DRAFT VERSION 12 – 12/11/2012

CITY ATTORNEY COMMENTS ON TITLE 2 CHANGES

TITLE 2

CORPORATE POWERS AND PROHIBITIONS GENERALLY

Sec. 2.1. General enumeration.

The city council of the City of Chattanooga shall have power by ordinance. (Priv. Acts 1869-70, Ch. 4, § 9; Priv. Acts 1949, Ch. 536, § 2)

(1) Property taxes. To levy and collect taxes upon all property taxable by law for state purposes, but no property shall be exempt from taxation except property exempt from state taxes. (Priv. Acts 1869-70, Ch. 4, § 9, Priv. Acts 1949, Ch. 536, § 2)
Cross reference-Property tax provisions generally, § 6.66 et seq.

(2) Privilege taxes; fees. To levy and collect taxes upon all privileges taxable by laws of the state; to impose any fee or charge reasonably necessary to the exercise of any of its powers. (Priv. Acts 1869-70, Ch. 4, § 9; Priv. Acts 1949, Ch. 536, § 2; Priv. Acts 1969, Ch. 82, § 5)
Cross reference-Privilege taxes generally, § 6.44 et seq.

(3) Appropriations; payment of city debts. To appropriate money and provide for the payment of all debts and expenses of the city. (Priv. Acts 1869-70, Ch. 4, § 9; Priv. Acts 1949, Ch. 536, § 2)

Cross references-Appropriations generally, § 6.91 et seq.; borrowing power of city generally, § 6.107 et seq.

(4) General health; abatement of nuisances. To make regulations to secure the general health of the inhabitants, and to prevent, abate and remove nuisances. The city shall have the power to abate and remove nuisances at the expense of the owner or owners and the expense shall be secured by a lien upon the property for which the expenditure is made, which lien shall be superior to all other liens, except liens for state, county and municipal taxes and special assessments, which lien may be enforced by suit in any court of competent jurisdiction of Hamilton County. (Priv. Acts 1949, Ch. 536, § 2)
Cross reference-Declaration and abatement of nuisances, § 2.7.

(5) Contagious disease; quarantines. To make regulations to prevent the introduction of contagious disease in the city; to make quarantine laws for that purpose, and to enforce same within the corporate limits and within the city's police jurisdiction. (Priv. Acts 1869-70, Ch. 4, § 9; Priv. Acts 1949, Ch. 536, § 2)

(6) Hospitals (To be repealed).

Comment [m1]: Chattanooga Hamilton County Hospital Authority assumed this responsibility.

(7) Streets and sidewalks generally. To alter, abandon, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair streets, alleys and sidewalks or to have same done by the owners of adjacent property. The city shall have the power to require the owners abutting to construct,

reconstruct, maintain and repair sidewalks in front of such property or the city may construct, reconstruct or repair such sidewalks at the expense of the owner or owners and the expense shall be secured by a lien upon the property for which the expenditure is made, which lien shall be superior to all liens except liens for state, county and municipal taxes, which lien may be enforced in any court of competent jurisdiction in Hamilton County. (Priv. Acts 1949, Ch. 536, § 2)
Cross reference-Streets and sidewalks generally, Title 15.

(8) Bridges, culverts, sewers and gutters. To construct, erect, establish and keep in repair bridges, culverts, sewers and gutters. (Priv. Acts 1949, Ch. 536, § 2)

(9) Lighting streets and public buildings. To provide for lighting the streets and public buildings. (Priv. Acts 1949, Ch. 536, § 2)

(10) Markets and markethouses. To erect markethouses, establish markets and regulate the same. (Priv. Acts 1949, Ch. 536, § 2)

(11) Erection of buildings by city. To provide for the erection of all buildings necessary for the use of the city. (Priv. Acts 1949, Ch. 536, § 2)

(12) Public grounds. To provide for enclosing, improving and regulating all public grounds belonging to the city within or without the corporate limits. (Priv. Acts 1949, Ch. 536, § 2)

(13) Public wharves. To construct, maintain and repair public wharves, and to regulate the use of wharves, docks and landings, and to fix the rate of wharfage and the rent of any buildings or structures. (Priv. Acts 1949, Ch. 536, § 2)

(14) Gaming. To restrain and prohibit gaming. (Priv. Acts 1949, Ch. 536, § 2)

(15) Licenses-Generally. To license, tax and regulate all businesses and occupations in accordance with the general laws of the state.
Cross reference-Privilege taxes generally, § 6.44 et seq.

Comment [m2]: Language modernized.

(16) Same-Vehicles for hire. To license, tax and regulate taxicabs, automobiles for hire, trucks and buses; to fix a rate to be charged for the carriage of persons and property by any vehicle held out to the public use for hire within the city; to require indemnity bonds, issued by surety companies, or indemnity insurance policies to be filed with the city by the owner or operator of any such vehicle for the protection of the city or any person against loss by injury to person or damage to property, and to make all needful rules or regulations for the government of such conveyances and their operation within the city and for a distance of seven miles beyond the city limits; to issue certificates of convenience and necessity for the operation of taxicabs, automobiles for hire and buses, and to determine the number of taxicabs, automobiles or buses needed for the furnishing of transportation to the inhabitants of the city and the public in general. (Priv. Acts 1949, Ch. 536, § 2)

(17) Same-Theatrical and other exhibitions; suppression of bawdy houses,

gambling equipment, etc. To license, tax and regulate theatrical or other exhibitions, moving picture shows, amusements and to prohibit and suppress gambling houses, disorderly houses, bawdy houses, obscene pictures and literature; the sale, manufacture or transportation of intoxicating liquors in violation of the laws of the state or ordinances of the city, and to confiscate and destroy gambling equipment, stills and intoxicating liquors when manufactured, possessed or transported in violation of the federal or state laws or ordinances of the city. (Priv. Acts 1949, Ch. 536, § 2)
Cross reference-Privilege taxes generally, § 6.44 et seq.

(18) Same-Machines used for sport or skill, jukeboxes, etc. To license, tax and regulate machines for use for sport, skill or exhibition, including pinball machines, marble tables or machines, plunger shooting tables or machines, high score games, digger or grabbing machines, video game machines and jukeboxes or other musical devices or machines. (Priv. Acts 1949, Ch. 536, § 2)
Cross reference-Privilege taxes generally, § 6.44 et seq.

(19) Firearms, fireworks, fire hazards, etc. To provide for the prevention and extinguishment of fires. To regulate and prohibit and suppress the sale of firearms and the carrying of concealed weapons; to regulate, prohibit and suppress the sale and use of firecrackers, fireworks and toy pistols and any other business of any character which may be declared to be dangerous to the security and well-being of the inhabitants or to property. To regulate, restrain and prohibit the erection of wooden buildings in any part of the city; to regulate and prevent the carrying on of manufactories dangerous in causing or producing fires. To regulate the transportation, storage and use of combustible, explosive and inflammable materials and the use of lighting and heating equipment and to provide for the abatement and prevention of fire hazards of all kinds. (Priv. Acts 1869-70, Ch. 4, § 9; Priv. Acts 1949, Ch. 536, § 2)

(20) Fire prevention bureau. To establish a fire prevention bureau for the enforcement of ordinances for the prevention of fires. (Priv. Acts 1949, Ch. 536, § 2)

(21) Weights and measures. (To be repealed).

Comment [m3]: Archaic, now handled by state and federal governents.

(22) Inspection, weighing, etc. of lumber, coal, fuel, etc. (To be repealed).

Comment [m4]: Same comment

(23) Disorderly persons; breaches of the peace. To provide for the arrest, imprisonment and punishment of riotous and disorderly persons within the city, and for the punishment of all breaches of the peace, noise, disturbance or disorderly assemblies. (Priv. Acts 1949, Ch. 536, § 2)

(24) Animals and fowls. To license, tax, regulate or suppress the keeping and going at large of all animals, including domestic fowls, within the city, to impound the same, and, in default of redemption, to sell or kill the same; to regulate the treatment of animals and provide for the punishment of cruelty to the same. (Priv. Acts 1949, Ch. 536, § 2)

Comment [m5]: Phrase following semi-colon added to modernize effect .

(25) Inspection department; buildings generally. To establish an inspection department for the inspection of the construction of buildings, plumbing, electrical, heating and other components and to license builders, electricians, plumbers, steamfitters, and other crafts people, and to impose license fees for

permits for the construction of buildings, installation of electric wiring, plumbing, heating systems or other systems; to regulate the erection of buildings and other structures; to compel the owner to provide and maintain fire escapes and other safety features, and to provide fire districts or zones and building zones; to regulate, prohibit or suppress or provide for the destruction and removal of any building or other structure which may be or become dangerous or detrimental to the inhabitants or to the public. (Priv. Acts 1949, Ch. 536, § 2)

(26) Eminent domain. To acquire by eminent domain land and grounds within the city for any municipal or corporate purpose when the public convenience and necessity require it. (Priv. Acts 1949, Ch. 536, § 2)

(27) Acquisition of land beyond corporate limits. To provide for the taking and appropriating of lands and grounds beyond the corporate limits of the city by condemnation when the public necessity so requires for any municipal purpose. (Priv. Acts 1949, Ch. 536, § 2)

(28) Acquisition of property for parks. To acquire all necessary property for park purposes within the corporate limits of the city, either by purchase, condemnation or otherwise. (Priv. Acts 1949, Ch. 715, § 2)
(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

(29) Acquisition of property in Moccasin Bend for parks, recreation. (To be repealed as redundant)

Comment [m6]: Redundant to Sec. 28 and also already accomplished.

(30) Protection of children. To provide for the protection of children. (Priv. Acts 1949, Ch. 536, § 2)

Comment [m7]: Amended to delete the reference to "dumb animals" covered elsewhere.

(31) Acquisition, disposition, etc., of public buildings, etc. To erect, construct, equip, maintain and operate or sell, lease or dispose of any public building and equipment and appurtenances thereto within or without the corporate limits of the city. (Priv. Acts 1949, Ch. 536, § 2)

(32) Acquisition, disposition, etc., of land or buildings for municipal purposes. To purchase, lease or otherwise acquire and hold any land or building for any municipal purpose. (Priv. Acts 1949, Ch. 536, § 2)

(33) Disposition of surplus property. To authorize the sale, lease or disposition of any property belonging to the City of Chattanooga not needed for public purposes for the fair, reasonable market value thereof. (Priv. Acts 1949, Ch. 536, § 2)

(34) Heating and air conditioning; stationary engineers. To regulate the installation of boilers, heating systems, air conditioning systems and to require permits for such installations, and to examine and license stationary engineers engaging in operating steam plants within the corporate limits. (Priv. Acts 1949, Ch. 536, § 2)

(35) Loudspeakers and other noise making devices. To license, tax, regulate, prohibit and suppress the operation of loudspeakers or other noise making devices on vehicles, aircrafts or buildings. (Priv. Acts 1949, Ch. 536, §

(36) Breaches of the peace. To prevent and punish by pecuniary penalties all breaches of the peace, noise, disturbances or disorderly assemblies in any street, house or place in the city by day or by night. (Priv. Acts 1949, Ch. 536, § 2)

Comment [m8]: Deleted reference to "Sabbath breaking" as being subject to constitutional limitations under the First Amendment.

