy programming at Raleigh Community center; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the Fiscal Year 2023 operating budget be hereby amended by accepting the grant of ten thousand dollars (\$10,000.00) for supplies into PK90121, and

**BE IT FURTHER RESOLVED** that funding of ten thousand dollars (\$10,000.00) be allocated and appropriated to PK90121.



**A Resolution to accept grant funds in the amount of Five Hundred Two Thousand, Nine Hundred Eighty-One dollars (\$502,981.00) from Shelby County Government through the BJA FY22 Edward Byrne Memorial Justice Assistance Grant Program.**

**WHEREAS**, The City of Memphis Division of Police Services has been awarded grant funds in the amount of Five Hundred Two Thousand, Nine Hundred Eighty-One dollars (\$502,981.00) from Shelby County Government through the BJA FY22 Edward Byrne Memorial Justice Assistance Grant Program; and

**WHEREAS**, this award will provide for funding equipment and the subrecipient, Crimestoppers; and

**WHEREAS**, it is necessary to accept the grant funding and amend FY2023 Operating Budget to establish funds for the BJA FY22 Edward Byrne Memorial Justice Assistance Grant Program; and

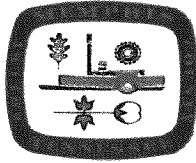
**WHEREAS**, it is necessary to appropriate the FY2023 grant funds in the amount of Five Hundred Two Thousand, Nine Hundred Eighty-One dollars (\$502,981.00) from Shelby County Government through the BJA FY22 Edward Byrne Memorial Justice Assistance Grant Program;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Memphis that the BJA FY22 Edward Byrne Memorial Justice Assistance Grant Program funds in the amount of Five Hundred Two Thousand, Nine Hundred Eighty-One dollars (\$502,981.00) be accepted by the City of Memphis.

**BE IT FURTHER RESOLVED**, That the Fiscal Year 2023 Operating Budget for Grant Funds 205 be and is hereby amended by appropriating the Expenditures and Revenues for BJA FY22 Edward Byrne Memorial Justice Assistance Grant Program in the amount of Five Hundred Two Thousand, Nine Hundred Eighty-One dollars (\$502,981.00) as follows:

<b>REVENUE</b>	
<u>Shelby County Government</u>	<u>\$502,981</u>
<b>TOTAL</b>	<b>\$502,981</b>

<b>Expenditures</b>	
<b>Equipment</b>	<b>\$382,981</b>
<u>Crimestoppers</u>	<u>\$120,000</u>
<b>TOTAL</b>	<b>\$502,981</b>



## Memphis City Council Summary Sheet

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

This is a resolution to accept JAG FY22 grant funds in the amount of Five Hundred Two Thousand, Nine Hundred Eighty-One dollars (\$502,981.00) from Shelby County Government to provide for equipment and Crimestoppers.

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

The City of Memphis Division of Police Services is awarded this grant from the Shelby County Government.

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

This item does not change an existing ordinance or resolution.

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

All Districts

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

This is a new grant award pending Council approval.

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

Acceptance will require an amendment to the FY 2023 Operating Budget to appropriate the funds.

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

Not Applicable.



**JIM STRICKLAND**  
**MAYOR**

March 30, 2023

The Honorable Michalyn Easter-Thomas, Chairman  
Personnel, Government Affairs, and Annexation Committee  
City Hall - Room 514  
Memphis, TN 38103

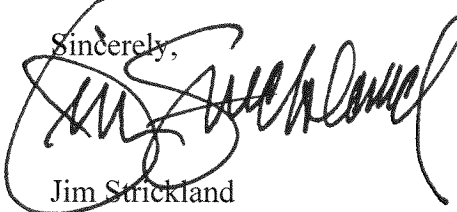
Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

**Jayniece Harris**

be appointed to the Memphis Civil Service Commission with a term expiration date of November 30, 2026.

I have attached biographical information.

Sincerely,  
  
Jim Strickland  
Mayor

JSS/sss

Cc: Council Members

**CIVIL SERVICE COMMISSION**  
**14 Member Board**  
**3 Year Staggered Terms**  
**Oath of Office Required**

The Civil Service Commission conducts hearings to review disciplinary actions, limited to suspensions, dismissals, or demotions of any employees not exempted from the provisions of the Charter and Code.

At least seven (7) of Commissioners shall be licensed attorneys, current or former judges and/or individuals with prior experience as an administrative law judge for any local, state or federal agency

Vacancy	M/W	11-30-2022	
Vacancy	F/B	11-30-2023	
Sarah Johnson Carter	F/W	11-30-2023	Chair
Vacancy	M/W	11-30-2022	
Vacancy	F/B	11-30-2021	
Vacancy	M/W	11-30-2020	
Brandon Ingram	M/B	11-30-2020	
Robert Mebane	M/B	11-30-2022	
Jeffrey Land	M/W	11-30-2022	
Mark Allen	M/B	11-30-2022	
Vacancy	M/B	11-30-2022	
Laurice Smith	F/B	11-30-2022	
Vacancy	F/B	11-30-2020	
Edward L. Vaughn	M/B	11-30-2020	

Updated Mar 2023



**JIM STRICKLAND**  
MAYOR

March 30, 2023

The Honorable Michalyn Easter-Thomas, Chairman  
Personnel, Government Affairs, and Annexation Committee  
City Hall - Room 514  
Memphis, TN 38103

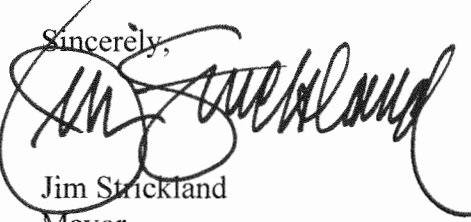
Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

**Chris Williams**

be appointed to the Memphis Civil Service Commission with a term expiration date of November 30, 2025.

I have attached biographical information.

Sincerely,  
  
Jim Strickland  
Mayor

JSS/sss

Cc: Council Members



**CIVIL SERVICE COMMISSION**  
**14 Member Board**  
**3 Year Staggered Terms**  
**Oath of Office Required**

The Civil Service Commission conducts hearings to review disciplinary actions, limited to suspensions, dismissals, or demotions of any employees not exempted from the provisions of the Charter and Code.

At least seven (7) of Commissioners shall be licensed attorneys, current or former judges and/or individuals with prior experience as an administrative law judge for any local, state or federal agency

Vacancy	M/W	11-30-2022	
Vacancy	F/B	11-30-2023	
Sarah Johnson Carter	F/W	11-30-2023	Chair
Vacancy	M/W	11-30-2022	
Vacancy	F/B	11-30-2021	
Vacancy	M/W	11-30-2020	
Brandon Ingram	M/B	11-30-2020	
Robert Mebane	M/B	11-30-2022	
Jeffrey Land	M/W	11-30-2022	
Mark Allen	M/B	11-30-2022	
Vacancy	M/B	11-30-2022	
Laurice Smith	F/B	11-30-2022	
Vacancy	F/B	11-30-2020	
Edward L. Vaughn	M/B	11-30-2020	

Updated Mar 2023



**JIM STRICKLAND**  
MAYOR

January 30, 2023

The Honorable Michalyn Easter-Thomas, Chairman  
Personnel, Government Affairs, and Annexation Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Easter-Thomas:


Subject to Council approval, I hereby recommend that:

**Surayyah T. Hasan**

be appointed to the Memphis and Shelby County Downtown Memphis Commission with a term expiration date of December 31, 2025.

I have attached biographical information.

Sincerely,



Jim Strickland  
Mayor

JSS/sss

Cc: Council Members

**MEMPHIS & SHELBY COUNTY  
DOWNTOWN MEMPHIS COMMISSION  
20 Member Board  
(5) Appointed by City Mayor  
(5) Appointed by County Mayor  
3 Year Term**

**The purpose of the Downtown Memphis Commission is to market and develop downtown Memphis.**

<b>Victoria Young</b>	<b>F/B</b>	<b>12-31-22</b>	<b>3yr. Term</b>
<b>Lauran Stimac</b>	<b>F/W</b>	<b>12-31-25</b>	<b>3yr. Term</b>
<b>Vacancy</b>	<b>M/B</b>	<b>12-31-22</b>	<b>3yr. Term</b>
<b>Deni C. Reilly</b>	<b>F/W</b>	<b>12-31-22</b>	<b>3yr. Term</b>
<b>Orgel, Benjamin</b>	<b>M/W</b>	<b>12-31-22</b>	<b>3yr. Term</b>

**2023 Council Liaison: Cheyenne Johnson**

Updated 020823

# City of Memphis



**JIM STRICKLAND**  
MAYOR

TENNESSEE

March 30, 2023

The Honorable Michalyn Easter-Thomas, Chairman  
Personnel, Government Affairs, and Annexation Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

**Douglas Browne**

be reappointed to the Memphis Convention Center Commission with a term expiration date of July 1, 2024.

I have attached biographical information.

Sincerely,

Jim Strickland  
Mayor

JSS/ss

Cc: Council Members

**MEMPHIS CONVENTION CENTER COMMISSION**  
**7 Member Board**  
**2 Ex-Officio Members**  
**2 Year Term**

Purpose:

The Board shall operate, manage, control, regulate, and care for the convention center, but without compensation.

<b>Calvin Anderson</b>	<b>M/B</b>	<b>07-01-22</b>
<b>Douglas Browne</b>	<b>M/W</b>	<b>07-01-22</b>
<b>Lee A. Jackson</b>	<b>M/B</b>	<b>07-01-22</b>
<b>Natasha Langston</b>	<b>F/B</b>	<b>07-01-22</b>
<b>John P. McKissack</b>	<b>M/B</b>	<b>07-01-22</b>
<b>Tom Midgley</b>	<b>M/W</b>	<b>07-01-22</b>
<b>Isabel González Whitaker</b>	<b>F/H</b>	<b>07-01-22</b>

**Chandell Ryan (City COO)**

**2023 Council Liaison: Michaelyn Easter-Thomas**

Updated 030123

**Attendance Records for Current Members**  
**Memphis Convention Center Commission**  
**From January 2021 to date**

<b>Member</b>	<b>Total Meetings</b>	<b>Present</b>
Calvin Anderson	26	25
Lee Jackson	27	26
Doug Browne	27	16
Natasha Langston	27	17
Tom Midgley	27	20
Isabel Gonzalez Whitaker	14	10
John McKissack	27	24

# City of Memphis



**JIM STRICKLAND**  
MAYOR

TENNESSEE

March 30, 2023

The Honorable Michalyn Easter-Thomas, Chairman  
Personnel, Government Affairs, and Annexation Committee  
City Hall - Room 514  
Memphis, TN 38103

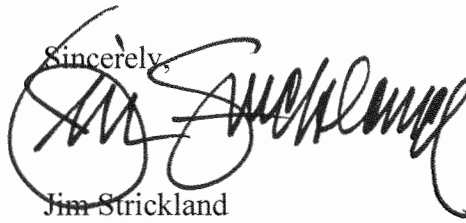
Dear Chairman Easter-Thomas:

Subject to Council approval, I hereby recommend that:

**Anton Mack**

be reappointed to the Memphis Area Transit Authority with a term expiration date of August 24, 2025.

I have attached biographical information.

Sincerely,  
  
Jim Strickland  
Mayor

JSS/sss

Cc: Council Members



**MEMPHIS AREA TRANSIT AUTHORITY**  
**Oath of Office Required**  
**9 Member Board**  
**3 Year Term**

Purpose:

The members of the transit authority board shall have authority to supervise the operation of the transit system.

		Term ends:
Sara Burnett	F/W	01-22-26
Michael Fulton	M/B	02-07-25
Angus Blair	M/W	09-30-25
Martin E. Lipinski	M/W	06-30-23
Michelle McKissack	F/B	06-30-24
Anton Mack	M/B	08-24-22
Janice Holder	F/W	08-31-23
Edward Stephens, III	M/B	01-31-23
Shelia Williams	F/B	01-31-25

**2023 Council Liaison: Ford Canale**

Updated 031423

**Memphis Area Transit Authority**  
**Meetings 4<sup>th</sup> Thursday of the Month**  
**From January 2021 to Date**

<b>Member</b>	<b>Total Meetings</b>	<b>Attended</b>
Anton Mack	18	16
Edward Stephens, III	25	23



**JIM STRICKLAND**  
**MAYOR**

March 30, 2023

The Honorable Michalyn Easter-Thomas, Chairman  
Personnel, Government Affairs, and Annexation Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Easter-Thomas:

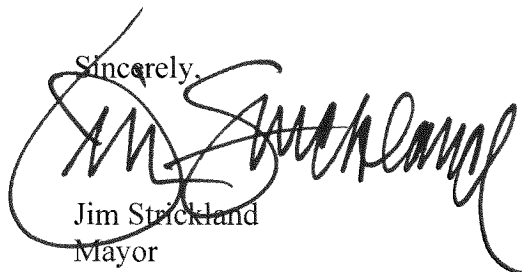
Subject to Council approval, I hereby recommend that:

**Edward Stephens, III**

be reappointed to the Memphis Area Transit Authority with a term expiration date of January 31, 2026.

I have attached biographical information.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Strickland". The signature is written in a cursive, flowing style. Below the signature, the name "Jim Strickland" and the title "Mayor" are printed in a standard serif font.

Jim Strickland  
Mayor

JSS/sss

Cc: Council Members

**MEMPHIS AREA TRANSIT AUTHORITY**  
**Oath of Office Required**  
**9 Member Board**  
**3 Year Term**

Purpose:

The members of the transit authority board shall have authority to supervise the operation of the transit system.

		Term ends:
<b>Sara Burnett</b>	<b>F/W</b>	<b>01-22-26</b>
<b>Michael Fulton</b>	<b>M/B</b>	<b>02-07-25</b>
<b>Angus Blair</b>	<b>M/W</b>	<b>09-30-25</b>
<b>Martin E. Lipinski</b>	<b>M/W</b>	<b>06-30-23</b>
<b>Michelle McKissack</b>	<b>F/B</b>	<b>06-30-24</b>
<b>Anton Mack</b>	<b>M/B</b>	<b>08-24-22</b>
<b>Janice Holder</b>	<b>F/W</b>	<b>08-31-23</b>
<b>Edward Stephens, III</b>	<b>M/B</b>	<b>01-31-23</b>
<b>Shelia Williams</b>	<b>F/B</b>	<b>01-31-25</b>

**2023 Council Liaison: Ford Canale**

Updated 031423

**Memphis Area Transit Authority**  
**Meetings 4<sup>th</sup> Thursday of the Month**  
**From January 2021 to Date**

<b>Member</b>	<b>Total Meetings</b>	<b>Attended</b>
Anton Mack	18	16
Edward Stephens, III	25	23

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO RENAME THE WHITE STATION LIBRARY AS THE OFFICER  
GEOFFREY REDD 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 Library.”

*Section 2.* Upon passage of this ordinance, the newly named “Officer Geoffrey Redd 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 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  
Worth Morgan  
Patrice Robinson  
Jana Swearengen-Washington  
JB Smiley, Jr.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, CHAPTER 6, TO DEFINE ENTERTAINMENT TRANSPORTATION VEHICLES, AND TO PROVIDE FOR THE LICENSING AND REGULATION OF THE SAME**

**WHEREAS**, in recent years a new type of transportation business has emerged in various cities within the United States in which the passengers hire a motor vehicle not only as a means of transportation but also for some entertainment or social purpose; and

**WHEREAS**, the General Assembly of the State of Tennessee did in its recent session amend Tennessee Code Annotated, Section 7-51-1007, to recognize Entertainment Transportation Vehicles as a category separate from other types of vehicles already included in said law, and to allow municipalities within Tennessee to regulate the operation of Entertainment Transportation Vehicles; and

**WHEREAS**, in other cities in which such vehicles operate, governments have encountered various problems caused by the vehicles in the area of public safety and welfare, including accidents resulting in damage and injury, the commission of crimes related to operation of the vehicles, and complaints from businesses and citizens about noise and offensive behavior by patrons; and

**WHEREAS**, the Memphis City Council deems it necessary for the health, safety, and welfare of citizens to amend the code of ordinances to regulate the operation of entertainment vehicles in the City of Memphis.

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

Article 1. Definitions.

For purposes of this chapter:

"Certificate" means a certificate of public convenience and necessity, a license granted, upon application and approval, by the Memphis Transportation Commission (MTC) for the sole purpose of authorizing the certificate holder to provide entertainment transportation through an entertainment transportation vehicle.

"Certificate holder" means a person, company, corporation or association which has applied for, and been granted, a certificate of public necessity and convenience.

"Customer" means any person on an entertainment transportation vehicle other than the driver or other employee of the entertainment transportation business, who has paid money for the services of the business or is attached to a party that has done so.

"Driver" means any individual who physically operates an entertainment transportation vehicle as a for-hire vehicle under this chapter. This person may share additional, company-related titles, such as owner, employee of the owner, holder or independent contractor.

"Driver permit" means a permit issued by the MTC to drive and operate an entertainment transportation vehicle.

"Enclosed vehicle" means any motor vehicle that is fully enclosed by metal, plexiglass or glass on all sides and on the top/roof. Any vehicle not meeting this definition would constitute an "unenclosed vehicle." A vehicle is unenclosed if any portion of it lacks solid sides and a roof, including all appurtenances attached thereto, including, but not limited to, a pickup truck or a



wagon or trailer pulled by a tractor, within which passengers are capable of standing and circulating while the vehicle is in motion. For purposes of this section, a vehicle "side" must be a full side enclosure of the vehicle and cannot consist of solely a guard rail or railing. It may contain windows capable of being opened, but all windows shall be fully raised while the vehicle is in operation and any passenger is in possession of an open container. Enclosed vehicles shall maintain any required emergency access or exits but the emergency access or exits may not be used to avoid the safety goals intended by the enclosure.

"Entertainment transportation vehicle" means any motor vehicle that is designed or constructed to accommodate and transport more than one passenger for hire, the principal operation of which is confined to the area within the Memphis City Limits, whether it is operated on a fixed route or schedule, and where the passengers hire the motor vehicle not only as a means of transportation but also for some entertainment or social purpose. "Entertainment transportation" includes, but is not limited to, trucks, buses, and wagons/trailers pulled by a motor vehicle. "Entertainment transportation" does not include a limousine, sedan, shuttle, taxicab, horse-drawn carriages, or electric-assist pedal carriage.

"Entertainment transportation vehicle permit" means a permit issued by the MTC for an entertainment transportation vehicle to carry passengers.

"Entertainment transportation vehicle driver's permit" means a permit issued by the MTC for a person to operate an entertainment transportation vehicle to carry passengers.

"For hire" means a transaction whereby any money, thing of value, charge tickets, surcharge, payment, pecuniary consideration or compensation, reward, donation, tip, or any other remuneration or profit is paid to, accepted by, or received by a driver, employee, agent, owner, or any other representative of an entertainment transportation vehicle in exchange for the temporary

use by or for the transportation of a passenger, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement, or as a surcharge; or otherwise in conjunction with the purchase of any other services wherein the entertainment transportation is part of the services provided.

"Holder" means a person to whom a certificate of public convenience and necessity has been issued by the commission.

"Inspector(s)" means the inspector(s) for the commission.

"Memphis Transportation Commission," also referred to as "MTC" or "the commission," means the Memphis Transportation Commission as established by the City of Memphis Code of Ordinances, Chapter 39.

"MTC Director" means the Executive Secretary of the MTC, as employed by the City of Memphis on behalf of the MTC.

"Owner" means the person who holds the legal title of the entertainment transportation vehicle.

"Passenger" means any person on an entertainment transportation vehicle other than the driver.

"Person" means any individual, partnership, corporation, association or public or private organization of any character. "Permittee" means a holder of any permit issued under this chapter.

"Solicit" means the distribution of flyers or other material, or an appeal by bell, horn, whistle, words, or gestures by a driver or his or her agent directed at individuals or groups for the purpose of attracting passengers for immediate hire.

"Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, donation, gratuity or any other form of remuneration, having a seating capacity of less than nine persons and not operated on a fixed route.

Article 2. Certificate of Public Convenience and Necessity

**Section 1. Required and term.**

A. No entertainment transportation vehicle shall be used or operated on a for hire basis by any person in the territorial jurisdiction of the Memphis City government without an owner or operator having first obtained a certificate of public convenience and necessity. Each certificate shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article. Applications will be reviewed and considered as they come in to the MTC.

B. It shall be unlawful for any person to transport or offer to transport passengers in any entertainment transportation vehicle which does not have affixed to the entertainment transportation vehicle a valid permit issued through the MTC.

C. Certificates shall not be transferred, sold or given from one owner to another, including the sale of one entertainment transportation vehicle company in its entirety to another, without approval of the MTC upon the filing of an application for such transfer.

D. The MTC shall track all certificates, and after the renewal period, if the certificate has not been renewed it shall be determined to be void.

