

**WHEREAS**, on occasion the Memphis City Council has seen fit to honor citizens who have enriched the community, and **Sara L. Lewis**, is one such citizen whose legacy is most certainly worthy of honoring; and

**WHEREAS**, **Sara L. Lewis** graduated from Manassas High School, received a Bachelor of Arts in Sociology from LeMoyne Owen College, and a Masters of Elementary Education degree from Memphis State University, before becoming a trailblazer and advocate for issues concerning youth, minority affairs, equity, and education; and

**WHEREAS**, **Sara L. Lewis** commenced her career in education with Georgia Avenue Elementary School and later served as principal of Lauderdale Elementary School; and as Assistant Superintendent of Curriculum and Instruction for the Memphis City School District; she received these leadership appointments under former Memphis Mayor Willie Herenton's tenure as Memphis City Schools superintendent, she served as Executive Director of Free The Children, Inc., Director of Shelby County Head Start, and the City of Memphis's Office of Youth Services and Community Affairs; and

**WHEREAS**, **Sara L. Lewis** was a member of the Tennessee Commission of Children and Youth, the Tennessee Education Association Board of Directors, the Memphis Education Association Board of Directors, the Board of Directors of the Memphis Literacy Council, the Board of Directors of United Way of Greater Memphis, and member of Vice President Albert Gore's Tennessee Family Reunion Steering Committee; a Commissioner of the Private Industry Council and Chair of the Planning Committee of the Tennessee Commission on Children and Youth; served as treasurer and president of the Memphis Principals Association; and

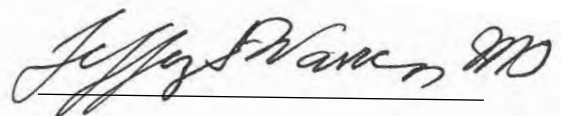
**WHEREAS**, **Sara L. Lewis** served the City of Memphis with great distinction as a member of the Memphis City School Board where she "fought fiercely for equity and educational excellence"; and was the first African American to be elected to an At-Large Position on the Shelby County Board of Education; and

**WHEREAS**, a recipient of numerous awards, **Sara L. Lewis** received the Tennessee Education Association's Susan B. Anthony Award for outstanding leadership, the Zeta Phi Beta Sorority's Outstanding Service Award, the Memphis Minority Business Development Center's Organizational Advocate Award, the Outstanding Alumnus for Instruction and Curriculum Leadership from the University of Memphis; and the University of Memphis Distinguished Alumni Award; and

**WHEREAS**, the Memphis City Council offers its sincere condolences to the family and friends of **Sara L. Lewis** and echoes the desire of the citizens of Memphis in recognizing the loss of such a remarkable Memphian.

**NOW, THEREFORE, BE IT RESOLVED** that the Memphis City Council pays tribute to the life of **Sara L. Lewis** and express our sincerest gratitude for her commitment to service and her exemplary legacy. She will continue to live on through her achievements and contributions to the citizens of Memphis.

Given by my hand and under the great seal of the City of Memphis this 6th day of February 2024.



Dr. Jeff Warren  
Memphis City Councilman, District 9-3

**ORDINANCE TO ESTABLISH MEMPHIS CITY COUNCIL MEETING DATES FOR 2024**

**WHEREAS**, Referendum Ordinance 4274, approved by the citizens of Memphis on November 8, 1994, amended the Council’s meeting dates to the first and third Tuesdays of each month; and

**WHEREAS** the Council wishes to approve the 2024 meeting dates.

**NOW, THEREFORE, BE IT RESOLVED** that the Memphis City Council will conduct its regular meetings on the following Tuesdays of each month:

January 9	January 23
February 6	February 20
March 5	March 19
April 9	April 23
May 7	May 21
June 4	June 25
July 9	July 23
August 6	August 20
September 10	September 24
October 1	October 15
November 12	November 26
December 3	December 17

Sponsor:  
JB Smiley, Jr., Chairman

January 2, 2024

The Honorable Michalyn Easter-Thomas, Chairman  
Personnel, Government Affairs, and Annexation Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Easter-Thomas:

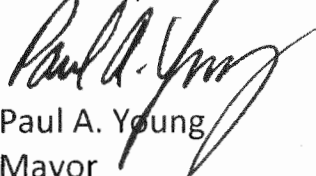
Subject to Council approval, it is my recommendation that:

**Robert M. Knecht**

be appointed as Director of Public Works with a salary of \$157,730.04.

I have attached biographical information.

Sincerely,

  
Paul A. Young  
Mayor

PAY/sss

cc: Council Members

# Robert M. Knecht

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## Executive Director

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### Profile

Senior executive with 20+ year's extensive experience in municipal and utility operations and management

- Strategic and dynamic with excellent leadership skills and abilities
- Creative, innovative, and resourceful problem solver
- Organized, highly motivated, and technically proficient
- Proven leader possessing the ability to coordinate with multiple agencies and divisions
- Ability to direct complex projects from concept to fully operational status
- Excellent computer, interpersonal, teamwork, and communication skills

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### Education

- Master of Business Administration; University of Phoenix
- Bachelor of Science Civil Engineering; The University of Memphis

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### Relevant Experience & Accomplishments

Administration and Operations

- Directing City of Memphis Public Works Division operations and utilities
- Strategic and operational responsibility for street maintenance, stormwater, code enforcement, public right-of-way maintenance, street sweeping, fleet maintenance, heavy equipment services, wastewater collection and treatment
- Preparation and administration of \$230 million dollars annual operation budgets
- Responsible for \$2 billion dollars in planned capital improvement programs (C.I.P.), including general and 2 enterprise funds, with active construction contracts over \$575 million dollars
- Advises Mayor and Chief Operating Officer on divisional operations and activities
- Establishes and executes divisional goals
- Oversees divisional activities
- Develops strategic vision and plan for division
- Division wide deployment of technology to enhance operational performance, efficiencies, and data driven decision making
- Fiscal, financial, and business process analysis
- Responsible for government regulated and mandated utilities and programs
- Responsible for comprehensive, long term, strategic infrastructure and utility planning
- Approves assets and resources necessary to complete mission
- Monitors, reviews, and communicates organization performance
- Evaluates reports and initiatives to improve division operations
- Communicates with elected officials as well as state and federal agencies
- Interacts and participates in negotiations with multiple collective bargaining units
- Directs division emergency response for emergency management operations
- Extensive experience in public and community engagement
- Excel in public speaking and media interviews

## Management and Supervision

- Division total staffing - 900 Employees
- Direct supervisor – 7 personnel
- Establishes and reviews staffing requirements
- Mentoring, training, and evaluation of staff
- Recruits and selects executive personnel
- Resolves workplace conflicts
- Union negotiator and grievance officer

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## Employment History

City of Memphis, Memphis TN

Division of Public Works 2003 - Present

- Current Position: Director
- Previous Position - Deputy Director

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## Military Service

United States Air Force 1991 - 1994

- Honorably discharged
- Veteran of Operations Desert Storm and Shield

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## Licensure, Certifications & Training

- E.I.T. – State of Tennessee
- Incident Command System (I.C.S.) 100, 200, 700, 701, 775, 800, 300, 400 & MGT-346
- National Incident Management System (N.I.M.S.)
- Disaster Response & Preparedness
- Confined Space
- 40 Hour HAZWOPER
- First Aid & CPR

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## Professional Memberships & Affiliations

- American Public Works Association (APWA)
- American Society of Civil Engineers (ASCE)
- National Emergency Management Association (NEMA)
- American Water Works Association (AWWA)
- TN Stormwater Association (TNSA)

References and Professional Writing Portfolio available upon request

## **Robert Knecht**

### **Public Works Director**

#### About

I am honored to serve as Director of the 3<sup>rd</sup> largest City Division with a staff of nearly 800 employees and responsible for many core services provided to citizens including Wastewater and Stormwater, Code Enforcement, Street Sweeping, and Street Maintenance operations. I am responsible for 2 public utilities or enterprise funds of which the sewer utility is one of the largest wastewater utilities in the southeast.