(37) Solicitors; distribution of handbills. To license, tax and regulate solicitors and the distribution of handbills. (Priv. Acts 1949, Ch. 536, § 2)

(38) Privilege taxes. To collect such privilege taxes and fees as may be authorized by state law. (Priv. Acts 1949, Ch. 536, § 2)
Cross reference-Privilege taxes generally, § 6.44 et seq.

(39) Right-of-way for public utilities. To grant rights-of-way through the streets, alleys, thoroughfares and tunnels and over the bridges of the city for the use of public or quasi-public utilities, and to provide the terms under which said permits may be granted. (Priv. Acts 1949, Ch. 536, § 2)
Cross reference-Franchises, Title 7; public utilities generally, Title 14.

(40) Fines and civil penalties. To provide for fines, forfeitures and civil penalties for the breach of any ordinance of the city and for the enforcement, recovery and appropriation of the same. (Priv. Acts 1949, Ch. 536, § 2; Priv. Acts 1969, Ch. 82, § 2)
(Ord. No. 11305, §1, 08-22-02)
Cross references-Courts, fines and imprisonments, Title 4; police and firemen generally, Title 13 § 4.8; maximum fine for ordinance violations, § 4.50.

(41) Police and fire departments. To provide for a police force and fire department and the organization and maintenance of the same, and to provide all proper equipment, houses and stations for said police force and the said fire department. (Priv. Acts 1869-70, Ch. 4, § 9; Priv. Acts 1949, Ch. 536, § 2)
Cross reference-Police and firemen generally, Title 13.

(42) Anchoring and mooring of vessels. To regulate stationary anchorage and mooring of vessels, houseboats or rafts when in the city. (Priv. Acts 1949, Ch. 536, § 2)

(43) Closing of wells, cisterns, etc. To provide for temporary or permanent closing of wells, cisterns and springs used by the public whenever the same are or are likely to be injurious to health. (Priv. Acts 1949, Ch. 536, § 2)

(44) Creation of offices; appointment of officials. To create such offices and provide for the appointment or election of all officers as may be necessary for the good government of the city. (Priv. Acts 1949, Ch. 536, § 2)
Cross reference-City officers and employees generally, Title 3.

(45) Bonds of certain city officials. To designate the positions in the city administration, where not otherwise provided by the Charter, in which the incumbent shall give bond, and to fix the amount of such bond. (Priv. Acts 1949, Ch. 536, § 2)
Cross reference-City officers and employees generally, Title 3; duty of officers to give bond before entering into office, § 3.2.

(46) Consolidation, etc., of services with county, state, etc. To consolidate any of the services of the city with similar services of any authority authorized by law, county, state or other municipality or to use the service of any authority authorized by law, county, state or other municipality or to cooperate with any authority authorized by law, county, state or other municipality in the construction, establishment, use or acquisition of any services for the city and its inhabitants, upon agreement with the other authorities authorized by law or jurisdictions as to the services to be provided by each and the respective shares of the cost involved. (Priv. Acts 1949, Ch. 536, § 2)

(47) Tourist camps, trailers, hotels, etc. To license, tax and regulate tourist camps, trailer camps, tourist homes, rest homes, hotels, inns and boardinghouses and the use and occupancy of trailers. (Priv. Acts 1949, Ch. 536, § 2)

(48) Tourist guides. To license, tax and regulate tourist guides within the city and within one mile of the corporate limits thereof. (Priv. Acts 1949, Ch. 536, § 2)
Cross reference-Privilege taxes generally, § 6.44 et seq.

(49) Milk. (To be repealed).

Comment [m9]: Archaic now state and federal function.

(50) Dangerous, etc., houses and walks. To impose penalties upon the owner or owners, occupants or agents of any house, walk or sidewalk or other structures which may be considered dangerous or detrimental unless, after due notice to be fixed by ordinance, the same be removed or repaired; and, in the event the city shall at its own expense be compelled to remove or repair such property, the cost of such repairs or removal shall be and constitute a lien against said property, and the city shall also be entitled to a personal judgment against the owner or occupant thereof, and said lien may be enforced in any court of competent jurisdiction in Hamilton County. (Priv. Acts 1949, Ch. 536, § 2)

(51) Weeds, rubbish, etc. To impose penalties upon the owner or owners, occupants or agents of any lot or parcel of land in the city for permitting to remain thereon obnoxious weeds, rubbish, grass or leaves which may be considered dangerous or detrimental to the health or safety of the citizens unless, after due notice, to be fixed by ordinance, the same be removed; and, in the event the city shall at its own expense be compelled to remove such grass, rubbish, leaves or weeds from such lot or parcel of land the cost of such removal shall be and constitute a lien against said property, and the city shall also be entitled to a personal judgment against the owner or occupant thereof, and said lien may be enforced in any court of competent jurisdiction in Hamilton County. (Priv. Acts 1949, Ch. 536, § 2)

(52) Acts, businesses, etc., detrimental to public health, safety, etc. To define, prohibit, suppress, prevent and regulate all acts, practices, conduct, business, occupation, callings, trades, uses of property, and all other things whatsoever detrimental to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the city, and to exercise general police powers under the provisions of this Act and the general law. (Priv. Acts 1949, Ch. 536, § 2)

(53) Golf driving ranges and archeries. To license and regulate golf driving courses and archeries in said city.

(54) Agents, etc., of boat manufacturers and jobber. To license all persons maintaining an office or place of business as agent or representative of any manufacturer or representative of any manufacturer or jobber of boats, or engaged in dealing in buying or selling boats, shall be classified as boat dealers, and shall pay a privilege tax for each place of business of fifty dollars ($50.00) per annum. (Priv. Acts 1941, Ch. 535, § 2)
Cross reference-Privilege taxes generally, § 6.44 et seq.

(55) Gasoline filling stations. To, by ordinance, regulate the construction, maintenance and operation of gasoline filling stations; to require permits for the construction, opening and reopening of filling stations; to regulate and zone the streets on which gasoline filling stations may be hereafter erected and existing filling stations reopened, and to provide for the issuance or certificates of necessity and convenience for the construction of additional filling stations, and to determine the number of filling stations that may be permitted on any street or in any block of any street, and such other regulations as may be necessary for the public health, safety and welfare, and collect inspection fees therefor. (Priv. Acts 1939, Ch. 578, § 1)
Cross reference-Zoning generally, § 12.21 et seq.

(56) Barbershops and barber schools and colleges. To regulate the barber profession as practiced in said city, and barber schools or colleges or any barbershop operated in connection therewith, whether for the purpose of training students thereof or otherwise. (Priv. Acts 1937, Ch. 858, § 1; Priv. Acts 1959, Ch. 101, § 1)
State law reference-Municipal regulation of barbers and barbering, T.C.A. § 62-3-131.

(57) Barbering prices and hours. (To be repealed).

(58) Venereal disease. To pass an ordinance to prevent the spread of venereal diseases within said city and to quarantine all persons arrested for prostitution or vagrancy found to be infected with any venereal disease arrested within said city and to provide means and methods for examination of all such persons and means and methods of treating all persons so infected. (Priv. Acts 1937, Ch. 28)

(59) Steam boilers, etc.; regulation of steam fitters. To, by ordinance, regulate the installation of steam boilers, pressure tanks, steam and hot water heating plants, and steam pipes of any character, and to create the office of steam fitter inspector and fix the compensation thereof, and the term of office, and require permits for the installation of steam boilers, pressure tanks, steam and hot water systems or the installation of steam pipes of any character. The provisions of this Act [subsection] shall not apply to any work done in connection with any manufacturing plant or assembly plant. (Priv. Acts 1935, Ch. 778, §§ 1, 2)

(60) Schools. (Repealed by Ord. 10079--see footnote 4) (RESERVED)
(Priv. Acts 1869-70, Ch. 4, § 9)

(61) Waterworks. To provide the city with water by waterworks or otherwise, within or beyond the boundaries of the city. (Priv. Acts 1869-70, Ch. 4, § 9)

(62) Watchmen. To establish, support and regulate watchmen by day and by night. (Priv. Acts 1869-70, Ch. 4, § 9)

(63) Ferries. To regulate ferries so as not to conflict with the laws of Tennessee. (Priv. Acts 1869-70, Ch. 4, § 9)

(64) Disorderly, etc., houses. To protect and suppress disorderly houses and bawdy houses. (Priv. Acts 1869-70, Ch. 4, § 9)

(65) Additional general powers. To pass all ordinances not contrary to the Constitution and laws of the state necessary for the health, convenience, safety and general welfare of the inhabitants of the city, and to carry out the full intent, corporate purposes and meaning of this Act as fully as if specifically authorized and as if the powers were expressly conferred. (Acts 1839-40, Ch. 32, § 3; Priv. Acts 1949, Ch. 536, § 2)
Cross reference-General authority of city council to pass ordinances, § 11.1.

(66) General powers. To have and exercise all powers which now or hereafter would be competent for this charter specifically to enumerate, as fully and completely as though said powers were specifically enumerated herein; and such powers as may be authorized pursuant to general state law for a municipal government to exercise including, but not limited to, the power to sue or be sued, implead or be impleaded in all courts of law and equity; and no enumeration of particular powers by this charter shall be held to be exclusive.

Comment [m10]: New section a more modern version of general powers.

Sec. 2.2. Establishment, alteration of wards. (To be repealed).

Comment [m11]: City now longer divided into wards.

Sec. 2.3. Municipal band. (To be repealed).

Comment [m12]: Archaic, but could be provided for under existing laws under more restrictive circumstances.

Sec. 2.4. Opening and closing hours of merchants.

The city council may, by ordinance, regulate opening and closing hours of merchants in the City of Chattanooga. (Priv. Acts 1937, Ch. 25, § 1)

Sec. 2.5. Parking meters.

In order to promote public safety and relieve traffic congestion on the streets of the City of Chattanooga, said city be, and is hereby, authorized and empowered to provide by ordinance for the installation, operation, maintenance, policing and supervision of parking meters or parking devices on its streets as an aid to the regulation and control of the parking of vehicles thereon, and to fix and require the payment of a fee for the privilege of parking opposite such meters or devices when they are in operation, and to determine on what streets or parts of streets in said city parking meters shall be placed, and the hours during which same shall be in operation. The City may contract for operation of parking meters and devices and for enforcement. In event there is any revenue left after

paying the cost of acquiring, maintenance and enforcement of the ordinances authorized herein, such net revenue shall become a part of the general fund of the city.

Sec. 2.6. Lease contracts with federal government.

The charter of the City of Chattanooga, Tennessee, and all acts heretofore passed amendatory, be, and the same are hereby amended so as to authorize the city council of said city to enter into lease contracts with the United States of America for the use of any property owned by said city for the purpose of constructing armories and auxiliary buildings in which to house its military forces, said lease contracts to be for such terms and upon such conditions as the city council may determine, and for such rental, including nominal rent, as may be agreed upon by the city council and representatives of the United States of America. (Priv. Acts 1951, Ch. 532, § 1)

Sec. 2.7. Declaration of nuisances; abatement of same.

