

ORDINANCE NO.: 5475

AN ORDINANCE TO AMEND CHAPTER 9-58 (TIRE BUSINESS AND TIRE HAULER REGISTRATION) OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO ADD VEHICLE IMPOUNDMENT FOR ILLEGAL DUMPING.

WHEREAS, illegal dumping, particularly large-scale dumping of commercial waste, is a continuing and costly problem for the City of Memphis; and

WHEREAS, the Department of Public Works has identified 156 so-called "hotspots" that are regularly used as dumpsites; and

WHEREAS, these hotspots are typically hidden areas of very low traffic, frequently on the edges of Memphis, between the City of Memphis and unincorporated parts of the county; and

WHEREAS, the Department of Public Works currently responds to illegal dumping by cleaning waste and patrolling these hotspots, spending nearly a half a million dollars a year cleaning up after illegal dumpers; and

WHEREAS, illegal dumping spreads potentially hazardous waste, slows down standard municipal waste services, creates blight on communities, and negatively impacts community property values; and

WHEREAS, vehicle impoundment is one potential strategy to combat illegal dumping which can allow police officers and code enforcement officers to call for the impoundment of vehicles used in connection with illegal dumping; and

WHEREAS, vehicle impoundment is part of a comprehensive strategy to combat illegal dumping, a strategy that also includes increased fines for illegal dumping, video surveillance to catch perpetrators, and "amnesty days" at local dumpsites.

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,

That Chapter 9, Section 9-58-12 of the Code of Ordinances, be and is hereby amended to read as follows:

Sec. 9-58-12. Violations and Penalties

A. The improper storage of one or more tires shall constitute a separate offense per tire and be punishable by a fine of \$50.00 for each improperly stored tire on the location of the tire business. Each day of continued violation of this subsection constitutes a separate offense.

B. The transport of one or more tires without the required permit and decal shall be punishable by a fine of \$50.00 in violation of this chapter. In addition, if the improper transport of one or more tires was done from an identified motor vehicle, a traffic citation shall be issued against such vehicle for \$50.00 in violation of this chapter. Furthermore, such traffic citation for improper hauling of tires, if unpaid, shall also constitute grounds for impoundment and/or immobilization of such vehicle as provided in Section 11-40-27.

C. The improper dumping of a tire shall constitute a separate offense and be punishable by a fine of \$50.00. In addition, if the improper dumping of one or more tires was done from an identified motor vehicle, a traffic citation shall be issued against such vehicle for \$50.00 in violation of this chapter. Furthermore, such traffic citation for improper dumping of tires, if unpaid, shall also constitute grounds for impoundment and/or immobilization of such vehicle as provided in Section 11-40-27.

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

SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that this ordinance shall take effect on the later of: after it is 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.

LEE HARRIS
COUNCIL MEMBER

Attest:

Patrice Thomas, Comptroller

THE FOREGOING ORDINANCE # 5475 PASSED
1st Reading 10-02-12
2nd Reading 10-16-12
3rd Reading 03-05-2013
Approved Edmund J. [Signature]
Chairman of Council
Date Signed: 3/19/2013
Approved: [Signature]
Mayor, City of Memphis
Date Signed: 3/24/13
I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.
Valerie C. Snyan
Comptroller