I have served as Public Works Director since 2015 and previously was Deputy Director during my 20-year tenure with the City of Memphis. I have a Master's Degree in Business Administration & Bachelor of Science Degree in Civil Engineering.

I am also proud to have served in the US Air Force and am a veteran of Operations Desert Shield/Storm.

# ACCOMPLISHMENTS

- Created a new Illegal Dumping Department
- Added a new 2<sup>nd</sup> Code Enforcement shift
- Installed GPS and Cameras in fleet
- Google AI and ML/DL project aimed to increase proactivity
- Created the Environmental Enforcement operation
- Opened a Convenience Center at 304 Collins St
- Created and operated multiple Dumpster Days
- Short Term Rental Registry
- Public Works Citizens Academy
- Public Works Emerging Leaders Program
- Citywide street condition analysis
- Tripled the number of Code Violations referred to Environmental Court
- Purchased and deployed over a 100 illegal dumping cameras

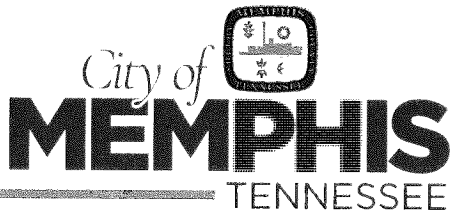
# OPPORTUNITIES

- Focus energy on combating illegal dumping
- Increase staffing to support blight initiatives
- Blight task force recommendations
- Focus resources on most challenging blighted properties
- Strategic partnerships with TDOT, Clean Memphis, and CDC's on littering and cleanups
- Identify opportunities to increase the financial burden on negligent and absentee property owners
- Partner with MPD on new tactics towards criminal and blighted properties
- Focus on energy independence and sustainability initiatives
- Make investments in wastewater collection and treatment systems
- Public Works master planning alignment with Memphis 3.0
- Focus resources on Memphis growth
- Minimize future public utility cost rate increases using diversified rate structures
- Increase street resurfacing
- Increase street preventative maintenance
- Increase local minority business participation
- Petition the state to increase used tire fees and make Memphis recipient of this funding
- Public engagement, education, and participation including PJA's
- CDL program for employee career growth



# VISION/FOUR-YEAR PLAN

- Add a second in-house/street maintenance paving staff
- Increase street maintenance complement for preventative maintenance
- Partnership with MLGW to fund street maintenance ISL's
- Increase the complement of Code Enforcement Officers
- Increase the complement of Environmental Enforcement Officers
- Create a comprehensive, all-inclusive Rental Registry Program
- Implement and collect fines and fees for Code and Ordinance violations to offset general fund costs
- Add 4 more Convenience Centers
- Annual Dumpster Days in each Council District
- Increase Memphis City Beautiful's public engagement and activities
- Deploy a blight detection tool for proactive code enforcement
- Create and deploy an infrastructure detection tool to increase proactive activities
- Double the frequency of street sweeping
- Execute master planning for wastewater and stormwater programs
- Construct a large solar farm for Wastewater Treatment Plant
- Develop a wastewater grey water reuse to offset demands on potable water/aquifer
- Public Works Citizens Academies



PAUL A. YOUNG  
MAYOR

January 2, 2024

The Honorable Michalyn Easter-Thomas, Chairman  
Personnel, Government Affairs, and Annexation Committee  
City Hall - Room 514  
Memphis, TN 38103

Dear Chairman Easter-Thomas:

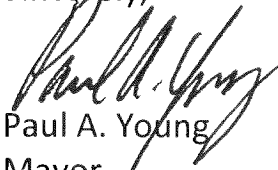
Subject to Council approval, it is my recommendation that:

**Sukita Johnson**

be appointed as City Court Clerk with a salary of \$129,498.46.

I have attached biographical information.

Sincerely,



Paul A. Young  
Mayor

PAY/sss

cc: Council Members

# SUKITA JOHNSON

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## PROFESSIONAL LICENSES

### Attorney

Tennessee Supreme Court	035901	Nov 9, 2017
Texas Supreme Court	24085403	May 3, 2013

## PROFESSIONAL ADMISSIONS

U.S. Tax Court	JS0170	Nov 26, 2019
U.S. Tennessee Western District Court	035901	Aug 5, 2019

## PROFESSIONAL CERTIFICATIONS

### Rule 31 Listed Mediator

Tennessee Supreme Court Alternative Dispute Resolution Commission	General Civil Family Mediation	Jul 20, 2021
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## EDUCATION

### Villanova University School of Law | Villanova, Pennsylvania

Master of Laws, Taxation	Dec 2022
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Employee Benefits Certificate	Dec 2022
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### Cornell University | Ithaca, NY

Women's Entrepreneurship Certificate	Jan 2021
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### South Texas College of Law | Houston, Texas

Juris Doctorate	Dec 2012
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### University of Tennessee at Martin | Martin, Tennessee

Bachelor of Science, Criminal Justice – Political Science Minor	May 2006
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## EXPERIENCE

### Consilio, Remote

May 2023 – Present

#### *TennCare Administrative Judge (Contract)*

Impartially preside over TennCare Medicaid appeal hearings according to the Uniform Administrative Procedures Act (UAPA). Examine witnesses, administer oaths, decide the admissibility of evidence, rule on motions and objections, and issue subpoenas. Research and analyze applicable laws for application, then establish legal conclusions. Accurately make findings of facts and legal conclusions based on evidence and testimony proffered at hearing, then draft Initial Orders. Independently render decisions impacting people, financial resources, and governmental agencies.

### Epiq, Remote

Jan 2022 – May 2023

#### *Project Attorney (Contract)*

Performed quality assurance reviews of fellow project attorney's resolutions to complex inquiries from customers and clients across a variety of communication methods to ensure adequate issue spotting, procedure analyses and application, and advice. Ensured adherence to standard protocols and procedures and provided feedback regarding performance. Worked effectively in a highly collaborative environment with a variety of business partners. Ensured quality assurance to meet client deadlines and deliverables. Created, monitored, and updated scripting and procedures for use by other operations. Assisted supervisor and project manager in resolving issues. Monitored the overall health of cases by identifying errors and providing resolutions.

### Private Attorney, Memphis, TN

Jan 2018 – May 2023

#### *Attorney & Legal Consultant*

Provided legal representation before Juvenile Court, Office of Special Counsel, Merit System Protection Board, and the Internal Revenue Service. Provided legal consulting in the areas of family, employment, probate, civil, business, tax, and criminal law.

**Contract Compliance Analyst**

Implemented and monitored programs that increased contracting opportunities for minorities, females, small, and disadvantaged businesses with the City of Memphis. Assisted with regulatory compliance and reporting of various federal and state contracts to ensure the City of Memphis met its diversity goals in contracting, subcontracting and employment opportunities. Implemented and monitored regulatory compliance on City projects which included State and Federal prevailing wage compliance; performed site visits; conducted vendor interviews; presented at pre-construction/pre-bid meetings and conferences. Presented, monitored, and enforced the City of Memphis Minority Business Enterprise (MBE) contracting goals and assisted in securing local and regional participation.

**Memphis Area Legal Services | Memphis, TN**

Mar 2019 – Jan 2021

**Staff Attorney (Elder Law, Tax Law)**

Tax Attorney and Qualified Tax Expert with Memphis Area Legal Service's Low Income Taxpayer Clinic. Represented clients in federal income tax controversies before the IRS and US Tax Court. Prepared tax returns, tax forms, and IRS documents in support of tax controversies. Additionally, my practice extended to employment law, consumer rights, government benefits, estate planning, debt settlement and negotiation, contract negotiation, landlord/tenant rights, and elder law.

