



Ord. # 5579

An Ordinance to Amend Section 13-8-5 of the City of Memphis, Code of Ordinances to Authorize the City to Repair Sewer Infrastructure Damaged by Third Parties and to Seek Reimbursement for Such Repair Costs and Resulting Damages

WHEREAS, , the Division of Public Works has discovered numerous locations where utility or fiber optic lines and other materials have been installed or placed into the public sewer without the City's consent; and

WHEREAS, the Division has discovered that damage to the sanitary sewer lines have occurred as a result of construction related activities initiated without regard to the location of sanitary sewer infrastructure; and

WHEREAS, the unlawful presence of such materials or physical damage obstruct and in some instances has resulted in damage to the public sewer; and

WHEREAS, the administration believes it to be in the best interest of the City and the citizens of Memphis that Section 13-8-5 of the City Code be further clarified to address the City's remedies in the instance of obstruction or damage to the public sewer;

NOW THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that subsection C. of Section 13-8-5 of the City of Memphis Code of Ordinances be amended to read as follows:

C. No unauthorized person shall enter into or alter any manhole or similar appurtenance of any public sewer, place or cause to be placed anything therein or interfere therewith. No person shall insert or place in any public sewer, manhole or other appurtenance thereof any debris or other materials which such sewer manhole or appurtenance thereof was not intended to receive. City may remove or require the removal of any unauthorized materials or substances from the public sewer, repair or replace damaged infrastructure, and shall seek reimbursement of all costs, expenses and resulting damages incurred by City. Any removal or repair work undertaken by City may be performed directly by City workforces or City may engage the services of a contractor to perform such work.

SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, 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
Memphis City Council

ATTEST:

Comptroller

THE FOREGOING ORDINANCE
5579 PASSED

1st Reading 1-6-15
2nd Reading 1-20-15
3rd Reading 2-3-15

Approved: Murron Lowery
Chairman of Council

Date Signed: 2/17/2015

Approved: [Signature]
Mayor, City of Memphis

Date Signed: 2/20/15

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. Sipes
Comptroller