

Ord. #5530

AN ORDINANCE TO AMEND CHAPTER 33, ARTICLE IV, OF THE CITY OF MEMPHIS CODE OF ORDINANCES TO CLARIFY ENFORCEMENT AUTHORITY

WHEREAS, the City of Memphis is authorized to regulate storm water discharges in accordance with applicable state law in order to protect the public health; and

WHEREAS, the City of Memphis is further authorized to impose a civil penalty and assess damages against any person who violates the provisions of the City's storm water ordinance; and

WHEREAS, applicable law identifies various factors that may be considered by the City in imposing a civil penalty;

WHEREAS, the harm done to the public or the environment is merely one of the factors that may be considered in the assessment of a civil penalty or in any other decision to enforce; and

WHEREAS, the Administration seeks to further clarify the civil penalty that can be imposed for existing and future violations.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 33, Article IV, Section 33-207 is hereby amended as follows:

(1) By deleting the following language from Section 33-207(A):

It is not the City's intent to propose penalties for de minimis discharges that have no significant adverse impact on safety, health, the welfare of the environment, or the functionality of the City's storm water collection system.

SECTION 2. BE IT FURTHER ORDAINED THAT Chapter 33, Article IV, Section 33-231 is hereby amended to state as follows:

Section 33-231 ENFORCEMENT OPTIONS.

Maintenance criteria not performed as listed in Sec. 33-230, or other violations of this Article, may be subject to the provisions of Sections 33-247 through 33-251 as set forth herein.

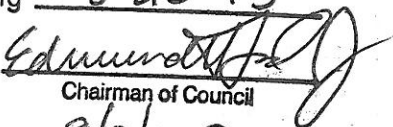
SECTION 3. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases, or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

SECTION 4. BE IT FURTHER ORDAINED 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 Mayor in writing by the comptroller and become effective as otherwise provided by law.

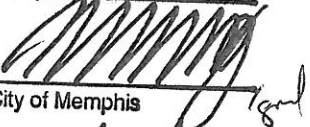
Chairman Edmund Ford, Jr.

THE FOREGOING ORDINANCE
5530 PASSED

1st Reading 7-16-13
2nd Reading 8-6-13
3rd Reading 8-20-13

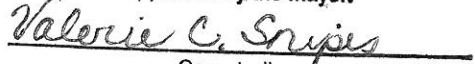
Approved 
Chairman of Council

Date Signed: 9/3/2013

Approved: 
Mayor, City of Memphis

Date Signed: 9/06/13

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.


Comptroller