

**CITY CODE
OF THE CITY OF
CHATTANOOGA, TENNESSEE**

**CONTAINING
THE CHARTER AND
GENERAL ORDINANCES
OF THE CITY**

**Adopted, _____, 2004
Effective, _____, 2004**

Published by Order of the City Council

OFFICIALS
of the
CITY OF CHATTANOOGA, TENNESSEE
{AT THE TIME OF THIS CODIFICATION}

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PREFACE

This Code constitutes a complete recodification of the ordinances of the City of Chattanooga, Tennessee, of a general and permanent nature.

Source materials used in the preparation of the Code were the 1986 and 1995 Chattanooga City Codes, and ordinances subsequently adopted by the Board of Commissioners and City Council. The source of each section is included in the history note appearing in parentheses at the end thereof.

The chapters of the Code are arranged in alphabetical order and the sections within each chapter are catchlined to facilitate usage. Footnotes which tie related sections of the Code together and which refer to relevant provisions of the state law have been included.

Numbering System

The numbering system used in this Code is the same system used in many state and municipal codes. Each section number consists of two component parts separated by a dash, the figure before the dash representing the chapter number and the figure after the dash indicating the position of the section within the chapter. Thus, the first section of Chapter 1 is numbered 1-1 and the sixteenth section of Chapter 5 is 5-16. Under this system, each section is identified with its chapter, and, at the same time, new sections or even whole chapters can be inserted in their proper places, simply by using the decimal system for amendments. By way of illustration: If new material consisting of three sections that would logically come between sections 7-3 and 7-4 is desired to be added, such new sections would be numbered 7-3.1, 7-3.2 and 7-3.3, respectively. New chapters may be included in the same manner. If the new material is to be included between Chapters 12 and 13, it will be designated as Chapter 12.5. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject, the next successive number being assigned to the article or division.

Indices

The indices have been prepared with the greatest of care. Each particular item has been placed under several headings, some of the headings being couched in lay phraseology, others in legal terminology, and still others in language generally used by municipal officials and employees. There are numerous cross references within each index which stand as guideposts to direct the user to the particular item in which he or she is interested.

Looseleaf Supplements

A special feature of this Code is the looseleaf system of binding and supplemental service, by which the Code will be kept up-to-date periodically. Upon the final passage of amendatory ordinances, they will be properly edited and the page or pages affected will be reprinted. These new pages will be distributed to holders of copies of the Code, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

The successful maintenance of this Code up-to-date at all times will depend largely upon the holder of the volume. As revised sheets are received it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publishers that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

ADOPTING ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF CHATTANOOGA, TENNESSEE; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That the City Code published by the City Attorney's Office and consisting of Chapters 1 through 37, each inclusive, is hereby adopted and enacted as the "City Code of the City of Chattanooga, Tennessee," which Code shall supersede all general and permanent ordinances of the City adopted on or before January 1, 2002, to the extent provided in Section 2 hereof.

SECTION 2. BE IT FURTHER ORDAINED, That all ordinances of a general and permanent nature enacted on final passage on or before January 1, 2005, and not included in the Code or recognized and continued in force by reference therein are hereby repealed from and after the effective date of the Code.

SECTION 3. BE IT FURTHER ORDAINED, That the repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

SECTION 4. BE IT FURTHER ORDAINED, That unless another penalty is expressly provided, a violation of any provision of such Code, or any provision of any rule or regulation adopted or issued pursuant thereto, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00). Each day any violation continues shall constitute a separate offense.

SECTION 5. BE IT FURTHER ORDAINED, That additions or amendments to the Code, when passed in the form as to indicate the intention of the City to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

SECTION 6. BE IT FURTHER ORDAINED, That in case of the amendment of any section of the Code for which a penalty is not provided, the general penalty as provided in Section 4 of this ordinance and in Section 1-8 of such Code shall apply to the section as amended, or in case the amendment contains provisions for which a penalty, other than the afore-mentioned general penalty, is provided in another section in the same

chapter, the penalty so provided in the other section shall be held to relate to the section so amended, unless the penalty is specifically repealed therein.