**Section 2. Findings - Issuance of certificate or additional permits.**

A. If the MTC finds that further or additional entertainment transportation vehicle service within the Memphis City Limits is required by the public convenience and necessity and that the applicant is fit, willing, and able to provide such service and to conform to the provisions of this chapter and the rules promulgated by the MTC, the MTC may issue a certificate of public convenience and necessity, stating the name and address of the applicant, the number of vehicles authorized upon such certificate and the date of issuance.

B. In making the above findings, the MTC shall, at a minimum, take into consideration the number of entertainment transportation vehicles already in operation, whether existing service is adequate to meet the public need; the character, experience, financial condition and responsibility of the applicant, and such criteria as may be adopted by the MTC in its rules.

**Section 3. Application - Information and fees required.**

A. An application for a certificate of public convenience and necessity shall be filed with the MTC for each classification of service to be provided. Forms will be provided by the MTC and payment of a nonrefundable fee will be charged. The amount of the application fee shall be established by the MTC based the cost of processing the application.

B. The application shall require the following information:

1. Name and address of applicant;

a. Sole-proprietor: Name and address of the owner.

b. Partnership: Names and addresses of all partners.

c. Corporation or association: Names and addresses of all the officers, directors, and members.

2. Business name (d/b/a), business address and telephone number if different from above;
3. A background check of each person;
4. Proof of U.S. citizenship or legal residency;
5. Names and addresses of two references as to the applicant's financial responsibility;
6. Prior experience of applicant in transport of passengers;
7. Number of vehicle permits requested, and copy of proof of ownership or other evidence of lawful control for each vehicle to be operated under the certificate;
8. Procedures for training drivers;
9. Rules and regulations governing driver appearance and conduct;
10. Disclosure of prior state law or City of Memphis Code of Ordinances violations pertaining to noise from motor vehicles, lewd conduct as part of a commercial business, or alcoholic beverage open container laws;
11. Any additional information the applicant desires to include to aid in the determination of whether the requested certificate should be issued;
12. Such further information as the MTC may require.

C. An applicant will be ineligible for consideration if:

1. Any of the owners, partners, officers, directors, or members are under twenty-one years of age and/or the entertainment transportation vehicle business has no separate legal existence beyond a shareholder, owner, or partner who is under the age of twenty-one years of age;
3. Any of the owners, partners, officers, directors, or members has violated any portion of this chapter of the City of Memphis Code of Ordinances within five years immediately preceding the date of application.

4. Any portion of the application is incomplete or contains incorrect or untruthful information.

D. An applicant will be ineligible for consideration for a one-year period if any owner, partner, officer, director, or member has been found guilty by a court of competent jurisdiction of violating state law or City of Memphis Code provisions three or more times within the past three hundred sixty-five days pertaining to noise from motor vehicles and/ or lewd conduct as part of a commercial business.

**Section 4. Issuance and Denial – Fees.**

A. If the MTC or the MTC director determines that further entertainment transportation vehicle services are required and the applicant is qualified, the MTC or MTC director may issue a certificate.

B. The MTC shall adopt the criteria for determining the necessity for additional entertainment transportation vehicle certificates.

C. Any person whose application for a certificate is denied by the MTC director may file a written appeal with the MTC within thirty days of denial and request an appearance before the MTC and appear in-person for consideration of the certificate application.

D. The certificate shall state the name, business address and telephone number of the applicant and the date of expiration.

E. The MTC will set a fee to be charged for the issuance of each approved entertainment transportation vehicle permit associated with the certificate.

**Section 5. Annual renewal.**

A. All certificates issued under the provisions of this chapter shall expire on April 30 of the year following the date on which the certificate was issued. All certificates may be renewed by the MTC director for each successive year between April 1 and 30 of each year. A renewal fee for each approved certificate and other licensing fees shall be charged at the annual renewal of the certificate.

B. All applicants for renewal must be current with all assessments and taxes due to the City of Memphis.

C. If a licensed entertainment transportation vehicle company or individual fails to renew prior to the end of the renewal period, the renewal applicant shall be treated as a new applicant.

**Section 6. Insurance required.**

A. Before any certificate shall be issued by the commission director, or before the renewal of such certificate shall be granted, the applicant or association shall be required to file an insurance policy and/or certificate of insurance with the MTC director evidencing insurance coverage as required in this section.

B. Insurance coverage as provided in subsection (A) of this section means a policy of public liability insurance issued by an insurance company qualified to do business in the state and naming the City of Memphis as an additional insured. Any policy of public liability insurance issued in compliance with this article shall be for a term of not less than one year, and for any entertainment transportation vehicle insured thereunder shall afford protection to any third party sustaining injury or damage as a result of the negligent operation of any entertainment



transportation vehicle, with the minimum amount of insurance to be one million dollars, known as combined single limit insurance coverage. Such policy shall expressly provide that it may not be canceled, except after thirty days written notice to the commission director.

C. Such certificate will certify that the policy provides for a minimum of one million dollars per entertainment transportation vehicle for liability imposed by law for damages on account of bodily injuries, death or personal damages, other than injuries, death or property damages of the company or driver, in any one accident resulting from the ownership, maintenance or use of such entertainment transportation vehicle. The certificate of insurance shall also list the serial number or identification number of each entertainment transportation vehicle that is insured.

D. The operation of any entertainment transportation vehicle within the Memphis City Limits without having in force the public liability insurance policy as outlined in this section is hereby declared to be a violation of this article, subjecting the owner and/or certificate holder to all applicable penalties provided in this article and this chapter.

E. Any changes in insurance must be reported to the commission immediately.

**Section 7. Request for additional vehicle permits.**

An application for additional entertainment transportation vehicle permits under the certificate issued pursuant to this article must be filed with the MTC director. If approved, the established permit fee will be applied.

**Section 8. Suspension and revocation.**

A. A certificate issued under the provisions of this chapter may be revoked, suspended, placed on probation, otherwise restricted, or not renewed by the MTC if the holder thereof has:

1. Violated any of the provisions of this chapter or failed to comply with any rule or regulation established by the MTC;

2. Violated any provision of this code or other ordinances of the City of Memphis or laws of the United States or the State of Tennessee, the violation of which reflects unfavorably on the fitness of the holder to offer transportation services, including but not limited to, violations for excessive noise;

3. Failed to pay assessments or taxes due to the City of Memphis; or

4. Made a misrepresentation or false statement when obtaining a certificate or additional permits, or transferring a certificate.

B. Prior to any action to revoke, suspend, place on probation, otherwise restrict, or not renew a certificate, the holder shall be given notice to the address listed on their certificate of the proposed action to be taken and shall have an opportunity to be heard by the MTC.

C. If the holder commits an act in violation of the criminal laws of the United States of America or state of Tennessee Code and the MTC director determines that holder poses a threat to the public safety, the MTC director may enact an emergency suspension of the holder's certificate to remain in effect until the holder has the opportunity to be heard by the MTC at the next available meeting, but in no circumstance later than sixty days from the date of the emergency suspension.

Article 3. Vehicle and Driver Permits

**Section 1. Permit required- Violations and term.**

A. No person shall drive or otherwise operate an entertainment transportation vehicle engaged in the transportation of passengers unless he or she has a driver's permit and a currently effective Tennessee commercial driver's license. To qualify for a permit, an applicant must comply with all of the requirements and stipulations of this chapter and any rules and regulations adopted by the MTC.

B. A person commits an offense if he or she operates an entertainment transportation vehicle in the Memphis City Limits without a driver's permit issued by the MTC.

C. A business commits an offense if it employs or otherwise allows a person to operate an entertainment transportation vehicle owned, controlled, or operated by the permittee unless the person has a driver's permit issued by the MTC.

D. Each permit shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article.

**Section 2. Application-Information and fees required.**

A. An application for an entertainment transportation vehicle driver's permit shall be filed with the MTC on forms provided by the MTC.

B. Such application shall be certified under oath and shall at a minimum contain the following information:

1. The name, residential address, telephone number and date of birth of the applicant.

No applicant under eighteen years of age will be accepted.

2. The type(s) of vehicle(s) which the applicant will drive under the certificate.
3. The years of experience of the applicant in the transportation industry.
4. A concise history of the applicant's employment.

C. The applicant shall provide copies of the following documents in order to submit his application:

1. A valid driver's license issued by one of the fifty states within the United States of America for the issuance or renewal of an entertainment transportation vehicle driver's permit corresponding with the type/classification of entertainment transportation vehicle to be operated (i.e., commercial driver license, for-hire endorsement, etc.).

2. A Social Security card or birth certificate.

3. If a resident alien, a current work permit or other valid United States Immigration and Customs Enforcement document.

4. A copy of a currently effective Tennessee commercial driver's license.

D. Each application shall be accompanied by an official driver record obtained no longer than thirty days previous to the date of application. All applicants are required to meet the following standards:

1. No convictions in the last five years for any of the following offenses involving bodily injury or death and no convictions in the last three years for any of the following offenses not involving injury or death:

- a. Hit and run;
- b. Driving under the influence of an alcoholic beverage or drug;
- c. Reckless or careless driving.

2. For an initial permit, no more than three moving violations within the last three years and no more than two moving violations in the last year.

3. For a renewal permit, no more than four moving violations within the last three years and no more than two moving violations in the last year.

**Section 3. Fingerprint-based criminal background investigation.**

A. All applicants for an entertainment transportation vehicle driver's permit must undergo a fingerprint-based identification and background check. The MTC staff shall collect background check fees from applicants and schedule them for fingerprinting. A background check report and a copy of the driving record (MVR) of the applicant, if any, shall be attached to the application and forwarded for consideration by the MTC.

B. Any applicant shall, in addition to any disqualifications listed elsewhere in this chapter, be disqualified if the applicant:

1. Has been convicted, pleaded guilty, placed on probation or parole, pleaded nolo contendere, or been released from incarceration within a period of five years prior to the date of application for violation of any of the following criminal offenses under the laws of Tennessee, any other state or of the United States:

- Homicide,
- Rape,
- Aggravated assault,
- Kidnapping,
- Robbery,
- Felony theft,

- Burglary,
- Child sexual abuse,
- Domestic violence,
- Any sex-related offense,
- Leaving the scene of an accident,
- Criminal solicitation, or criminal attempt to commit any of above,
- Perjury or false swearing in making any statement under oath in connection with the application for a driver's permit, or
- The felony possession, sale or distribution of narcotic drugs or controlled substances.

2. If, at the time of application, the applicant is charged with any offenses in subsection (1) of this section, consideration of the application shall be deferred until the applicant's entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges.

3. Has been convicted of or released from incarceration due to two or more felony offenses within the past seven years.

4. Has been convicted for a period of two years prior to the date of application of the violation of two or more sections of this Code or other ordinances governing the operation of entertainment transportation vehicles.

If the applicant fails to disclose any criminal conviction, except traffic citations, on the application for a permit, the application may be referred to the MTC for consideration.

**Section 4. Application - Approval or disapproval.**

The MTC or its staff shall, upon the consideration of the application and any reports and certificates required to be attached thereto, approve or reject the application. Any applicant rejected

by the MTC staff may file an appeal within thirty days of denial and request an appearance before the MTC. The appeal shall be heard by the MTC at the next available MTC meeting with the appellant appearing in-person for consideration of the application.

**Section 5.      Issuance - Permit contents and display.**

A.       Upon approval of an application for an entertainment transportation vehicle driver's permit, the MTC director shall issue a permit to the applicant, which shall bear the name, driver's permit number, height, date of birth, photograph of the applicant, and other information deemed appropriate.

B.       Every driver shall at all times conspicuously display a permit either on the clothing of the driver's upper body or within the entertainment transportation vehicle. A driver shall allow the MTC director, MTC inspector, or a police officer to examine the permit upon request.

**Section 6.      Unpermitted drivers.**

A.       If any person is found operating any entertainment transportation vehicle within the Memphis City Limits without a valid entertainment transportation vehicle driver's permit on behalf of any holder of a certificate of necessity and public convenience, the MTC director may immediately take action to suspend or revoke the certificate.

B.       A person whose entertainment transportation vehicle driver's permit is suspended shall not drive an entertainment transportation vehicle within the Memphis City Limits during the period of suspension.



**Section 7. New application after denial.**

Upon denial of an application for a driver's permit, no new application shall be considered for a period of three months.

**Section 8. Expiration - Issuance and replacement fee.**

A. Each entertainment transportation vehicle driver's permit shall be issued for a period of one year.

B. A permit may be issued to qualified applicants upon the payment of a fee established by the MTC plus the costs of investigation. If the permit for the preceding year has been revoked, no new permit shall be issued without prior MTC approval. A fee established by the MTC shall be charged for all replacement driver permits. Such fees shall be in addition to the cost of any investigation.

**Section 9. Suspension, revocation, and appeal.**

A. The MTC director may suspend or revoke any applicant's certificate if the director determines that the applicant fails to comply with any requirement of this chapter. The director shall notify the applicant of any specific failure to comply with this chapter resulting in the suspension or revocation of their certificate and the applicant's right to an appeal by first class mail, express mail, overnight carrier, or personal service. If the MTC director suspends or revokes a certificate, the applicant may appeal within ten days of such suspension or revocation to the MTC for a hearing to determine if such suspension or revocation is justified. The decision of the MTC shall be final, subject to any appropriate judicial review.

B. The MTC director is hereby given authority to suspend any entertainment transportation vehicle driver's permit issued under this article for a driver's failure or refusal to comply with the provisions of this article. Such suspensions may not last for a period of more than thirty days. The MTC director is also given authority to revoke any permit for failure to comply with the provisions of this article.

C. If a driver is charged in any court with a misdemeanor involving moral turpitude, or with any felony, or with driving while intoxicated or under the influence of drugs, or with violations of this article, the MTC director is hereby given authority to suspend the driver's permit pending final disposition of the charges against them, and to revoke such permit upon conviction thereof.

D. The MTC director may revoke an entertainment transportation vehicle driver's permit if the director determines that the permittee has engaged in conduct detrimental to the public safety.

E. The MTC director may not suspend or revoke any permit unless the driver has received notice of the charges against them and has had the opportunity to present evidence on their behalf.

F. Any permittee whose license has been suspended or revoked by the MTC director may file a written appeal with the MTC within ten days. If an appeal is not made to the MTC within ten days of the MTC director's decision, the MTC director's decision shall be final. A letter addressed to the MTC and delivered to the MTC office stating that an appeal from the decision of the MTC director is desired shall perfect such appeal. The MTC, as soon as practicable after receiving such notice of appeal, shall notify the applicant or permittee of the date and time of the hearing which shall be not less than five days after the mailing of such notice. After the hearing of the appeal, the MTC shall sustain, modify or reverse the findings of the MTC director, and shall

notify the MTC director and the applicant or permittee of its findings. The findings of the MTC shall be final, subject to any applicable legal processes.

G. A driver whose permit is revoked may not reapply for ninety days from the date of revocation and will be treated as a new applicant.

**Section 10. Revocation of a valid driver's license.**

An entertainment transportation vehicle driver's permit issued under this chapter shall be coterminous with the permittee's valid driver's license issued by one of the fifty states in the United States of America for the type/classification of entertainment transportation vehicle to be operated. Any time that a permittee's driver's license is suspended, revoked, or cancelled, their entertainment transportation vehicle driver's permit shall likewise be immediately suspended, revoked, or cancelled. The entertainment transportation vehicle driver's permit shall immediately be surrendered to the MTC until such time as their driver's license is reinstated.

**Section 11. Conduct of drivers.**

A driver shall at all times:

1. Act in a reasonable, prudent, safe, and courteous manner;
2. Not permit a person not possessing an entertainment transportation vehicle driver's permit to operate the entertainment transportation vehicle;
3. Not permit more passengers to be carried in an entertainment transportation vehicle than for which there is proper seating, and at no time shall the driver allow any passenger to ride in any area of the entertainment transportation vehicle not specifically designed or designated as a seat;

4. Not permit any passenger sixteen years of age or younger to ride in an entertainment transportation vehicle unaccompanied by an adult;
5. Not operate an entertainment transportation vehicle while under the influence of intoxicating beverages or drugs;
6. Not operate an entertainment transportation vehicle while possessing a lighted cigarette, cigar, or pipe at any time;
7. Observe and obey all state and local noise and traffic laws and regulations;
8. Not permit a customer to stand or ride on any part of the entertainment transportation vehicle other than the designated seating area while the entertainment transportation vehicle is in motion and to advise the passengers that they must be seated except when loading or unloading.

**Section 12. Return of passengers' property.**

A driver of an entertainment transportation vehicle shall immediately attempt to return to a passenger any property left by the passenger in the entertainment transportation vehicle. If unable to locate the passenger, the driver shall turn the property into the certificate holder's company office at the end of the driver's shift or at the first available opportunity. In such cases, the certificate holder shall make a good faith effort to locate the passenger, and, if not successful, hold the property in storage at its location for at least thirty days, unless otherwise directed by the director.

**Section 13. Compliance with provisions.**

Every driver granted a permit under this article shall comply with all City of Memphis, state, and federal laws. Failure to do so may result in disciplinary actions including suspension and up to revocation of the entertainment transportation vehicle driver's permit.

Article 4. Equipment and Operation

**Section 1. Vehicle permit required.**

Each entertainment transportation vehicle must have a permit issued by the MTC. The permit will identify each entertainment transportation vehicle by a unique number in accordance with rules and procedures established by the MTC and will be associated with the specific classification and by certificate holder. Permits are not transferable to other entertainment transportation vehicles or other certificate holders.

**Section 2. Ownership and control of vehicles.**

All entertainment transportation vehicles permitted under this chapter must be under the lawful control of a certificate holder demonstrated either by proof of ownership or a copy of a valid lease agreement and must be under the direct control of a permitted driver while in operation or use.

**Section 3. Vehicle to display identification.**

All entertainment transportation vehicles operated under the authority of this chapter shall be equipped with identification as prescribed by the MTC in rules and regulations.

**Section 4. Vehicle requirements; safety standards.**

A. To the fullest extent permitted by Tennessee and federal law, prior to the use and operation of any vehicle under the provisions of this chapter, the vehicle shall be thoroughly examined and inspected by the certificate holder or a third party in accordance with rules and regulations prescribed by the MTC. These rules and regulations shall be promulgated to provide safe transportation and specify such safety equipment and regulatory devices as the MTC shall

deem necessary. When a certificate holder finds that a vehicle has met all the terms established by the MTC, the holder shall certify this to the MTC director, who shall authorize a permit to be issued.

B. To the fullest extent permitted by Tennessee and federal law, every vehicle operating under this chapter is subject to random and periodic inspections to ensure the continued maintenance of safe operating conditions. A certificate holder shall make an entertainment vehicle available for inspection upon or prior to the expiration of the notice period provided for in the rules and regulations adopted by the MTC, when ordered to do so by MTC staff. If, upon inspection it is determined that an entertainment vehicle for hire is not in compliance with this chapter or MTC rules, the MTC staff shall order the vehicle to be removed from service or brought into compliance within a reasonable period of time and require it to be re-inspected.

C. Every vehicle operating under this chapter shall be kept in a clean and satisfactory condition, according to rules and regulations promulgated by the MTC.

D. Every vehicle operating under this chapter must be equipped with seats for each passenger.

E. To the fullest extent permitted by Tennessee and federal law, every vehicle operating under this chapter shall undergo an annual detailed mechanical inspection conducted by an approved mechanic pursuant to the requirements of rules and regulations adopted by the MTC. The records of these inspections must be maintained and made available to MTC staff as provided by the rules and regulations adopted by the MTC. The certificate holder shall certify to the MTC director compliance with this subsection.

F. The MTC may, by rule, establish additional inspection requirements for entertainment transportation vehicles and other equipment used in the entertainment transportation vehicle service.

G. The MTC shall have the authority to promulgate rules and regulations related to vehicle safety that are consistent with applicable law to ensure the safe operation of entertainment transportation vehicles.

**Section 5. Operating area.**

Entertainment transportation vehicles shall operate upon the streets in the Memphis City Limits on routes or zones delineated by the Memphis Transportation Commission, within the selected portion of the Central Business Improvement District (Core District, Edge/Medical District, and South District - see Exhibit A). Any deviation or amendments to routes or zones must be reviewed by the MTC or its staff and receive approval from the Memphis City Council by Resolution. Any approved deviation must be reported to the MTC or the MTC director staff prior to beginning of operations.

**Section 6. Operating hours.**

Entertainment transportation vehicles shall operate between the hours of 11 AM to 11 PM. Any deviation from these hours must be reviewed by the MTC or its staff and receive approval from the Memphis City Council by Resolution. Any approved deviation must be reported to the MTC or the MTC director staff prior to beginning of operations.



