

ORDINANCE NO: 5766

**AN ORDINANCE TO AMEND CHAPTER 2, CODE
OF ORDINANCES, CITY OF MEMPHIS, BY AMENDING
SECTION 2-22-7 (ENGINEERING ADMINISTRATION FEES)**

WHEREAS, the Division of Engineering processes requests for various permits pertaining to special permission parking, construction dumpster placement, and temporary closure of portions of the public right-of-way (ROW); and

WHEREAS, the Division of Engineering does not currently charge a fee for processing any of the above referenced permits; and

WHEREAS, the Division of Engineering wishes to establish a fee structure for various Engineering Permits to recover the cost associated with processing these permit requests;

NOW, THEREFORE,

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS, that Chapter 2, Code of Ordinances, City of Memphis, be and the same is hereby amended as follows:

Sec. 2-22-7. - Engineering Administration and Permit Fees.

A. For the processing of Engineering Permits and the performance of Engineering Administration in the processing of final plans for land development projects including subdivisions, planned developments, planned commercial developments and street dedications and the preparation of public improvement contracts. The City Engineer shall charge and receive from the applicant nonrefundable fees in accordance with the following fee schedule for all such projects and permit requests submitted to the City Engineer for processing:

(1) Development Review Fees

- | | |
|--|-----------|
| a. Single Family Residential (5 lots or less), schools, churches | |
| 1. Base Fee..... | \$ 525.00 |
| 2. Incremental Fee per lot (added to base fee)..... | 25.00 |
| b. Single Family Residential (more than 5 lots) | |
| 1. Base Fee..... | 1,000.00 |
| 2. Incremental Fee per lot (added to base fee)..... | 50.00 |
| c. Multi-Family Residential | |
| 1. Base Fee..... | 1,250.00 |
| 2. Incremental Fee per unit (added to base fee)..... | 25.00 |

#22

d. Non-residential uses (1 acre or less)	
1. Base Fee.....	1,250.00
e. Non-residential uses (more than 1 acre)	
1. Base Fee.....	1,250.00
2. Incremental fee per acre or portion thereof (added to base)	50.00
(2) Developments Requiring Public Improvement Contracts	
a. Base Fee	\$ 1,725.00
b. Incremental Fee (added to base fee) Greater of:	
1. per lot (applies to single family residential only)	50.00
2. per unit (applies to multi-family only)	25.00
3. per acre (all uses).....	100.00
c. Maximum fee	7,000.00
(3) Street Cut Permits	
a. Minimum Fee	\$ 300.00
b. Per linear foot of pipe or other cut	10.00
c. Connection to existing structure.....	100.00
d. Construction of new structure	200.00
e. Street Improvements (per linear foot).....	11.00
f. Sidewalk Improvements (per sq foot).....	0.48
g. Curb Cut (per sq foot).....	0.48
h. Curb, Gutter & Sidewalk (per sq foot).....	0.83
(4) Administrative Site Plan Review	
a. Base Fee	\$ 750.00
b. Incremental Fee per acre or portion thereof (added to base fee)	25.00
(5) Fiber Optic Cable Installation Permit (aerial or buried)	
a. Base Fee	\$ 750.00
b. Incremental Fee per linear foot of cable	1.00
(6) Miscellaneous Charges	
a. Contract Time Extensions	250.00
b. Contract Bond Conversion	250.00
c. Contract Bond Reduction.....	250.00
d. Assignment/Assumption Agreement.....	250.00
e. Supplemental/Amended Agreement.....	750.00
f. Redraft Fee.....	250.00
g. Re-review fee for projects requiring more than 3 reviews (per additional review)	250.00
h. Plans Review Fee (due at time plans are first submitted)	525.00
i. Traffic Engineering Plan Review (direct submittal).....	250.00
j. Plat Record/Re-record.....	525.00

k. Street Closures, Easements, Encroachments	250.00
l. Monitoring Well Permits.....	300.00

(7) Engineering Permit Fees

a. Bagged/Displaced Parking Meter Fee.....	\$50.00 (plus current daily meter rate)
b. Construction Dumpster Permit Fee	\$50.00 (plus \$10 per day the dumpster is in the City ROW)
c. Special Permission Parking	\$50.00
d. Lane Closure Permit Fee	\$50.00 (plus \$10 per lane closed, per day)
e. Temporary Road/Alley Closure Permit Fee	\$50.00 (plus \$50.00 per day the Road/Alley is closed)
f. Sidewalk Closure Permit Fee	\$50.00 (plus \$10.00 per day the sidewalk is closed)
g. Over-Dimensional Transport Permit Fee	\$100.00 (plus any associated escort fees)

B. With the exception of the Plans Review Fee, which is paid in advance, all fees for Engineering Administration shall be paid to the City Engineer at the time the contract or permit is ready to be executed with the City through the City Engineer.

C. Engineering Permit Fees

(1) The Division of Engineering shall establish all rules, regulations, and permit requirements associated with the above referenced Engineering Permit Fees. Applicants will be required to give the Division of Engineering at least 10 calendar days of advance notice on all permit requests unless the request is associated with a natural disaster or public emergency.

(2) **Permit Fee Waivers:** Engineering Permit Fees associated with Lane, Road, or Sidewalk closures may be waived for the following:

- a. City of Memphis crews performing roadway/sidewalk maintenance, repair, or construction.
- b. City of Memphis contractors performing roadway/sidewalk maintenance, repair, or construction.
- c. Activities associated with Federal, State, or County managed infrastructure projects.
- d. Closures implemented by the Memphis Police Department for investigations or other public safety related issues.
- e. Closures approved by the Memphis Police Department or City of Memphis Permits office for Special Events.
- f. When the City Engineer finds that it is necessary to close a portion of the public right-of-way for the immediate protection of public safety.

(3) **Penalty of Violation:** It shall be a violation of this chapter for any individual to block a portion of the public right-of-way or commence activity that requires a permit without first obtaining the required permit from the Division of Engineering. Anyone found in violation of this chapter commits a Class C misdemeanor and shall be subject to a \$50.00 fine for each day that the violation remains in effect. Violators will also be required to retroactively pay all associated permit fees.

SECTION 2. BE IT FURTHER ORDAINED, 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 3. 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 Chairperson 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:
Ford Canale

Patrice Robinson
City Council Chairwoman

Attest:
Valerie Snipes, Deputy Comptroller

THE FOREGOING ORDINANCE
5766 PASSED
1st Reading 12-01-2020
2nd Reading 12-15-2020
3rd Reading 01-05-2021
Approved [Signature]
Chairman of Council

Date Signed: _____

[Signature]
APPROVED
Mayor, City of Memphis
Date Signed: 2/8/21

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. Snipes
Comptroller