SECTION 7. BE IT FURTHER ORDAINED, That any ordinance adopted after January 1, 2005, which amends or refers to ordinances codified in such Code, shall be construed as if they amend or refer to such ordinances as codified.

SECTION 8. BE IT FURTHER ORDAINED, That this Ordinance and the Code adopted hereby shall become effective two (2) weeks from and after the passage of this Ordinance on second and final reading.

PASSED on Second and Final Reading

_____, 2005

/s/ W. Jack Benson, Sr.
Chairperson

Approved: _____

/s/ Bob Corker
Mayor

Reviewed By: /s/ David Eichenthal

RLN/add

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CHARTER PROLOGUE

The City of Chattanooga was established by the General Assembly of the State of Tennessee in 1839. Since that time the Private Acts establishing the City have been amended many times. The Charter of the City was composed entirely of those private acts of the General Assembly as periodically compiled, until 1972 when the voters of the City adopted Home Rule as provided for by Article XI, Section 9 of the Constitution of Tennessee. Thereafter, pursuant to said section, amendments to the Charter have been in the form of Ordinances approved by the qualified voters of the City at general elections.

In November of 1987, a civil action captioned Brown, et al. v. Board of Commissioners of the City of Chattanooga, Tennessee, et al., Civil Action No. 1-87-388, was filed in the United States District Court for the Eastern District of Tennessee, Southern Division. The plaintiffs in the suit, twelve minority residents of the City, brought action against the Board of Commissioners of the City, seeking to have the City's at-large method of electing its Board of Commissioners set aside as being unconstitutional and/or in violation of Section 2 of the Federal Voting Rights Act of 1965, as amended in 1982 (the "Voting Rights Act"). On August 8, 1989, the court held the at-large voting provisions of the City Charter to be in violation of the Voting Rights Act and ordered that the defendant City officials and the City submit an acceptable remedial plan to bring the City into compliance with the Voting Rights Act. The court further held that pending further order of the court, the Board of Commissioners of the City would continue to operate as the governing body of the City.

Pursuant to the court's order, the City and the defendant City Commissioners submitted to the court an amended plan agreeable to counsel for the plaintiffs. With the consent of the parties, the court, by the Agreed Order, accepted and adopted the Defendants' Amended Plan (the "Defendants' Amended Plan") as a full and complete remedy for violations of the plaintiffs' rights in the case. The Agreed Order provided that the City Charter be amended as provided in the Defendants' Amended Plan.

The amendments to the City Charter provided for by the Agreed Order are extensive. Following are significant amendments to the City Charter; others are set forth in the Defendants' Amended Plan. Pursuant to the Agreed Order, the Board of Commissioners of the City and the present offices of the Mayor and the Commissioners were abolished as of noon, June 11, 1990. Under the Agreed Order, there is created the office of the Mayor, and all executive and administrative authority and responsibility vested in and executed by the Board of Commissioners and its individual members was vested exclusively in the Mayor. Further, there was created a City Council of the City, and all legislative and quasi-judicial authority and responsibility originally vested in and exercised by the Board of Commissioners was vested exclusively in the City Council. The Mayor is elected at-large and is not a member of the City Council, and the City Council is composed of nine members, each member being elected from one of nine districts within the geographic boundaries of the City.

Since June 11, 1990, at Noon, the City has operated under the Mayor/Council form of government.

The information set forth above is a summary of selected provisions of the Agreed Order and the Defendants' Amended Plan. The summaries of these documents do not purport to be complete and are qualified in their entirety by reference to the Agreed Order and Defendants' Amended Plan.

A copy of the Court's Judgment, the Agreed Order, the Defendants' Amended Plan, and two subsequent amendments thereto are included in the Appendix to the Charter Compilation.

References are included in some sections of the Charter where, in the opinion of the City Attorney, the Charter has been amended by the Court Order, but the inclusion of such references is not conclusive, nor is it intended to be comprehensive, but is only for the convenience of those consulting the Charter as a reminder to look at the Court Order. All provisions of the codified charter adopted before June 11, 1990 must be read as being subject to the superior authority of the Court Order where the Charter and the Court Order are in conflict.