**Section 7. Records and reports.**

A. Each holder shall maintain at a single location business records of its entertainment transportation vehicle business. The records must be maintained in a manner approved by the MTC director and contain the following information:

1. An identification of the entertainment transportation vehicles operating each day;
2. An identification of the drivers operating the entertainment transportation vehicles each day and a statement of the hours each driver operated the vehicle each day; and
3. Any other information the MTC director determines necessary for monitoring the activities, operations, service, and safety record of the licensee.

B. A certificate holder shall make its records available for inspection by the MTC director, inspector, law enforcement officer or designated officials.

**Section 8. Accidents**

A. All accidents arising from or in connection with the operation of an entertainment transportation vehicle shall be reported within seventy-two hours from the time of occurrence to the MTC director if the accident results in:

1. Death or bodily injury to any person, or
2. Damage to any vehicle, or to any property in an amount exceeding the sum of four hundred dollars.

B. An entertainment transportation vehicle damaged in an accident, but still operable without placing the driver or passengers at risk, must be repaired within two weeks of the accident or removed from operation until repaired and inspected.

**Section 9. Passengers-Receiving and discharging by drivers.**

A. Drivers shall only receive and discharge passengers at designated staging areas/locations approved by the MTC.

B. Drivers shall not allow additional passengers to board the entertainment transportation vehicle after the vehicle has left its fixed starting point.

**Section 10. Disposition of disorderly passengers.**

Drivers shall act in a reasonable and professional manner in dealing with disorderly passengers.

**Section 11. Soliciting business.**

No certificate holder or driver of an entertainment transportation vehicle shall offer any compensation of whatever form to any person or entity in exchange for the direction or recommendation of passengers to that entertainment transportation vehicle, provided that this section shall not prohibit certificate holders from advertising their entertainment transportation business.

**Section 12. Compliance with other laws.**

It shall be a violation of this chapter for a certificate holder or driver to violate any other applicable federal, state or local law or regulation in offering or providing entertainment transportation vehicle services.

**Section 13. Enforcement.**

A. The inspectors of the Memphis Transportation Commission are authorized and are instructed to observe the conduct of holders of certificates and permits operating under this chapter. Upon discovering a violation of the provisions of this chapter, the inspector may either report the violation to the MTC, which will order or take appropriate action, or issue a citation as authorized under Article IV, Section 1 A.

B. In addition to the enforcement authority provided to MTC inspectors in subsection A. of this section, officers of the Memphis Police Department shall have the authority to enforce this chapter. A police officer, upon observing a violation of this chapter or of any regulation or rule established by the MTC or the MTC director pursuant to this chapter, may take necessary enforcement action to insure effective regulation of entertainment transportation vehicles.

**Section 14. Limitation of service due to weather conditions.**

Entertainment transportation vehicles shall not receive passengers when weather conditions are sufficiently adverse or inclement so as to endanger passengers or the public. The MTC, by rule, may adopt specific guidelines for the operation of entertainment transportation vehicles in inclement weather conditions.

Article 5. Violations – Civil Penalty Schedules

**Section 1. Violations-Penalties-Additional regulations.**

A. All provisions of this chapter shall be governed by the penalties and procedures for general ordinance violations set forth in the Code of Ordinances of Memphis, Tennessee, 1-24-1.

B. Notwithstanding any provision contained herein, the MTC shall have the authority to enforce the provisions of this chapter.

C. The MTC shall have the authority to promulgate, implement, and enforce additional rules and regulations pertaining to entertainment transportation vehicles, provided such rules and regulations are consistent with the provisions of this chapter, and prior approval is obtained from the Memphis 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 3. Effective Date.**

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

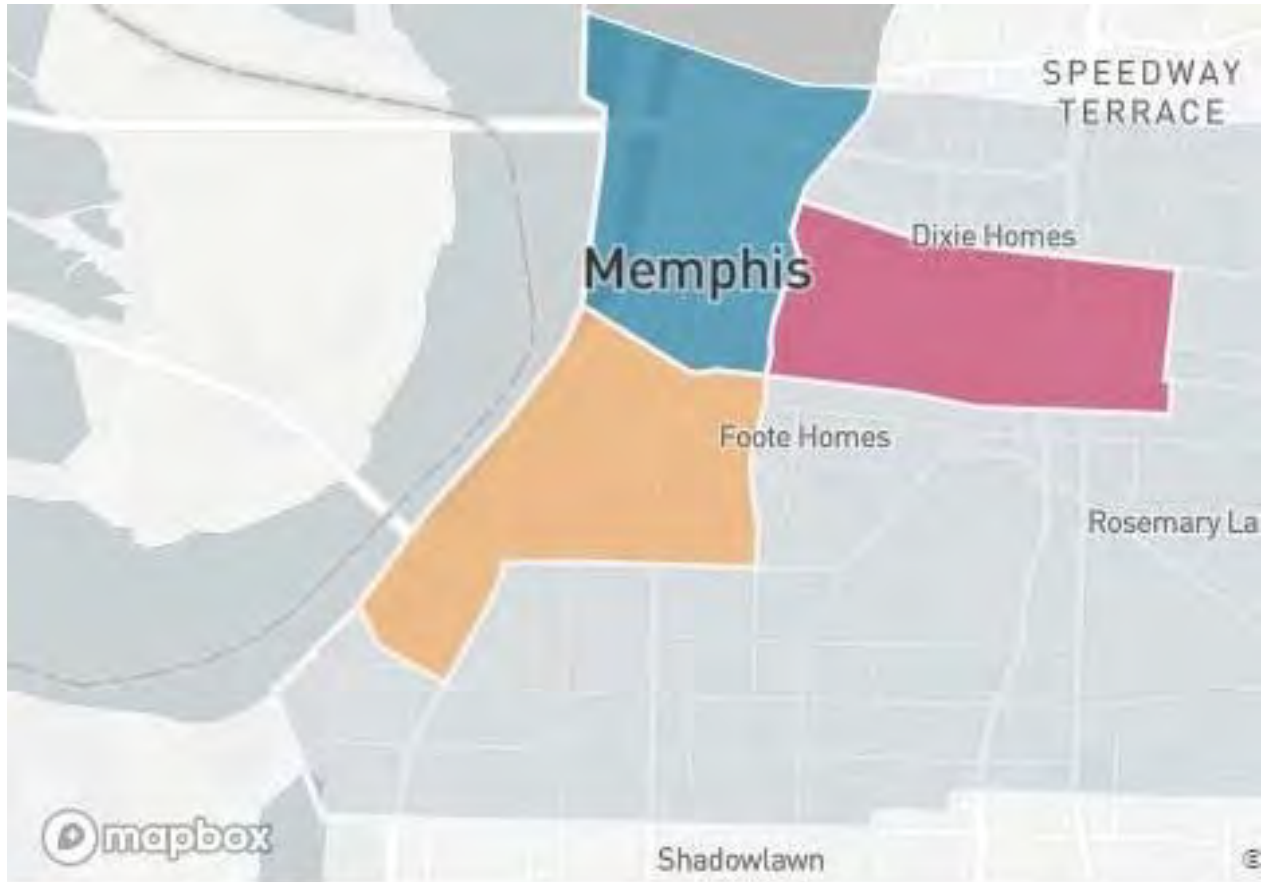
SPONSOR

Ford Canale

CHAIRMAN

Martavius Jones

Exhibit A



-  South District
-  North District
-  Core District
-  Edge/Medical District
-  Core City District

REFERENDUM ORDINANCE NO. \_\_\_\_\_

A REFERENDUM ORDINANCE AMENDING THE CHARTER OF THE CITY OF MEMPHIS TO MODIFY THE EXISTING REQUIREMENTS FOR QUALIFICATIONS FOR MAYOR AND THE CITY COUNCIL MEMBERS OF THE CITY OF MEMPHIS

WHEREAS, the qualified voters of the City approved Referendum Ordinance No. 1852 November 6, 1966 changing the form of government from a Mayor Commission form of government to a Mayor Council form of government in order to implement Home Rule as permitted by Article XI, Section 9 of the Tennessee Constitution (“Home Rule Charter”);” and

WHEREAS, the Home Rule Charter expressly provided in Section 1 thereof specific qualifications for members of the City Council and expressly provided in Section 4 thereof that “[t]hat the qualifications of the Mayor shall be the same as those required herein for members of the Council....”

WHEREAS, the Home Rule Charter did not provide any other separate and independent qualifications for the Office of Mayor in addition to those provided in Sections 1 and 4 thereof;

WHEREAS, the Home Rule Charter expressly repealed all laws in conflict with its provisions;

WHEREAS, the qualified voters of the City approved an amendment to the City’s Home Rule Charter by Referendum Ordinance No. 4346 on November 5, 1996 in which the qualifications of members of the Council in Section 1 of the Home Rule Charter were expressly repealed and replaced with the requirement “[t]hat each Council Member shall be a resident, as defined by State election laws, of the City and of the District from which he or she is elected.”

WHEREAS, Referendum Ordinance No. 4346 did not amend or repeal the qualifications for the Mayor as set forth in Section 4 of the City’s Home Rule Charter;

WHEREAS, the City’s Home Rule Charter does not presently provide qualifications for the Mayor that are separate and independent from the qualifications for Council Members;

WHEREAS, it is desired by the Memphis City Council that the City of Memphis Charter be amended by ordinance as provided by Article XI, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) for the purpose of amending the existing qualifications for the office of Mayor and replacing the existing qualifications with the requirement that no person shall be elected Mayor unless he or she the person shall have been a bona fide resident of the City of Memphis for at least one (1) year preceding the date of the municipal election for Mayor.

Section 1. Proposed Amendment Authorized.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS , TENNESEE, That pursuant to Article XI, Section 9 of the Constitution of the State of Tennessee, as amended, a proposal for amending the Charter of the City, as set forth in this ordinance, shall be published and submitted by the City of Memphis to its qualified voters at the first general state election held in the City of Memphis at least sixty (60) days after such publication.

Section 2. Publication of Home Rule Amendment as required by Tennessee Constitution.

BE IT FURTHER ORDAINED, That the Comptroller is hereby directed to cause this Ordinance, as finally adopted, to be published pursuant to provisions of Article XI, Section 9 of the Constitution of the State of Tennessee immediately after adoption by the City Council.

Section 3. Certification and Delivery to Election Commission.

BE IT FURTHER ORDAINED, That upon the adoption of this Ordinance becoming effective as required by law, the Comptroller of the City of Memphis shall immediately certify adoption of this Ordinance and deliver a certified copy thereof to the Shelby County Election Commission in charge of holding the General State Election on \_\_\_\_\_, 2024, and shall request that the proposed amendment to the Home Rule Charter of the City of Memphis, in the preferred form set forth in this Ordinance, be placed on the ballot.

Section 4. Proposal and preference.

BE IT FURTHER ORDAINED, That the City Council does hereby adopt the suggested proposal and form of question to be placed on the ballot for a referendum vote on a Home Rule Amendment to the Charter of the City of Memphis in a General State Election to be held on the \_\_\_\_\_, 2024, which question shall read as follows:

“Shall the Charter of the City of Memphis be amended to read:

- A. ‘No person shall be eligible for the office of Mayor who is not at least thirty years of age, and who has not been a bona fide resident of the City of Memphis for at least one (1) year preceding the date of the municipal election for Mayor, or who at the time of his election and qualification holds any other office, or who is directly or indirectly interested in any contract with the City.’
- B. ‘No person shall be eligible for any office of the City Council who has not been a bona fide resident of the City of Memphis for at least one (1) year preceding the date of the municipal election.’
- C. ‘All existing provisions of the Charter that establish qualifications for the Mayor are hereby expressly repealed.’?”

***I, Shirley Ford, Director of Finance for the City of Memphis do hereby certify that the foregoing amendment shall have no impact on the annual revenues and expenditures of the City.***

FOR THE AMENDMENT	(YES) _____
AGAINST THE AMENDMENT	(NO) _____

Section 5. Effective Date of Charter Amendment.

BE IT FURTHER ORDAINED, That this Ordinance shall take effect for the purposes set forth



herein sixty (60) days after approval by a majority of the qualified voters voting thereon in an election to be held on the \_\_\_ day of \_\_\_\_\_, 2024, the public welfare, requiring it.

Section 6. Certification of Results.

BE IT FURTHER ORDAINED, That the Shelby County Election Commission certify the result of said election on the referendum question to the Comptroller of the City of Memphis, who shall see that said result is made a part of the Minutes of the Council of the City of Memphis.

Section 7. Nonconflicting - Conflicting Laws.

BE IT FURTHER ORDAINED, That from and after the effective date of this Home Rule Amendment, all laws constituting the present Charter of the City of Memphis in conflict with the subject matter of this amendatory Home Rule Ordinance shall be immediately annulled, vacated, and repealed and all laws constituting the present Charter of the City of Memphis not in conflict with this amendatory Home Rule Ordinance, be and the same are here continued in full force and effect.

Section 8. Severability.

BE IT FURTHER ORDAINED, that if any clause, section, paragraph, sentence or part of this Ordinance shall be held or declared to be unconstitutional and void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding the parts so held to be invalid, if any.

Section 10. Publication as Required by the City Charter.

BE IT FURTHER ORDAINED, that this Ordinance shall also be published by the Comptroller at the same time and manner as required by the City's Charter for all ordinances adopted by the City Council.

Section 11. Enactment of Referendum Ordinance.

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

SPONSOR:

Councilman JB Smiley, Jr.  
Councilman Chase Carlisle  
Councilman Jeff Warren  
Councilman Martavius Jones  
Councilwoman Rhonda Logan  
Councilwoman Cheyenne Johnson

Councilman Ford Canale  
Councilwoman Patrice Robinson  
Councilman Frank Colvett, Jr.

Ordinance No. \_\_\_\_\_

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 86<sup>th</sup> 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.

SUPPLEMENTAL ADOPTING ORDINANCE  
SUBSTITUTE ORDINANCE NO. 5843

***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 specific chapters in Titles 6 and 8, each inclusive, and the errata thereto, is hereby adopted and enacted. The specific chapters in Titles 6 and 8 relating to Horse Drawn Carriages and Animals 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 carriages.

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

Sec. 6-1-4. Duty of City Directors 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.

Title 6 - BUSINESS LICENSES AND REGULATIONS  
CHAPTER 6-1. - HORSE-DRAWN CARRIAGES

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- 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 passengers.
- 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.

LICENSING AND CARE OF ANIMALS

- Sec. 6-1-42. Licensing of Equines-Powers of Director of Animal Services
- Sec. 6-1-43. Proper Care of Licensed Equines.
- Sec. 6-1-44. Conditions of Use of Licensed Equines.
- Sec. 6-1-45. Equipment
- Sec. 6-1-46. Stalls and stables.

## TITLE 6 – BUSINESS LICNESES AND REGULATIONS

### CHAPTER 1. HORSE-DRAWN CARRIAGES

#### *DEFINITIONS*

##### Sec. 6-1-1. Definitions.

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

*Certificate* means a certificate of public convenience and necessity issued by the director of police services authorizing the holder hereof to conduct a horse-drawn carriage for hire business in the city.

*Carriage* means a horse-drawn carriage regularly used in the business of carrying passengers for a fare whether or not on a fixed route.

*Director of animal services* means the director of animal services of the city, or his or her authorized designee.

*Director of police services* means the director of police services of the city, or his or her authorized designee.

*Driver* shall be held to include every person in actual charge of the operation of a horse-drawn carriage.

*Driver's permit* means the permission granted by the director of police services to a person to drive a horse-drawn carriage for hire upon the streets of the city.

*For hire* means agreement to transport a person or persons for a fare.

*Holder* means a person to whom a certificate of public convenience and necessity has been issued.

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*Horse* means any animal of the genus equus.

*Owner* means the person who has proved to the director of police services that he or she is the legal owner of the horse-drawn carriage.

*Inspector* shall be a Memphis police officer and/or any person designated by the Director of Animal Services, who has been authorized and instructed to watch and observe the conduct of holders of certificate of public convenience and necessity, drivers and licensed equines operating under this chapter. Upon discovering a violation of the provisions of this chapter, the inspector(s) will order or take appropriate action.

*Person* includes an individual, a corporation or other legal entity, a partnership, or any unincorporated association. Person must be a resident of the State of Tennessee or member of corporation recognized in Tennessee.

*Stable* means any place, establishment or facility where one or more horses are housed or maintained.

*Stand.* A horse-drawn carriage for hire stand is a place where the city engineer in concert with director of police services has authorized a holder of a certification of public convenience and necessity to park horse-drawn carriage for hire out of service awaiting a passenger.

*Sticker* means identifying sticker issued by the Memphis police department on authority of director of police services, to be displayed on rear of horse-drawn carriage next to identification plate. Sticker to be issued annually with certificate of convenience and necessity.

*Veterinarian* means a person licensed to practice veterinary medicine.

*Work.* A horse is considered working when it is out of the stable and at its carriage stand or place where it regularly picks up passengers. Work ends when the horse leaves its stand to go to the stable.

(Code 1985, § 39-71; Ord. No. 4227, § 1, 11-2-1993)

## ***POWERS OF DIRECTOR—REGULATIONS***

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

The director of police services is authorized and directed to make and enforce such additional rules and regulations, not in conflict with the provisions of this chapter, as the director may deem proper to regulate the operation of horse-drawn carriages for hire under a certificate issued pursuant to this chapter, provided that no regulation shall be made or enforced in conflict with this chapter or any other city ordinance.

(Code 1985, § 39-102; Ord. No. 4227, § 1, 11-2-1993)

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

- A. The city treasurer is vested with full and complete authority to issue, alter, deny, suspend or revoke certificates of public convenience and necessity and permits for drivers, as herein provided, and is further vested with the full and complete authority, duty and responsibility to carry into effect the provisions of this chapter. The city treasurer may designate an officer to render rulings or take all other actions herein granted to the city treasurer, as indicated by the city treasurer.
- B. The city treasurer or the city treasurer's designee shall conduct hearings on those matters requiring same. Decisions of the designee may be appealed by the applicant, the certificate holder, or driver within ten days after the decision affecting the person, by filing a written appeal with the city treasurer. The city treasurer may rule after a review of the record or may set a hearing as soon as practicable. Ten days' notice of a public hearing stating the time and place of the public hearing and the express terms or an informative summary of the subject matter of the public hearing provided for herein shall be given by publication in some newspaper published in the city, the cost thereof to be paid by the applicant or certificate holder.



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C. An applicant, driver or certificate holder aggrieved by any final order or determination of the city treasurer in regard to the issuance, denial, suspension or revocation of that person's certificate or permit under this chapter may, within ten days after such denial, file with the comptroller a petition for review of the action of the city treasurer in denying the application, and it shall then be the duty of the city council to hold a public hearing and either grant or deny the application. In all such cases any interested party or holder of a certificate of necessity and convenience shall have a right to be heard; provided, further, that, in any such appeal to the city council, the decision of the city treasurer shall be prima facie correct.

(Code 1985, § 39-103; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

**Sec. 6-1-4. Duty of City Directors to enforce chapter.**

The director of police services and/or the director of animal services or their respective designees (“Inspectors”) are authorized and are instructed to monitor the conduct of holders of certificates of a public convenience and necessity, drivers and licensed equines operating under this chapter. Upon discovering a violation of the provisions of this chapter, an Inspector shall take appropriate action. Any vehicle for hire may be inspected at the discretion of an Inspector at any time or location. Vehicles may be inspected for cosmetics, safety requirements, and are to include permits and license required to be held by the driver or any other inspection deemed necessary by an Inspector.

(Code 1985, § 39-104; Ord. No. 4227, § 1, 11-2-1993)

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

A. No person shall operate or permit a horse-drawn carriage owned or controlled by him or her to be operated as a passenger vehicle for hire upon the streets of the city without first having obtained a certificate of public convenience and necessity from the director of police services.

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- B. This section shall not apply to passenger vehicles for hire operated under the jurisdiction of the public service commission of the state, or otherwise exempted.
- C. No more than 50 carriages may be permitted to operate upon the streets of Memphis and the permit office shall accept no applications for additional carriages once this maximum has been permitted. Other pending applications shall be dismissed upon the issuance of the 50th permit. Should the number of permitted carriages drop below the maximum allowed, applications will be considered in the order in which they are filed at the permit office.