**Legility | Memphis, TN**

Mar 2019 – Jun 2019

**Document Review Attorney**

Examined documents via Relativity to determine relevance to pending litigation and regulatory investigations. Analyzed documents to determine privilege during discovery for litigation involving alleged anti-trust violations. Redacted privileged information from emails. Assisted in preparing documents for production and litigation via second level review.

**Internal Revenue Service | Memphis, TN**

Feb 2014 – Mar 2019

**National Treasury Employee Union – Chief Union Steward (Aug 2016 – Mar 2019)**

Managed and handled grievances and disciplinary actions; negotiated settlements of disputes; represented and managed stewards representing employees in complex disputes; supervised the steward cadre of 30 plus stewards; ensured agency compliance with federal, state and local laws; represented employees during investigatory interviews; ensured agency compliance with EEOC, FMLA, HIPAA, Title V, and other labor laws; practiced before Merit Systems Protection Board, Federal Labor Relations Authority & Office of Special Counsel. Also served as Staff Editor/Writer and Communications Committee Chair.

**Wage & Investment | Accounts Management | Statute – Tax Examiner (Feb 2014 – Mar 2019)**

Resolved inquiries regarding tax account issues such as tax delinquency. Assessed taxes and adjusted taxpayer accounts accordingly. Provided information about tax laws and general IRS procedures. Communicated with taxpayers and their representatives regarding their accounts on notices issued.

**VOLUNTEER SERVICE**

**Southwest Tennessee Community College**

Dec 2021 – Present

**Criminal Justice Advisory Board – Board Member**

**American Bar Association**

Dec 2021 – Feb 2022; Dec

**Military VITA Project – Attorney/Editor**

2022 – Feb 2023

**Shelby County Expungement and Court Cost Clinic**

Aug 7, 2021

**Attorney**

**Just City**

Nov 2018 – Mar 2019

**Court Watcher**

**United Way Volunteer Income Tax Assistance**

Dec 2017 – Apr 2018

**Tax Preparer**

**SKILLS**

Communication	Detail-oriented	Critical Thinking	Negotiation
Legal Research	Time Management	Microsoft Word, Excel, PowerPoint	Document Drafting
Writing	Adobe	Legal Knowledge	Docket Management
Conflict Resolution	Problem Solving	Leadership	Contract Management
Mediation	Organization	Trial Preparation	Compliance
Data Management	Empathy	Office Management	Initiative

**AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE II, SECTION 2-19 OF THE CODE OF ORDINANCES OF THE CITY OF MEMPHIS, TO CREATE HEALTH BENEFITS FOR ELECTED OFFICIALS.**

**WHEREAS**, the City Council adopted Ordinance 5219, establishing the authority of the Council to create, appoint, and regulate City Council Staff; and

**WHEREAS**, Article 27, Section 190.1 of the Charter of the City of Memphis, gives the City Council the authority by Ordinance to create a hospitalization plan for officers and employees of the City of Memphis; and

**WHEREAS**, the Council has determined that the creation of a broader hospitalization plan for elected officials should be implemented; and

**WHEREAS**, pursuant to this established authority, the City Council desires to create a program to provide health benefits for elected officials in the legislative division.

**SECTION 1. NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MEMPHIS** that the Code of Ordinances for the City of Memphis, Tennessee Chapter 2, Article II, Section 2-19, is hereby amended by adding a new section with the following language, which shall read as follows:

Section 2-19. – Council Staff Positions

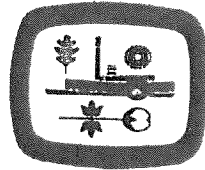
- (f) The Director of Personnel shall create a program and structure to provide medical, vision, dental, and other health benefits to Elected Officials in the Legislative Division upon completion of two full terms in office:
  - a. The Director of Personnel shall determine how the program will be administered to provide the same medical, vision, and dental benefits afforded city employees under the mayor's jurisdiction for all qualified elected officials dating back to January 1, 2015.
  - b. Qualified Elected Officials will be required to submit financial contributions equal to that of city employees under the mayor's jurisdiction for medical dental, and vision benefits to maintain coverage.
  - c. Elected officials who leave office before completing two full terms or elected officials who are removed from office for malfeasance or misconduct will not be included.

**SECTION 2. 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 are held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**SECTION 3. 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.

SPONSOR:  
MARTAVIUS JONES

CHAIRMAN  
MARTAVIUS JONES



## Memphis City Council Summary Sheet

**1. Description of the Item (Resolution, Ordinance, etc.)**

An Ordinance to amend City of Memphis, Code of Ordinances, Chapter 33, Article II, Division IV, to codify the existing 2017 Sewer Policy.

**2. Initiating Party (e.g. Public Works, at request of City Council, etc.)**

Public Works

**3. State whether this is a change to an existing ordinance or resolution, if applicable.**

This is an amendment to an existing ordinance, Chapter 33.

**4. State whether this will impact specific council districts or super districts.**

This amendment will impact all council districts

**5. State whether this requires a new contract, or amends an existing contract, if applicable.**

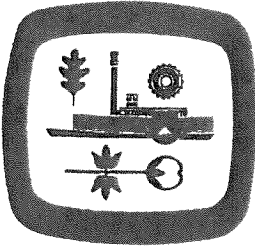
Not Applicable

**6. State whether this requires an expenditure of funds/requires a budget amendment**

This does not require a budget amendment.

**7. If applicable, please list the MWBE goal and any additional information needed**

Not Applicable



**ORDINANCE No. \_\_\_\_\_**

**AN ORDINANCE TO AMEND CITY OF MEMPHIS, CODE OF ORDINANCES, CHAPTER 33, ARTICLE II, DIVISION IV, TO CODIFY THE EXISTING 2017 SEWER POLICY THAT PRECLUDES THE EXTENSION OF SANITARY SEWER INFRASTRUCTURE AND ACCEPTANCE OF ADDITIONAL FLOW TO THE MEMPHIS SEWER SYSTEM FROM RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DEVELOPMENTS IN UNINCORPORATED SHELBY COUNTY.**

**WHEREAS**, the City of Memphis currently owns, operates and maintains a wastewater collection and transmission system ("WCTS") made up of approximately 2,800 miles of sanitary sewers within the corporate limits of Memphis and an additional 400 miles located in unincorporated Shelby County in the areas designated as the "Memphis Reserve" annexation areas; and

**WHEREAS**, the City also owns and operates two wastewater treatment plants, T.E. Maxson Wastewater Treatment Facility and M.C. Stiles Wastewater Treatment Facility, both of which are used to treat the wastewater transported by the City's WCTS from residences, businesses and industries in an effort to protect public health and the environment; and

**WHEREAS**, in accordance with Tenn. Code Ann. § 7-51-401, the City may authorize the extension of its sewer services beyond its municipal boundaries, but it is not required to extend its sewer services in such manner; and

**WHEREAS**, consistent with state law, Chapter 33, Section 33-64 of the City's Sewer Use Ordinance, currently authorizes the City of Memphis, through its Division of Public Works, to extend its sanitary sewer system, subject to its comprehensive growth plan and applicable sewer policies; and

**WHEREAS**, in an effort to better manage, monitor and provide sewer services throughout its current and future growth boundaries, the City of Memphis, as of August 18, 2017, adopted a sewer policy precluding the extension of sanitary sewer infrastructure and acceptance of additional flow to its sewer system from residential, commercial and industrial developments in unincorporated Shelby County; and

**WHEREAS**, the 2017 sewer policy does not apply to developments located in unincorporated Shelby County to which sewer must be extended or connected pursuant to an existing legal obligation between the City and developer or land owner; and

**WHEREAS**, the City desires to formally incorporate the terms of the 2017 sewer policy into its Sewer Use Ordinance.

**NOW THEREFORE,**

**SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,** that Chapter 33, Section 33-64 (a) of the City of Memphis, Code of Ordinances is hereby amended to read as follows with corresponding changes to be made to Section 13-16-4(a) included in Municode:

- (a) The City may permit the orderly extension of its sanitary sewer system to provide gravity sewer service of adequate capacity to unsewered properties and to properties not served by sewers of adequate capacity following the comprehensive plan and policies of the City for gravity sewer system expansion, except as otherwise stated below:
  - (1) The extension of sanitary sewer services and new connections to the City's sanitary sewer system from residential, commercial and industrial developments located in unincorporated Shelby County shall not be permitted except as legally required based on an existing contractual obligation of the City or equitable considerations determined in the City's sole discretion. The burden of proof shall be upon the developer or owner of the property to support the City's approval of such extension or new connection.

**SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,** that this Ordinance Amendment 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.

APPROVED: \_\_\_\_\_  
Martavius Jones, Chairman of Council

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

ATTEST: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
Jim Strickland, City of Memphis Mayor

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



**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF MEMPHIS, TENNESSEE, CHAPTER 6, TO DEFINE ENTERTAINMENT TRANSPORTATION VEHICLES, AND TO PROVIDE FOR THE LICENSING AND REGULATION OF THE SAME**

**WHEREAS**, in recent years a new type of transportation business has emerged in various cities within the United States in which the passengers hire a motor vehicle not only as a means of transportation but also for some entertainment or social purpose; and

**WHEREAS**, the General Assembly of the State of Tennessee did in its recent session amend Tennessee Code Annotated, Section 7-51-1007, to recognize Entertainment Transportation Vehicles as a category separate from other types of vehicles already included in said law, and to allow municipalities within Tennessee to regulate the operation of Entertainment Transportation Vehicles; and

**WHEREAS**, in other cities in which such vehicles operate, governments have encountered various problems caused by the vehicles in the area of public safety and welfare, including accidents resulting in damage and injury, the commission of crimes related to operation of the vehicles, and complaints from businesses and citizens about noise and offensive behavior by patrons; and

**WHEREAS**, the Memphis City Council deems it necessary for the health, safety, and welfare of citizens to amend the code of ordinances to regulate the operation of entertainment vehicles in the City of Memphis.

NOW, THEREFORE BE IT ORDAINED, BY THE COUNCIL OF CITY OF MEMPHIS:

Article 1. Definitions.

For purposes of this chapter:

"Certificate" means a certificate of public convenience and necessity, a license granted, upon application and approval, by the Memphis Transportation Commission (MTC) for the sole purpose of authorizing the certificate holder to provide entertainment transportation through an entertainment transportation vehicle.

"Certificate holder" means a person, company, corporation or association which has applied for, and been granted, a certificate of public necessity and convenience.

"Customer" means any person on an entertainment transportation vehicle other than the driver or other employee of the entertainment transportation business, who has paid money for the services of the business or is attached to a party that has done so.

"Driver" means any individual who physically operates an entertainment transportation vehicle as a for-hire vehicle under this chapter. This person may share additional, company-related titles, such as owner, employee of the owner, holder or independent contractor.

"Driver permit" means a permit issued by the MTC to drive and operate an entertainment transportation vehicle.

"Enclosed vehicle" means any motor vehicle that is fully enclosed by metal, plexiglass or glass on all sides and on the top/roof. Any vehicle not meeting this definition would constitute an "unenclosed vehicle." A vehicle is unenclosed if any portion of it lacks solid sides and a roof, including all appurtenances attached thereto, including, but not limited to, a pickup truck or a

wagon or trailer pulled by a tractor, within which passengers are capable of standing and circulating while the vehicle is in motion. For purposes of this section, a vehicle "side" must be a full side enclosure of the vehicle and cannot consist of solely a guard rail or railing. It may contain windows capable of being opened, but all windows shall be fully raised while the vehicle is in operation and any passenger is in possession of an open container. Enclosed vehicles shall maintain any required emergency access or exits but the emergency access or exits may not be used to avoid the safety goals intended by the enclosure.

"Entertainment transportation vehicle" means any motor vehicle that is designed or constructed to accommodate and transport more than one passenger for hire, the principal operation of which is confined to the area within the Memphis City Limits, whether it is operated on a fixed route or schedule, and where the passengers hire the motor vehicle not only as a means of transportation but also for some entertainment or social purpose. "Entertainment transportation" includes, but is not limited to, trucks, buses, and wagons/trailers pulled by a motor vehicle. "Entertainment transportation" does not include a limousine, sedan, shuttle, taxicab, horse-drawn carriages, or electric-assist pedal carriage.

"Entertainment transportation vehicle permit" means a permit issued by the MTC for an entertainment transportation vehicle to carry passengers.

"Entertainment transportation vehicle driver's permit" means a permit issued by the MTC for a person to operate an entertainment transportation vehicle to carry passengers.

"For hire" means a transaction whereby any money, thing of value, charge tickets, surcharge, payment, pecuniary consideration or compensation, reward, donation, tip, or any other remuneration or profit is paid to, accepted by, or received by a driver, employee, agent, owner, or any other representative of an entertainment transportation vehicle in exchange for the temporary

use by or for the transportation of a passenger, whether such is paid voluntarily or upon solicitation, demand, request, contract, agreement, or as a surcharge; or otherwise in conjunction with the purchase of any other services wherein the entertainment transportation is part of the services provided.

"Holder" means a person to whom a certificate of public convenience and necessity has been issued by the commission.

"Inspector(s)" means the inspector(s) for the commission.

"Memphis Transportation Commission," also referred to as "MTC" or "the commission," means the Memphis Transportation Commission as established by the City of Memphis Code of Ordinances, Chapter 39.

"MTC Director" means the Executive Secretary of the MTC, as employed by the City of Memphis on behalf of the MTC.

"Owner" means the person who holds the legal title of the entertainment transportation vehicle.

"Passenger" means any person on an entertainment transportation vehicle other than the driver.

"Person" means any individual, partnership, corporation, association or public or private organization of any character. "Permittee" means a holder of any permit issued under this chapter.

"Solicit" means the distribution of flyers or other material, or an appeal by bell, horn, whistle, words, or gestures by a driver or his or her agent directed at individuals or groups for the purpose of attracting passengers for immediate hire.

"Taxicab" means a motor vehicle regularly engaged in the business of carrying passengers for hire, donation, gratuity or any other form of remuneration, having a seating capacity of less than nine persons and not operated on a fixed route.

Article 2. Certificate of Public Convenience and Necessity

**Section 1. Required and term.**

A. No entertainment transportation vehicle shall be used or operated on a for hire basis by any person in the territorial jurisdiction of the Memphis City government without an owner or operator having first obtained a certificate of public convenience and necessity. Each certificate shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article. Applications will be reviewed and considered as they come in to the MTC.

B. It shall be unlawful for any person to transport or offer to transport passengers in any entertainment transportation vehicle which does not have affixed to the entertainment transportation vehicle a valid permit issued through the MTC.

C. Certificates shall not be transferred, sold or given from one owner to another, including the sale of one entertainment transportation vehicle company in its entirety to another, without approval of the MTC upon the filing of an application for such transfer.

D. The MTC shall track all certificates, and after the renewal period, if the certificate has not been renewed it shall be determined to be void.

**Section 2. Findings - Issuance of certificate or additional permits.**

A. If the MTC finds that further or additional entertainment transportation vehicle service within the Memphis City Limits is required by the public convenience and necessity and that the applicant is fit, willing, and able to provide such service and to conform to the provisions of this chapter and the rules promulgated by the MTC, the MTC may issue a certificate of public convenience and necessity, stating the name and address of the applicant, the number of vehicles authorized upon such certificate and the date of issuance.

