

**THE
CHATTANOOGA
CITY
CODE**

Revised and edited by the

**MUNICIPAL TECHNICAL ADVISORY SERVICE
INSTITUTE FOR PUBLIC SERVICE
THE UNIVERSITY OF TENNESSEE**

in cooperation with the

TENNESSEE MUNICIPAL LEAGUE

January 2009

OFFICIALS

of the

**CITY OF CHATTANOOGA, TENNESSEE
(AT THE TIME OF THIS CODIFICATION)**

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Ron Littlefield

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Council Member, District 9

CITY ATTORNEY

Michael A. McMahan

PREFACE

The Chattanooga City Code contains the codification and revision of the ordinances of the City of Chattanooga, Tennessee. By referring to the historical citation appearing at the end of each section, the user can determine the origin of each particular section. The absence of a historical citation means that the section was added by the codifier. The word "modified" in the historical citation indicates significant modification of the original ordinance.

The code is arranged into chapters, articles, divisions, and sections. Related matter is kept together, so far as possible, within the same chapter. 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.

By utilizing the index and the table of contents, together with the cross references and explanations included as footnotes, the user should locate all the provisions in the code relating to any question that might arise. However, the user should note that most of the administrative ordinances (e.g. Annual Budget, Zoning Map Amendments, Tax Assessments, etc...) do not appear in the code. Likewise, ordinances that have been passed since the last update of the code do not appear here. Therefore, the user should refer to the city's ordinance book or the city recorder for a comprehensive and up to date review of the city's ordinances.

Following this preface is an outline of the ordinance adoption procedures prescribed by the city's charter.

The code has been arranged and prepared in loose-leaf form to facilitate keeping it up to date. MTAS will provide updating service under the following conditions:

(1) That all ordinances relating to subjects treated in the code or which should be added to the code are adopted as amending, adding, or deleting specific chapters or sections of the code (see section 7 of the adopting ordinance).

(2) That one copy of every ordinance adopted by the city is kept in a separate ordinance book and forwarded to MTAS annually.

(3) That the city agrees to pay the annual update fee as provided in the MTAS codification service charges policy in effect at the time of the update.

When the foregoing conditions are met MTAS will reproduce replacement pages for the code to reflect the amendments and additions made by such ordinances. This service will be performed at least annually and more often if justified by the volume of amendments. Replacement pages will be supplied with detailed instructions for utilizing them so as again to make the code complete and up to date.

The able assistance of Nancy Gibson, Linda Dean and Doug Brown, MTAS Administrative Specialists, and Hannah Kraemer, MTAS Program Resource Specialist, is gratefully acknowledged.

Steve Lobertini
Codification Consultant

ORDINANCE NO. 12219

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE CITY OF CHATTANOOGA, TENNESSEE, INCLUDING THE CHATTANOOGA ZONING ORDINANCE; 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 38, each inclusive, a copy of which is attached hereto and incorporated herein by reference, 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 December 31, 2008, 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 December 31, 2008, 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 Fifty Dollars (\$50.00) and costs for each separate violation. The imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under this Code or other applicable law. 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 aforementioned 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 December 31, 2008, 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 each section, subsection, paragraph, sentence and close of the supplement, including any codes and ordinances adopted by reference, are hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence or clause in the supplement shall not affect the validity of any other portion, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

SECTION 9. BE IT FURTHER ORDAINED, That this Ordinance and the Code adopted hereby shall become effective immediately upon passage.

PASSED on Second and Final Reading

_____ March 17 _____, 2009

S/ _____ Linda Bennett _____
CHAIRPERSON

APPROVED: X DISAPPROVED: _____

DATE: _____ March 23 _____, 2009

S/ _____ Ron Littlefield _____
MAYOR

MAM/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 were 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 were 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 was 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.

In 2002, Ordinance No. 11272 was adopted by the Council and approved by the people, which Ordinance amended and restated the Charter so as to conform it to the decision in Brown.

Subsequently, the Charter has been amended by the adoption of Ordinances 11305, 11306, 11307, 1308, 11309, 11310, 11590, 11591, 11592, 11872, 11873, and 11877, and their respective approvals by the electorate.