The City of Chattanooga shall have power to make regulations to secure the general health and safety of the inhabitants, and to prevent and remove nuisances. In order to accomplish these objects, the city council may declare, by ordinance, what constitutes nuisances, and provide for the abatement of the same, and make or cause to be made all repairs and improvements necessary for the health, safety and convenience of the inhabitants; and all expenses or outlay of said city shall be reimbursed by the owner or owners, and shall be secured by a lien upon the property upon which the expenditure is made, which lien shall be superior to any other contractual lien and may be enforced by suit in the chancery court. (Priv. Acts 1937, Ch. 830, § 2)

Sec. 2.8. Creation, discontinuance, etc., of offices not provided for by charter.

Said city council and mayor shall have power from time to time to create, fill, and discontinue other offices and employments than those herein prescribed, according to their judgment of the needs of the city.

When said city council shall, as now authorized by law, create any new office, the ordinance creating such office may provide that it shall be filled by appointment by the Mayor with the approval of said city council. (Priv. Acts 1869, Ch. 4, § 6; Priv. Acts 1901, Ch. 432, § 6; Priv. Acts 1911, Ch. 10, § 21; Priv. Acts 1913, Ch. 301, § 4)

Sec. 2.9. Authority to subscribe to stock in railroad or turnpike companies.

The city shall have power to subscribe for stock in any railroad or turnpike company, and pay for the same with its bonds or otherwise; provided, that any subscription of stock herein provided for shall, before the same shall become valid and binding, be approved by a majority of the taxpayers of the city. (Priv. Acts 1866, Ch. 8, § 28)

Sec. 2.10. Construction, enlargement, etc., of joint City-County hospitals. (To be repealed.)

Comment [m13]: State created Chattanooga Hamilton County Hospital authority to be responsible for operation of public hospital.

Sec. 2.11. Privilege tax on pleasure automobiles and motorcycles, taxicabs, buses, etc.

The city council of the City of Chattanooga, Tennessee, shall have power by ordinance to levy a privilege tax on automobiles for hire, taxicabs, automobile passenger buses, and require indemnity bonds in surety companies or indemnity insurance policies to be filed with the Chief Finance Officer of said city by the owner or operator of any such vehicle for the protection of the city or any person against loss by injury to person or property. The said city council shall also have authority to levy a privilege tax upon the running of automobiles for pleasure and motorcycles, not to exceed five dollars ($5.00) per annum on automobiles and two dollars ($2.00) per annum on motorcycles. Said license shall be renewable annually, and for said license and each renewal thereof a fee fixed by ordinance not to exceed five dollars ($5.00) for automobiles and not to exceed two dollars ($2.00) for motorcycles may be charged. (Priv. Acts 1929, Ch. 652, § 3)
Cross reference-Privilege taxes generally, § 6.44 et seq.

Sec. 2.12. Repealed. (Ord. No. 11306, §1, 08-22-02)

Sec. 2.13. Reserved.

Sec. 2.14. Supplemental pension payments.

The city council may by ordinance provide for supplemental payments to all persons who are receiving a pension from the City of Chattanooga, and the same shall be payable from the general funds of the city. (Ord. No. 6783, § 1, 8-13-74)

SECTION 3: That Title 3, Chapter III, Article 2, relating to the General Pension System involves a function of city government that may be amended by ordinance and shall be removed from the Charter and transferred to the City Code. Provided that to protect the rights of present and future participants in this pension plan, the following provisions shall be maintained in this Charter:

Article 2. General Pension Plan

Sec. 3.35. General Pension Plan.

The General Pension Plan as established by the Private Acts of 1965, Chapter 254, as amended by private acts and Home Rule referenda, shall be transferred from the Charter compilation to the City Code compilation, but the vested rights of any participant or beneficiary shall not thereby be affected. No current provision of the General Pension Plan may be amended hereafter except pursuant to the provisions of section 3.36 below. (Priv. Acts 1965, Ch. 254; Priv. Acts 1967, Ch. 169; Priv. Acts 1968, Ch.430; Priv. Acts 1971, Ch. 137; Priv. Acts 1972, Ch. 402; Ord. No. 7408, 8-22-78; Ord. No. 8688, 8-19-86; Ord. No. 9766, 8-11-92; Ord. No. 10084, 8-16-94; Ord. No. 10463, 8-20-96; Ord. No. 10739, 8-18-98; Ord. No. 11011, 5-9-00; Ord. No. 11272, 4-30-02)

Sec. 3.36. Amendments by ordinance.

The City Council of the City of Chattanooga, in its discretion, may upon recommendation of the Board of Trustees of the General Pension Plan, upon advice by the Mayor, and upon receipt of an actuarial report as to the costs and actuarial soundness of such changes, may amend by ordinance passed upon two separate meetings the provisions of the General Pension Plan providing such amendments are consistent with sound actuarial principles, methods and assumptions and further provided that such amendments shall not decrease any vested financial benefits accrued by any participant or beneficiary. (Ord. No. 11101, §1(12), 5-9-00).
Cross reference: former similar provision codified at Chattanooga City Charter, Sec. 3.52

SECTION 4. That Title 4, Courts, Fines, and Imprisonments, Chapters I through IV, be deleted in its entirety and the following substituted in lieu thereof:

TITLE 4 – COURTS, FINES, AND PENALTIES

CHAPTER I. IN GENERAL

Sec. 4.1. Jurisdiction and appeals from city court for ordinance violations; contempt.

The city court shall have original and exclusive jurisdiction of all violations of municipal ordinances, and all state statutory offenses that may be adopted by reference pursuant to Tennessee Code Annotated §§ 55-10-307, 55-10-308, 16-18-302, or any other state enabling legislation. In all city cases, in which the fine imposed does not exceed ten dollars ($10.00), the judgment of the city court shall be final and no appeal shall be had therefrom. In all other cases an appeal may be taken to the circuit court of Hamilton County, as now provided by law.

The city court and the judge thereof shall have and exercise the same jurisdiction in cases of contempt of court as is now provided by statute for circuit and criminal courts and the judges thereof. (Priv. Acts 1901, Ch. 432, § 77; Priv. Acts 1901, Ch. 495, § 5; Priv. Acts 1915, Ch. 221)

Sec. 4.2. Court costs; litigation tax not required.

The city judge, in all cases heard or determined by this court for offenses against the corporate laws and ordinances, shall tax in the bill of costs an amount as established by the city council, and a ligation tax as provided by state law shall be added to that amount. The City Court Clerk shall collect all fines, costs and forfeitures imposed by the municipal court for offenses against the laws and ordinances of the city, to be paid into the treasury.

The sum of five dollars ($5.00) shall be added as and in the nature of court cost to the cost incurred in the city court of the City of Chattanooga on all forfeitures of fines or monies for or on conviction for violation of any city ordinances and that said increase in court costs for the city court of the City of Chattanooga be collected by the clerk of said court and paid over to the treasurer of the City of

Comment [m1]: Changes are being proposed to Title 4, because the City Court no longer exercises concurrent jurisdiction as a Sessions Court with authority to sentence offenders up to 11 months and 29 days in jail. City Court Judges limited to $50 fine per offense. Also attempting to bring city charter into compliance with Tennessee Code Annotated, T.C.A. 16-18-101 et seq. relating to Municipal Courts – Judges. City Judges have indicated that further amendments might be required. These comments were created on 12/13/12, so if you are interested check web-site for changes prior to consideration on second reading on 12/18/12.

Comment [m2]: City court does not appear to be a court of record.

Comment [m3]: Section about arrest for city offenses removed as generally no arrests are made for city offenses.

Comment [m4]: Former Sections 4.2 captioned "Jurisdiction and appeal form city court for violations of state law" and 4.3 captioned "Jurisdiction of criminal court of Hamilton County; method of bring cases to trial" were removed. These provisions dealt with concurrent sessions court jurisdiction that the city court no longer exercises.

Chattanooga who will account for said funds and pay same over to the trustees of the fire and police insurance and pension fund together with all other monies properly collected for credit to said fund as hereinbefore set out as authorized by the Private Acts of 1945. (Priv. Acts 1937, Ch. 868, § 3; Priv. Acts 1945, Ch. 425, §§ 2-6; Priv. Acts 1969, Ch. 165, § 1; Ord. No. 10742, § 1(1), 8-18-98)

Sec. 4.3. Sessions of city court; signing of minutes and process.

A session of said city court shall be held daily except for holidays, weekends, and days that city hall is closed. All process issuing from said court shall be signed by either the judge or the clerk thereof. (Priv. Acts 1901, Ch. 432, § 78) (Ord. No. 11308, §1, 08-22-02)

Comment [m5]: Authorized city court to close on days that City Hall closed.

Sec. 4.4. Judge and clerk of city court may administer oaths.

Comment [m6]: Former Section 4.4 captioned "Court costs; litigation tax not required" was deleted. Court costs are now set by Ordinance as authorized by T.C.A. 16-18-304.

Both the judge and clerk of said court shall be authorized to administer oaths and affirmations. (Priv. Acts 1901, Ch. 432, § 81)

Sec. 4.7. -- 4.19. Reserved.

Comment [m7]: Former sections 4.7 "city declared civil district; justices of peace" and 4.8 captioned "city workhouse" and 4.9 captioned "city-county workhouse" were deleted as archaic. We no longer have justices of peace or workhouse.

CHAPTER II. CITY JUDGE[1]

Sec. 4.20. Qualifications.

No person shall be eligible to the office of city judge unless he or she shall have been a citizen of Tennessee and a resident of said city for at least one year before the municipal election day. (Priv. Acts 1911, Ch. 10, §§ 4, 22; Priv. Acts 1919, Ch. 76)

Sec. 4.21. Vacancies in office.

Any vacancy occurring in the office of the city judge shall be filled by appointment of the mayor, concurred in by the city council, which appointment shall be valid only until the next primary or general election or municipal election which is held in the city after the vacancy occurs. (Priv. Acts 1911, Ch. 10, § 22; Ord. No. 11010, § 1, 5-9-00)

Sec. 4.22. Oath of office; bond.

The city judge shall take an oath of office and enter into a bond, with good security, in an amount of $10,000.00 or such greater amount as may be established by the City Council by ordinance, payable to the City of Chattanooga, and conditioned for the faithful discharge of the duties of his office. (Priv. Acts 1868, Ch. 45, § 15; Priv. Acts 1911, Ch. 10, § 13) (Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

Comment [m8]: Bond raised to minimum of $10,000 to be consistent with other city officials.

[1] **Cross reference-**Minimum salary of city judges, § 3.6.

Sec. 4.23. Salaries.

The salaries for city judge(s) shall be set by the city council on an annual basis as part of the regular budget process; provided that no decrease in the salary of judges shall be enacted during the judges' term of office. (Priv. Acts 1949, Ch. 627, § 3; Priv. Acts 1970, Ch. 343, § 3)

Comment [m9]: Removed reference to semi-monthly pay as judges are now paid on same schedule as other employees.

