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ORDINANCE NO. 5343

TECHNICAL CORRECTION ORDINANCE

WHEREAS, the City Council has been advised that certain ordinances previously passed and signed but not yet codified, have clerical errors that need correction; and

WHEREAS, Ordinance 5223, adopted on November 6, 2007, allowed an applicant who was denied a permit to sell alcoholic beverages the right to request a hearing before the City Council; Section 7-8-11 E. of said ordinance is legally ineffective and meaningless, since state law in Tennessee provides exclusive remedy for any person denied a permit for the sale of alcoholic beverages;

WHEREAS, Ordinance No. 5317, An Ordinance to Amend Chapter 21, Article IX, Code of Ordinances, so as to update regulations for the inspection of Motor Vehicles in the City of Memphis adopted by the City Council on July 21, 2009, includes Section 21-312 (E) that the Council intended to delete;

WHEREAS, Ordinance No. 5327, An Ordinance to Amend Chapter 2, Article I, Section 2-10 of the Code of Ordinances so as to amend the membership requirements of the Board of Ethics of the City of Memphis does not reflect language recommended by the City Council in Executive Session on July 21, 2009; it was the Council's intent to adopt the ordinance as recommended by the Council in Executive Session:

NOW, THEREFORE BE IT ORDAINED BY THE MEMPHIS CITY COUNCIL That Subsection E. of Section 7-8-11, of the Code of Ordinances which reads as follows:

- E. "An applicant, with extenuating circumstances, who was denied a permit under Subsection C above may request a hearing within five (5) days of denial with the council of the city to discuss such denial, that hearing to be held within ten (10) days of the request. Such request should be submitted in writing to the Chairman of the Council with notification to the Chief Administrative Officer"

is hereby deleted in its entirety.

BE IT FURTHER ORDAINED THAT Subsection E of Section 21-312 of the Code of Ordinances which reads as follows:

E. "Any owner of driver of any motor vehicle which has not passed inspection, operating same more than thirty (30) days after the time of its inspection, and any owner or driver of a motor vehicle which has failed to pass on re-inspection, or which has been declared dangerous and ordered immediately repaired, operating same otherwise than as hereinabove provided, shall be guilty of a misdemeanor"

is hereby deleted in its entirety.

BE IT FURTHER ORDAINED THAT Ordinance No. 5337 shall be amended by adding the following language:

Chapter 2, Article I, Section 2-10-10, subsection A(1):

1. The Ethics Board shall consist of eight (8) members, seven (7) of whom shall be selected as now provided with one member from each Council District; these members shall each have a vote. The eighth (8<sup>th</sup>) member shall be a retired judge, who shall not have a vote, but who shall be the Chairman and presiding officer.

Chapter 2, Article 1, Section 2-10-10, subsection A(7):

7. Chairman.
  - a. The retired judge shall be nominated by the Chairman of the City Council and approved by a majority vote of the membership of the Council. The retired judge shall be elected to a term of six (6) years and shall serve until his successor has been nominated and approved. The retired judge may reside in any Council District.
  - b. The retired judge may be compensated for service as Chairman and presiding officer of the Ethics Board at an amount to be determined by the City Council.

Harold Collins  
Chairman

THE FOREGOING ORDINANCE  
# 5343 PASSED  
1st Reading 12-15-2009  
2nd Reading 01-12-2010  
3rd Reading 01-26-2010

Approved \_\_\_\_\_  
Chairman of Council

Date Signed: \_\_\_\_\_

Approved: \_\_\_\_\_  
Mayor, City of Memphis

Date Signed: \_\_\_\_\_

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. Suplee  
Comptroller