B. In making the above findings, the MTC shall, at a minimum, take into consideration the number of entertainment transportation vehicles already in operation, whether existing service is adequate to meet the public need; the character, experience, financial condition and responsibility of the applicant, and such criteria as may be adopted by the MTC in its rules.

**Section 3. Application - Information and fees required.**

A. An application for a certificate of public convenience and necessity shall be filed with the MTC for each classification of service to be provided. Forms will be provided by the MTC and payment of a nonrefundable fee will be charged. The amount of the application fee shall be established by the MTC based the cost of processing the application.

B. The application shall require the following information:

1. Name and address of applicant;

a. Sole-proprietor: Name and address of the owner.

b. Partnership: Names and addresses of all partners.

c. Corporation or association: Names and addresses of all the officers, directors, and members.

2. Business name (d/b/a), business address and telephone number if different from above;
3. A background check of each person;
4. Proof of U.S. citizenship or legal residency;
5. Names and addresses of two references as to the applicant's financial responsibility;
6. Prior experience of applicant in transport of passengers;
7. Number of vehicle permits requested, and copy of proof of ownership or other evidence of lawful control for each vehicle to be operated under the certificate;
8. Procedures for training drivers;
9. Rules and regulations governing driver appearance and conduct;
10. Disclosure of prior state law or City of Memphis Code of Ordinances violations pertaining to noise from motor vehicles, lewd conduct as part of a commercial business, or alcoholic beverage open container laws;
11. Any additional information the applicant desires to include to aid in the determination of whether the requested certificate should be issued;
12. Such further information as the MTC may require.

C. An applicant will be ineligible for consideration if:

1. Any of the owners, partners, officers, directors, or members are under twenty-one years of age and/or the entertainment transportation vehicle business has no separate legal existence beyond a shareholder, owner, or partner who is under the age of twenty-one years of age;
3. Any of the owners, partners, officers, directors, or members has violated any portion of this chapter of the City of Memphis Code of Ordinances within five years immediately preceding the date of application.

4. Any portion of the application is incomplete or contains incorrect or untruthful information.

D. An applicant will be ineligible for consideration for a one-year period if any owner, partner, officer, director, or member has been found guilty by a court of competent jurisdiction of violating state law or City of Memphis Code provisions three or more times within the past three hundred sixty-five days pertaining to noise from motor vehicles and/ or lewd conduct as part of a commercial business.

**Section 4. Issuance and Denial – Fees.**

A. If the MTC or the MTC director determines that further entertainment transportation vehicle services are required and the applicant is qualified, the MTC or MTC director may issue a certificate.

B. The MTC shall adopt the criteria for determining the necessity for additional entertainment transportation vehicle certificates.

C. Any person whose application for a certificate is denied by the MTC director may file a written appeal with the MTC within thirty days of denial and request an appearance before the MTC and appear in-person for consideration of the certificate application.

D. The certificate shall state the name, business address and telephone number of the applicant and the date of expiration.

E. The MTC will set a fee to be charged for the issuance of each approved entertainment transportation vehicle permit associated with the certificate.



**Section 5. Annual renewal.**

A. All certificates issued under the provisions of this chapter shall expire on April 30 of the year following the date on which the certificate was issued. All certificates may be renewed by the MTC director for each successive year between April 1 and 30 of each year. A renewal fee for each approved certificate and other licensing fees shall be charged at the annual renewal of the certificate.

B. All applicants for renewal must be current with all assessments and taxes due to the City of Memphis.

C. If a licensed entertainment transportation vehicle company or individual fails to renew prior to the end of the renewal period, the renewal applicant shall be treated as a new applicant.

**Section 6. Insurance required.**

A. Before any certificate shall be issued by the commission director, or before the renewal of such certificate shall be granted, the applicant or association shall be required to file an insurance policy and/or certificate of insurance with the MTC director evidencing insurance coverage as required in this section.

B. Insurance coverage as provided in subsection (A) of this section means a policy of public liability insurance issued by an insurance company qualified to do business in the state and naming the City of Memphis as an additional insured. Any policy of public liability insurance issued in compliance with this article shall be for a term of not less than one year, and for any entertainment transportation vehicle insured thereunder shall afford protection to any third party sustaining injury or damage as a result of the negligent operation of any entertainment

transportation vehicle, with the minimum amount of insurance to be one million dollars, known as combined single limit insurance coverage. Such policy shall expressly provide that it may not be canceled, except after thirty days written notice to the commission director.

C. Such certificate will certify that the policy provides for a minimum of one million dollars per entertainment transportation vehicle for liability imposed by law for damages on account of bodily injuries, death or personal damages, other than injuries, death or property damages of the company or driver, in any one accident resulting from the ownership, maintenance or use of such entertainment transportation vehicle. The certificate of insurance shall also list the serial number or identification number of each entertainment transportation vehicle that is insured.

D. The operation of any entertainment transportation vehicle within the Memphis City Limits without having in force the public liability insurance policy as outlined in this section is hereby declared to be a violation of this article, subjecting the owner and/or certificate holder to all applicable penalties provided in this article and this chapter.

E. Any changes in insurance must be reported to the commission immediately.

**Section 7. Request for additional vehicle permits.**

An application for additional entertainment transportation vehicle permits under the certificate issued pursuant to this article must be filed with the MTC director. If approved, the established permit fee will be applied.

**Section 8. Suspension and revocation.**

A. A certificate issued under the provisions of this chapter may be revoked, suspended, placed on probation, otherwise restricted, or not renewed by the MTC if the holder thereof has:

1. Violated any of the provisions of this chapter or failed to comply with any rule or regulation established by the MTC;

2. Violated any provision of this code or other ordinances of the City of Memphis or laws of the United States or the State of Tennessee, the violation of which reflects unfavorably on the fitness of the holder to offer transportation services, including but not limited to, violations for excessive noise;

3. Failed to pay assessments or taxes due to the City of Memphis; or

4. Made a misrepresentation or false statement when obtaining a certificate or additional permits, or transferring a certificate.

B. Prior to any action to revoke, suspend, place on probation, otherwise restrict, or not renew a certificate, the holder shall be given notice to the address listed on their certificate of the proposed action to be taken and shall have an opportunity to be heard by the MTC.

C. If the holder commits an act in violation of the criminal laws of the United States of America or state of Tennessee Code and the MTC director determines that holder poses a threat to the public safety, the MTC director may enact an emergency suspension of the holder's certificate to remain in effect until the holder has the opportunity to be heard by the MTC at the next available meeting, but in no circumstance later than sixty days from the date of the emergency suspension.

Article 3. Vehicle and Driver Permits

**Section 1. Permit required- Violations and term.**

A. No person shall drive or otherwise operate an entertainment transportation vehicle engaged in the transportation of passengers unless he or she has a driver's permit and a currently effective Tennessee commercial driver's license. To qualify for a permit, an applicant must comply with all of the requirements and stipulations of this chapter and any rules and regulations adopted by the MTC.

B. A person commits an offense if he or she operates an entertainment transportation vehicle in the Memphis City Limits without a driver's permit issued by the MTC.

C. A business commits an offense if it employs or otherwise allows a person to operate an entertainment transportation vehicle owned, controlled, or operated by the permittee unless the person has a driver's permit issued by the MTC.

D. Each permit shall be valid for one year and shall be subject to renewal pursuant to the provisions set forth in this article.

**Section 2. Application-Information and fees required.**

A. An application for an entertainment transportation vehicle driver's permit shall be filed with the MTC on forms provided by the MTC.

