

ORDINANCE NO.: 5540

ORDINANCE TO AMEND CHAPTER 15, ARTICLE I, SECTION 15-26.1, CITY CODE OF ORDINANCES, TO DECREASE THE MONTHLY PERMIT-FEE.

WHEREAS, the Memphis City Council amended the dumpster ordinance in December 2011 to address a growing safety and health hazard created by dumpsters located in public right-of-ways; and

WHEREAS, the City Administration and Memphis City Council agree there is a problem in the downtown area with overflowing garbage, extensive litter surrounding dumpsters, accessibility of dumpster contents to scavengers and vermin, the risk of disease, crime and frequent malignant odors; and

WHEREAS, upon implementation of the amended ordinance issues arose with small businesses that share dumpsters with larger entities and compliance with the ordinance has caused unintended stress and excessive burdens on some corporate citizens; and

WHEREAS, the City Administration and the Memphis City Council agree that the monthly fee should be reduced from \$500 to \$200 until the City of Memphis can install trash compactors in various locations to assist small businesses in meeting the requirement established in the amended ordinance.

NOW THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, That Chapter 15, Article I, Section 15-26.1 (f) (3) is hereby deleted and replaced with the following:

(3) The owner of any dumpster located in a public right-of-way within the downtown solid waste collection district shall pay to the city a location permit fee of \$200 per month per dumpster for the use of the public right-of-way and to fund enforcement of the downtown dumpster ordinance. This fee shall be paid in advance by the first of each calendar month for as long as the dumpster is located in a public right-of-way.

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

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect from and after the date it shall have been passed by the City 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.

Edmund Ford, Jr., Ed.D.
Chairman, Memphis City Council

THE FOREGOING ORDINANCE
5540 PASSED

1st Reading 11-19-13

2nd Reading 12-3-13

3rd Reading 12-17-13

Approved: [Signature]
Chairman of Council

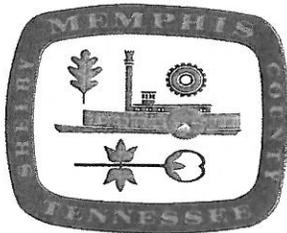
Date Signed: 1-7-14

Approved: [Signature]
Mayor, City of Memphis

Date Signed: 1/14/14

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. Squires
Comptroller



Ord. #5541

AN ORDINANCE AMENDING SECTION 1103.2.4 OF THE 2009 INTERNATIONAL BUILDING CODE THAT PROVIDES FOR THE OCCUPANCIES SPECIFIED WITHIN THE CITY OF MEMPHIS.

WHEREAS, no statutory requirements presently exist on a state or local level to require that new single-family, duplex or triplex dwellings be constructed to provide accessible housing for persons with mobility impairments; and

WHEREAS, persons with mobility impairments and their immediate families are often isolated in their own homes because the homes of most of their acquaintances contain insurmountable barriers, and often experience difficulty in finding a suitable house to rent or buy; and

WHEREAS, certain features in construction make new houses visitable, and in many cases livable, for persons with mobility impairments.

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

SECTION 1: Statement of Intent.

The provisions of this ordinance are specifically enacted to further the policy of the City of Memphis to provide that new single-family, duplexes and triplexes which are constructed with public funds, as herein described, be provided with design features to provide accessibility and usability for persons with mobility impairments.

The purpose of this ordinance is to specially promulgate certain standards which may be less restrictive than ICC/ANSI A117.1 while economically providing solutions to accessibility.

SECTION 2: Applicability.

The following regulations shall be applicable to new, single-family dwellings, duplexes, and triplexes which receive City and Federal assistance. For purposes of this (code section) "City or Federal assistance" shall mean funding or assistance from the City of Memphis, or any agent thereof, through any of the following means: (i) receipt of a building contract or similar contractual agreement involving any city-funded program or funding provided through the Division of Housing and Community Development, Memphis Housing Authority, or the Memphis Land Bank, Inc.; (ii) real estate purchased, leased or donated from the City of Memphis or any agency thereof, (iii) dispersal under city auspices of any Federal or State construction funds such as HOME, CDBG; or (v) receipt of any other funding or financial benefit from the City of Memphis or any agency thereof.