(Code 1985, § 39-105; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4941, 5-7-2002)

### ***CERTIFICATION REQUIREMENTS***

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

- A. Any person, partnership or corporation desiring to secure a certificate of public convenience and necessity shall make application and pay a \$100.00 application fee to the city treasurer. The notarized application shall be filed with and dated by the city treasurer or his or her designee.
- B. The application for a certificate shall be upon a form provided by the city treasurer, or his or her designee. An applicant for a certificate, including any partner or limited partner of the partnership applicant, and any officer or director of the corporate applicant and any stockholder holding more than five percent of the stock of a corporate applicant, or any other person who is interested directly in the ownership or operation of the business, shall furnish the following information:
1. Name and address including all aliases;
  2. Written proof that the individual is at least 18 years of age;
  3. All residential addresses of the applicant for the past five years;
  4. The trade name under which the applicant proposes to do business;

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5. The business, occupation or employment of the applicant for five years immediately preceding the date of application;
  6. The financial status of the applicant, including the amounts of all unpaid judgments against the applicant or, if a corporation, against any officer, director or shareholder as listed above or, if a partnership, any partner or limited partner, or any other person who is interested directly in the ownership or operation of the business;
  7. All criminal statute, whether federal or state, or city ordinance violations for which conviction, forfeiture of bond or pleading of nolo contendere has occurred, except minor traffic violations;
  8. Fingerprints and two color portrait photographs at least two inches by two inches of the applicant. The city permits office will provide fingerprints and photographs of applicant;
  9. The address of the premises from which the vehicle for hire business is to be conducted and the address wherein the vehicles are to be stored and/or serviced;
  10. If the applicant is a corporation, the name of the corporation and the date and state of incorporation, the name and address of the registered agent, and the names and addresses of all shareholders, as required above, officers and directors of the corporation;
  11. The experience and/or the qualifications of the applicant to operate a horse-drawn carriage for hire service;
  12. A showing that the public convenience and necessity requires the granting of the certificate;
  13. The number of horse-drawn carriages to be put into service at the time of application, the location of private property stands, and the size and seating capacity of each carriage;
  14. Whether applicant operates any other vehicles under this chapter;
  15. A statement by the applicant that he or she is familiar with the provisions of this chapter and is in compliance with them.

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- C. Within ten days, or a reasonable time thereafter of receiving the results of the investigation conducted by the division of police services, the director of police services shall fix a time and a place for a public hearing on the application and notice shall be given as provided in section 6-1-3(B). All documents relative to the public hearing shall be available for inspection prior to the hearing. Any interested person may file a statement in support of or in opposition to the issuance of a certificate, and/or may offer testimony at the hearing.
- D. Failure or refusal of the applicant to give any information relevant to the investigation of the applicant or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding the application or the applicant's refusal to submit to or cooperate with any investigation required by this chapter, shall constitute an admission by the applicant that the applicant is ineligible for such certificate and shall be grounds for denial thereof by the director.

(Code 1985, § 39-106; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 12, 8-15-1995; Ord. No. 4941, 5-7-2002)

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

The city treasurer may issue a certificate of public convenience and necessity if an applicant meets the following standards:

- A. The applicant's financial status shall be such that the applicant shall be capable of operating the horse-drawn carriage for hire service during the time the certificate shall remain in effect.
- B. The public convenience and necessity requires the granting of a certificate in that the applicant has shown:
1. The support of potential customers of the service;
  2. The uniqueness of the services offered, if possible;
  3. That the service would not disrupt local traffic conditions.
- C. If the applicant is an individual:
1. The applicant shall be at least 18 years of age.

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2. The applicant shall not have an outstanding unpaid final judgment.
  3. The applicant shall not have been convicted of, forfeited bond or pleaded nolo contendere to a felony or any crime involving moral turpitude as defined in T.C.A. § 57-4-203(h)(2), a controlled substance, prostitution, assignation, obscenity, or any crime of a sexual nature in any jurisdiction within five years immediately preceding the date of application.
  4. The applicant shall not have been found to have violated this chapter within five years immediately preceding the date of application.

D. If the applicant is a corporation:

1. All officers and directors shall be at least 18 years of age.
2. No officer, director or stockholder required to be named under section 6-1-6 shall have outstanding unpaid final judgments.
3. No officer, director or stockholder required to be named under section 6-1-6 shall have been convicted of, forfeited bond or pleaded nolo contendere to a felony or any crime involving moral turpitude as defined in T.C.A. § 57-4-203(h)(2), a controlled substance, assignation, prostitution, obscenity, or any crime of a sexual nature in any jurisdiction within five years immediately preceding the date of application.
4. No officer, director or stockholder required to be named under section 6-1-6 shall have been found to have violated this chapter within five years immediately preceding the date of application.

E. If the applicant is a partnership, joint venture or any other type of organization where two or more persons have a financial interest:

1. All persons having a financial interest in the partnership, joint venture or other type of organization shall be at least 18 years of age.

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2. The managing experience in the operation of a horse-drawn carriage business or in related endeavors.
  3. No person having a financial interest in the partnership, joint venture or other type of organization shall have outstanding unpaid final judgments.
  4. No person having a financial interest in the partnership, joint venture or other type of organization shall have been convicted of, forfeited bond or pleaded nolo contendere to a felony or any crime of moral turpitude as defined in T.C.A. § 57-4-203(h)(2), a controlled substance, prostitution, assignation, obscenity or any crime of a sexual nature in any jurisdiction within five years immediately preceding the date of the application.
  5. No person having a financial interest in the partnership, joint venture or other type of partner or manager shall have organization shall have been found to have violated this chapter within five years immediately preceding the date of the application.

(Code 1985, § 39-107; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

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

No certificate shall be granted under this chapter to any person unless the person is the owner of the horse-drawn carriage(s). The owner of a horse-drawn carriage must prove ownership to the city treasurer or his or her designee. The owner shall have a permanent number engraved or embossed on the chassis of the horse-drawn carriage. The owner will furnish photographs of the carriage(s) and notarized statements listing the self imposed serial number(s) to the city treasurer.

(Code 1985, § 39-108; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

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**Sec. 6-1-9. Fee.**

Certificates of convenience and necessity of horse-drawn carriages shall expire at midnight every March 31st, unless a timely and complete renewal is filed prior to that date. Such a timely and complete renewal shall serve to extend the permit until final action on the renewal request is taken by the department. When a certificate is issued, and at each renewal thereof, a fee for each carriage in use shall be paid to the city treasurer to defray the cost of administration of this chapter. The fee shall be as follows:

- A. For permits good for the period of April 1, 2003 until March 31, 2004: \$55.00.
- B. For permits good for the period of April 1, 2004 until March 31, 2005: \$65.00.
- C. For permits good for the period of April 2, 2005 until March 31, 2006, and every year thereafter: \$75.00.
- D. For any certificate or permit issued or amended after October 1 of any year, the fee shall be half the annual fee charged that year for each vehicle in use.

(Code 1985, § 39-109; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

**Sec. 6-1-10. Business license.**

- A. Each carriage company must have a current business license.
- B. Each carriage company must maintain an emergency telephone number where the owner or manager may be contacted in case of emergency.

(Code 1985, § 39-110; Ord. No. 4227, § 1, 11-2-1993)

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**Sec. 6-1-11. Insurance.**

No certificate of public convenience and necessity shall be issued unless the applicant provides to the city treasurer proof of financial responsibility by a written policy of liability insurance coverage as follows:

- A. Not less than \$100,000.00 in limited liability per occurrence;
- B. Not less than \$300,000.00 in public liability per occurrence;
- C. Not less than \$50,000.00 in property damages per occurrence.

(Code 1985, § 39-111; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

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

The business of every horse-drawn carriage for hire shall be carried on by the person to whom the certificate is issued under this chapter. The holder of the certificate may enter into agreements with drivers fixing percentages of receipts to be turned over to the holder of the certificate for the daily use of such carriage paying salaries to drivers, or drivers may rent the horse-drawn carriage for hire for a specific sum of money. A driver may be the conditional vendor or lessor of a carriage as long as the certificate holder is the owner as defined in section 6-1-1. Any arrangement contracted between the holder of a certificate and the driver shall not relieve the holder of the certificate from any liability and damages to third parties. A sample copy of all such agreements shall be kept on file with the city treasurer.

(Code 1985, § 39-112; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

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

A certificate holder shall not increase the number of horse-drawn carriages for hire operated pursuant to the certificate without receiving



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the approval of the city treasurer or the city treasurer's designee. The city treasurer or the city treasurer's designee shall approve or disapprove such request on the basis of economic need of the certificate holder, need of public for additional service, and other factors listed in section 6-1-7(B). If the request is denied, the city treasurer or the city treasurer's designee shall advise the certificate holder in writing of the reasons for such action. In no event shall the number of permitted horse-drawn carriages be more than 50. At no time shall the level exceed two-thirds ownership of one certificate holder. If the certificate holder requests a hearing within ten days of receipt of notification of denial, a public hearing shall be held as provided in section 6-1-3(B).

(Code 1985, § 39-113; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

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

- A. In case any carriage covered by a certificate is retired by the owner because it is worn out or so damaged as not to be worth of repair, or is burned or otherwise destroyed, the certificate holder shall advise the designee of the city treasurer in writing of the circumstances of the retirement. The certificate holder shall deposit with the designee of the city treasurer proof of ownership of the replacement carriage.
- B. The certificate holder must, if vehicles are discarded, sold, returned or otherwise disposed of, give notice to the city treasurer of such action whether or not the vehicle is replaced and return identification sticker to city treasurer.

(Code 1985, § 39-114; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

#### **Sec. 6-1-15. Accident reports.**

Reports of accidents in which any horse-drawn carriage for hire may be involved shall be promptly made to the police services division in accordance with the provisions of chapters 2-28 through 2-36. The certificate holder and the driver shall each have responsibility for filing

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a copy of the report with the city treasurer. Upon the happening of any accident or collision, the certificate holder shall forthwith have the passenger vehicle for hire involved therein removed from service until properly repaired.

(Code 1985, § 39-115; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

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

No certificate of public convenience and necessity may be sold, assigned, mortgaged, transferred or alienated.

(Code 1985, § 39-116; Ord. No. 4227, § 1, 11-2-1993)

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

A certificate issued under this chapter shall expire March 31 of each year at midnight and shall be renewed at the existing level of vehicles as long as the standards for the initial issuance are met. Applications for renewals shall be made by March 10 of each year, by which time all fees for the succeeding year shall have been paid. If the request for renewal is denied, the city treasurer or the city treasurer's designee shall advise the applicant in writing of the reasons for such denial. If the applicant requests a hearing within ten days of notification of denial, a public hearing shall be held as provided in section 6-1-3(B).

(Code 1985, § 39-117; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

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

A. A certificate issued under the provisions of this chapter may be suspended or revoked by the city treasurer or the city treasurer's designee after a public hearing, except as provided in section 6-1-3(C). Notice, public access to documents, and conduct of hearing shall conform with the provisions of section 6-1-3(B) except that written notice shall be sent by registered U.S. mail to the subject certificate holder by the date of publication.

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B. A certificate issued under the provisions of this chapter may be subject to a penalty fine of no more than \$50.00, suspension or revocation by the director of police services or the director's designee, upon findings at the public hearing that the holder of the certificate has:

1. Violated any provisions of this chapter;
2. Discontinued operation for more than 30 days;
3. Would no longer be eligible for issuance of the certificate.

C. A certificate holder shall have the right to appeal the ruling of the city treasurer or the city treasurer's designee revoking or suspending the certificate in the same manner as provided for appeals of the decision under section 6-1-3(C).

(Code 1985, § 39-118; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

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

A. Private or other vehicles for hire shall not at any time occupy the space upon the streets that have been established as horse-drawn carriage stands. Horse-drawn carriage stands shall at all times be restricted to a minimum distance of 100 feet from the threshold of any establishment or enterprise whose main business is the serving of restaurant clientele or food serving processes, unless the restaurant owner gives his or her consent that a horse-drawn carriage may be located within the 100 feet minimum distance from its threshold, and all the written consents to go to the city's department of engineering.

B. Horse-drawn carriage for hire stands shall be designated by the city engineer in concert with the city treasurer. If in the judgment of the city engineer the establishment of a horse-drawn carriage for hire stand will not interfere with nor present a hazard to the traffic on the street where such stand is sought to be established, the city engineer shall erect or cause to be erected the necessary official signs and markings to designate the stand. The city engineer shall

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forward a copy of his or her approval of the stands to the city treasurer.

- C. A holder of a certificate of convenience and necessity may request additional stands through the permit office of the Memphis Police Department or the city engineer. It is unlawful for any person to remove, alter or deface any sign or other marking so installed. Additional markings on the standards shall be approved by the city engineer.
- D. All horse-drawn carriage for hire stands are to be available for the use of all horse-drawn carriages for hire operating within the city on the basis of the driver of the first carriage for hire arriving at a vacant stand having the right to occupy such stand; however, the city treasurer may designate certain stands for a particular class of vehicles for hire only, such as: taxicab, horse-drawn carriage, etc. It is expressly provided that passengers may select any horse-drawn carriage for hire at such stands regardless of the horse-drawn carriage's position in the line at such stand and that no certificate holder may monopolize any stand.
- E. While in service, the operator of a horse-drawn carriage for hire may park the carriage at any legal parking space. When a carriage is parked upon a metered space, the operator shall pay the appropriate fee. If the carriage is so large that more than one metered space is occupied, the driver shall pay the meter(s) for all spaces fully or partially occupied. This provision shall not prevent the operator of a horse-drawn carriage for hire from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers. While parking for this designated purpose upon a metered space, the driver shall pay the appropriate fee. While parked at any parking space, subsections G and H of this section and section 6-1-45 shall apply.
- F. No person other than the holder of a horse-drawn carriage for hire certificate of convenience and necessity, his or her agent, or employees, shall occupy a designated horse-drawn carriage for hire stand, except that the driver of a passenger vehicle may temporarily

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stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any passenger vehicle for hire entering or about to enter the stand or stop.

G. Carriage companies shall keep horse-drawn carriage stands clean, free of manure and urine at all times. Urine shall be diluted with water or water with disinfectant as it occurs.

H. Water for the horses shall be available at all times.

(Code 1985, § 39-119; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

### ***DRIVERS AND CONDUCTORS***

#### **Sec. 6-1-20. Vehicle drivers.**

No person shall operate a horse-drawn carriage for hire upon the streets of the city, and no certificate holder who owns or controls a horse-drawn carriage for hire shall permit it to be so driven, and no passenger vehicle licensed by the city shall be so driven at any time for hire, unless the driver of the vehicle for hire shall have first obtained and shall have a current and properly updated passenger vehicle for hire driver's permit which has been approved by the city treasurer and issued by the city treasurer, or his or her designee.

(Code 1985, § 39-120; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

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

A. Permits required by this article shall be applied for, in person and in writing, on such forms as the city treasurer may prescribe, which forms shall show that:

1. The applicant has obtained a valid driver's license pursuant to the provisions of T.C.A. chapter 7, title 59;
2. The experience of the applicant in working with horses;

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3. All criminal statutes, whether federal or state, or city ordinance violations for which conviction, forfeiture of bond or pleading of nolo contendere has occurred, including motor vehicle and traffic violations;
  4. Such other information as the city treasurer may require.
- B. Such application shall be accompanied by two photographs as provided by the city permits office, one of which shall be attached to the permit, if issued, and one to be retained in the files of the city treasurer with the application for the permit.
- C. Such application shall be accompanied by:
1. A statement form, provided by a physician licensed to practice in the State of Tennessee, dated within 30 days of the application, indicating the length of time which the physician has treated the applicant, showing the applicant is not disabled by reason of defect of sight, hearing, body or limb, from safely operating a horse-drawn carriage and indicating any and all physical and mental conditions for which treatment has been rendered within the last year and for which treatment continues to be rendered;
  2. Statements of at least three reputable residents of the city who are personally acquainted with the applicant who will state their knowledge of the good reputation, honesty and general good character of the applicant, and include their name, address and home or work telephone number;
  3. A statement from a holder of a certificate of public convenience and necessity indicating that the applicant shall be affiliated with the certificate holder upon issuance of the permit.
- D. Permits shall remain the property of the city treasurer and may be canceled, revoked or suspended at any time and will be surrendered on demand.

(Code 1985, § 39-121; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

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

A training permit will be issued for new and potential carriage drivers good for 14 days. During this period, the driver is required at all times to drive or ride with a designated trainer and permitted carriage driver. The fee for the trainer's permit shall be half that of regular carriage drivers and will go towards the cost of a full carriage driver's permit. If the trainee does not make full application after 14 days, the permit shall be null and void and the applicant must begin the process again.

(Code 1985, § 39-121.1; Ord. No. 4941, 5-7-2002)

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

Each applicant applying for a permit shall appear before the city treasurer or his or her designee to complete an identification questionnaire on a form to be provided, and be fingerprinted.

(Code 1985, § 39-122; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

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

- A. Before issuing a permit under this article, the city treasurer or the city treasurer's designee shall investigate the facts set out in the application and shall not grant such permit to any person who, in the opinion of the city treasurer, after investigation, is not physically or morally fit to drive or operate a horse-drawn carriage for hire in the city.
- B. No driver's permit shall be issued to any applicant who has been convicted of, forfeited bail or pleaded nolo contendere to a felony or any crime, involving moral turpitude as defined in T.C.A. § 57-4-203(h)(2), a controlled substance, prostitution, assignation, obscenity or any crime of a sexual nature in any jurisdiction, or been an inmate of reform school or penitentiary as a result of a conviction

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for a felony, within five years prior to his or her application for such permit.

- C. The city treasurer may refuse to issue a permit to any applicant whose police record shows numerous convictions for public drunkenness, driving under the influence of intoxicants/drugs, repeated moving traffic violations, or any other good and just cause which, in the opinion of the city treasurer, would be inimical to the public health or safety.
- D. No permit shall be issued unless the applicant is at least 18 years of age.
- E. It shall be the duty of the city treasurer to issue a permit to any person applying therefor, showing compliance with the provisions of this chapter.

(Code 1985, § 39-123; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

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

The holder of a driver's permit shall advise the city treasurer immediately of all charges, arrests and indictments, including those for public drunkenness and driving under the influence of intoxicants. The city treasurer may suspend a driver's permit for five days prior to a hearing pursuant to section 6-1-31, if the driver is arrested, charged or indicted for any violation of city, state or federal laws. It shall also be the responsibility of the certificate holder with which the driver is affiliated to notify the city treasurer of the charges, arrests or indictments. Failure to do so may result in suspension or revocation of the permit and/or of the certificate.

(Code 1985, § 39-124; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

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

At the time a permit is issued, the driver must register with the division of police services the name of the horse-drawn carriage for hire certificate holder with which the driver intends to be affiliated and the



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division of police services will have stamped on the permit the name of the horse-drawn carriage for hire certificate holder specified by the driver. If at any time a driver wishes to change affiliations, the driver must register the change with the division of police services, and a fee of \$10.00 will be charged to defray administrative cost. Failure to advise the director of any such changes may result in suspension or revocation of the permit. It shall be the responsibility of the holder of the certificate of public convenience and necessity to notify the city treasurer when affiliation with a driver is discontinued and any holder which allows a driver to operate a vehicle for hire without a proper and complete permit may have its certificate suspended or revoked. The holder of the certificate of public convenience and necessity must supply in writing to the permits office, the correct address of each driver currently affiliated with the certificate holder.

(Code 1985, § 39-125; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

#### **Sec. 6-1-27. Permit fee.**

Each applicant for a permit under the provisions of this article shall pay to the city treasurer a fee of \$30.00 at the time of the filing of the application to cover the cost of drug screening, physical and driver's safety classes. For the renewal of such permit, the applicant shall pay a fee of \$25.00. To replace a lost, destroyed or stolen permit that is current, the fee shall be \$20.00.

(Code 1985, § 39-126; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

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

A permit issued under this chapter shall be in card form, of such size and design as may be prescribed by the city treasurer which shall bear on its face a photograph of the driver, the number of the permit, the expiration date thereof the company with which the driver is affiliated, and such other information as the city treasurer may require.

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(Code 1985, § 39-127; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

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

The original permit issued under this chapter, containing a photograph and other data on the driver shall at all times be in the possession of the driver of the horse-drawn carriage for hire operated by such driver, to be shown to the passenger or a police officer on demand, while such horse-drawn carriage for hire is under the direction or control of such driver.

(Code 1985, § 39-128; Ord. No. 4227, § 1, 11-2-1993)

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

- A. A permit issued under this chapter shall expire at midnight on the anniversary of the birth date of the permit holder each calendar year.
- B. If the driver wishes that his or her permit be renewed, he or she shall furnish the city treasurer, or his or her designee, in person, the following information at least one month prior to his or her permit expiration:
  - 1. An affidavit signed by the driver indicating no medical or physical disabilities were suffered during the previous year;
  - 2. A statement from a holder of a certificate of public convenience and necessity indicating that the driver is a current driver for the certificate holder.
- C. Every three years, a driver shall submit, at the time of renewal, a certificate completed by a physician licensed in the State of Tennessee and including that physician's license number, indicating the length of time which the physician has treated the driver, showing the driver is not disabled by reason of defect of sight, hearing, body or limb from safely operating a horse-drawn carriage and indicating any and all physical and mental conditions for which treatment has been rendered within the previous three years and those for which the driver continues to receive treatment.