Sec. 4.24. Acting Judges.

In the event of the absence, incompetency, or other disability of the city judge, the mayor with confirmation of the city council may appoint some qualified person to act in his or her stead and while so acting he or she shall be vested with the same powers and shall perform the same duties hereby bestowed and imposed upon the city judge. Where the judge finds it necessary to be absent from holding court for not to exceed ten (10) business days, they may designate in writing to be filed with the clerk of the court a name or names of a special judge to hold court in his place and stead; said person shall be a person who has the qualifications of such a judge and who shall take the same oath and have the same authority as a regular judge to hold court for the occasion.

Comment [m10]: Attempt to authorize and regulate utilization of acting judges for short time frames when regular judges are off. Practice of "electing judges" as currently set forth in charter is inconsistent with actual practice, so attempt to modernize these provisions. Pursuant to TCA 16-18-207 vacancies can be temporarily by appointment until the next regular municipal or general election.

Sec. 4.25. Same-Powers; compensation.

Such special judge shall take the same oath and be clothed with the same powers pro tempore, as the regular judge. In the event a special judge serves more than thirty (30) consecutive calendar days they shall be required to furnish the same bond as the regular judge and shall receive such compensation as shall be determined by the City Council.
(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

Comment [m11]: Old section said that salary for special judge could come out of salary of regular judge.

Sec. 4.26. Clerk to administer oath.

It shall be the duty of the clerk to administer the oath of office to acting, special or emergency judges. (Priv. Acts 1917, Ch. 713)

Comment [m12]: Practice of "electing judges" as currently set forth in charter is a fiction, so attempt to modernize these provisions.

Sec. 4.27. Divisions of city court.

The city court may be divided into two (2) or more divisions. (Priv. Acts 1969, Ch. 102, § 2)

Comment [m13]: To make existing section more in conformity with Tennessee Code Annotated 16-17-101 et seq. dealing with the number of divisions.

Sec. 4.28. Reserved.

Sec. 4.29. Reserved.
(Ord. No. 11014, § 1, 5-9-00)

Sec. 4.30. Emergency special judges.

The mayor is hereby authorized and empowered to appoint emergency special judges of the city court during any period of emergency proclaimed by the mayor or any other state or municipal official authorized to proclaim a state of emergency in the city. Such emergency special judges shall possess all the judicial power and jurisdiction now conferred on the city court or city judge;

may hold court sessions at such place or places as the judge of the first division may designate, either at the city courtroom or elsewhere, as the exigencies of the situation may demand; and the authority of such emergency special judges shall cease at the termination of the state of emergency. (Priv. Acts 1969, Ch. 102, § 7; Priv. Acts 1969, Ch. 180, § 3)

Secs. 4.31 -- 4.36. Reserved.

CHAPTER III. CLERK OF CITY COURT

Sec. 4.37. Reserved.
(Ord. No. 11018, § 1(1), 5-16-00)

Sec. 4.38. Clerk.

The city court clerk shall act under the direction of the Chief Finance Officer. (Priv. Acts 1901, Ch. 432, § 76; Ord. No. 10742, § 1(1), 8-18-98; Ord. No. 11018, § 1(1), 5-16-00)

Comment [m14]: Consistent with current practice

Sec. 4.39. Keeping of minutes and dockets.

The clerk of said court shall keep the records and minutes of the court in the same manner that the records and minutes of other municipal courts of state are required by law to be kept. The clerk shall also prepare for each session of the court a docket of all cases not previously disposed of. (Priv. Acts 1901, Ch. 432, § 80)

Sec. 4.40. Duties pertaining to functioning of court.

The clerk of the city court is hereby authorized to issue all writs and processes necessary to the functioning of said court; to administer oaths and to take acknowledgments; and to accept appearances, waivers and pleas of guilty to citations issued for traffic violations. (Priv. Acts 1969, Ch. 102, § 5)

Secs. 4.41 -- 4.49. Reserved.

CHAPTER IV. FINES, PENALTIES AND FORFEITURES

Sec. 4.50. Fines and penalties for violation of ordinance.

Comment [m15]: Removed reference to "confinement in the workhouse."

The City Council shall have power by ordinance to provide for fines, forfeitures and civil penalties for the breach of any ordinance of the city and for the enforcement, recovery and appropriation of the same. (Priv. Acts 1901, Ch. 432, § 11; Priv. Acts 1911, Ch. 10, § 13; Priv. Acts 1969, Ch. 82, § 2)
(Ord. No. 11305, §1, 08-22-02)

Sec. 4.51. Suits for and recovery of fines, penalties and forfeitures.

All fines, civil penalties or forfeitures imposed by the bylaws and ordinances of said corporation, shall be sued for and recovered as other moneys are under the existing laws of the state for the use of said city. (Acts 1839, Ch. 32, § 5; Priv. Acts 1911, Ch. 10, § 13)

(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

Sec. 4.52. Reserved

Comment [m16]: Section 4.52 for deductions from sentence for good conduct is archaic and should be repealed.

SECTION 5. That Title 5, Chapter I, Section 5.1 relating to which district voters to vote is amended by deleting the word "ward" and substituting the word "district."

SECTION 6. That Section 5.3 relating to elections be amended by deleting the word "ward" and substituting the word "district."

SECTION 7. That Section 5.15 relating to compensation of commissioners of election be and the same is hereby repealed.

SECTION 8. That Title 6, captioned "FINANCE AND TAXATION", Chapter I, be and the same is amended as provided below.

Title 6.

FINANCE AND TAXATION

CHAPTER I. IN GENERAL

Sec. 6.1. Bank for city funds.

The Chief Finance Officer and City Treasurer shall select one or more banking institution providing services in the City for the deposit of city funds and for banking services. Banking institutions shall be selected upon interests paid, cost of services, variety of services offered, quality of services provided, and needs of the city.

Sec. 6.2. Reports required of certain organizations to which the city appropriates money

All boards, institutions, agencies, and organizations to which the City of Chattanooga appropriates ten thousand dollars ($10,000.00) or more shall submit to the city council annual financial statements in such detail as the city council may require; provided that the City Council may change this amount by ordinance. The city council shall have access at all reasonable times through representatives designated by the city council to records of files of recipients of city funds for purposes of verifying and clarifying said reports.

Sec. 6.3. Statement of receipts and disbursements of city, etc. to be published each month (to be repealed)

12/11/12

CITY ATTORNEY'S EXPLANATION OF CHANGES TO CHATTANOOGA'S CHARTER

INTRODUCTION

Chattanooga's Charter is a combination of Private Acts of the Tennessee General Assembly beginning with the Private Acts of 1869 and amendments adopted pursuant to Article 11, Section 9, (Home Rule) of the Constitution of Tennessee. On November 7, 1972, Chattanooga voters adopted "home rule." Since that date all changes to Chattanooga's Charter have been approved by referendum. Since much of Chattanooga's Charter is more than fifty years old and some as much as 143 years old, much of Chattanooga's charter is no longer useful. The purpose of this proposed referendum to amend Chattanooga's Charter is to eliminate the unnecessary and to make minor changes to the remainder.

Chattanooga's Charter is currently codified into 18 titles, but Title 17 relating to a City School System was previously repealed by a home rule referendum. The heading for each title is followed by comments about the changes, if any, to be made to that title as set forth below. The nature of those comments will vary depending upon the complexity of the changes being proposed.

A copy of the Charter as it presently exists including changes made by referenda in 2012 can be found on the city's website. The link is http://www.chattanooga.gov/city-council/city-charter/city-charter-list. Questions or comments about the proposed changes can be made to any attorney in the Office of City Attorney, (423) 643-8250 or via e-mail to mcmahan@chattanooga.gov.

Title 1

INCORPORATION

Chattanooga's current charter begins with the Private Acts of 1869, Chapter 4, Section 1. Other major private acts incorporated into Title 1 the city's charter are the Private Acts of 1911, Chapter 10, and the Private Acts of 1965, Chapter 82.

A private act is an act of the general assembly and is not of general state-wide application. In the context of municipal government, generally a private act is one that applies to only one municipality. Once a municipality becomes "home rule," the legislature can no longer pass private acts with respect to that municipality. All changes to that city's charter have to be adopted via a home rule referendum. A home rule city's powers can also be changed by a state law of general application that is published in Tennessee Code Annotated, generally abbreviated T.C.A.

No changes are proposed to Title 1.

Title 2

CORPORATE POWERS AND PROHIBITIONS GENERALLY

The caption to Title 2 aptly describes its contents. The "nuts and bolts" of the city's power is set forth in this Title. Although some are peculiar to Chattanooga, similar provisions can be found in the charters of cities around the country.

A few of these provisions are no longer useful for Chattanooga and minor amendments are suggested to a few. Title 2, CORPORATE POWERS AND PROIBITIONS GENERALLY is set forth in full in the proposed ordinance to amend the Charter. As soon as it can be prepared, a copy of these provisions with comments as to changes will be posted as back-up to the proposed ordinance.

Title 3

CITY OFFICERS AND EMPLOYEES

Ch.	**I.**	**In General, §§ 3.1 -- 3.17**
Ch.	**II.**	**Recall, §§ 3.18 -- 3.28**
Ch.	**III.**	**Pensions and Death Benefits, §§ 3.29 -- 3.60**
		Art. 1. Generally, §§ 3.29 -- 3.34
		Art. 2. 1965 General Pension System, §§ 3.35 -- 3.60
Ch.	**IV.**	**City Attorney, §§ 3.61 -- 3.75**
Ch.	**V.**	**Subordinate Officers, Employees and Laborers, §§ 3.76 -- 3.111**
		Art. 1. Generally, §§ 3.76 -- 3.94
		Art. 2. City Finance Officer, §§ 3.95 -- 3.101
		Art. 3. City Treasurer, §§ 3.102 -- 3.110
		Art. 4. City Engineer, § 3.111

Title 3 of the charter is divided into five chapters set forth above. No changes are being proposed to Chapter I, II, IV, and V.

The changes to Chapter III, Article 2, 1965 General Pension System, are administrative in character. The General Pension System is the retirement plan for all regular city employees and officials other than fire fighters and police officers. In 2000, the voters approved by "home rule" referendum the ability of the City Council to make amendments to this pension plan subject to certain conditions.

Since the General Pension Plan can be amended by ordinance, it should be relegated to Chattanooga's Code of Ordinances, Chattanooga City Code, Part II, rather than Part I that contains the Charter. The restrictions upon the authority of the City Council to change the pension contained in the 2000 referendum are to be kept in the Charter as new sections 3.35 and 3.36. Those conditions are that 1) no vested right of any participant is to be impacted, 2) the Mayor gives advice concerning changes, 3) the Board of Trustees of the pension plan

recommends changes, and 4) an actuarial report as to the cons and actuarial soundness of such changes has to be presented.

