

ORDINANCE NO. 5558

AN ORDINANCE TO AMEND CHAPTER 15, CODE OF ORDINANCES,
CITY OF MEMPHIS, TO INCREASE CERTAIN FEES AND MODIFY CERTAIN
SECTIONS RELATING TO THE PROPER DISPOSAL OF TIRES AND THE
REGISTRATION OF CERTAIN TIRE BUSINESSES AND TIRE HAULERS WITHIN
THE CITY OF MEMPHIS

WHEREAS, the City Administration determined that tires were being improperly disposed of throughout the City of Memphis and an ordinance was approved November 2009, regulating the disposal of used tires; and

WHEREAS, the City Administration and Council of the City of Memphis considered it to be in the best interest of the citizens of Memphis to adopt this ordinance for the protection of the citizens and to establish standards for the proper disposal of tires and the permitting of tire businesses engaging in the resale of tires or that generate waste tires.

NOW THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,
That Chapter 15, Article III, Code of Ordinances, City of Memphis, be hereby amended as follows:

Sec. 15-47. Definitions. (J) Waste tire generator. *Is amended by adding the word "and" after the word "garages."*

SECTION 2.

Sec. 15-48. Tire Business Permits. *Is hereby amended to increase the non-refundable fee from twenty-five dollars (\$25) to two hundred fifty dollars (\$250.00) and to increase the decal fee per truck from fifteen (\$15) dollars to fifty (\$50). The paragraph will read as follows:*

All tire businesses located within the city limits engaging in the resale of tires or the generation of waste tires shall be issued a permit annually by the City of Memphis, by and through its Permits Office for a non-refundable fee of Two hundred and fifty (\$250.00) dollars. Tire businesses with multiple locations must purchase a permit for each location. Tire businesses that have their own trucks utilized to transport waste tires will receive one (1) decal included with the permit fee. A separate decal must be purchased by such business for any additional truck utilized by the tire business to transport waste tires at a cost of \$50 per decal. The City will conduct random inspections of such tire businesses for the sake of monitoring compliance with the foregoing requirement.

SECTION 3.

Sec. 15-48, Tire Business Permits, Subsection A(6) Application. *Is amended to add the word "maximum" after the word "estimated."*

SECTION 4.

Sec. 15-49. Tire Hauler Permit. *Is hereby amended by increasing the fee amount shown in the paragraph for issuing the annual permit from twenty-five dollars (\$25) to two hundred fifty dollars (\$250).*

SECTION 5.

Sec. 15-49. Tire Hauler Permit, Subsection E. Permit Exemptions. *Is hereby amended to add subsections (3) and (4) to read as follows:*

3. Haulers removing four or less tires from a residential location, which is under contract to remove that residence's solid waste.

4. Anyone transporting four or fewer used tires directly from a used tire generator facility to a point of re-use or proper storage prior to their re-use.

SECTION 6.

Sec. 15-51. Destruction of Tires. *Is hereby amended to add the following language after the first sentence of that section:*

"Such unusable and unfit tires may not be returned to the customer for disposal by that customer, but the customer may, in writing, request their return for continued use and, in so doing, releases the facility from all liability for that reuse."

SECTION 7.

Sec. 15-52. Storage of Tires. *Is hereby amended to add the following language after the first sentence of that section.*

"Prior to storage, each tire shall be permanently marked with the generator's permit number."

SECTION 8.

Sec. 15-54. Disposal Records/Transmittal Manifest, Subsection A. *Is hereby amended to add the word "legibly" after the word "maintained" and also insert "by an authorized representative of the tire business" in place of the words "off in triplicate" in the last sentence of section A.*

SECTION 9.

Sec. 15-57. Violations and Penalties, Subsection (A). *Is hereby amended to insert the word "used" after the word "more" in the first sentence.*

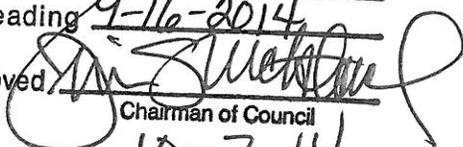
SECTION 10.

Sec. 15-57. Violations and Penalties, Subsection (C). *Is hereby amended and the word "transporting or" is inserted after the word "improper," and the sentence "that is related back to a specific tire business" shall be removed."*

SECTION 11. 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 12. BE IT FURTHER ORDAINED, That 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.

Jim Strickland,
Chairman of the Council

THE FOREGOING ORDINANCE
 # 5558 PASSED
 1st Reading 8-5-2014
 2nd Reading 8-19-2014
 3rd Reading 9-16-2014
 Approved: 
 Chairman of Council
 Date Signed: 10-7-14
 Approved: 
 Mayor, City of Memphis
 Date Signed: 10/10/14

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. Sripis
Comptroller