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(Code 1985, § 39-129; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

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

- A. The city treasurer is given the authority to fine a penalty fee of no more than \$50.00 to suspend or revoke any driver's permit issued under this chapter for a driver's failure to comply with the provisions of this chapter or the rules and regulations specified by the city treasurer.
- B. The city treasurer shall notify a driver of the violations with which he or she is charged and his or her right to a hearing before the city treasurer or the city treasurer's designee, at which time the driver shall have an opportunity to present evidence; provided, however, that the city treasurer or the city treasurer's designee may suspend a permit for five working days prior to a hearing, with a hearing to be held within that period of time, if, in the judgment of the city treasurer or the city treasurer's designee, the public health and safety requires. At such hearing, the city treasurer or the city treasurer's designee is authorized to further suspend or revoke a driver's permit.

(Code 1985, § 39-130; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

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

- A. The city treasurer or the city treasurer's designee may suspend or revoke the permit of any driver for allowing any other person to use the permit granted to the driver, for the purpose of operating a passenger vehicle for hire or for any other reason.
- B. The city treasurer or the city treasurer's designee may suspend or revoke the permit of any driver who defaces, removes, or obliterates any official entry made upon the permit.

(Code 1985, § 34-131; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

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

- A. No driver shall engage in selling alcoholic beverages, any controlled substance, or solicit business from any house of ill repute or any person known to be of ill repute use his or her vehicle for any purpose other than the transporting of passengers except as provided for driver trainees. Passengers may possess alcoholic beverages.
- B. Drivers shall not engage in abusive language, including, but not limited to, cursing, verbal insults or derogatory comments in the presence of passengers, potential or engaged, or staff members of regulating authorities.
- C. While on duty, drivers shall not be under the influence nor engage in the consumption of intoxicants, including, but not limited to, beer and other alcoholic beverages or controlled substances. Any driver charged with driving while intoxicated may have his or her permit immediately suspended as provided in section 6-1-31.
- D. Drivers must present an acceptable appearance, including clean, neat wearing apparel not in need of repair. Hats may be worn. No shirt may be worn displaying an offensive logo. No halter-tops or tank shirts may be worn. Shorts may be worn but must be knee length or no more than three inches above the knee. Shoes, excluding sandal type shoes, must be worn at all times while serving the public. General appearance must be one of neatness and cleanliness.

(Code 1985, § 39-11; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4941, 5-7-2002)

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

No driver shall permit more persons to be carried in a horse-drawn carriage for hire as passengers than the seating capacity. A child in arms shall not be counted as a passenger.

(Code 1985, § 39-133; Ord. No. 4227, § 1, 11-2-1993)

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

No driver of a horse-drawn carriage shall carry any person other than the original passenger(s) by whom he or she has been engaged, without the consent of the original passenger(s), unless it is a driver trainee or other company employee.

(Code 1985, § 39-134; Ord. No. 4227, § 1, 11-2-1993)

**Sec. 6-1-36. Drivers not to work more than 12 hours out of 24.**

- A. No driver shall work more than a maximum of 12 hours in the aggregate of any 24-hour period, and such driver shall not begin to drive until he or she has had at least eight consecutive hours of rest.
- B. It is the duty of the certificate holder in conjunction with the driver to meet these requirements.

(Code 1985, § 39-135; Ord. No. 4227, § 1, 11-2-1993)

**Sec. 6-1-37. Solicitation of passengers by drivers; drivers to remain in or near carriage.**

- A. No horse-drawn carriage for hire driver shall solicit passengers for a horse-drawn carriage for hire, except when sitting in the driver's seat of such carriage for hire or while standing immediately adjacent to the carriage. The driver of any horse-drawn carriage for hire shall remain in the driver's seat or immediately adjacent to the carriage at all times when such carriage is upon public streets, provided further, that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of the carriage.
- B. No horse-drawn carriage for hire driver shall solicit patronage in a loud or annoying tone of voice, or by sign, or in any manner annoying any person, or to obstruct the movement of any person or follow any person for the purpose of soliciting patronage.

(Code 1985, § 39-136; Ord. No. 4227, § 1, 11-2-1993)

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**Sec. 6-1-38. Drivers of horse-drawn carriages.**

- A. A driver of a horse-drawn carriage must properly guide the animal and carriage and must properly control the animal and carriage at all times, and:
- B. Must have valid driver's license.
- C. Must obey all traffic laws/rules.
- D. Drivers must be permitted.

(Code 1985, § 39-137; Ord. No. 4227, § 1, 11-2-1993)

***VEHICLES***

**Sec. 6-1-39. Carriage safety equipment.**

- A. Prior to the use and operation of any horse-drawn carriage for hire under the provisions of this chapter, the carriage shall be thoroughly examined and inspected by an Inspector and found to comply with this section's requirements. If, at any time, the horse-drawn carriage for hire is found by an Inspector not to comply with the following requirements, the horse-drawn carriage for hire shall not be allowed to be operated on the streets, alleys and public ways of the city until and unless the inspector finds the carriage meets these requirements.
- B. Every carriage operating on the streets, alleys and public ways of the city shall at all times be equipped with all safety equipment and any other requirements in respect to safety as is required by the laws of the state or this Code and all such regulations as may be issued by the city treasurer.
- C. Every horse-drawn carriage for hire operating on the streets, alleys and public ways of the city shall at all times be in a safe and suitable condition for such use and shall have the following:
  - 1. Every horse-drawn carriage shall be equipped with lights clearly visible from the front and rear. One light housing shall be attached to the left side of the carriage and one light housing

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shall be attached to the right side of the carriage. The light housings may be of the type that illuminate from the front and rear simultaneously. Viewed from the rear, the lens must be red. Viewed from the front, the lens may be clear or amber. The light(s) must be capable of displaying a light visible 500 feet to the rear and 500 feet to the rear of such vehicle under ordinary atmospheric conditions and such light shall be displayed during the period from one-half hour after sunset to one-half hour before sunrise and at all other times when there is not sufficient light to render clearly discernible any person on the road or highway at a distance of 200 feet ahead of such vehicle.

2. Each carriage shall be equipped with electric turn signals.
3. No company shall use a carriage not equipped with brakes.
4. Each carriage shall be equipped with a slow-moving vehicle emblem to be attached to the rear of the vehicle.
5. Each company is encouraged to use reflective material wherever appropriate on carriages, harness and horse forelimbs.
6. Carriages must be properly lubricated and wheels must spin freely.
7. Each carriage should be equipped with a device to catch horse manure and prevent it from falling on the pavement; all missed droppings should be cleaned up at the end of each trip.
8. Each carriage shall be maintained in a safe and sanitary condition.
9. No horse-drawn carriage may carry more passengers than it was originally intended.
10. Each company shall conduct regular safety inspections of their vehicles. No vehicle shall be allowed into service that has lights, brakes or other safety features that are inoperable. Radio equipped or cellular phone equipped carriages are encouraged.
11. Four-wheel carriages should be equipped with fifth wheel or cut under turning mechanisms on the front axle.

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12. Any other requirements in respect to safety as is required by the laws of the state or this Code and all regulations as may be issued by the city treasurer.
  13. Obey all traffic laws of city and state.
  14. Identifying stickers.
  15. Name of company.

(Code 1985, § 39-138; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995)

**Sec. 6-1-40. Television equipment.**

No television set shall be installed or portable model television operated in any horse-drawn carriage.

(Code 1985, § 39-139; Ord. No. 4227, § 1, 11-2-1993)

**Sec. 6-1-41. Horse-drawn carriage maintenance.**

- A. Every horse-drawn carriage for hire operated in the city shall be kept in a clean and sanitary condition and in such condition of repair as may be reasonably necessary to provide for the safety of the public and for continuation in satisfactory operation.
- B. It is the joint responsibility of the certificate holder and of the driver to maintain the appearance and safety of the horse-drawn carriage for hire and equipment and failure to comply may result in the suspension or revocation of the certificate for public convenience and necessity and/or of the driver's permit.
- C. All carriages are subject to an annual inspection by the permits/license inspector for safe mechanical conditions, with all safety equipment remaining intact and operative.
- D. Any carriage involved in an accident is required to be inspected by the permits/license inspector before going back into service.

(Code 1985, § 39-140; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4941, 5-7-2002).



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*Driver* shall be held to include every person in actual charge of the operation of a horse-drawn carriage.

## ***LICENSING AND CARE OF ANIMALS***

### **Sec. 6-1-42. Licensing of Equines-Powers of Director of Animal Services**

#### **A. General**

1. As set forth in this chapter every person or business operating a horse-drawn carriage for hire business in the City is required to obtain and maintain a valid certificate of public convenience and necessity (“Certificate”) and every driver of a horse-drawn carriage for hire is required to obtain and maintain a valid Driver’s Permit.
2. Every Certificate Holder is also required to obtain and maintain a valid license for every equine to be used in the horse-drawn carriage for hire business as provided in this section (“Equine License”).
3. The director of animal services shall have authority over the licensing of equines and the enforcement of the provisions of this chapter regarding the care of animals used in the horse-drawn carriage for hire business to promote the health, safety, and well-being of the licensed equines. Compliance with all provisions of this chapter is a continuing condition of every Certificate, Driver’s Permit and Equine License.
4. A driver shall allow the inspection of their horse and/or carriage by an Inspector at any time while they are on public streets. This includes during a trip in which they have been hired if a safety issue is suspected.
5. Holders and Drivers shall be responsible for any violation under this article where it is shown such person had knowledge of the violation, or should have had knowledge of the violation, and made no attempt to prevent it from occurring.

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6. Nothing in the chapter shall preclude the director of animal services or their designees from enforcing all local, state, and/or federal animal cruelty laws.

B. Before any animal is brought into service by the certificate holder, the certificate holder shall obtain an Equine License from the director of animal services, which may be issued only after the equine has been examined by a Tennessee licensed veterinarian who provides service in Shelby County, Tennessee and a listed telephone number. The veterinarian shall certify to the director of animal services in writing that the animal meets all qualification criteria set forth herein after in this section, and that certification shall be presented to the director of animal services for approval prior to issuance of an Equine License for the equine by the City of Memphis. The veterinarian shall provide the following as proof of certification:

1. A veterinary record of a microchip placed in the neck along the nuchal ligament just under the mane.
2. A copy of the animal's veterinary records with the most recent exam being dated no more than 30 days prior to the animal being brought into service.
3. A copy of a negative Coggin's Test.

C. No licensed equine shall be permitted to pull any carriage unless the animal is in good health and meets at least the following requirements:

1. Must be a gelding or mare
2. Must be at least three (3) years old and no greater than twenty (20) years old
3. Must weigh at least one thousand two hundred (1,200) pounds to pull up to eight people, including the driver, as a single puller, and must weigh at least 1,500 pounds to pull a carriage capable of holding up to 30 people and shall only pull such a carriage in a team of two such animals.

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4. Must be of such stamina and in such physical condition, as determined by a veterinarian, to perform the required equine-drawn carriage tasks without any undue stress and effort.

D. The following shall deem a licensed equine unfit for use:

1. Lameness of any kind;
2. Open sores or wounds caused or likely to be irritated by the bearing surfaces of harness, bridle or girths;
3. Signs of emaciation, dehydration or exhaustion;
4. Loose shoes or no shoes; or
5. Uncontrollable behavior.

E. An equine required to be licensed pursuant to this section which fails to meet any of the above criteria may be declared unfit for service and may be ordered removed from work by the director of animal services or his or her designee if the director of animal services or his or her designee determines that removal of the equine is necessary for health and safety reasons or as an immediate protection to the equine or the public. An equine for which such an order has been issued shall not be returned to work until such time as the equine is re-examined and a veterinarian licensed by the State of Tennessee certifies in writing that the equine is fit to return to work using the criteria set forth in this chapter.

F. Should a carriage horse be permanently removed from service, it shall be sold or disposed of in a humane manner.

(Code 1985, § 39-141; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4352, § 11, 8-15-1995; Ord. No. 4941, 5-7-2002)

### **Sec. 6-1-43 Proper Care of Licensed Equines**

A. An equine required to be licensed pursuant to this article must receive the following routine veterinary care to remain compliant with this chapter:

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1. A full soundness exam every six (6) months by a veterinarian licensed by the state of Tennessee
  2. Treatment for internal parasites or fecal floatation egg counts every four (4) months under the direction of a veterinarian licensed by the State of Tennessee, and treatment for external parasites whenever they are found to be present.
  3. Hoof trimming and shoes reset every six (6) to eight (8) weeks using caulks or borium to prevent slippage and rubber shoes or pads to prevent concussion injuries; shoes shall be shod in a manner approved by the director of animal services and shall have non-skid base surfaces.
- B. A preventative vaccination/ veterinary record affirming these standards are met shall be maintained by certificate holder and must be available for inspection on demand by the director of animal services or their designee, to include:
1. Current license of the equine being used;
  2. Current picture of the equine;
  3. Current health certificate of the equine;
  4. The equine's body condition score, certified every six (6) months by a veterinarian licensed by the State of Tennessee; and
  5. Description and location of any other identifying characteristics, marks and brands of the equine.
- C. The animal must be kept clean, especially those areas in contact with the harness or other tack, as well as groomed daily when in service and must not have fungus, dandruff or a poor or dirty coat.
- D. Each animal must be fed at least twice daily and shall have access to forage and feed in the amount to keep appropriate body condition score. The forage and feed shall be kept clean, fresh and must be of good quality.
- E. Each animal must have accessible potable drinking water provided in the stable at all times.

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F. An animal shall be properly exercised when not working.

G. Holders and drivers shall ensure that each equine is offered potable drinking water in an appropriate container after every fare.

**Sec. 6-1-44. Conditions of Use of Licensed Equines.**

A. A Licensed Equine shall not be worked under any of the following conditions:

1. Pulling a carriage at a speed faster than a slow trot;
2. Pulling a carriage at top speed for more than thirty (30) minutes;
3. With equipment causing an impairment of vision other than normal blinders;
4. Any condition which will impair the good health and physical condition of the animal or that subjects the animal to cruel or harassing treatment.
5. Pulling a carriage that has music or other amplified sound played above 85 dB, or at any level below that which causes the animal distress.
6. Pulling a carriage on a public highway, path or street during conditions which are determined by the director of animal services or their designee to pose a threat to the health, safety or well-being of the equine, passengers, or general public.
7. If conditions develop while an equine is being worked, said equine shall be returned without delay to the stable by the most direct route and, if the threat posed is an immediate one, then the return of the equine to the stable shall be by equine trailer.

**B. Shifts**

1. Holders and drivers shall ensure that any licensed equine does not work more than eight (8) hours in a 24-hour period as reflected by pulling fares in the logbook. Carriages may be in service for up to ten (10) hours so long as no more than eight (8) of the ten (10)

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hours are active pulling fares. An equine must have least a fourteen (14) continuous hour rest period within each twenty-four (24) hour period. Equines shall be considered as working if the equine is pulling a carriage that is being presented to the public as a carriage for hire.

2. Certificate Holders and Drivers shall provide equines a minimum ten (10) minute rest period between fares in excess of one (1) hour. Certificate Holders and Drivers shall provide equines a reasonable rest period between fares less than one (1) hour.
3. Certificate Holders shall keep a current log in each stable showing each equine's use. A Certificate Holder shall keep on the premises of the stable where the Licensed Equines are kept a consecutive daily record of the movements of each Licensed Equine, including driver's name and identification number, equine's identification number, vehicle identification tag number, and a daily manifest on each equine. Such records shall be made available, at any reasonable time, for inspection by the director of animal services or his or her designee.
4. If a Licensed Equine must return to the stables due to inclement weather or equipment replacement, it may return to operation to complete the same shift but may not extend that shift beyond ten (10) hours from the start of the shift.

C. Weather.

1. Certificate Holders shall check the temperature for the City of Memphis every thirty (30) minutes while they have carriages in service and document in the daily record for horses in service that day. This verification shall be done by using a reputable weather website. If the temperature is at or above 95° Fahrenheit or at or below 32° Fahrenheit, animals may not be put into service and shall not be outside of the barns or stables.
2. All Certificate Holders and Drivers shall work their horses only when safe weather conditions exist. Special attention and discretion should be used during periods of snow, ice, heavy

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rain, high humidity, or extreme wind chill. Proper shoes should be used during icy conditions.

3. Should the director of animal services determine that special circumstances exist which would jeopardize the safety of the a Licensed Equine, such as a significant weather event or other environmental problems, the director may order the temporary suspension of the operation of all horse-drawn carriages for hire until such time as the special circumstances no longer exist.

(Code 1985, § 39-142; Ord. No. 4227, § 1, 11-2-1993)

### **Sec. 6-1-45. Equipment**

A. Certificate Holders and Drivers shall ensure that pads and other pieces of tack are kept clean and in a safe and serviceable condition. No Licensed Equine will be worked with a harness or bit that is not approved by a qualified and approved veterinarian.

1. The harness must be oiled and cleaned to be soft at all times.
2. The harness shall be properly fitted and maintained. Wire, sisal, rope, rusty chains or other substandard additions to the harness are prohibited.
3. The harness shall be examined every 6 months by a veterinarian licensed by the state of Tennessee.

B. The use of whips is prohibited except in situations presenting imminent danger to human or equine safety. Certificate Holders and Drivers are restricted to the use of a “buggy” style whip at times of imminent danger. All other whip styles are prohibited in all situations.

C. Equines licensed under this chapter will be fitted with a diaper or proper collection bag for animal droppings.

1. A Driver shall empty the horse’s diaper prior to the beginning of each trip for hire.

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2. A Driver shall not allow excrement to drop from the equine's diaper and will ensure that the diaper bag is properly fastened to the equine as outlined by the manufacturer's instructions.
  3. It shall be the responsibility of the Certificate Holder to take the necessary steps to keep all streets, alleys, sidewalks, and other public ways of the city cleared of animal droppings.

D. Each Driver shall dilute horse urine with a deodorizing, non-toxic liquid right away. The driver shall not impede traffic while doing so and if necessary, shall clean up any missed urine at the end of each trip.

(Code 1985, § 39-143; Ord. No. 4227, § 1, 11-2-1993); (Code 1985, § 39-144; Ord. No. 4227, § 1, 11-2-1993; Ord. No. 4941, 5-7-2002)

#### **Sec. 6-1-46. Stalls and stables.**

- A. Stables for housing of equines and carriages shall comply with all zoning laws and ordinances of the city of Memphis and Shelby County and shall be no less than one hundred (100) feet from any dwelling.
- B. Such facilities shall conform to all health and sanitation regulations and shall be open for inspection by the director of animal services and their designees at all reasonable times, with or without prior notice.
- C. All stables used for housing horses shall be well lighted and ventilated.
- D. Foot hazards and sharp surfaces will not be permitted in any area or building where the Licensed Equines may be injured by such hazards and surfaces.
- E. All stables shall have standing stalls of sufficient dimensions to allow each equine to enter, stand, turn around, and lie down in a natural manner, and protect from adverse weather. The stalls shall be enclosed on all four (4) sides and shall have a solid exterior wall and a solid roof free of leaks.



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F. Tie stalls shall be a minimum of 46 feet by ten feet. Horses that are not turned out daily should not be kept in tie stalls.

G. Stables and stalls shall be clean and dry. Sufficient bedding of straw, shavings, or other suitable material shall be furnished and changed as often as necessary to maintain the stables and stalls in a clean and dry condition. Bedding for concrete floors shall consist of at least six (6) inches of materials. Bedding for clay, dirt or rubber base floor shall consist of at least three (3) inches of materials.

H. A pest control program shall be used to control flies and other insects.

I. All interior and exterior areas of the stable shall be kept clean, properly drained and free of nuisances including, but not limited to, odors and accumulation of refuse and excrement.

J. There shall be no smoking at any time in stables.

(Code 1985, § 39-146; Ord. No. 4227, § 1, 11-2-1993)

(Code 1985, § 39-147; Ord. No. 4227, § 1, 11-2-1993)

(Ord. No. 5421, § 1, 11-1-2011)

## **Title 8 - ANIMALS<sup>1</sup>**

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### Chapter 8-4 LIVESTOCK & FOWL

Sec. 8-4-1. Neglect of Livestock and Fowl

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<sup>1</sup>Charter reference(s)—Authority of city council to regulate animals and fowl within the city, § 854.  
State law reference(s)—Animals, TENN. CODE ANN. § 44-2-101 et seq.

- Sec. 8-4-2. Running at-large of Livestock and Fowl
- Sec. 8-4-3. Keeping of Livestock Within 1,000 feet of Residence or Business
- Sec. 8-4-4. Killing Birds
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- Chapter 8-5. MEMPHIS ANIMAL SERVICES
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- Sec. 8-5-13. Impoundment, Redemption and Disposition of Fowl
- Sec. 8-5-14. Adoption of Animals
- Sec. 8-5-15. Euthanasia of abandoned or neglected animals
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## CHAPTER 8-1. SCOPE OF CHAPTER AND DEFINITIONS

### Section 8-1-1 Scope of Chapter

Conduct which is in violation of this Chapter shall constitute an ordinance offense for which a summons may be issued.