Title 4

COURTS, FINES AND PENALTIES

Title 4 has been substantially re-drafted because the Chattanooga City Court judges no longer have concurrent jurisdiction for state law offenses with Sessions Court. Chattanooga quit exercising state law offense jurisdiction in the 1990s and was restricted on creating courts with concurrent general sessions court jurisdiction by Tenn. Code Ann. § 6-54-131. A Sessions Court Judge can sentence an offender for a state law offense to as much as eleven months and twenty-nine days in jail. Chattanooga City Judges are restricted to a fine of fifty ($50.00) dollars per offense and they are authorized only to adjudge violations of Chattanooga ordinances.

City Courts in home rule municipalities are now regulated by Tennessee Code Annotated, Sec. 16-17-101, *et seq*. Chattanooga cannot recreate concurrent sessions court jurisdiction without additional legislation by the General Assembly.

Although this title has been substantially redrafted, the current method of operating the Chattanooga City Court has been preserved in the re-draft. As soon as it can be prepared, a copy of current Title 4 with comments about the changes will be posted as back-up to the proposed ordinance.

Title 5

ELECTIONS OF MAYOR, COUNCIL MEMBERS AND CITY JUDGES

Only minor changes are being proposed to Title 5. Chattanooga underwent a change in form of government from the commission form of government to Mayor-Council form of government in 1990. Most of the provisions contained within Title 5 were written to comport to the change in form of government by court order in *Brown v. Board of Commissioners*.

Sections 5.1 and 5.3 referring to “ward” have been changed to “district” to recognize that voters are currently divided into nine council districts. Section 5.15 relating to compensation of election commissioners has been deleted, because payment to the Hamilton County Election Commission for Chattanooga municipal elections is regulated by state law.

Title 6

FINANCE AND TAXATION

Ch. I. In General, §§ 6.1 – 6.14
Ch. II. City Taxes, §§ 6.15 – 6.79
Art. 1. Generally, §§ 6.15 – 6.25
Art. 2. Delinquent Taxes, §§ 6.26 – 6.43
Art. 3. Privilege Taxes, §§ 6.44 – 6.65
Div. I. Generally, § 6.44
Div. II. Alcoholic Beverages Sold at Retail, §§ 6.45 – 6.65
Art. 4. Property Taxes, §§ 6.66 – 6.79
Ch. III. Budget, §§ 6.80 – 6.90
Ch. IV. Appropriations, §§ 6.91 – 6.106
Ch. V. Borrowing Power of City, §§ 6.107 – 6.151
Art. 1. Generally, §§ 6.107 – 6.112
Art. 2. Revenue Anticipation Notes, §§ 6.113 – 6.126
Art. 3. Refunding Bonds, §§ 6.127 – 6.133
Art. 4. Home Rule Bond Act, §§ 6.134 – 6.151
Ch. VI. Aid to Railroads, §§ 6.152 – 6.165
Ch. VII. Tort Liability and Moral Claims Funds, §§ 6.166 – 6.172

A number of relatively minor changes are proposed for Title 6 that will be summarized below. Many of the provisions of Title 6 pre-date 1950 and have been superseded by state laws of general application.

Chapter I captioned "IN GENERAL', Sec. 6.1 has been modified to recognize the current state of operation concerning selection of banking institutions. Sec. 6.2 had been modified slightly to reflect current procedures. Sections 6.3 and 6.4 are archaic and are to be repealed.

Chapter II captioned "CITY TAXES," Article I, "GENERALLY," sections 6.15 to 6.19 have been modified to comport to existing state laws concerning levy and collection of taxes. State law generally limits the city's authority with respect to levy of taxes and also establishes procedures for collection. Sec. 6.20 is inconsistent with state law and is to be repealed.

Chapter II, Article 2, "DELINQUENT TAXES," sections 6.27 through 6.39 deal with the collection of delinquent taxes and has been amended to comport with existing state laws and also to reflect that Chattanooga currently collects its delinquent taxes utilizing the City Attorney's Office rather than paying a private attorney as authorized by state law.

Chapter II, Article 3, Division II, "Alcoholic Beverages Sold at Retail" is being deleted as inconsistent with state law. T.C.A. §57-6-102 now provides for collection of taxes at the wholesale level by the state which in turn remits a portion to the city.

Chapter II, Article 4, "Property Taxes," is to be amended by deleting sections 6.67 through 6.69 relating to assessments. These provisions are superseded by T.C.A. §§67-1-*501 et seq.* and 67-1-1001 *et seq.*

Chapter IV, Appropriations, Sections 6.92 through 6.96 authorizing appropriations to youth concerts, farmers' institute, farmer's institute commission, and the legislative delegation are to be repealed. No appropriations have been made to any of these groups in a number of years and these provisions have been superseded by a state law of general application regulating appropriations to non-profit agencies.

Chapter V captioned "Borrowing Power of City", Secs. 6.107 through 6.155 are being repealed. They have been superseded by T.C.A. 9-21-101, *et seq.*

Chapter VI, Aid to Railroads, is to be repealed. It is archaic. This was based upon an 1895 private act that was written to authorize a contribution to a particular railroad to develop a 100 mile track.

Chapter VII, Tort Liability and Moral Claims Funds, sections 6.166 to 6.172 have been modified to comport to current law and practice following the adoption of the Tennessee Governmental Tort Liability Act. The existing charter provisions were written in 1965 when Chattanooga retained "governmental immunity" for all claims that arose from the exercise of its governmental functions. Procedures at that time allowed payment for a "moral claim" when the city was governmentally immune, but thought it morally appropriate to make a payment to an injured person. The Tennessee Governmental Tort Liability Act, T.C.A. §§29-20-101 *et seq.* has removed governmental immunity for most city functions. Currently the city "self-insures" its liability for claims, and annually appropriates money to a fund to pay for judgments and claims against the city under state and federal law.

Title 7

FRANCHISES

No change is proposed to Title 7.

Title 8

DISTRIBUTION OF POWERS

Ch. I. Legislative §§8.1--8.15
Ch. II. Executive §§8.25--8.49
Ch. III. Generally, §§ 8.50--8.75

No changes are being proposed to Title 8.

Title 9

MUNICIPAL BOARDS AND COMMISSIONS

Ch. I. In General, §§ 9.1--9.13
Ch. II. Reserved, §§9.14 - 9.28
Ch. III. City-County Historical Commission, §§ 9.29--9.34

Chapter I, Sec. 9.3 captioned "Hospital Board" is being repealed. The legislature created the Chattanooga Hamilton County Hospital Authority (Erlanger) to handle the public hospital function.

Chapter III captioned "City-County Historical Commission" was created by the Private Acts of 1953. This chapter is archaic and is to be repealed. That commission has not functioned as set forth in this private act for a number of years. There is currently in existence a History Museum to perform the functions that this private act envisioned.

Title 10

MUNCIPAL ELECTRICAL SYSTEM

No changes are proposed to Title 10 that established the Electric Power Board.

Title 11

ORDINANCES AND RESOLUTIONS

Ch. I. In General, §§ 11.1 – 11.23
Ch. II. Initiative And Referendum, §§ 11.24 – 11.25

Chapter I, Section 11.5 has been changed to reflect that Ordinances only require two signatures and to provide that resolutions are numbered but not signed.

Chapter I, Section 11.11 has been modified to provide that the City Attorney in addition to the Clerk of Council can certify the accuracy of City Code provisions. Maintaining the City Code on the City's website is added as a new provision.

Title 12

PLANNING, ZONING AND DEVELOPMENT

Ch. I. Planning, §§ 12.1 – 12.20
Ch. II. Zoning, §§ 12.21 – 12.37
Ch. III. Plats And Subdivisions, §§ 12.38 – 12.39

Chapter I of Title 12 was originally set up to provide for a municipal planning commission. We have not utilized those provisions for at least thirty years. Instead of a municipal planning commission we have a regional planning commission which provides planning services in cooperation with Hamilton County and any other municipality that elects to participate. Section 12.1 has been amended to provide that the city retains the authority in the future to establish a Municipal Planning Commission should it elect to do so.

Chapter II relating to zoning has been superseded by state law of general application; however, basic charter authority to enact zoning provisions has been retained via Section 12.21.

Chapter III relating to plats and subdivisions has also been superseded by state law of general application; however, basic charter authority to enact ordinance provisions concerning plats and subdivisions is retained via Section 12.38

Title 13

POLICE AND FIREMEN

Ch.	**I.**	**In General, §§ 13.1--13.25**
Ch.	**II.**	**Salaries, §§ 13.26--13.43**
Ch.	**III.**	**Tenure, §§ 13.44--13.62**
Ch.	**IV.**	**Pensions, §§ 13.63--13.84**

Chapter I, Section 13.10 says that firemen get 15 days annual vacation; however, that is no longer accurate and should be repealed. More liberal policies for vacation days depending on years of service for police officers and fire fighters are now established by City Code, Sec. 12.161.

Chapter I, Section 13.16 is changed to delete the reference to $500, because Chattanooga does not have authority to create a fine in excess of $50.00.

No changes are proposed for Chapter II or Chapter III.

The changes to Chapter IV, Fire and Police Pension Fund, are administrative in character. The name is changed slightly to recognize that women now serve in both. In 2000, the voters approved by "home rule" referendum the ability of the city council to make amendments to this pension plan subject to certain conditions.

Since the Fire and Police Pension Fund can be amended by ordinance, it should be relegated to Chattanooga's Code of Ordinances, Chattanooga City Code, Part II, rather than Part I that contains the Charter. The restrictions upon the authority of the city council to change the pension contained in the 2000 referendum are to be kept in the Charter as new sections 3.35 and 3.36. Those conditions are that 1) no vested right of any participant is to be impacted, 2) the Mayor gives advice concerning changes, 3) the Board of Directors of the pension plan recommend changes, and 4) an actuarial report as to the actuarial soundness of such changes has to be presented.

Title 14

PUBLIC UTILITIES

No changes are proposed for Title 14.

Title 15

PUBLIC WORKS, STREETS, AND AIRPORTS

Ch.	**I.**	**In General, §§ 15.1--15.18**
Ch.	**II.**	**Sewerage System, §§ 15.19--15.43**
Ch.	**III.**	**Removal, Relocation And Installation Of Utilities In Connection With Public Improvements, §§ 15.44--15.60**
Ch.	**IV.**	**Gas, Water, Sewer And Other Connections By City, §§ 15.61--15.75**
Ch.	**V.**	**Abutting Property Law of 1907 Relative To Streets And Sidewalks, §§ 15.76--15.85**
Ch.	**VI.**	**Sidewalk Improvement Act Of 1915, §§ 15.86--15.95**
Ch.	**VII.**	**Metropolitan Improvement Act Of 1927, §§ 15.96--15.105**
Ch.	**VIII.**	**Improvement Act Of 1931, §§ 15.106--15.115**

Chapter II relating to bonds for constructing a sewer system are being deleted as having been superseded by a state law of general application regarding issuance of bonds (T.C.A. §9-21-101 *et seq.*.

Chapter IV relating to sewer districts is archaic and is being repealed. The whole city is sewered and utilization of special taxing provisions for sewer districts is not needed.