B. Such application shall be certified under oath and shall at a minimum contain the following information:

1. The name, residential address, telephone number and date of birth of the applicant.

No applicant under eighteen years of age will be accepted.

2. The type(s) of vehicle(s) which the applicant will drive under the certificate.
3. The years of experience of the applicant in the transportation industry.
4. A concise history of the applicant's employment.

C. The applicant shall provide copies of the following documents in order to submit his application:

1. A valid driver's license issued by one of the fifty states within the United States of America for the issuance or renewal of an entertainment transportation vehicle driver's permit corresponding with the type/classification of entertainment transportation vehicle to be operated (i.e., commercial driver license, for-hire endorsement, etc.).

2. A Social Security card or birth certificate.

3. If a resident alien, a current work permit or other valid United States Immigration and Customs Enforcement document.

4. A copy of a currently effective Tennessee commercial driver's license.

D. Each application shall be accompanied by an official driver record obtained no longer than thirty days previous to the date of application. All applicants are required to meet the following standards:

1. No convictions in the last five years for any of the following offenses involving bodily injury or death and no convictions in the last three years for any of the following offenses not involving injury or death:

- a. Hit and run;
- b. Driving under the influence of an alcoholic beverage or drug;
- c. Reckless or careless driving.

2. For an initial permit, no more than three moving violations within the last three years and no more than two moving violations in the last year.

3. For a renewal permit, no more than four moving violations within the last three years and no more than two moving violations in the last year.

**Section 3. Fingerprint-based criminal background investigation.**

A. All applicants for an entertainment transportation vehicle driver's permit must undergo a fingerprint-based identification and background check. The MTC staff shall collect background check fees from applicants and schedule them for fingerprinting. A background check report and a copy of the driving record (MVR) of the applicant, if any, shall be attached to the application and forwarded for consideration by the MTC.

B. Any applicant shall, in addition to any disqualifications listed elsewhere in this chapter, be disqualified if the applicant:

1. Has been convicted, pleaded guilty, placed on probation or parole, pleaded nolo contendere, or been released from incarceration within a period of five years prior to the date of application for violation of any of the following criminal offenses under the laws of Tennessee, any other state or of the United States:

- Homicide,
- Rape,
- Aggravated assault,
- Kidnapping,
- Robbery,
- Felony theft,

- Burglary,
- Child sexual abuse,
- Domestic violence,
- Any sex-related offense,
- Leaving the scene of an accident,
- Criminal solicitation, or criminal attempt to commit any of above,
- Perjury or false swearing in making any statement under oath in connection with the application for a driver's permit, or
- The felony possession, sale or distribution of narcotic drugs or controlled substances.

2. If, at the time of application, the applicant is charged with any offenses in subsection (1) of this section, consideration of the application shall be deferred until the applicant's entry of a plea, conviction, acquittal, dismissal, or other final disposition of the charges.

3. Has been convicted of or released from incarceration due to two or more felony offenses within the past seven years.

4. Has been convicted for a period of two years prior to the date of application of the violation of two or more sections of this Code or other ordinances governing the operation of entertainment transportation vehicles.

If the applicant fails to disclose any criminal conviction, except traffic citations, on the application for a permit, the application may be referred to the MTC for consideration.

**Section 4. Application - Approval or disapproval.**

The MTC or its staff shall, upon the consideration of the application and any reports and certificates required to be attached thereto, approve or reject the application. Any applicant rejected

by the MTC staff may file an appeal within thirty days of denial and request an appearance before the MTC. The appeal shall be heard by the MTC at the next available MTC meeting with the appellant appearing in-person for consideration of the application.

**Section 5. Issuance - Permit contents and display.**

A. Upon approval of an application for an entertainment transportation vehicle driver's permit, the MTC director shall issue a permit to the applicant, which shall bear the name, driver's permit number, height, date of birth, photograph of the applicant, and other information deemed appropriate.

B. Every driver shall at all times conspicuously display a permit either on the clothing of the driver's upper body or within the entertainment transportation vehicle. A driver shall allow the MTC director, MTC inspector, or a police officer to examine the permit upon request.

**Section 6. Unpermitted drivers.**

A. If any person is found operating any entertainment transportation vehicle within the Memphis City Limits without a valid entertainment transportation vehicle driver's permit on behalf of any holder of a certificate of necessity and public convenience, the MTC director may immediately take action to suspend or revoke the certificate.

B. A person whose entertainment transportation vehicle driver's permit is suspended shall not drive an entertainment transportation vehicle within the Memphis City Limits during the period of suspension.



**Section 7. New application after denial.**

Upon denial of an application for a driver's permit, no new application shall be considered for a period of three months.

**Section 8. Expiration - Issuance and replacement fee.**

A. Each entertainment transportation vehicle driver's permit shall be issued for a period of one year.

B. A permit may be issued to qualified applicants upon the payment of a fee established by the MTC plus the costs of investigation. If the permit for the preceding year has been revoked, no new permit shall be issued without prior MTC approval. A fee established by the MTC shall be charged for all replacement driver permits. Such fees shall be in addition to the cost of any investigation.

**Section 9. Suspension, revocation, and appeal.**

A. The MTC director may suspend or revoke any applicant's certificate if the director determines that the applicant fails to comply with any requirement of this chapter. The director shall notify the applicant of any specific failure to comply with this chapter resulting in the suspension or revocation of their certificate and the applicant's right to an appeal by first class mail, express mail, overnight carrier, or personal service. If the MTC director suspends or revokes a certificate, the applicant may appeal within ten days of such suspension or revocation to the MTC for a hearing to determine if such suspension or revocation is justified. The decision of the MTC shall be final, subject to any appropriate judicial review.

B. The MTC director is hereby given authority to suspend any entertainment transportation vehicle driver's permit issued under this article for a driver's failure or refusal to comply with the provisions of this article. Such suspensions may not last for a period of more than thirty days. The MTC director is also given authority to revoke any permit for failure to comply with the provisions of this article.

C. If a driver is charged in any court with a misdemeanor involving moral turpitude, or with any felony, or with driving while intoxicated or under the influence of drugs, or with violations of this article, the MTC director is hereby given authority to suspend the driver's permit pending final disposition of the charges against them, and to revoke such permit upon conviction thereof.

D. The MTC director may revoke an entertainment transportation vehicle driver's permit if the director determines that the permittee has engaged in conduct detrimental to the public safety.

E. The MTC director may not suspend or revoke any permit unless the driver has received notice of the charges against them and has had the opportunity to present evidence on their behalf.

F. Any permittee whose license has been suspended or revoked by the MTC director may file a written appeal with the MTC within ten days. If an appeal is not made to the MTC within ten days of the MTC director's decision, the MTC director's decision shall be final. A letter addressed to the MTC and delivered to the MTC office stating that an appeal from the decision of the MTC director is desired shall perfect such appeal. The MTC, as soon as practicable after receiving such notice of appeal, shall notify the applicant or permittee of the date and time of the hearing which shall be not less than five days after the mailing of such notice. After the hearing of the appeal, the MTC shall sustain, modify or reverse the findings of the MTC director, and shall

notify the MTC director and the applicant or permittee of its findings. The findings of the MTC shall be final, subject to any applicable legal processes.

G. A driver whose permit is revoked may not reapply for ninety days from the date of revocation and will be treated as a new applicant.

**Section 10. Revocation of a valid driver's license.**

An entertainment transportation vehicle driver's permit issued under this chapter shall be coterminous with the permittee's valid driver's license issued by one of the fifty states in the United States of America for the type/classification of entertainment transportation vehicle to be operated. Any time that a permittee's driver's license is suspended, revoked, or cancelled, their entertainment transportation vehicle driver's permit shall likewise be immediately suspended, revoked, or cancelled. The entertainment transportation vehicle driver's permit shall immediately be surrendered to the MTC until such time as their driver's license is reinstated.