This title does not bar, suspend, or otherwise affect any right or liability for damages, penalty, forfeiture, or other remedy authorized by law to be recovered or enforced for a criminal offense as set forth in Title 39 of Tennessee Code Annotated, or in a civil suit for conduct that the state criminal code defines as an offense, and the civil injury is not merged into the offense.

### Sec. 8-1-2. – Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them herein, except when the context requires otherwise:

*Abandonment* means an animal that has not been provided adequate conditions as defined in this chapter, and whose owner failed to respond within 24 hours to an official notice left by animal services officers at the location where the dog is kept.

*Adequate care* shall include but not be limited to current vaccinations and/or medical treatment for illness, injury, disease, excessive parasitism, or any malformations; regular grooming to prevent matting which could lead to disease or injury; and nail clipping so no toenail grows long enough to penetrate the paw or affect the normal position of the paw.

*Adequate conditions* shall include but not be limited to adequate care, food, shelter, general maintenance, and water as defined in this section.

*Adequate food* means food that is not spoiled or contaminated and is of sufficient quantity and quality to meet the normal daily dietary requirements for the condition and size of the animal. Adequate food may be impacted by the environment in which the animal is kept and must be taken into account by the owner/custodian. An animal shall be fed or have food available at least once each day, unless a licensed veterinarian instructs otherwise, or withholding is in accordance with accepted agricultural or veterinarian practices. Food stored outside must be kept in sealed containers to prevent vermin from accessing it.

*Adequate shelter* means a four-sided ventilated structure in good repair with an entrance on one side, a roof, and a solid floor and allows the dog to remain reasonably dry and maintain normal body temperature. The dimensions of the entrance and structure shall allow each dog present to enter, stand, turn around, and lie down in a natural manner, whether in the same structure or by providing multiple structures, and protect the dog from adverse weather and direct sunlight. During cold weather, the structure must contain bedding material that is sufficient to promote the retention of body heat and during summer months a separate natural or artificial shaded area must be available outside the structure and accessible by the dog. “Adequate shelter” does not include the space under buildings, decks, steps, or open crates and carriers designed for temporary housing unless modified to meet the requirements of this section. The shelter shall be cleaned regularly enough so as not to force the animal to stand, sit or lie in bodily waste. The enclosure in which the structure is located must be of a square footage sufficient to allow the dog to defecate at one end and lie at least twice its length away at the other end of the enclosure.

*Adequate water* means potable water provided continuously and changed out no less than once daily. The animal must have uninhibited access to the water. Adequate water may be impacted by environment

in which the animal is kept and must be taken into account by the owner/custodian.

*Animal* means a domesticated living creature or species of life different from man or plants or a wild creature previously captured and domesticated.

*Animal services officer* means any person assisting the animal services director authorized to impound animals and issue ordinance summons.

*Animal services director* means a person in charge of the city's animal services division, as designated by the Mayor, and hereafter referred to as "director."

*Bite Scale* means a standardized measurement tool used for determining the severity of a bite inflicted on a human or animal based on the physical damage the bite causes to the victim.

*Cat* means any animal of the domestic feline family.

*Community cat* means a cat that lives outdoors, is unowned/semi-owned, and free-roaming typically in a colony. Behavior is not an indicator of community cats as they can be friendly or "feral"(unsocialized). An ear-tip is an indicator that the cat is a community cat and has been sterilized.

*Companion animal* means domesticated animals kept in or near the household for the primary purpose of companionship for members of the household and/or companionship for other such animals. This includes dogs, cats, rabbits, guinea pigs, hamsters, domesticated rats, domesticated mice, ferrets, birds, reptiles, amphibians, invertebrates, and any other species that a reasonable person would consider to be a pet.

*Competent person* means any person 18 years old or older, who is able to comprehend and understand the nature of their responsibility, and has sufficient ability, mentally and physically, to handle any particular animal he or she may take charge of or have in their control.

*Cruelty* shall be defined in accordance with Tenn. Code Ann. § 39-14-202.

*Dangerous dog* for the purposes of this ordinance means any dog which:

- a. attacks and bites a person, animal or community cat without provocation, causing serious illness, injury or death including but not limited to a major fracture, muscle tears, or lacerations requiring multiple sutures or corrective or cosmetic surgery;
- b. any dog previously declared dangerous in a court of law;
- c. any dog owned or harbored for the purpose of dog fighting, to include animals bred for this purpose;
- d. any dog that has committed a bite that scores at least a level 3 or higher on a nationally recognized bite scale as defined herein and been found at-large twice;
- e. any dog that has bitten twice with at least one of the bites scoring a level 3 or higher on a nationally recognized bite scale as defined herein.

*Dog* means any animal of the canine family.

*Ear tip* means a procedure to remove the distal one-quarter of a cat's left ear for identification purposes and done under anesthesia during a sterilization surgery.

*Employee* means any person employed by the city under the management of the city's animal services division.

*Fee schedule* means fees charged for any services requiring payment at animal services, which shall be approved by the animal services director and authorized by passage of a resolution by the council. A current copy of the fee schedule shall be posted on the city of Memphis' website and in a conspicuous place in the Memphis Animal Services facility.

*Fertile/unaltered animal* means an animal which can produce offspring.

*Fowl* means any domesticated or undomesticated chickens, ducks, geese, turkeys, or other such birds as may be so designated by the director of the city's animal services division.

*General Maintenance* means adequate care, conditions, food, shelter and water as defined by this chapter and encompasses all reasonable measures to promote the health and safety of the animal.

*Gross Neglect* means a conscious and voluntary disregard for adequate conditions as defined herein, which is likely to cause foreseeable grave injury or harm to a companion animal. Gross neglect is conduct that a reasonable person would consider extreme when compared with ordinary neglect or mere failure to provide adequate conditions.

*Guard dog* means any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog. Subject to the regulations set forth herein, nothing shall prohibit or limit a person's right to possess a dog for protection to their person or property. No person shall use a dog as a weapon or to threaten or harass other persons or animals.

*Humane trap* means a cage equipped with a trap door which, when tripped, locks an animal or fowl within the structure unharmed.

*Inclement weather conditions* shall mean rain, hail, sleet, snow, high winds, extreme low temperatures, or extreme high temperatures, or any



environmental condition sufficient to threaten the health and/or safety of a companion animal.

*Livestock* means animals such as cattle, cows, swine, sheep, horses, mules, goats, or any animal designated as such by the director of the city's animal services division.

*Ordinance summons* means a written order to appear in court for alleged violations of any part of this chapter, issued by an animal services officer.

*Owner* means any person, partnership or corporation owning an animal; or any person who feeds, shelters, or harbors an animal or permits it to remain on the person's property. If any dog is found on the premises of any person for a period of ten days or more, it shall be prima facie evidence that such dog belongs to the occupant of such residence. Any person keeping or harboring a dog for (10) consecutive days shall, for the purpose of this chapter, be declared to be the owner thereof, and liable for violations of this title. If the animal is owned by a person under the age of 18 that person's parent or guardian shall be liable.

*Properly Fitted Collar or Harness* means a band of material specifically designed to be placed around the neck of a dog or a set of straps constructed of nylon, leather, or similar material, specifically designed to restrain or control a dog that is:

- a. appropriately sized for the dog based on the dog's measurements and body weight;
- b. does not choke the dog or impede the dog's normal breathing or swallowing; and  
not cause pain or injury to the dog.

*Provocation*, regarding a dangerous dog means and includes trespass on property, teasing and release of the dog from its restraint, an attempt to

injure the dog or the dog's owner or the individual in possession thereof or other such actions. Entry on property by persons with actual or implied permission of the owner or occupant, including a postal service employee or other authorized government or service employee, shall not in and of itself be characterized as provocation. Provocation can also include actions by another animal which justifiably incited the attack. The burden of proof as to provocation shall be with the owner of the dog.

*Restraint* means a chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary object or trolley system.

*Severe injury* means any physical injury that results in broken bones, multiple punctures, or disfiguring lacerations, requiring sutures or cosmetic surgery.

*Shelter-Neuter-Release (SNR)/Trap-Neuter-Release (TNR)* means stray, owned or unowned, cats who are brought into the custody of the shelter, spayed/neutered, ear-tipped, vaccinated, and returned to location of pick-up.

*Steel trap* means a contraption which, when engaged, locks an animal or fowl in place by applying pressure against any part of its body.

*Sterile/altered animal* means an animal which has been surgically rendered incapable of producing offspring.

*Unprovoked attack* means an attack in which an animal without provocation as defined herein attacks or bites a human being or another animal.

## **Chapter 8-2.- ANIMALS GENERALLY**

### **Sec. 8-2-1. - Trapping Animals**

It is unlawful for any person to set or bait any steel leg-trap or other contrivance which would maim, mutilate or seriously injure any animal, excluding animals commonly referred to as vermin.

**Sec. 8-2-2. - Striking or hitting an animal with a moving vehicle**

It is unlawful for any person driving a vehicle to strike or hit any animal upon a public right-of-way or any public property without stopping and assisting the animal, or in the alternative notifying Memphis Animal Services or the Memphis Police Department immediately, excluding animals commonly referred to as vermin as contemplated in Code of Ordinances Title 9 Health & Safety.

**Sec. 8-2-3. - Disposal of Animals**

No person shall leave or throw into any stream or river, nor leave exposed or bury the body, or any part thereof, of any animal, nor shall the same be kept where it may be dangerous to the life or detrimental to the health of any person. The sanitation services division of the city shall be promptly notified by the owner/discoverer of any deceased animal and where it is located. The animal will be scanned for a microchip, animal services notified if a microchip or other identifying information is found, the deceased animal will then be removed and disposed of in a sanitary manner.

**Sec. 8-2-4. - Roadside sale of animals prohibited**

A. It shall be unlawful for any person, firm or corporation to attempt to sell, exchange, trade, barter, lease, rent, donate or display for a commercial purpose any animal on any roadside, public right-of-way, parkway, median, park, playground, swimming pool, other recreation area, or commercial or retail parking lot that is generally accessible by the public, regardless of whether such access is authorized.

B. This section shall not apply to any city animal shelter or nonprofit organization founded for the purpose of providing humane

sanctuary or shelter for abandoned or unwanted animals pursuant to TENN. CODE ANN. § 39-14-210 or any dealer licensed to sell at a flea market pursuant to TENN. CODE ANN. § 44-17-101 et seq.

C. This section shall not be construed to prohibit the sale of certain animals by those engaged in the business of selling the same for consumption and who have obtained the appropriate licenses or permits to conduct such activity.

D. This section shall not be construed to prohibit a properly licensed for-profit store from selling or donating any animals on the walkway or parking lot immediately adjacent to such store's physical address.

E. The sale, exchange, trade, barter, lease, rent, donation or display for a commercial purpose in violation of this section shall constitute for each animal a separate violation and be punishable by a fine in accordance with an amount allowed under state law for city ordinance violations.

F. Upon issuance of an ordinance summons for a violation of this section, the violator must immediately discontinue the activity.

#### **Sec. 8-2-5. – Kennel Licenses**

A. Persons desiring to operate a commercial kennel where dogs and/or cats are owned, bred and/or held for sale must have an active kennel license issued by Memphis Animal Services to operate.

B. Prior to moving any animals into the facility, the person must submit a request to Memphis Animal Services for a kennel inspection via the online inspection request form available on the city's website.

C. Within 30 days of receipt of the request the requester will be notified when their inspection will occur.

- D. At the time of inspection, an Animal Services officer will inspect the facility for adequate care and conditions and determine the maximum capacity of the facility.
- E. Once the inspection is complete, the owner must show proof of inspection in-person at Memphis Animal Services to purchase a kennel license in accordance with the current fee schedule as defined in this chapter.
- F. Persons holding an active kennel license shall not be required to pay the license fee prescribed in § 8-3-2, provided they can produce evidence that all dogs and cats on the property 12 weeks and older have been vaccinated for rabies and such vaccinations are current.
- G. A kennel license is valid for one year, beginning during the month of purchase and expiring during the same month of the following year, and thereafter purchased annually on the same basis. Renewals require a reinspection to verify capacity/ conditions at the facility and must be requested at least 30 days prior to the expiration of the existing license. No license is transferable.

## **Chapter 8-3.- DOGS & CATS**

### **Sec. 8-3-1. - Animal Neglect and Animal Cruelty**

- A. Pursuant to this chapter, animal services may impound any animal suffering from gross neglect as detailed herein or animal cruelty.
- B. Any person who shall, voluntarily or by necessity, take custody of any animal, on any property, shelter, or other place, shall supply to that animal adequate care, conditions, food, shelter, and water as defined in § 8-1-2 of this chapter.
- C. Owners/custodians shall not allow any companion animal that is pregnant, nursing, or less than six months old to remain outdoors

during inclement weather conditions unless such animal is accompanied by a custodian, keeper, or handler. In the event of extreme weather, as determined by the director of animal services, the owner/custodian must make alternate housing arrangements to ensure the health and safety of the pet if the provided shelter does not offer adequate protection from heat or cold exposure.

D. Inhumane transport of animals. No person shall carry or cause to be carried in or upon any vehicle or other conveyance, any creature in a cruel, inhumane, or unsafe manner. Whenever any person in violation of this section is taken into custody by an officer, the officer may take charge of such vehicle or other conveyance and its contents and deposit the same in some safe place of custody. Any necessary expense incurred for taking charge of and keeping and sustaining the vehicle or other conveyance and its contents shall be paid before the vehicle or other conveyance can be recovered.

E. Abandonment of dogs. No person may intentionally, knowingly, recklessly or with criminal negligence leave a dog at a location without providing adequate care as defined in this section, release a dog they have taken into their custody to run at-large, or tether the pet to a structure they do not own with the intent of abandonment. This includes dogs abandoned on the property of an animal shelter, veterinary clinic or any commercial or residential property.

F. If the Animal Services Director or an Animal Services Officer determines that evidence exists that any person has committed acts of animal neglect or cruelty knowingly, willfully or with gross neglect for the welfare of the animal, then misdemeanor or felony cruelty charges will be issued by the Memphis Police Department, in addition to any summons for an ordinance violation of this Chapter.

**Sec. 8-3-2. - Dog license tags required / Cat Vaccination required**

- A. Dogs—Licensing and vaccination. It is unlawful for any person to own, have, harbor, keep or to cause or permit to be harbored, or kept in the city, any dog three months old or over, unless a current city license tag has been issued for such dog, subject to the exceptions provided in § 8-2-5(F). Prior to the issuance of a city dog license tag, the animal must receive a vaccination for rabies, or the owner of the animal must provide evidence that such animal has been so vaccinated and such vaccination is still current. In addition to the cost of the rabies vaccination, a city dog license tag shall be required for a 12-month period, beginning during the month of purchase, and expiring during the same month of the following year, and a license must thereafter be purchased annually on the same basis, in advance of such expiration date. Fees vary based on whether the animal is fertile or sterile, in accordance with the city's current fee schedule as defined in this chapter.
1. No license is transferrable.
  2. A city dog license tag may be purchased from the veterinarian at the time of vaccination or can be purchased at Memphis Animal Services.
  3. If the license is purchased from a veterinary clinic, the veterinarian issuing the license may collect an agent's fee of \$1.00 for this service.
  4. If the license is purchased from a non-veterinarian source, such as Memphis Animal Services, the purchaser shall exhibit records from a licensed veterinarian, describing and identifying the animal and certifying its sterility, to pay the proper license fee. No license is transferable.
  5. In the event a dog tag or license is lost, stolen or unavoidably mutilated, or damaged, the owner may apply for a duplicate

license and tag. After investigation and upon payment of a fee in accordance with the city's current fee schedule as defined in this chapter, the director may, at their discretion, issue a duplicate license and tag.

- B. Cats—Vaccination. It is unlawful for any person to own, have, harbor, keep or to cause or permit to be harbored, or kept in the city, any cat three months old or over, unless such person holds a current certificate of rabies vaccination for each such animal, subject to the exceptions provided in § 8-2-5(F).
- C. The provisions of this section regarding licensing shall not apply to nonresidents traveling through the city or if the animal is staying temporarily for a period of less than 30 days.

### **Sec. 8-3-3. - Mandatory Spaying & Neutering of Cats & Dogs**

No person shall own, harbor, or keep within the city a dog or cat which has not been spayed or neutered. It is a defense to prosecution under this section that:

1. The animal is under six (6) months old;
2. A licensed veterinarian has certified within the past year that the dog or cat should not be spayed or neutered for health reasons or is permanently infertile;
3. The animal is being held for adoption by animal services or an animal welfare organization with an active 501(c)3;
4. The dog is documented as having been appropriately trained and actually being used by public safety agencies for law enforcement or search & rescue activities, or such dogs designated as breeding stock for law enforcement or search & rescue by an appropriate agency or organization and approved by the director of animal services;



5. The dog is designated by an appropriate agency or organization as breeding stock for service dogs such as guide dogs, hearing dogs, assistance dogs, seizure alert dogs, or social/therapy dogs, and approved by the director of animal services;
6. The dog is appropriately trained and actually being used for herding of other animals, or as a livestock guardian dog, hunting dog, or such dogs designated as breeding stock for these functions by an appropriate agency or organization and approved by the director of animal services;
7. The dog or cat is registered with a purebred dog or cat club, approved by the director of animal services, that maintains and enforces a code of ethics for breeding that includes restrictions on breeding dogs and cats with genetic defects and life-threatening health problems common to the breed.
8. The owner produces to the court proof of sterilization from a licensed veterinarian showing the dog or cat was sterilized at the time the summons was issued, or not later than 30 days after the summons was issued; or
9. The owner holds a valid fertile permit under § 8-3-4.

**Sec. 8-3-4. – Fertile Permit**

- A. Owners of fertile pets and not qualifying for any of the exemptions listed in § 8-3-3 must purchase a fertile permit in person during regular business hours from the division of animal services in accordance with the current fee schedule as defined in this chapter.
- B. A separate permit is required for each unsterilized dog or cat. Each permit authorizes the whelping of no more than one litter per female in any 12-month period and no more than one litter per domestic household in any 12-month period.
- C. The dog or cat must follow the vaccination requirements as defined in the Sec. 8-3-2 of this chapter to be eligible for a fertile permit.

- D. The dog or cat must be microchipped to be eligible for a fertile permit.
- E. Animals impounded for violation of this chapter are not eligible for a fertile permit purchase at the time the animal is reclaimed at Animal Services and must be spayed/neutered before leaving the facility unless another exemption defined in this chapter is met.
- F. The director shall revoke a fertile permit if animal services determines that the permittee:
  - 1. Failed to comply with any provision of this chapter;
  - 2. Allows the offspring of a permitted dog or cat to be sold, adopted, or otherwise transferred, regardless of compensation, before the offspring have reached at least eight weeks old and have been vaccinated against common diseases;
  - 3. Intentionally made a false statement as to a material matter to obtain a fertile permit.

#### **Sec. 8-3-5. -Mandatory Microchipping**

- A. The owner or custodian of any dog or cat must have the animal implanted with a registered microchip before the animal is six (6) months old or within thirty (30) after acquired if over six (6) months.
- B. A dog or cat is exempt from this requirement if the dog or cat is determined in writing to be medically unsuitable for microchipping by a licensed veterinarian.
- C. The owner or custodian of a dog or cat shall maintain current registration with a microchip registration company.
  - 1. The owner or custodian shall update contact information, including new address or telephone number with the microchip registration company within thirty (30) days of the change in contact information.

2. After any change in ownership of a registered dog or cat, the initial owner or custodian shall be responsible for notifying the microchip registration company of a change in ownership within thirty (30) days of transfer to the new owner. The new owner or custodian shall be responsible for re-registering the microchip to have the registration information transferred to the new owner's or custodian's name within thirty (30) days after the change in ownership and for maintaining current contact information as described herein.

D. It is a violation of this ordinance for any owner or custodian to fail to microchip or maintain current registration as described herein.

E. It is a defense to prosecution under this section that:

1. The animal owner is a non-resident of this city or has been a resident of this city for fewer than thirty (30) days;
2. The animal is abandoned or lost and the temporary custodian possessed the dog or cat for fewer than thirty (30) days; or
3. The owner produces to the court proof of microchipping from a licensed veterinarian showing the dog or cat was microchipped at the time the summons was issued, or not later than 30 days after the summons was issued.

F. Memphis Animal Services shall be authorized to provide funds, if available, to defray the cost of microchipping any dog or cat for any owner that cannot afford the cost thereof.

### **Sec. 8-3-6. - Dogs Running at-large**

A. Generally. Dog owners or custodians shall always keep animals on a leash or other suitable restraint (as defined in subpart C) or confined by a fence on their property or, with permission, the private property of another. Dogs shall be restrained to prevent the animal from being at-large; biting; harassing any person engaged in a lawful act; interfering with the use of public or private property; or violation of

any other section of this code. Unless confined by a fence or other suitable restraint, no animal shall be permitted to run at-large on the property of the owner or custodian of such animal.