No other changes are proposed for Title 15.

Title 17 - HAD PREVIOUSLY BEEN REPEALED

Title 18

TRANSPORTATION

Title 18 is archaic and is being repealed in that the authority of the city to operate a public transportation system is now provided by state law of general application.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO CHANGE THE CITY'S CHARTER BY DELETING ARCHAIC PROVISIONS, TO MODERNIZE ITS PROVISIONS, TO CONFORM TO STATE LAWS OF GENERAL APPLICATION, AND TO GENERALLY IMPROVE THE CHARTER.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That the Charter of the City of Chattanooga pursuant to Article XI, Section 9, of the Constitution of Tennessee, be and is hereby amended as provided herein:

SECTION 1. That the present Charter of the City of Chattanooga as restated by Ordinance No. 11272, April 30, 2002; as further amended by Ordinance No. 11833, May 23, 2006; Ordinance No. 11876, August 29, 2006; Ordinance No. 11877, August 29, 2006; Ordinance No. 12424, August 17, 2010; Ordinance No. 12566, January 24, 2012; and Ordinance No. 12631, July 24, 2012, each such ordinance further amending the City's Charter be amended as provided herein subject to approval by referendum.

SECTION 2. That Title 2 captioned, "CORPORATE POWERS AND PROHIBITIONS GENERALLY" be restated as provided herein below:

TITLE 2

CORPORATE POWERS AND PROHIBITIONS GENERALLY

Sec. 2.1. General enumeration.

The city council of the City of Chattanooga shall have power by ordinance. (Priv. Acts 1869-70, Ch. 4, § 9; Priv. Acts 1949, Ch. 536, § 2)

(1) Property taxes. To levy and collect taxes upon all property taxable by law for state purposes, but no property shall be exempt from taxation except property exempt from state taxes. (Priv. Acts 1869-70, Ch. 4, § 9, Priv. Acts 1949, Ch. 536, § 2)
Cross reference-Property tax provisions generally, § 6.66 et seq.

(2) Privilege taxes; fees. To levy and collect taxes upon all privileges taxable by laws of the state; to impose any fee or charge reasonably necessary to the exercise of any of its powers. (Priv. Acts 1869-70, Ch. 4, § 9; Priv. Acts 1949, Ch. 536, § 2; Priv. Acts 1969, Ch. 82, § 5)
Cross reference-Privilege taxes generally, § 6.44 et seq.

(3) Appropriations; payment of city debts. To appropriate money and provide for the payment of all debts and expenses of the city. (Priv. Acts 1869-70, Ch. 4, § 9; Priv. Acts 1949, Ch. 536, § 2)

Cross references-Appropriations generally, § 6.91 et seq.; borrowing power of city generally, § 6.107 et seq.

(4) General health; abatement of nuisances. To make regulations to secure the general health of the inhabitants, and to prevent, abate and remove nuisances. The city shall have the power to abate and remove nuisances at the expense of the owner or owners and the expense shall be secured by a lien upon the property for which the expenditure is made, which lien shall be superior to all other liens, except liens for state, county and municipal taxes and special assessments, which lien may be enforced by suit in any court of competent jurisdiction of Hamilton County. (Priv. Acts 1949, Ch. 536, § 2)
Cross reference-Declaration and abatement of nuisances, § 2.7.

(5) Contagious disease; quarantines. To make regulations to prevent the introduction of contagious disease in the city; to make quarantine laws for that purpose, and to enforce same within the corporate limits and within the city's police jurisdiction. (Priv. Acts 1869-70, Ch. 4, § 9; Priv. Acts 1949, Ch. 536, § 2)

(6) Hospitals (To be repealed).

(7) Streets and sidewalks generally. To alter, abandon, widen, extend, establish, grade, pave or otherwise improve, clean and keep in repair streets, alleys and sidewalks or to have same done by the owners of adjacent property. The city shall have the power to require the owners abutting to construct, reconstruct, maintain and repair sidewalks in front of such property or the city may construct, reconstruct or repair such sidewalks at the expense of the owner or owners and the expense shall be secured by a lien upon the property for

which the expenditure is made, which lien shall be superior to all liens except liens for state, county and municipal taxes, which lien may be enforced in any court of competent jurisdiction in Hamilton County. (Priv. Acts 1949, Ch. 536, § 2)
Cross reference-Streets and sidewalks generally, Title 15.

(8) Bridges, culverts, sewers and gutters. To construct, erect, establish and keep in repair bridges, culverts, sewers and gutters. (Priv. Acts 1949, Ch. 536, § 2)

(9) Lighting streets and public buildings. To provide for lighting the streets and public buildings. (Priv. Acts 1949, Ch. 536, § 2)

(10) Markets and markethouses. To erect markethouses, establish markets and regulate the same. (Priv. Acts 1949, Ch. 536, § 2)

(11) Erection of buildings by city. To provide for the erection of all buildings necessary for the use of the city. (Priv. Acts 1949, Ch. 536, § 2)

(12) Public grounds. To provide for enclosing, improving and regulating all public grounds belonging to the city within or without the corporate limits. (Priv. Acts 1949, Ch. 536, § 2)

(13) Public wharves. To construct, maintain and repair public wharves, and to regulate the use of wharves, docks and landings, and to fix the rate of wharfage and the rent of any buildings or structures. (Priv. Acts 1949, Ch. 536, § 2)

(14) Gaming. To restrain and prohibit gaming. (Priv. Acts 1949, Ch. 536, § 2)

(15) Licenses-Generally. To license, tax and regulate all businesses and occupations in accordance with the general laws of the state.
Cross reference-Privilege taxes generally, § 6.44 et seq.

(16) Same-Vehicles for hire. To license, tax and regulate taxicabs, automobiles for hire, trucks and buses; to fix a rate to be charged for the carriage of persons and property by any vehicle held out to the public use for hire within the city; to require indemnity bonds, issued by surety companies, or indemnity insurance policies to be filed with the city by the owner or operator of any such vehicle for the protection of the city or any person against loss by injury to person or damage to property, and to make all needful rules or regulations for the government of such conveyances and their operation within the city and for a distance of seven miles beyond the city limits; to issue certificates of convenience and necessity for the operation of taxicabs, automobiles for hire and buses, and to determine the number of taxicabs, automobiles or buses needed for the furnishing of transportation to the inhabitants of the city and the public in general. (Priv. Acts 1949, Ch. 536, § 2)

(17) Same-Theatrical and other exhibitions; suppression of bawdy houses, gambling equipment, etc. To license, tax and regulate theatrical or other exhibitions, moving picture shows, amusements and to prohibit and suppress gambling houses, disorderly houses, bawdy houses, obscene pictures and

literature; the sale, manufacture or transportation of intoxicating liquors in violation of the laws of the state or ordinances of the city, and to confiscate and destroy gambling equipment, stills and intoxicating liquors when manufactured, possessed or transported in violation of the federal or state laws or ordinances of the city. (Priv. Acts 1949, Ch. 536, § 2)
Cross reference-Privilege taxes generally, § 6.44 et seq.

(18) Same-Machines used for sport or skill, jukeboxes, etc. To license, tax and regulate machines for use for sport, skill or exhibition, including pinball machines, marble tables or machines, plunger shooting tables or machines, high score games, digger or grabbing machines, video game machines and jukeboxes or other musical devices or machines. (Priv. Acts 1949, Ch. 536, § 2)
Cross reference-Privilege taxes generally, § 6.44 et seq.

(19) Firearms, fireworks, fire hazards, etc. To provide for the prevention and extinguishment of fires. To regulate and prohibit and suppress the sale of firearms and the carrying of concealed weapons; to regulate, prohibit and suppress the sale and use of firecrackers, fireworks and toy pistols and any other business of any character which may be declared to be dangerous to the security and well-being of the inhabitants or to property. To regulate, restrain and prohibit the erection of wooden buildings in any part of the city; to regulate and prevent the carrying on of manufactories dangerous in causing or producing fires. To regulate the transportation, storage and use of combustible, explosive and inflammable materials and the use of lighting and heating equipment and to provide for the abatement and prevention of fire hazards of all kinds. (Priv. Acts 1869-70, Ch. 4, § 9; Priv. Acts 1949, Ch. 536, § 2)

(20) Fire prevention bureau. To establish a fire prevention bureau for the enforcement of ordinances for the prevention of fires. (Priv. Acts 1949, Ch. 536, § 2)

(21) Weights and measures. (To be repealed).

(22) Inspection, weighing, etc. of lumber, coal, fuel, etc. (To be repealed).

(23) Disorderly persons; breaches of the peace. To provide for the arrest, imprisonment and punishment of riotous and disorderly persons within the city, and for the punishment of all breaches of the peace, noise, disturbance or disorderly assemblies. (Priv. Acts 1949, Ch. 536, § 2)

(24) Animals and fowls. To license, tax, regulate or suppress the keeping and going at large of all animals, including domestic fowls, within the city, to impound the same, and, in default of redemption, to sell or kill the same; to regulate the treatment of animals and provide for the punishment of cruelty to the same. (Priv. Acts 1949, Ch. 536, § 2)

(25) Inspection department; buildings generally. To establish an inspection department for the inspection of the construction of buildings, plumbing, electrical, heating and other components and to license builders, electricians, plumbers, steamfitters, and other crafts people, and to impose license fees for permits for the construction of buildings, installation of electric wiring, plumbing, heating systems or other systems; to regulate the erection of buildings and other structures; to compel the owner to provide and maintain fire escapes

and other safety features, and to provide fire districts or zones and building zones; to regulate, prohibit or suppress or provide for the destruction and removal of any building or other structure which may be or become dangerous or detrimental to the inhabitants or to the public. (Priv. Acts 1949, Ch. 536, § 2)

(26) Eminent domain. To acquire by eminent domain land and grounds within the city for any municipal or corporate purpose when the public convenience and necessity require it. (Priv. Acts 1949, Ch. 536, § 2)

(27) Acquisition of land beyond corporate limits. To provide for the taking and appropriating of lands and grounds beyond the corporate limits of the city by condemnation when the public necessity so requires for any municipal purpose. (Priv. Acts 1949, Ch. 536, § 2)

(28) Acquisition of property for parks. To acquire all necessary property for park purposes within the corporate limits of the city, either by purchase, condemnation or otherwise. (Priv. Acts 1949, Ch. 715, § 2)
(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

(29) Acquisition of property in Moccasin Bend for parks, recreation. (To be repealed as redundant)

(30) Protection of children. To provide for the protection of children. (Priv. Acts 1949, Ch. 536, § 2)

(31) Acquisition, disposition, etc., of public buildings, etc. To erect, construct, equip, maintain and operate or sell, lease or dispose of any public building and equipment and appurtenances thereto within or without the corporate limits of the city. (Priv. Acts 1949, Ch. 536, § 2)

(32) Acquisition, disposition, etc., of land or buildings for municipal purposes. To purchase, lease or otherwise acquire and hold any land or building for any municipal purpose. (Priv. Acts 1949, Ch. 536, § 2)

(33) Disposition of surplus property. To authorize the sale, lease or disposition of any property belonging to the City of Chattanooga not needed for public purposes for the fair, reasonable market value thereof. (Priv. Acts 1949, Ch. 536, § 2)

(34) Heating and air conditioning; stationary engineers. To regulate the installation of boilers, heating systems, air conditioning systems and to require permits for such installations, and to examine and license stationary engineers engaging in operating steam plants within the corporate limits. (Priv. Acts 1949, Ch. 536, § 2)

(35) Loudspeakers and other noise making devices. To license, tax, regulate, prohibit and suppress the operation of loudspeakers or other noise making devices on vehicles, aircrafts or buildings. (Priv. Acts 1949, Ch. 536, § 2)

(36) Breaches of the peace. To prevent and punish by pecuniary penalties all breaches of the peace, noise, disturbances or disorderly assemblies in any street, house or place in the city by day or by night. (Priv. Acts 1949, Ch. 536, § 2)

(37) Solicitors; distribution of handbills. To license, tax and regulate solicitors and the distribution of handbills. (Priv. Acts 1949, Ch. 536, § 2)

(38) Privilege taxes. To collect such privilege taxes and fees as may be authorized by state law. (Priv. Acts 1949, Ch. 536, § 2)
Cross reference-Privilege taxes generally, § 6.44 et seq.