**Section 11. Conduct of drivers.**

A driver shall at all times:

1. Act in a reasonable, prudent, safe, and courteous manner;
2. Not permit a person not possessing an entertainment transportation vehicle driver's permit to operate the entertainment transportation vehicle;
3. Not permit more passengers to be carried in an entertainment transportation vehicle than for which there is proper seating, and at no time shall the driver allow any passenger to ride in any area of the entertainment transportation vehicle not specifically designed or designated as a seat;

4. Not permit any passenger sixteen years of age or younger to ride in an entertainment transportation vehicle unaccompanied by an adult;
5. Not operate an entertainment transportation vehicle while under the influence of intoxicating beverages or drugs;
6. Not operate an entertainment transportation vehicle while possessing a lighted cigarette, cigar, or pipe at any time;
7. Observe and obey all state and local noise and traffic laws and regulations;
8. Not permit a customer to stand or ride on any part of the entertainment transportation vehicle other than the designated seating area while the entertainment transportation vehicle is in motion and to advise the passengers that they must be seated except when loading or unloading.

**Section 12. Return of passengers' property.**

A driver of an entertainment transportation vehicle shall immediately attempt to return to a passenger any property left by the passenger in the entertainment transportation vehicle. If unable to locate the passenger, the driver shall turn the property into the certificate holder's company office at the end of the driver's shift or at the first available opportunity. In such cases, the certificate holder shall make a good faith effort to locate the passenger, and, if not successful, hold the property in storage at its location for at least thirty days, unless otherwise directed by the director.

**Section 13. Compliance with provisions.**

Every driver granted a permit under this article shall comply with all City of Memphis, state, and federal laws. Failure to do so may result in disciplinary actions including suspension and up to revocation of the entertainment transportation vehicle driver's permit.

Article 4. Equipment and Operation

**Section 1. Vehicle permit required.**

Each entertainment transportation vehicle must have a permit issued by the MTC. The permit will identify each entertainment transportation vehicle by a unique number in accordance with rules and procedures established by the MTC and will be associated with the specific classification and by certificate holder. Permits are not transferable to other entertainment transportation vehicles or other certificate holders.

**Section 2. Ownership and control of vehicles.**

All entertainment transportation vehicles permitted under this chapter must be under the lawful control of a certificate holder demonstrated either by proof of ownership or a copy of a valid lease agreement and must be under the direct control of a permitted driver while in operation or use.

**Section 3. Vehicle to display identification.**

All entertainment transportation vehicles operated under the authority of this chapter shall be equipped with identification as prescribed by the MTC in rules and regulations.

**Section 4. Vehicle requirements; safety standards.**

A. To the fullest extent permitted by Tennessee and federal law, prior to the use and operation of any vehicle under the provisions of this chapter, the vehicle shall be thoroughly examined and inspected by the certificate holder or a third party in accordance with rules and regulations prescribed by the MTC. These rules and regulations shall be promulgated to provide safe transportation and specify such safety equipment and regulatory devices as the MTC shall

deem necessary. When a certificate holder finds that a vehicle has met all the terms established by the MTC, the holder shall certify this to the MTC director, who shall authorize a permit to be issued.

B. To the fullest extent permitted by Tennessee and federal law, every vehicle operating under this chapter is subject to random and periodic inspections to ensure the continued maintenance of safe operating conditions. A certificate holder shall make an entertainment vehicle available for inspection upon or prior to the expiration of the notice period provided for in the rules and regulations adopted by the MTC, when ordered to do so by MTC staff. If, upon inspection it is determined that an entertainment vehicle for hire is not in compliance with this chapter or MTC rules, the MTC staff shall order the vehicle to be removed from service or brought into compliance within a reasonable period of time and require it to be re-inspected.

C. Every vehicle operating under this chapter shall be kept in a clean and satisfactory condition, according to rules and regulations promulgated by the MTC.

D. Every vehicle operating under this chapter must be equipped with seats for each passenger.

E. To the fullest extent permitted by Tennessee and federal law, every vehicle operating under this chapter shall undergo an annual detailed mechanical inspection conducted by an approved mechanic pursuant to the requirements of rules and regulations adopted by the MTC. The records of these inspections must be maintained and made available to MTC staff as provided by the rules and regulations adopted by the MTC. The certificate holder shall certify to the MTC director compliance with this subsection.

F. The MTC may, by rule, establish additional inspection requirements for entertainment transportation vehicles and other equipment used in the entertainment transportation vehicle service.

G. The MTC shall have the authority to promulgate rules and regulations related to vehicle safety that are consistent with applicable law to ensure the safe operation of entertainment transportation vehicles.

**Section 5. Operating area.**

Entertainment transportation vehicles shall operate upon the streets in the Memphis City Limits on routes or zones delineated by the Memphis Transportation Commission, within the selected portion of the Central Business Improvement District (Core District, Edge/Medical District, and South District - see Exhibit A). Any deviation or amendments to routes or zones must be reviewed by the MTC or its staff and receive approval from the Memphis City Council by Resolution. Any approved deviation must be reported to the MTC or the MTC director staff prior to beginning of operations.

**Section 6. Operating hours.**

Entertainment transportation vehicles shall operate between the hours of 11 AM to 11 PM. Any deviation from these hours must be reviewed by the MTC or its staff and receive approval from the Memphis City Council by Resolution. Any approved deviation must be reported to the MTC or the MTC director staff prior to beginning of operations.

**Section 7. Records and reports.**

A. Each holder shall maintain at a single location business records of its entertainment transportation vehicle business. The records must be maintained in a manner approved by the MTC director and contain the following information:

1. An identification of the entertainment transportation vehicles operating each day;
2. An identification of the drivers operating the entertainment transportation vehicles each day and a statement of the hours each driver operated the vehicle each day; and
3. Any other information the MTC director determines necessary for monitoring the activities, operations, service, and safety record of the licensee.

B. A certificate holder shall make its records available for inspection by the MTC director, inspector, law enforcement officer or designated officials.

**Section 8. Accidents**

A. All accidents arising from or in connection with the operation of an entertainment transportation vehicle shall be reported within seventy-two hours from the time of occurrence to the MTC director if the accident results in:

1. Death or bodily injury to any person, or
2. Damage to any vehicle, or to any property in an amount exceeding the sum of four hundred dollars.

B. An entertainment transportation vehicle damaged in an accident, but still operable without placing the driver or passengers at risk, must be repaired within two weeks of the accident or removed from operation until repaired and inspected.



**Section 9. Passengers-Receiving and discharging by drivers.**

A. Drivers shall only receive and discharge passengers at designated staging areas/locations approved by the MTC.

B. Drivers shall not allow additional passengers to board the entertainment transportation vehicle after the vehicle has left its fixed starting point.

**Section 10. Disposition of disorderly passengers.**

Drivers shall act in a reasonable and professional manner in dealing with disorderly passengers.

**Section 11. Soliciting business.**

No certificate holder or driver of an entertainment transportation vehicle shall offer any compensation of whatever form to any person or entity in exchange for the direction or recommendation of passengers to that entertainment transportation vehicle, provided that this section shall not prohibit certificate holders from advertising their entertainment transportation business.

**Section 12. Compliance with other laws.**

It shall be a violation of this chapter for a certificate holder or driver to violate any other applicable federal, state or local law or regulation in offering or providing entertainment transportation vehicle services.

**Section 13. Enforcement.**

A. The inspectors of the Memphis Transportation Commission are authorized and are instructed to observe the conduct of holders of certificates and permits operating under this chapter. Upon discovering a violation of the provisions of this chapter, the inspector may either report the violation to the MTC, which will order or take appropriate action, or issue a citation as authorized under Article IV, Section 1 A.

