# Memphis City Council
# Summary Sheet

This is a resolution to amend Chapter 15 of the Code of Ordinances to regulate the disposal of debris, refuse and trash by property owners, tenants, developers and others that do not pay solid waste disposal fees.

- This resolution is being initiated by the Public Works Division and is recommended and supported by the Administration.
- As previously stated, this resolution is to amend Chapter 15 of the Code of Ordinance by add an additional Section and language to the ordinance.
- This resolution would not have any impact or require changes to any current contract(s), although it would affect the level of solid waste collection services provided by City crews as well as contract crews.
- This resolution would not require any additional expenditure of funds or require a budget amendment, although it could potentially generate a small revenue stream as the City proceeds to bill property owners for the cost to remove debris left at the curb in accordance with this ordinance amendment.

**ORDINANCE NO.: _____**

# ORDINANCE TO AMEND CHAPTER 15, TO REGULATE DISPOSAL OF ITEMS BY PROPERTY OWNERS THAT DO NOT PAY SOLID WASTE DISPOSAL FEES

**WHEREAS,** there continues to exist a problem throughout the city of Memphis with the improper disposal of items such as furniture, debris, clothing, and other forms of refuse and trash discarded onto property within the city right-of-ways and easements; and

**WHEREAS**, the city administration has determined that several owners of commercial and residential property which do not pay monthly solid waste fees for such property significantly contribute to the improper disposal of such items; and

**WHEREAS,** the improper disposal of such items within the city right-of-ways, easements, and at the curb of such commercial and residential properties continues to contribute to the creation and maintenance of urban blight throughout the communities, thereby threatening the health, safety, welfare, and economic growth of the city; and

**WHEREAS,** it is in the best interest of the citizens of Memphis that Chapter 15 be amended to regulate the disposal of debris, refuse and trash by property owners, tenants, developers and others that do not pay solid waste disposal fees, and that the Division of Public Works be authorized to enforce this ordinance as a matter of public health and safety;

**NOW THEREFORE,**

**SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,** that Chapter 15 is hereby amended to add the following section and to read as follows:

Section 15-32. Responsibility of Property Owners, Tenants, Developers, and Others That Do Not Pay Solid Waste Disposal Fees for Discarded Items.

(a) The owner, responsible tenant, lessor, lessee, or developer of any commercial or residential property or real estate, including vacant lots and structures, which does not pay a monthly fee for solid waste services for such commercial or residential property or real estate shall be responsible for the removal of any debris, refuse, trash, or any other items placed at the curb, right-of-way or easement of the subject property.

(b) Any debris, refuse, trash or other items discarded onto the curb, right-of-way or easement of the property referenced herein shall be tagged by the City of Memphis, Division of Public Works, with notice to the owner or

responsible person for the property to remove such debris or items of refuse within five (5) days of the tagging. If the debris, refuse, trash and other items are not properly removed within the five (5) day period, the Division of Public Works will remove all discarded items and bill the property owner or responsible party.

**SECTION 2. BE IT FURTHER ORDAINED,** That Chapter 15 is hereby further amended to reserve Sections 15-33 - 15-40.

**SECTION 3. 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 4. 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.

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Harold Collins, Chairman