(39) Right-of-way for public utilities. To grant rights-of-way through the streets, alleys, thoroughfares and tunnels and over the bridges of the city for the use of public or quasi-public utilities, and to provide the terms under which said permits may be granted. (Priv. Acts 1949, Ch. 536, § 2)
Cross reference-Franchises, Title 7; public utilities generally, Title 14.

(40) Fines and civil penalties. To provide for fines, forfeitures and civil penalties for the breach of any ordinance of the city and for the enforcement, recovery and appropriation of the same. (Priv. Acts 1949, Ch. 536, § 2; Priv. Acts 1969, Ch. 82, § 2)
(Ord. No. 11305, §1, 08-22-02)
Cross references-Courts, fines and imprisonments, Title 4; police and firemen generally, Title 13 § 4.8; maximum fine for ordinance violations, § 4.50.

(41) Police and fire departments. To provide for a police force and fire department and the organization and maintenance of the same, and to provide all proper equipment, houses and stations for said police force and the said fire department. (Priv. Acts 1869-70, Ch. 4, § 9; Priv. Acts 1949, Ch. 536, § 2)
Cross reference-Police and firemen generally, Title 13.

(42) Anchoring and mooring of vessels. To regulate stationary anchorage and mooring of vessels, houseboats or rafts when in the city. (Priv. Acts 1949, Ch. 536, § 2)

(43) Closing of wells, cisterns, etc. To provide for temporary or permanent closing of wells, cisterns and springs used by the public whenever the same are or are likely to be injurious to health. (Priv. Acts 1949, Ch. 536, § 2)

(44) Creation of offices; appointment of officials. To create such offices and provide for the appointment or election of all officers as may be necessary for the good government of the city. (Priv. Acts 1949, Ch. 536, § 2)
Cross reference-City officers and employees generally, Title 3.

(45) Bonds of certain city officials. To designate the positions in the city administration, where not otherwise provided by the Charter, in which the incumbent shall give bond, and to fix the amount of such bond. (Priv. Acts 1949, Ch. 536, § 2)
Cross reference-City officers and employees generally, Title 3; duty of officers to give bond before entering into office, § 3.2.

(46) Consolidation, etc., of services with county, state, etc. To consolidate any of the services of the city with similar services of any authority authorized by law, county, state or other municipality or to use the service of any authority authorized by law, county, state or other municipality or to cooperate with any authority authorized by law, county, state or other municipality in the construction, establishment, use or acquisition of any services for the city and its inhabitants, upon agreement with the other authorities authorized by law or jurisdictions as to the services to be provided by each and the respective shares of the cost involved. (Priv. Acts 1949, Ch. 536, § 2)

(47) Tourist camps, trailers, hotels, etc. To license, tax and regulate tourist camps, trailer camps, tourist homes, rest homes, hotels, inns and boardinghouses and the use and occupancy of trailers. (Priv. Acts 1949, Ch. 536, § 2)

(48) Tourist guides. To license, tax and regulate tourist guides within the city and within one mile of the corporate limits thereof. (Priv. Acts 1949, Ch. 536, § 2)
Cross reference-Privilege taxes generally, § 6.44 et seq.

(49) Milk. (To be repealed).

(50) Dangerous, etc., houses and walks. To impose penalties upon the owner or owners, occupants or agents of any house, walk or sidewalk or other structures which may be considered dangerous or detrimental unless, after due notice to be fixed by ordinance, the same be removed or repaired; and, in the event the city shall at its own expense be compelled to remove or repair such property, the cost of such repairs or removal shall be and constitute a lien against said property, and the city shall also be entitled to a personal judgment against the owner or occupant thereof, and said lien may be enforced in any court of competent jurisdiction in Hamilton County. (Priv. Acts 1949, Ch. 536, § 2)

(51) Weeds, rubbish, etc. To impose penalties upon the owner or owners, occupants or agents of any lot or parcel of land in the city for permitting to remain thereon obnoxious weeds, rubbish, grass or leaves which may be considered dangerous or detrimental to the health or safety of the citizens unless, after due notice, to be fixed by ordinance, the same be removed; and, in the event the city shall at its own expense be compelled to remove such grass, rubbish, leaves or weeds from such lot or parcel of land the cost of such removal shall be and constitute a lien against said property, and the city shall also be entitled to a personal judgment against the owner or occupant thereof, and said lien may be enforced in any court of competent jurisdiction in Hamilton County. (Priv. Acts 1949, Ch. 536, § 2)

(52) Acts, businesses, etc., detrimental to public health, safety, etc. To define, prohibit, suppress, prevent and regulate all acts, practices, conduct, business, occupation, callings, trades, uses of property, and all other things whatsoever detrimental to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the city, and to exercise general police powers under the provisions of this Act and the general law. (Priv. Acts 1949, Ch. 536, § 2)

(53) Golf driving ranges and archeries. To license and regulate golf driving courses and archeries in said city.

(54) Agents, etc., of boat manufacturers and jobber. To license all persons maintaining an office or place of business as agent or representative of any manufacturer or representative of any manufacturer or jobber of boats, or engaged in dealing in buying or selling boats, shall be classified as boat dealers, and shall pay a privilege tax for each place of business of fifty dollars ($50.00) per annum. (Priv. Acts 1941, Ch. 535, § 2)
Cross reference-Privilege taxes generally, § 6.44 et seq.

(55) Gasoline filling stations. To, by ordinance, regulate the construction, maintenance and operation of gasoline filling stations; to require permits for the construction, opening and reopening of filling stations; to regulate and zone the streets on which gasoline filling stations may be hereafter erected and existing filling stations reopened, and to provide for the issuance or certificates of necessity and convenience for the construction of additional filling stations, and to determine the number of filling stations that may be permitted on any street or in any block of any street, and such other regulations as may be necessary for the public health, safety and welfare, and collect inspection fees therefor. (Priv. Acts 1939, Ch. 578, § 1)
Cross reference-Zoning generally, § 12.21 et seq.

(56) Barbershops and barber schools and colleges. To regulate the barber profession as practiced in said city, and barber schools or colleges or any barbershop operated in connection therewith, whether for the purpose of training students thereof or otherwise. (Priv. Acts 1937, Ch. 858, § 1; Priv. Acts 1959, Ch. 101, § 1)
State law reference-Municipal regulation of barbers and barbering, T.C.A. § 62-3-131.

(57) Barbering prices and hours. (To be repealed).

(58) Venereal disease. To pass an ordinance to prevent the spread of venereal diseases within said city and to quarantine all persons arrested for prostitution or vagrancy found to be infected with any venereal disease arrested within said city and to provide means and methods for examination of all such persons and means and methods of treating all persons so infected. (Priv. Acts 1937, Ch. 28)

(59) Steam boilers, etc.; regulation of steam fitters. To, by ordinance, regulate the installation of steam boilers, pressure tanks, steam and hot water heating plants, and steam pipes of any character, and to create the office of steam fitter inspector and fix the compensation thereof, and the term of office, and require permits for the installation of steam boilers, pressure tanks, steam and hot water systems or the installation of steam pipes of any character. The provisions of this Act [subsection] shall not apply to any work done in connection with any manufacturing plant or assembly plant. (Priv. Acts 1935, Ch. 778, §§ 1, 2)

(60) Schools. (Repealed by Ord. 10079--see footnote 4) (RESERVED)
(Priv. Acts 1869-70, Ch. 4, § 9)

(61) Waterworks. To provide the city with water by waterworks or otherwise, within or beyond the boundaries of the city. (Priv. Acts 1869-70, Ch. 4, § 9)

(62) Watchmen. To establish, support and regulate watchmen by day and by night. (Priv. Acts 1869-70, Ch. 4, § 9)

(63) Ferries. To regulate ferries so as not to conflict with the laws of Tennessee. (Priv. Acts 1869-70, Ch. 4, § 9)

(64) Disorderly, etc., houses. To protect and suppress disorderly houses and bawdy houses. (Priv. Acts 1869-70, Ch. 4, § 9)

(65) Additional general powers. To pass all ordinances not contrary to the Constitution and laws of the state necessary for the health, convenience, safety and general welfare of the inhabitants of the city, and to carry out the full intent, corporate purposes and meaning of this Act as fully as if specifically authorized and as if the powers were expressly conferred. (Acts 1839-40, Ch. 32, § 3; Priv. Acts 1949, Ch. 536, § 2)
Cross reference-General authority of city council to pass ordinances, § 11.1.

(66) General powers. To have and exercise all powers which now or hereafter would be competent for this charter specifically to enumerate, as fully and completely as though said powers were specifically enumerated herein; and such powers as may be authorized pursuant to general state law for a municipal government to exercise including, but not limited to, the power to sue or be sued, implead or be impleaded in all courts of law and equity; and no enumeration of particular powers by this charter shall be held to be exclusive.

Sec. 2.2. Establishment, alteration of wards. (To be repealed).

Sec. 2.3. Municipal band. (To be repealed).

Sec. 2.4. Opening and closing hours of merchants.

The city council may, by ordinance, regulate opening and closing hours of merchants in the City of Chattanooga. (Priv. Acts 1937, Ch. 25, § 1)

Sec. 2.5. Parking meters.

In order to promote public safety and relieve traffic congestion on the streets of the City of Chattanooga, said city be, and is hereby, authorized and empowered to provide by ordinance for the installation, operation, maintenance, policing and supervision of parking meters or parking devices on its streets as an aid to the regulation and control of the parking of vehicles thereon, and to fix and require the payment of a fee for the privilege of parking opposite such meters or devices when they are in operation, and to determine on what streets or parts of streets in said city parking meters shall be placed, and the hours during which same shall be in operation. The City may contract for operation of parking meters and devices and for enforcement. In event there is any revenue left after paying the cost of acquiring, maintenance and enforcement of the ordinances authorized herein, such net revenue shall become a part of the general fund of the city.