B. In addition to the enforcement authority provided to MTC inspectors in subsection A. of this section, officers of the Memphis Police Department shall have the authority to enforce this chapter. A police officer, upon observing a violation of this chapter or of any regulation or rule established by the MTC or the MTC director pursuant to this chapter, may take necessary enforcement action to insure effective regulation of entertainment transportation vehicles.

**Section 14. Limitation of service due to weather conditions.**

Entertainment transportation vehicles shall not receive passengers when weather conditions are sufficiently adverse or inclement so as to endanger passengers or the public. The MTC, by rule, may adopt specific guidelines for the operation of entertainment transportation vehicles in inclement weather conditions.

Article 5. Violations – Civil Penalty Schedules

**Section 1. Violations-Penalties-Additional regulations.**

A. All provisions of this chapter shall be governed by the penalties and procedures for general ordinance violations set forth in the Code of Ordinances of Memphis, Tennessee, 1-24-1.

B. Notwithstanding any provision contained herein, the MTC shall have the authority to enforce the provisions of this chapter.

C. The MTC shall have the authority to promulgate, implement, and enforce additional rules and regulations pertaining to entertainment transportation vehicles, provided such rules and regulations are consistent with the provisions of this chapter, and prior approval is obtained from the Memphis City Council.

**Section 2. Severability.**

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 3. Effective Date.**

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.

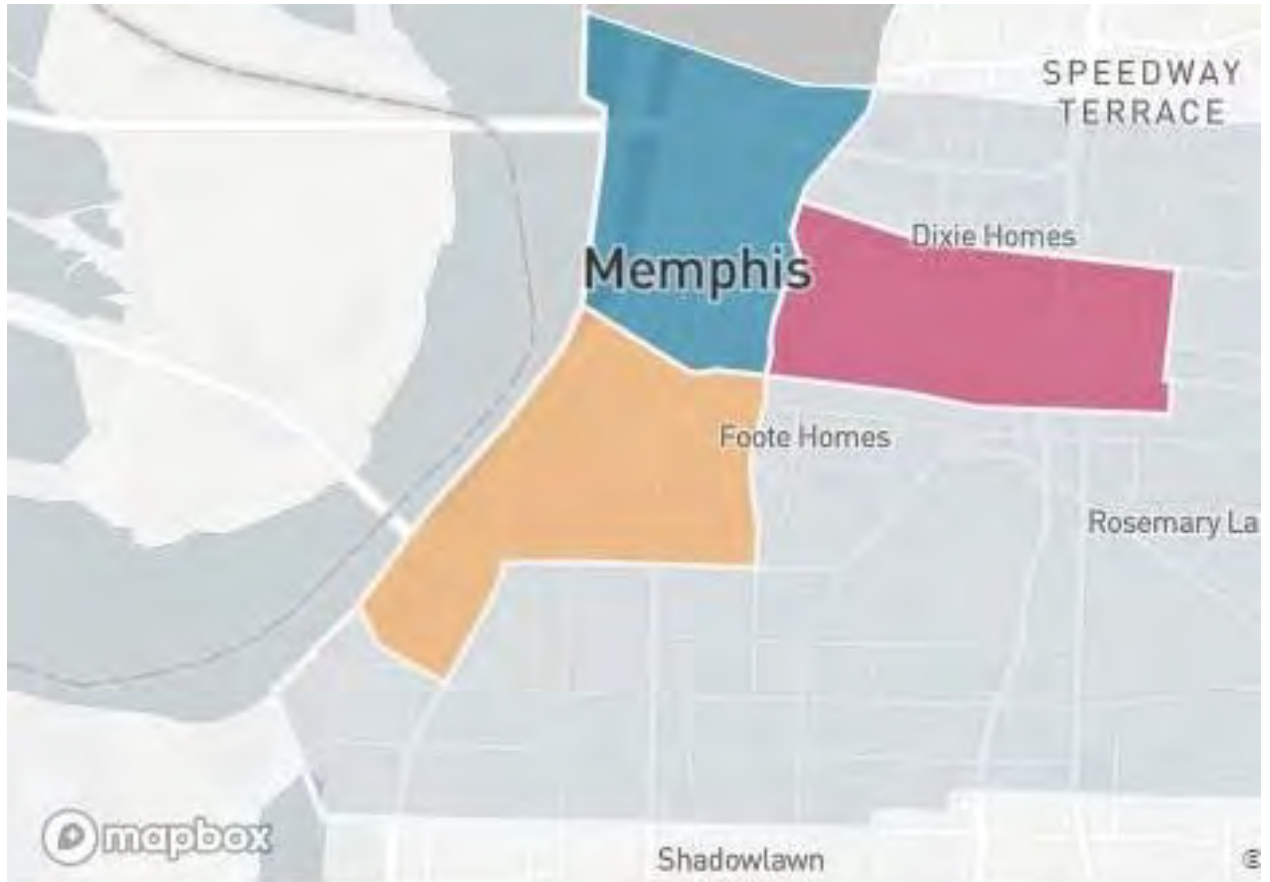
SPONSOR

Ford Canale

CHAIRMAN

Martavius Jones

Exhibit A



- South District
- North District
- Core District
- Edge/Medical District
- Core City District

## RESOLUTION TO AMEND THE CITY OF MEMPHIS UTILITY ASSISTANCE PROGRAM

WHEREAS, the City of Memphis has a Utility Assistance Program to provide emergency funds to residents who are struggling to afford energy and utility expenses; and

WHEREAS, the economic challenges that many residents face have prompted an influx of applicants in need of utility assistance; and

WHEREAS, due to the limitations of certain eligibility requirements of the program, many Memphians are unable to receive assistance; and

WHEREAS, the Memphis City Council acknowledges the evolving economic landscape and the increasing demand for economic stability, which has significantly strained the finances of various citizens, particularly those on fixed incomes or working minimum wage jobs, and facing hardships like hospitalization or job loss; and

WHEREAS, an influx of applicants seeking assistance due to hardship has created a growing volume of individuals in need, and organizations like the Neighborhood Christian Center play a crucial role in processing eligible applicants for such assistance; and

WHEREAS, to effectively manage the increasing workload and maintain the quality of services provided, the Neighborhood Christian Center requires administrative fees to support its operations and continue serving the community with the necessary resources; and

WHEREAS, current language in the Program has constrained the number of persons who qualify to participate in the program;

NOW, THEREFORE, BE IT RESOLVED that the Memphis City Council hereby amends the following requirements of the Utility Assistance Program as follows:

### Requirement A

1. Head of household and/or certified medically as being totally (100%) disabled and/or faced with a hardship such as job loss or hospitalization within the past 6 months with proof of documentation
2. Active utility account in applicant's name or spouse's name
3. Must have received a cut-off notice

OR

### Requirement B

1. Head of Household or spouse on active military deployment
2. Active utility account in applicant's name or spouse's name
3. Combined household income that does not exceed 130% of the established federal poverty income level
4. Must have received a cut-off notice

BE IT FURTHER RESOLVED, that if balances remain owed and a cut-off notice has been received, participants whose addresses are located in the City of Memphis may receive additional assistance from the City of Memphis Utility Assistance Program, although prior assistance from other organizations and/or agencies have been applied to the account within the last 6 months.

BE IT FURTHER RESOLVED, that due to the large volume of applicants facing hardships, the Neighborhood Christian Center is to receive an administrative fee not to exceed 14% of the funds allocated to them for disbursement.

BE IT FURTHER RESOLVED, that due to the large volume of applicants under economic strain and facing hardships MLGW will credit the account of those participants that successfully pass the screening process by increasing the amount from Five Hundred Dollars (\$500.00) to an amount not to exceed Seven Hundred Dollars (\$700.00) per participant.

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