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SECTION 3: Design Requirements.

The following design requirements shall apply:

Requirement 1. Building Entrances

Applicable dwelling units shall be designed and constructed to have at least one building entrance on an accessible route served by a ramp complying with ANSI A117.1-1986, Section 4.8, having a maximum slope not to exceed one in twelve (1:12), unless it is impractical to do so because of terrain or unusual characteristics of the site. Such building entrance doors shall comply with ANSI A117.1, 4.13, and shall have a minimum clear opening of 32 inches.

Any entrance at the front, side or back is acceptable as long as it is served by an accessible route such as a garage, carport or sidewalk.

An accessible ramp may not be removed from the home during the first year of initial ownership.

Requirement 2. Interior door criteria

All dwelling units, whether or not on an accessible route, shall be designed in such a manner that all the doors allow passage into and within all premises and are sufficiently wide to allow passage by persons in wheel chairs. Lever hardware is required.

Doors, except those serving closets less than 15 feet square in area, within individual dwelling units intended for user passage must provide minimum 32" clear opening. A 2' 10" door or standard 6' 0" sliding patio door assembly is deemed sufficient to comply with this requirement, provided however, compliance with ANSI Section 4.13.6 (Maneuvering Clearance at Doors) shall not be mandatory.

Requirement 3. Accessible routes into and through the dwelling unit

An accessible route shall be designed and constructed in such a manner that a 36" wide level route, except at doors, must be provided through the main floor of the unit with ramped or beveled changes at door thresholds.

Requirement 4. Wall reinforcement in bathroom

Reinforcement in the walls shall be provided at designated locations as specified by ANSI A 117.1, Section 4.24, Section 4.32, figure 48 and figure 49 so that grab bars may be installed, if needed, at a later date without the necessity of removing portions of the existing wall.

Requirement 5. Light switches, electrical outlets, thermostats and other environmental controls.

All applicable dwelling units shall be designed and constructed in such a manner that all premises contain light switches, electrical outlets, thermostats and other controls in accessible locations.

Controls shall meet the requirements of ANSI A117.1, Section 4.25. Where multiple controls serve the same elements (e.g., two remote switches for a light) only one need be accessible.

SECTION 4: Contracts.

The provisions of this amendment to Section 1103.2.4 of the 2009 International Building Code that provides for the occupancies specified within the City of Memphis shall be incorporated in applicable City of Memphis contracts.

SECTION 5: Enforcement.

Responsibility for enforcement of these provisions shall lie with the City of Memphis/Shelby County Code Enforcement or other said entity.

SECTION 6: Waiver of Exterior Disability Accessibility Regulations.

The requirements of Section 3 Requirement 1 (Building Entrances) herein may be waived by the Director of The Division of Housing and Community Development, through the issuance of an "Exterior Disability Accessibility Waiver" ("waiver").

A person requesting said waiver shall file an application for disability accessibility waiver with the Director, including all documents necessary to prove the existence of the exemption standard herein. The application shall demonstrate that typographical conditions on the site render it impossible to comply with the provisions of said section.

If the application so demonstrates, the Director shall issue an Exterior Disability Accessibility Waiver to the applicant, in writing, within ten (10) days of receipt of a completed application which shall become an official component of any issued contract. The Director shall retain a copy of said waiver in the Department's official records, and shall also forward a copy of said waiver to the Building Official of the Office of Construction Code Enforcement at the time of issuance.

Section 7: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 8: This ordinance shall become effective immediately upon approval by the Mayor or upon becoming law without approval.

THE FOREGOING ORDINANCE
5541 PASSED

1st Reading 11-19-13

2nd Reading 12-3-13

3rd Reading 12-17-13

Approved: [Signature]
Chairman of Council

Date Signed: 1-7-14

Approved: [Signature]
Mayor, City of Memphis

Date Signed: 1/19/14

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. Scopus
Comptroller