B. Walking Dog on a Leash. Any person walking a dog on public property including sidewalks, or on the private property of others, must always keep the dog on a leash and under physical control. Physical control means the ability to restrain the movement of the dog. The leash must be kept in good condition, of sufficient strength to prevent breaking under pressure; and of material generally resistant to chewing or gnawing by an animal. The length of a leash must be sufficient to always control the dog from harassing pedestrians or other animals.

C. Methods of Restraint.

1. *Dog restrained by traditional fencing.* To prevent the dogs from escaping fencing must be in good condition and maintained, of recognized construction methods, and of adequate size for the number and size of dogs. Entry or exit gates must be properly secured by a latching or locking mechanism. Fences should be at least 2½ times the height of the animal it is intended to restrain. The height of the dog is measured at the dog's shoulder when the dog is standing on four legs. If should a dog escapes from a fence, either by climbing or digging, additional fencing height, kennels, or other restraint methods may be required. Fencing must be sufficient to make an in-heat female dog inaccessible to any male dog and prevent the female dog from running at-large. Existing fencing, regardless of height, will be considered acceptable means of restraint unless and until a written and verified complaint is filed with Memphis Animal Services.

2. *Dogs restrained by invisible fencing.* As an alternative to traditional fencing, tie-outs or overhead cable runs, a dog may be

restrained with invisible fencing properly set up and maintained. The following conditions must be met:

- a. The system must be rated for use by dogs, installed according to manufacturer's instructions, and properly maintained.
  - b. The dog must receive training regarding the boundaries of the fencing.
  - c. The fencing must be sufficient to make an in-heat female dog inaccessible to any male dog and prevent the female dog from running at-large.
  - d. Two warning signs of a minimum six inches by eight inches (6"x8") visible from the public sidewalks and public streets or driveways must be placed on the fenced yard. The signs must include the following: "Dog is contained by electronic device" or similar wording, the name, logo/trademark, address and telephone number of either the company that installed the system or the company that maintains the system.
3. *Dog restrained by tethering.* As an alternative to fencing, dogs may be restrained by tether. No person shall allow any dog restrained by tether to remain outside and unattended unless ALL of the following conditions are satisfied:
- a. The tether is not unreasonably heavy in proportion to the weight of the animal.
  - b. A swivel is located at both ends of the tether and the tether is free of tangles.
  - c. The collar or harness on the animal to which the swivel is attached is a properly fitted collar or harness as defined in this chapter. The collar must be made of a material which poses no risk of lacerations. Choke and pinch collars are not permitted on tethered dogs.
  - d. The tether is not less than 10 feet in length.

- e. At all times, the animal has access to water, shelter, dry ground free of standing water and animal waste, and access to adequate food.
- f. The animal is at least 3 months old and has a current rabies vaccination with its tag visibly displayed.
- g. The animal is not sick or injured.
- h. If used, pulley, running line, or trolley systems are installed according to manufacturer's instructions and do not pose a safety risk to the dog.
- i. If there are multiple animals, each animal must be tethered separately.
- j. The tethering device shall allow the tethered dog to lie down comfortably in all positions of tether.
- k. Dogs restrained by tie-outs or overhead cable runs must be spayed or neutered, even if otherwise subject to any exemption in this chapter.

D. *Exemptions*

- 1. Dogs employed as police, service, therapy and search and/or rescue dogs are exempt from the requirements of this section while used in their working capacity or while engaged in a training program with a recognized organization or government agency that regularly trains dogs for such use.
- 2. Dogs off-leash in areas designated for such use by departments of city government, or on grounds under their jurisdiction, and dogs engaged in conformation, competition, or performance related events on public or private property.

E. *Prima Facie Evidence.* If a dog is found running at-large by animal services employees, the incident shall constitute prima facie evidence that current restraint methods are inadequate. The owner shall be required to correct any conditions that permitted the dog to run-at-large or provide such additional restraints as necessary to secure and maintain the restraint of the dog.

### **Sec. 8-3-7. - Defecation by Dogs or Cats**

- A. It is unlawful for any owner/custodian of any dog or cat to fail to promptly remove and dispose in a sanitary manner of feces left by a dog or cat on property, public or private, other than the premises of the owner or custodian of such dog or cat.
- B. Persons owning pet dogs or service dogs, such as seeing eye dogs, who are legally blind or confined to a wheelchair and thereby physically incapable of disposing of feces left by their animal, are exempt from this law.

### **Sec. 8-3-8. - Guard Dogs**

It is unlawful for any person to place or maintain guard dogs in any area of the city for the protection of persons or property unless the following provisions are met:

1. The guard dog shall be confined, or the guard dog shall always be under the absolute control of a custodian when not confined by way of lead or leash.
2. The owner or other persons in control of the premises upon which the guard dog is maintained shall post warning signs stating that such a dog is on the premises. At least one such sign shall be posted at each driveway or entranceway to said premises. Such signs shall be in lettering clearly visible from either the curb line or 50 feet, whichever is less, and shall contain a telephone number where some person responsible for controlling such guard dog can be reached 24 hours a day.
3. The above provisions shall not be applicable to dogs used in law enforcement by federal, state, or local law enforcement agencies.

### **Sec. 8-3-9. - Examination for Rabies**

A. If any dog or cat has bitten any person and breaks the skin or is suspected of being infected with rabies, it shall be the duty of the owner or custodian to notify Memphis Animal Services within twenty-four (24) hours of the bite, and to quarantine the pet for a ten (10) day period. The animal shall be restricted to a building, pen, or other escape-proof enclosure and monitored for signs of rabies. Signs and symptoms of rabies can be found in the National Rabies Compendium on the Centers for Disease Control and Prevention website available at [www.cdc.gov](http://www.cdc.gov).

B. *Quarantine*

1. Within twenty-four (24) hours of the bite incident or first indication of rabies, the owner/custodian must contact Memphis Animal Services to provide proof of current rabies vaccination and to begin quarantine process at home or at a licensed veterinary clinic.
2. The owner/custodian must provide secure containment for the animal during the quarantine. If on day eleven (11) the pet is exhibiting symptoms consistent with rabies, the owner must present the pet to a licensed veterinarian for examination. Written certification from the examining veterinarian of negative rabies status shall be provided to Memphis Animal Services within twenty-four (24) hours of receipt from veterinarian.
3. The owner/custodian must complete all documents provided by Memphis Animal Services to fulfill compliance requirements for this section.
4. At the end of the quarantine period and no later than thirty (30) days of the bite incident, the animal must provide proof of or, if not previously, be fitted with a microchip implant and



spayed/neutered even if otherwise subject to any exemption in this chapter.

*C. Special Circumstances*

1. The director of Memphis Animal Services may order the quarantine completed at the MAS facility if the attack resulted in a severe bite, mauling, and/or human death, the animal has a history of running at-large, or the animal is not properly confined by the owner during the quarantine period.
2. Any stray, unowned, or apparently abandoned animal that bites a human being will be held for ten days. At the end of the ten-day holding period, the animal may be euthanized in an expeditious and humane manner. Any animal determined to have been involved in a bite incident and held for less than ten days shall be tested at the state laboratory for rabies.

**Sec. 8-3-10. - Dangerous Dogs; Determination of Dangerous Dog**

A. If an animal services officer initially determines that a dog should be classified as dangerous as defined in this chapter or under Tennessee Code Annotated § 44-17-120 (a), notification will be sent to the owner or other responsible party. A mandatory ordinance summons shall be issued to the owner/custodian by the animal services officer citing the code section violated and setting a date to appear in a court of competent jurisdiction for a determination. Any decision of the court shall be final, subject to appeal to a higher court of competent jurisdiction.

1. In the alternative a petition may be filed by Memphis Animal Services with the general sessions court, pursuant to TENN. CODE ANN. § 44-17-120 (b), for a disposition order for the dangerous dogs or dogs causing death or serious bodily injury to humans or other animals.

2. If the owner does not appear before the court within five (5) days of the receipt of notice and show cause why the dog should not be destroyed, then the order shall issue and the dog shall be destroyed.
- B. Upon receipt of summons, the owner/custodian shall place their pet into a secure boarding facility until a final decision is issued by a judge. The owner/custodian has following options for secure boarding:
1. Upon payment of security bond to Memphis Animal Services according to the current fee schedule as defined in this chapter, the owner/custodian may board the dog at a licensed veterinary clinic at the owner/custodian's sole expense. The veterinary clinic must confirm in writing to the animal shelter director that the animal will be boarded in a private, licensed veterinary clinic. The purpose of the security bond is to insure compliance pending all court appearances.
  2. Alternately, without a security bond and at the owner/custodian's request and sole expense, the dog may be kept at Memphis Animal Services. The owner shall pay the daily boarding rate for each day or fraction thereof the dog remains at the shelter in accordance with the current fee schedule as defined in this chapter. The owner must pay for thirty (30) days of care in advance. After the initial payment and until the court authorizes the release of the animal, the owner/custodian must pay the charge in advance, keeping the account ahead thirty (30) days.
  3. Alternately, the owner/custodian may elect to surrender the dog to Animal Services with a signed document requesting the dog be euthanized.

4. All payments to Memphis Animal Services must be made within ten (10) days of issuance of the summons or within twenty-four (24) hours of the defendant's initial court appearance whichever comes later. If the bond or boarding fees are not paid as required in this section, the animal shall be deemed forfeited.

5. After the satisfaction of fees, fines, and/or court-ordered payments, overpayments shall be returned to the owner/custodian within a reasonable time after of the final disposition of the case.

C. Failure of an owner to respond to the ordinance summons shall result in the animal being declared a dangerous dog by operation of law. The owner/custodian is deemed to have waived all rights to a hearing on the dog's classification. The animal shall be surrendered to Memphis Animal Services immediately or it shall be impounded. A show cause notice shall be issued requiring the owner/custodian to appear before the court within five (5) days to show cause why the dog should not be euthanized. The show cause hearing is solely for determination of the issue of euthanasia. Failure to appear or show cause will result in entry of a final surrender and disposition order permitting the dog to be euthanized.

### **Sec. 8-3-11. - Dangerous Dogs; Duty of Owner of Dangerous Dog**

Upon conviction, a court of competent jurisdiction may order the defendant to:

A. Enroll, attend, and complete an approved animal behavior modification at the owner/custodian's expense.

#### ***B. Registration and Tag.***

1. Within thirty (30) days after an animal is classified as dangerous, the owner of the animal must obtain a dangerous

dog tag for the animal from Memphis Animal Services. The tag shall be worn by the dog at all times and renewed annually. The animal services director, or their designee, is only authorized to issue such tags and renewals to persons who are at least eighteen (18) years old and who present to the animal services director, or their designee, sufficient evidence of:

- a. A current certificate of rabies vaccination for the animal;
- b. A proper enclosure to confine a dangerous animal and the posting at all entry points of the premises a clearly visible warning sign of a dangerous animal on the property or premises which reads:

**Warning**  
**Dangerous Dog on Premises**

- c. Proof that the dog has been spayed/neutered and microchipped;
- d. Proof of a current public liability insurance policy or a bond of not less than fifty thousand dollars (\$50,000.00) insuring the owner of the animal for any damages, whether arising from personal injury or otherwise, which may be caused by the dangerous animal. Such policy must provide for thirty (30) days' notice to the City of Memphis Animal Services prior to cancellation or expiration of the policy. In the event such liability insurance or bond is canceled, lapses, or for any other reason becomes unenforceable, the owner shall be in violation of the provisions of this chapter and title;
- e. Payment in accordance with the current fee schedule as defined in this chapter for the issuance of a dangerous dog tag.

2. If the owner/custodian does not obtain a dangerous dog tag within thirty (30) days or fails to comply with any of the conditions listed herein, the classified dog shall be forfeited and must be immediately surrendered to Memphis Animal Services or shall be impounded by an animal services officer.
3. The owner/custodian shall immediately notify the appropriate animal control authority when an animal that has been classified as dangerous:
  - a. Is running at-large or unconfined;
  - b. Has bitten a human being;
  - c. Is sold, given away, or dies; prior to a dangerous animal being sold or given away, the owner shall provide the name, address, and telephone number of the new owner to the animal control authority; any new owner residing in the city must comply with all the requirements of this chapter and title without further order of the court.
  - d. Is moved to another address.

*B. Confinement outdoors.*

1. All dangerous dogs shall be confined in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in this section.
2. Such pen, kennel or structure shall be at least 20 feet from any street or sidewalk, ten feet from any property line and must have secure sides and a secure top to the structure.
3. Such structures must be locked with a key or combination lock when any animal is within the structure.
4. Such structure must have a secure concrete bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet.

5. All structures erected to house dangerous animals must be a minimum of six feet by ten feet (6'x10') enclosure and comply with all zoning and building regulations of the City.
  6. All such structures must meet the definition of adequate shelter as defined in this chapter and must be inspected and approved by Memphis Animal Services.
- D. *Confinement indoors.* No dangerous animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building of its own volition. In addition, no such animal may be kept in a house or structure when any unbarred window is open or when any screened window or screen door is the only obstacle preventing the animal from exiting the structure.
- E. *Leash and muzzle.*
1. No person shall permit a dangerous animal to go outside its kennel or pen unless such animal is securely leashed with a substantial restraint no longer than four feet in length.
  2. No person shall permit a dangerous animal to be kept on rope or other type of leash outside of its kennel or pen unless a competent person at least 18 years old is in physical control of the restraint.
  3. Such animal may not be leashed to inanimate objects.
  4. All dangerous animals on a leash outside the animal's kennel must be muzzled to prevent such animal from biting persons or other animals. The muzzle should not cause injury to the animal or interfere with its vision or breathing but shall prevent it from biting any person.

- F. Any dog charged as dangerous, notwithstanding a later finding of not guilty, must be fitted with a microchip implant and spayed/neutered within thirty (30) days of the biting incident with no exceptions.

## **Chapter 8-4 - LIVESTOCK & FOWL**

### **Sec. 8-4-1. – Neglect of Livestock and Fowl**

No livestock or fowl shall be kept or confined where the water, shelter, ventilation, and food are not sufficient and wholesome for the preservation of its health and safe condition. No animal or fowl shall be kept in such place or condition as to become a nuisance either because of odor or contagious disease.

### **Sec. 8-4-2. - Running at-large of Livestock and Fowl**

It is unlawful for any person in charge of any animal defined in this chapter as livestock to permit it to run at-large upon any street, alley or unenclosed lot within the city.

### **Sec. 8-4-3. - Keeping of Livestock Within 1,000 feet of Residence or Business**

No person shall keep livestock within one thousand feet (1,000') of any residence or place of business in the city without a permit to do so from the health officer. The health officer shall issue permits only when the keeping of such animals in the yard or buildings, and under the circumstances set forth in the application for the permit, shall not injuriously affect the public's health. Domesticated pigs or other livestock that meet the definition of companion animal in this chapter are exempt from this provision.

### **Sec. 8-4-4. - Killing Birds**

- A. The killing or attempting to kill any bird, other than domestic fowl, within the limits of the city, is prohibited, except as hereafter provided.
- B. For control purposes and to alleviate public distress, and to promote public health, owners of private residential property and public commercial property are authorized to destroy or otherwise remove pigeons and/or birds located within the boundaries of their property, and to dispose of them in accordance with sanitation services procedures. In addition, such property owners may contract with pest control companies properly licensed and bonded by the state for the removal and disposition of pigeons or birds from their property. Such pest control companies shall dispose of such pigeons and/or birds in accordance with sanitation services procedures.
- C. Whenever a homing pigeon bearing a ring or seamless leg-band with its registered number stamped thereon, or any protected wild bird, is found among pigeons trapped under this section, the same shall immediately be released from custody.
- D. This section shall not be construed to permit the use of firearms to destroy pigeons and birds, and such use is expressly prohibited.

**Sec. 8-4-5. - Unlawful to Sell Fowl as Pets or Novelties**

- A. It is unlawful for any person, firm, or corporation to display, sell, offer for sale, barter, or give away chicks or ducklings as pets or novelties. It shall further be unlawful for any person, firm or corporation to dye, color or otherwise artificially treat any animal or fowl.
- B. This section shall not be construed to prohibit the display or sale of natural chicks, ducklings, or other fowl by those engaged in the business of selling the same to be raised for food purposes.



## **Chapter 8-5. - MEMPHIS ANIMAL SERVICES**

### **Sec. 8-5-1. - Establishment and Supervision**

Memphis Animal Services is established under the Executive Division of the city of Memphis. The operation and management of such service center shall be under the supervision of the director of Animal Services.

### **Sec. 8-5-2. - Business Hours**

Memphis Animal Services shall post in a conspicuous and prominent location at the shelter and on the shelter's website the business hours as designated by the animal services director, subject to concurrence by the Chief Operating Officer of the city of Memphis.

### **Sec. 8-5-3. - Badges, Uniforms and Police Power of Animal Services Officers**

- A. Animal Services officers shall wear badges and uniforms identifying them as such and shall have the necessary police powers for the enforcement of this chapter. Animal Services officers shall have the authority to issue ordinance summonses related to violations of this chapter or state law summons for such violations.
- B. Pursuant to Tennessee Code Annotated § 39-14-207(a), an animal services officer, who has a reasonable belief that an animal inside a home, fenced in yard, behind a locked gate, or in a vehicle has been without necessary food and water for more than twelve (12) successive hours, may, as often as necessary, enter any place in which any animal is so confined, and to supply it with necessary food and water for as long as it remains so confined. That person shall not be liable for such entry to any person in any legal action, and the reasonable cost of the food and water may be collected from the owner or keeper of the animal. The animal shall not be exempt from levy and sale upon execution issued upon a judgment therefor.

- C. If an animal services officer who has a reasonable belief that an animal inside a home, fenced in yard, behind a locked gate, or in a vehicle needs emergency care, or that there is an imminent threat to the life or welfare of an animal behind one of these barriers, the officer may make entry to any place in which any animal is so confined for the purpose of taking temporary custody of the animal but only after obtaining a warrant, except that a warrant shall not be required if the animal services officer has a good faith belief that the animal has a medical condition or injury of such a nature that the failure to render immediate care would reasonably likely result in the animal's imminent death and otherwise complies with Tennessee Code Annotated § 39-14-215.
- D. Any animal that is found to be injured, diseased, suffering from the elements or malnourished and abandoned as defined in this chapter may be taken into temporary custody by an animal services officer.
- E. Upon taking temporary custody of any animal under this section, the animal services officer shall attempt to contact the owner of the animal and shall seek emergency veterinary care for the animal, if necessary, as soon as available. The officer shall leave notification of temporary custody at the location the animal was found or at the registered address of the owner if the owner cannot be reached. The owner of the animal is responsible for any costs of providing care to the animal.

**Sec. 8-5-4. - Resisting or Interfering with Animal Shelter Employee**

It is unlawful for any person to resist or interfere with an animal services employee in the performance of their duties.

**Sec. 8-5-5. - Aid and Assistance by Police**

It shall be the duty of all police officers to render any assistance necessary.

**Sec. 8-5-6. – Enforcement; Issuance of Ordinance Summons**

Any ordinance summons issued pursuant to this chapter shall be left with the offender and shall provide information related to the offense charged and the time and place when such offender is to appear in court. Failure of the offender to appear in court shall result in a default judgment against the offender in an amount allowed under state law for city ordinance violations, and/or a warrant issued in accordance with Tenn. Code Ann. § 7-63-204.

**Sec. 8-5-7. – Enforcement; Limitation on Action for Violations**

A. No action shall be commenced by the city in any court for the purpose of enforcing any violation of animal violation sections of the Code of the city after one year from the commission of the offense.

For this section a court action shall be deemed to be commenced:

1. Upon the issuance of an ordinance summons to the offender;
2. Upon the arrest of the offender; or
3. Upon the issuance of an arrest or bench warrant for the offender.

B. A summons may be served by:

1. Personal service on the offender; or
2. Registered or certified mail, addressee only, return receipt requested.

**Sec. 8-5-8. – Enforcement; Dismissal or Entering Nolle Prosequi Not Prohibited**

Nothing herein shall prevent the city through the city attorney's office from dismissing or entering a nolle prosequi of any ordinance summons in open court. Such ordinance summons shall be dismissed if it shall be determined that the summons was issued to a nonresident and is deemed uncollectible; there is a lack of proof; or for such other valid reason as stated to the court.

**Sec. 8-5-9. – Enforcement; Violation-Penalty**

A person in violation of any part of this chapter is guilty of a city ordinance violation. Upon conviction, a court of competent jurisdiction may order the defendant to:

1. Pay fines in accordance with an amount allowed under state law for city ordinance violations. Each day that any violation of this chapter continues may constitute a separate offense.
2. Be precluded from owning, harboring, or having custody or control of companion animals permanently, or for a period that the court deems reasonable.
3. Participate in available animal cruelty prevention programs and educational programs or both.
4. Undergo a behavioral health evaluation and comply with any recommendations resulting from the evaluation.
5. Forfeit to Memphis Animal Services animals that are the basis of conviction.
6. Sterilize the companion animals. Sterilization is mandatory upon a second violation.
7. Payment of all costs and expenses of enforcement of this ordinance, including veterinary treatment and care, and feeding and housing of animals surrendered or forfeited under this ordinance.
  - a. Failure to pay any portion of fees and costs shall result in a lien upon the property of the owner subject to the City ordinance and State law.

- b. Liens shall be enforced by attachment proceedings in any court of competent jurisdiction and payment made directly to Memphis Animal Services.

## **Sec. 8-5-10. – Impoundment and Redemption of Cats**

### **A. Impoundment**

1. *First Impoundment.* Any non-community cat found running at large, abandoned or subject to neglect, cruelty or any of the conditions described Section 8-5-3 or is not in compliance with any other provision of this Chapter may be apprehended and impounded in the city animal shelter, and the owner notified, if known. If such cat has any ownership identification (tag, microchip, etc.), it shall be held for at least seventy-two (72) hours during which time the owner may redeem or repossess the same upon payment of reclaim fees for impound and boarding in accordance with the current fee schedule as defined in this chapter. If not reclaimed or redeemed by the owner within such time, the animal will become the property of the shelter and the animal may be designated for disposition by the animal shelter director or their designee. If no ownership identification exists, the cat can be deemed a community cat and the seventy-two (72) hour stray hold does not apply. If the cat is deemed a community cat and is not in need of medical attention, it shall be sterilized, ear-tipped, and returned to the location it was found. If the cat is less than twelve (12) weeks old and no ownership identification exists, the kitten can be immediately placed for adoption, and a seventy-two (72) hour stray hold does not apply.
2. *Second Impoundment.* Should a cat belonging to the same owner be picked up for a second time within two years of the date of the first offense, the owner may redeem and repossess the cat upon payment of reclaim fees for 2<sup>nd</sup> impound and boarding in accordance with the current fee schedule as defined in this

chapter. Seventy-two (72) hour stray hold provisions as described in subpart 1 still apply.

3. *Third Impoundment.* Should a cat belonging to the same owner be picked up for a third time within three years of the date of the first offense, the owner may redeem and repossess the cat upon payment of reclaim fees for 3<sup>rd</sup> impound and boarding in accordance with the current fee schedule as defined in this chapter. The owner also must receive a summons for animal neglect as defined in this chapter. Seventy-two (72) hour stray hold provisions as described in subpart 1 still apply.

B. *Fees and Costs.* Impoundment fees for any cat confiscated and held pending a court ruling for violations of § 8-3-1 of this section or any violation of State animal cruelty codes (Tenn. Code Ann. § 39-14-201, et seq.) must be paid within seventy-two (72) hours of impoundment for the owner to maintain claim to ownership rights for the animal. If the court determine there is probable cause to proceed with the charges at the owner's first appearance in court, a security bond order will be issued by the presiding judge to cover boarding and additional fees in accordance with the current fee schedule as defined in this chapter. The security bond order shall be in an amount sufficient to cover all expenses from the date of impoundment through the date of the trial and shall be paid within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services. Should the trial date be reset for a later date, the owner of the animal will be presented with an updated security bond order at the next scheduled court appearance, which will also require payment within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services.

C. *Sterilization.* Any unaltered cat that is not eligible for an exemption to the mandatory spay/neuter ordinance as defined in this chapter will be altered before discharge from Memphis Animal Services. Exemption 1 (under six (6) months old) of the mandatory spay/neuter ordinance does not apply for cats brought into the shelter, if a licensed veterinarian determines the cat is of sufficient age and weight to proceed with sterilization. A fertile permit cannot be purchased after a lawful impound occurs.

D. *Microchip Implant.* Before release into the owner's custody, the director of animal services is authorized to have a veterinarian humanely implant any animal lawfully impounded with an electronic microchip that will allow the animal to be positively identified.

### **Sec. 8-5-11. – Impoundment and Redemption of Dogs**

#### **A. Impoundment**

1. *First Impoundment.* Any dog found running at large, abandoned or subject to neglect, cruelty or any of the conditions described Section 8-5-3 or is not in compliance with any other provision of this Chapter may be apprehended and impounded in the city animal shelter, and the owner notified, if known. Such dog shall be held for at least seventy-two (72) hours during which time the owner may redeem or repossess the same upon payment for, or presentation of, a current license therefor, and payment of reclaim fees for impound and boarding in accordance with the current fee schedule as defined in this chapter. If not reclaimed or redeemed by the owner within such time, the animal will become the property of the shelter and the animal may be designated for disposition by the animal shelter director or their designee. If the dog is less than 12 weeks old and no ownership identification exists, the puppy can be immediately placed for adoption, and a seventy-two (72) hour stray hold does not apply.

2. *Second Impoundment.* Should a dog belonging to the same owner be picked up for a second time within two years of the date of the first offense, the owner may redeem and repossess the dog upon presentation of a current license thereof and payment of reclaim fees for 2<sup>nd</sup> impound and boarding in accordance with the current fee schedule as defined in this chapter. Seventy-two (72) hour stray hold provisions as described in subpart 1 still apply.

3. *Third Impoundment.* Should a dog belonging to the same owner be picked up for a third time within three years of the date of the first offense, the owner may redeem and repossess the dog upon payment of reclaim fees for 3<sup>rd</sup> impound and boarding in accordance with the current fee schedule as defined in this chapter. The owner also must receive a summons for dog running at-large as defined in this chapter. Seventy-two (72) hour stray hold provisions as described in subpart 1 still apply.

B. *Fees and Costs.* Impoundment fees for any dog confiscated and held pending a court ruling for violations of § 8-3-1 of this section or any violation of State animal cruelty codes (Tenn. Code Ann. § 39-14-201, *et seq.*) must be paid within seventy-two (72) hours of impoundment for the owner to maintain claim to ownership rights for the animal. If the court determine there is probable cause to proceed with the charges at the owner's first appearance in court, a security bond order will be issued by the presiding judge to cover boarding and additional fees in accordance with the current fee schedule as defined in this chapter. The security bond order shall be in an amount sufficient to cover all expenses from the date of impoundment through the date of the trial and shall be paid within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services. Should the trial date be reset



for a later date, the owner of the animal will be presented with an updated security bond order at the next scheduled court appearance, which will also require payment within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services.

C. *Sterilization.* Any unaltered dog that is not eligible for an exemption to the mandatory spay/neuter ordinance as defined in this chapter will be altered before discharge from Memphis Animal Services, and a fertile permit cannot be purchased after a lawful impound occurs. Additionally, exemption 1 of the mandatory spay/neuter ordinance does not apply for dogs brought into the shelter, if a licensed veterinarian determines the dog is of sufficient age and weight to proceed with sterilization.

D. *Microchip Implant.* Before release into the owner's custody, the director of animal services is authorized to have a veterinarian humanely implant any animal lawfully impounded with an electronic microchip that will allow the animal to be positively identified.

#### **Sec. 8-5-12. – Impoundment, Redemption and Disposition of Livestock**

A. Livestock found running at-large in violation of this chapter may be apprehended and placed into the animal shelter. Such livestock shall be held for at least seventy-two (72) hours during which time the owner may redeem or repossess the same upon payment of reclaim fees for impound, trailering fees, and boarding in accordance with the current fee schedule as defined in this chapter. If not reclaimed or redeemed by the owner within such time, the animal will become the property of the shelter and may be designated for disposition by the animal shelter director or their designee.

B. Impoundment fees for any livestock confiscated and held pending a court ruling for violations of § 8-4-1 of this section or any violation of State animal cruelty codes (Tenn. Code Ann. § 39-14-201, et seq.)

must be paid within seventy-two (72) hours of impoundment for the owner to maintain claim to ownership rights for the animal. If the court determine there is probable cause to proceed with the charges at the owner's first appearance in court, a security bond order will be issued by the presiding judge to cover boarding and additional fees in accordance with the current fee schedule as defined in this chapter. The security bond order shall be in an amount sufficient to cover all expenses from the date of impoundment through the date of the trial and shall be paid within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services. Should the trial date be reset for a later date, the owner of the animal will be presented with an updated security bond order at the next scheduled court appearance, which will also require payment within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services.

**Sec. 8-5-13. – Impoundment, Redemption and Disposition of Fowl**

- A. Fowl found running at-large in violation of this chapter may be apprehended and placed into the animal shelter. Such fowl shall be held for at least seventy-two (72) hours during which time the owner may redeem or repossess the same upon payment of reclaim fees for impound and boarding in accordance with the current fee schedule as defined in this chapter. If not reclaimed or redeemed by the owner within such time, the animal will become the property of the shelter and may be designated for disposition by the animal shelter director or their designee.
- B. Impoundment fees for any animal confiscated and held pending a court ruling for violations of 8-4-1 of this section or any violation of State animal cruelty codes (Tenn. Code Ann. § 39-14-201, et seq.) must be paid within seventy-two (72) hours of impoundment for the owner to maintain claim to ownership rights for the animal. If the

court determine there is probable cause to proceed with the charges at the owner's first appearance in court, a security bond order will be issued by the presiding judge to cover boarding and additional fees in accordance with the current fee schedule as defined in this chapter. The security bond order shall be in an amount sufficient to cover all expenses from the date of impoundment through the date of the trial and shall be paid within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services. Should the trial date be reset for a later date, the owner of the animal will be presented with an updated security bond order at the next scheduled court appearance, which will also require payment within ten (10) days of the issuance of said order or ownership of the pet is forfeited to Memphis Animal Services.

- C. The director of animal services, or designated staff member, is authorized to waive fees related to reclamation on a case-by-case basis.

#### **Sec. 8-5-14. – Adoption of Animals**

Once an animal becomes the property of Memphis Animal Services by any method described in this chapter, the animal may be adopted in accordance with current adoption policies as enacted by the director of animal services, and upon payment of an adoption fee, licensing fee and fees for any other service supplied by Memphis Animal Services in connection with such animal. Each unaltered dog and/or cat will be sterilized by the shelter veterinarian prior to leaving the shelter, unless it is determined by the director of animal services that the pet should not be altered. Any individual taking an unaltered dog or cat from the shelter must comply with applicable ordinances and policies relating to unsterilized animals. If it is determined that a former owner of an animal is applying for adoption, such former owner may only regain

ownership or possession by payment of redemption fees set forth in the current fee schedule as defined in this chapter.

**Sec. 8-5-15. – Euthanasia of abandoned or neglected animals**

The director of animal services, or their designee, may lawfully euthanize immediately, or cause to be euthanized immediately, any animal that is legally the property of the City of Memphis, or that is suffering, and euthanasia will end that suffering.

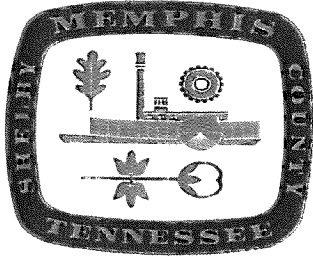
**Sec. 8-5-16. – Animal Services Advisory Committee**

There is hereby created the animal services advisory committee, consisting of seven citizens of the city, who shall be appointed by the mayor, subject to approval of the city council, for a term of two years or until their successors are appointed and qualified, and who shall serve without compensation, or oath. The director of animal services shall be an ex officio member of such committee.

- A. Chairperson & Secretary. The chairperson and the secretary of the animal services advisory committee shall be designated by the mayor when making appointments to the committee.
- B. Rules and Regulations. The animal services advisory committee shall have the power to make rules and regulations for the conduct of its business. Such committee shall meet as prescribed by its rules, and upon call of its chairperson.
- C. Powers & Duties. The animal services advisory committee shall:
  1. Provide guidance and support to the director of animal services based on each individual committee member's area of expertise.
  2. Serve as community liaisons for animal services, helping spread messaging regarding quality pet ownership and how to access resources through MAS.

3. Support and advocate for progressive animal control and sheltering programming to keep Memphis in alignment with national best practices.

## Memphis City Council Summary Sheet Template 8-28-12



## Memphis City Council Summary Sheet

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

Resolution to Allocate and Appropriate \$1,200,000.00 from FY23 PK04019 McFarland Park Splash Pad for Contract Construction.

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

Parks and Neighborhoods

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

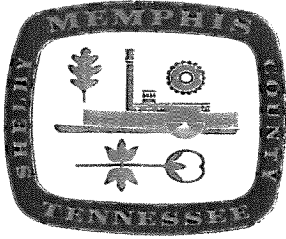
( Not Applicable )

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

This will require a construction contract.

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

This will require an expenditure of \$1,200,000.00



***Resolution to Allocate and Appropriates funds for McFarland Park Splash Pad***

**WHEREAS**, the Council of the City of Memphis did include McFarland Park Splash Pad CIP Project Number PK04019, as part of the Fiscal Year 2023 Capital Improvements Budget; and

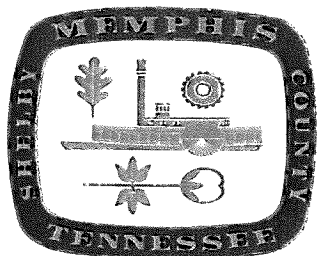
**WHEREAS**, the Council of the City of Memphis did provide an allocation of \$1,200,000.00 in Fiscal Year 2023 CIP Project Number PK04019, McFarland Park Splash Pad, Contract Construction, as part of the Fiscal Year 2023 Capital Improvements Budget; and

**WHEREAS**, the Administration requests that Council to approve the Allocation and Appropriation of \$1,200,000.00 in Contract Construction in Fiscal Year 2023 CIP Project Number PK04019, McFarland Park Splash Pad, to construct a new splash pad at McFarland Park for recreational purposes.

**NOW THEREFORE BE IT RESOLVED**, by the Council of the City of Memphis that it hereby approves the Allocation and Appropriation of \$1,200,000.00 from Fiscal Year 2023 CIP Project Number PK04019, McFarland Park Splash Pad, Contract Construction, funded by Pay-Go Funds, chargeable to the Fiscal Year 2023 Capital Improvement Budget; with said appropriations being credited as follows:

<b>Project Title:</b>	<b>McFarland Park Splash Pad</b>
<b>Project Number:</b>	<b>PK04019</b>
<b>Amount:</b>	<b>\$1,200,000.00</b>

## Memphis City Council Summary Sheet Template 8-28-12



## Memphis City Council Summary Sheet

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

Resolution to Allocate and Appropriate \$2,200,000.00 from FY23 PK07128, Crockett Park for Contract Construction.

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

Parks and Neighborhoods

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

( Not Applicable )

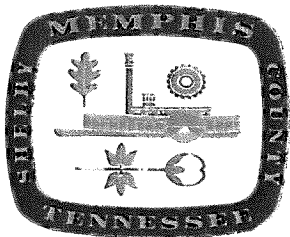
**4. State whether this requires a new contract, or amends an existing contract, if applicable.**

This will require a construction contract.

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

This will require an expenditure of \$2,200,000.00





***Resolution to Allocate and Appropriate funds for Crockett Park***

**WHEREAS**, the Council of the City of Memphis did include Crockett Park CIP Project Number PK07128, as part of the Fiscal Year 2023 Capital Improvements Budget; and

**WHEREAS**, the Council of the City of Memphis did provide an allocation of \$2,200,000.00 in Fiscal Year 2023 CIP Project Number PK07128, Crockett Park, Contract Construction, as part of the Fiscal Year 2023 Capital Improvements Budget; and

**WHEREAS**, the Administration requests that Council to approve the Allocation and Appropriation of \$2,200,000.00 in Contract Construction in Fiscal Year 2023 CIP Project Number PK07128, Crockett Park, in order to construct neighborhood park amenities at the former golf course.

**NOW THEREFORE BE IT RESOLVED**, by the Council of the City of Memphis that it hereby approves the Allocation and Appropriation of \$2,200,000.00 from Fiscal Year 2023 CIP Project Number PK07128, Crockett Park, Contract Construction, funded by Pay-Go Funds, chargeable to the Fiscal Year 2023 Capital Improvement Budget; with said appropriations being credited as follows:

<b>Project Title:</b>	<b>Crockett Park</b>
<b>Project Number:</b>	<b>PK07128</b>
<b>Amount:</b>	<b>\$2,200,000.00</b>

## **RESOLUTION TO ACCEPT THE RECOMMENDATIONS OF THE BLIGHT AND ILLEGAL DUMPING TASK FORCE**

**WHEREAS**, the Memphis City Council on June 21, 2022, approved by resolution the formation of the Blight and Illegal Dumping Task Force (“Task Force”) for the purpose of identifying new initiatives, processes, as well as to improve and expand current City of Memphis efforts, to prevent and mitigate blight and illegal dumping in the city of Memphis.

**NOW, THEREFORE, BE IT RESOLVED** that the Blight and Illegal Dumping Task Force members share and propose the following recommendations to the Memphis City Council for adoption:

### **Used Tires**

1. Amend Chapter 9-58 Code of Ordinances related to Tire Businesses & Haulers to reduce and eliminate prevalence of illegally dumped used tires. Specific amendments include:
  - a. Tire business retailers must keep an electronic record, of manifest, of tires.
  - b. Require tire business retailers to reduce outdoor storage and indoor storage based on square footage and reduce holding time of tires.
  - c. Require tire business retailers to identify the hauling company who they will be working with in order to obtain or renew a used tire business permit.
  - d. Revoke permits of hauler’s convicted of state traffic safety laws.
  - e. Codify the Tire Amnesty Program (up to 10 tires per day at a City of Memphis Convenience Center).

### **Solid Waste**

2. Transition to a tiered solid waste collection fee based on size and number of carts leased by residents/property owners.
3. Eliminate outside the cart/bulk waste collection and transition to on-demand bulk waste collection service residents may utilize 4 to 6 times per year. Residents would book in advance by calling or going online and pay a special bulk pick-up fee.
4. Support for the City of Memphis to develop and enter a Regional Solid Waste Plan with Shelby County Government.
5. Create a Share the Pennies style program for Solid Waste fee revenues to go towards construction and, or operation of convenience centers.

## **Beautification & Litter Mitigation**

6. Neighborhood Improvement Comprehensive Plan. Office of Neighborhood Improvement will implement a comprehensive strategic plan to target an area and coordinate a narrow focus of city services, divisions, and agencies on that area for an extended period of time. There should be coordination between divisions, communication with neighbors, nonprofits, churches and schools, and a strong presence felt by the community.
7. \$50,000 to Memphis City Beautiful for 50 additional trash receptacles throughout the city and support for the Adopt a Trash Can program.
8. Support for additional grants to Memphis City Beautiful to organize youth clean ups with Memphis-Shelby County Schools, for grass and blight mitigation, and to maintain greenspace in the urban core.
9. Support for renewal of the City of Memphis Adopt a Street program.
10. Support for a long-term comprehensive plan for the City of Memphis to open and operate three (3) additional convenience centers, with locations in the North, South, East, and West quadrants.

## **Environmental Court**

11. Support for an MOU between the City of Memphis and Shelby County Environmental Court to establish Community Courts at Hickory Hill, Orange Mound, and Pinehill Community Centers, as well as at the Raleigh Civic Center.
12. Support the creation of the Environmental Court Foundation, a quasi-governmental agency with the ability to fundraise and distribute resources to indigent and elderly homeowners unable to afford home repairs to resolve code violations. City of Memphis to provide start-up funding in the amount of \$50,000.00 from surplus premium pay American Rescue Plan funding.

## **Communications, Outreach & Education**

13. Support a long-term plan for City of Memphis to rehabilitate and enhance a 311 citizen portal. Should be a more user-friendly constituent complaint intake system that allows internal divisions to communicate with one another – similar to the Develop901 website.
14. Launch a city-wide education and communication campaigns to increase awareness of and participation with CLEAN 901, including but not limited to:
  - a. Engage Memphis influencers with social media campaigns.
  - b. Post QR codes throughout the city and on city vehicles with information about how to properly dispose of waste, how to report blight and illegal dumping, and the 311 status of parcels. QR codes could also be used to link citizens to 311.

c. Greater investment in both youth and customer education. More digital resources, mailers, utilizing email and texting systems (allow residents to opt into collection reminder texts).

**BE IT THEREFORE FURTHER RESOLVED**, that the Memphis City Council remains committed to addressing blight and illegal dumping and adopts the foregoing recommendations to better address these challenges for the health, safety, and welfare of all the citizens of Memphis.

Sponsors

Rhonda Logan

Cheyenne Johnson

Ford Canale

Michalyn Easter-Thomas

Martavius Jones

JB Smiley, Jr.

Jana Swearengen-Washington

Jeff Warren

Chairman

Martavius Jones