Sec. 2.6. Lease contracts with federal government.

The charter of the City of Chattanooga, Tennessee, and all acts heretofore passed amendatory, be, and the same are hereby amended so as to authorize the city council of said city to enter into lease contracts with the United States of America for the use of any property owned by said city for the purpose of constructing armories and auxiliary buildings in which to house its military forces, said lease contracts to be for such terms and upon such conditions as the city council may determine, and for such rental, including nominal rent, as may be agreed upon by the city council and representatives of the United States of America. (Priv. Acts 1951, Ch. 532, § 1)

Sec. 2.7. Declaration of nuisances; abatement of same.

The City of Chattanooga shall have power to make regulations to secure the general health and safety of the inhabitants, and to prevent and remove nuisances. In order to accomplish these objects, the city council may declare, by ordinance, what constitutes nuisances, and provide for the abatement of the same, and make or cause to be made all repairs and improvements necessary for the health, safety and convenience of the inhabitants; and all expenses or outlay of said city shall be reimbursed by the owner or owners, and shall be secured by a lien upon the property upon which the expenditure is made, which lien shall be superior to any other contractual lien and may be enforced by suit in the chancery court. (Priv. Acts 1937, Ch. 830, § 2)

Sec. 2.8. Creation, discontinuance, etc., of offices not provided for by charter.

Said city council and mayor shall have power from time to time to create, fill, and discontinue other offices and employments than those herein prescribed, according to their judgment of the needs of the city.

When said city council shall, as now authorized by law, create any new office, the ordinance creating such office may provide that it shall be filled by appointment by the Mayor with the approval of said city council. (Priv. Acts 1869, Ch. 4, § 6; Priv. Acts 1901, Ch. 432, § 6; Priv. Acts 1911, Ch. 10, § 21; Priv. Acts 1913, Ch. 301, § 4)

Sec. 2.9. Authority to subscribe to stock in railroad or turnpike companies.

The city shall have power to subscribe for stock in any railroad or turnpike company, and pay for the same with its bonds or otherwise; provided, that any subscription of stock herein provided for shall, before the same shall become valid and binding, be approved by a majority of the taxpayers of the city. (Priv. Acts 1866, Ch. 8, § 28)

Sec. 2.10. Construction, enlargement, etc., of joint City-County hospitals. (To be repealed.)

Sec. 2.11. Privilege tax on pleasure automobiles and motorcycles, taxicabs, buses, etc.

The city council of the City of Chattanooga, Tennessee, shall have power by ordinance to levy a privilege tax on automobiles for hire, taxicabs, automobile passenger buses, and require indemnity bonds in surety companies or indemnity insurance policies to be filed with the Chief Finance Officer of said city by the owner or operator of any such vehicle for the protection of the city or any person against loss by injury to person or property. The said city council shall also have authority to levy a privilege tax upon the running of automobiles for pleasure and motorcycles, not to exceed five dollars ($5.00) per annum on automobiles and two dollars ($2.00) per annum on motorcycles. Said license shall be renewable annually, and for said license and each renewal thereof a fee fixed by ordinance not to exceed five dollars ($5.00) for automobiles and not to exceed two dollars ($2.00) for motorcycles may be charged. (Priv. Acts 1929, Ch. 652, § 3)
Cross reference-Privilege taxes generally, § 6.44 et seq.

Sec. 2.12. Repealed. (Ord. No. 11306, §1, 08-22-02)

Sec. 2.13. Reserved.

Sec. 2.14. Supplemental pension payments.

The city council may by ordinance provide for supplemental payments to all persons who are receiving a pension from the City of Chattanooga, and the same shall be payable from the general funds of the city. (Ord. No. 6783, § 1, 8-13-74)

SECTION 3: That Title 3, Chapter III, Article 2, relating to the General Pension System involves a function of city government that may be amended by ordinance and shall be removed from the Charter and transferred to the City Code. Provided that to protect the rights of present and future participants in this pension plan, the following provisions shall be maintained in this Charter:

Article 2. General Pension Plan

Sec. 3.35. General Pension Plan.

The General Pension Plan as established by the Private Acts of 1965, Chapter 254, as amended by private acts and Home Rule referenda, shall be transferred from the Charter compilation to the City Code compilation, but the vested rights of any participant or beneficiary shall not thereby be affected. No current provision of the General Pension Plan may be amended hereafter except pursuant to the provisions of section 3.36 below. (Priv. Acts 1965, Ch. 254; Priv. Acts 1967, Ch. 169; Priv. Acts 1968, Ch.430; Priv. Acts 1971, Ch. 137; Priv. Acts 1972, Ch. 402; Ord. No. 7408, 8-22-78; Ord. No. 8688, 8-19-86; Ord. No. 9766, 8-11-92; Ord. No. 10084, 8-16-94; Ord. No. 10463, 8-20-96; Ord. No. 10739, 8-18-98; Ord. No. 11011, 5-9-00; Ord. No. 11272, 4-30-02)

Sec. 3.36. Amendments by ordinance.

The City Council of the City of Chattanooga, in its discretion, may upon recommendation of the Board of Trustees of the General Pension Plan, upon advice by the Mayor, and upon receipt of an actuarial report as to the costs and actuarial soundness of such changes, may amend by ordinance passed upon two separate meetings the provisions of the General Pension Plan providing such amendments are consistent with sound actuarial principles, methods and assumptions and further provided that such amendments shall not decrease any vested financial benefits accrued by any participant or beneficiary. (Ord. No. 11101, §1(12), 5-9-00).
Cross reference: former similar provision codified at Chattanooga City Charter, Sec. 3.52

SECTION 4. That Title 4, Courts, Fines, and Imprisonments, Chapters I through IV, be deleted in its entirety and the following substituted in lieu thereof:

TITLE 4 – COURTS, FINES, AND PENALTIES

CHAPTER I. IN GENERAL

Sec. 4.1. Jurisdiction and appeals from city court for ordinance violations; contempt.

The city court shall have original and exclusive jurisdiction of all violations of municipal ordinances, and all state statutory offenses that may be adopted by reference pursuant to Tennessee Code Annotated §§ 55-10-307, 55-10-308, 16-18-302, or any other state enabling legislation. In all city cases, in which the fine imposed does not exceed ten dollars ($10.00), the judgment of the city court shall be final and no appeal shall be had therefrom. In all other cases an appeal may be taken to the circuit court of Hamilton County, as now provided by law.

The city court and the judge thereof shall have and exercise the same jurisdiction in cases of contempt of court as is now provided by statute for circuit and criminal courts and the judges thereof. (Priv. Acts 1901, Ch. 432, § 77; Priv. Acts 1901, Ch. 495, § 5; Priv. Acts 1915, Ch. 221)

Sec. 4.2. Court costs; litigation tax not required.

The city judge, in all cases heard or determined by this court for offenses against the corporate laws and ordinances, shall tax in the bill of costs an amount as established by the city council, and a ligation tax as provided by state law shall be added to that amount. The City Court Clerk shall collect, all fines, costs and forfeitures imposed by the municipal court for offenses against the laws and ordinances of the city, to be paid into the treasury.

The sum of five dollars ($5.00) shall be added as and in the nature of court cost to the cost incurred in the city court of the City of Chattanooga on all forfeitures of fines or monies for or on conviction for violation of any city ordinances and that said increase in court costs for the city court of the City of Chattanooga be collected by the clerk of said court and paid over to the treasurer of the City of

Chattanooga who will account for said funds and pay same over to the trustees of the fire and police insurance and pension fund together with all other monies properly collected for credit to said fund as hereinbefore set out as authorized by the Private Acts of 1945. (Priv. Acts 1937, Ch. 868, § 3; Priv. Acts 1945, Ch. 425, §§ 2-6; Priv. Acts 1969, Ch. 165, § 1; Ord. No. 10742, § 1(1), 8-18-98)

Sec. 4.3. Sessions of city court; signing of minutes and process.

A session of said city court shall be held daily except for holidays, weekends, and days that city hall is closed. All process issuing from said court shall be signed by either the judge or the clerk thereof. (Priv. Acts 1901, Ch. 432, § 78) (Ord. No. 11308, §1, 08-22-02)

Sec. 4.4. Judge and clerk of city court may administer oaths.

Both the judge and clerk of said court shall be authorized to administer oaths and affirmations. (Priv. Acts 1901, Ch. 432, § 81)

Sec. 4.7. -- 4.19. Reserved.

CHAPTER II. CITY JUDGE[1]

Sec. 4.20. Qualifications.

No person shall be eligible to the office of city judge unless he or she shall have been a citizen of Tennessee and a resident of said city for at least one year before the municipal election day. (Priv. Acts 1911, Ch. 10, §§ 4, 22; Priv. Acts 1919, Ch. 76)

Sec. 4.21. Vacancies in office.

Any vacancy occurring in the office of the city judge shall be filled by appointment of the mayor, concurred in by the city council, which appointment shall be valid only until the next primary or general election or municipal election which is held in the city after the vacancy occurs. (Priv. Acts 1911, Ch. 10, § 22; Ord. No. 11010, § 1, 5-9-00)

Sec. 4.22. Oath of office; bond.

The city judge shall take an oath of office and enter into a bond, with good security, in an amount of $10,000.00 or such greater amount as may be established by the City Council by ordinance, payable to the City of Chattanooga, and conditioned for the faithful discharge of the duties of his office. (Priv. Acts 1868, Ch. 45, § 15; Priv. Acts 1911, Ch. 10, § 13)
(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

[1] **Cross reference-**Minimum salary of city judges, § 3.6.

Sec. 4.23. Salaries.

The salaries for city judge(s) shall be set by the city council on an annual basis as part of the regular budget process; provided that no decrease in the salary of judges shall be enacted during the judges' term of office. (Priv. Acts 1949, Ch. 627, § 3; Priv. Acts 1970, Ch. 343, § 3)

Sec. 4.24. Acting Judges.

In the event of the absence, incompetency, or other disability of the city judge, the mayor with confirmation of the city council may appoint some qualified person to act in his or her stead and while so acting he or she shall be vested with the same powers and shall perform the same duties hereby bestowed and imposed upon the city judge. Where the judge finds it necessary to be absent from holding court for not to exceed ten (10) business days, they may designate in writing to be filed with the clerk of the court a name or names of a special judge to hold court in his place and stead; said person shall be a person who has the qualifications of such a judge and who shall take the same oath and have the same authority as a regular judge to hold court for the occasion.

Sec. 4.25. Same-Powers; compensation.

Such special judge shall take the same oath and be clothed with the same powers pro tempore, as the regular judge. In the event a special judge serves more than thirty (30) consecutive calendar days they shall be required to furnish the same bond as the regular judge and shall receive such compensation as shall be determined by the City Council.
(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

Sec. 4.26. Clerk to administer oath.

It shall be the duty of the clerk to administer the oath of office to acting, special or emergency judges. (Priv. Acts 1917, Ch. 713)

Sec. 4.27. Divisions of city court.

The city court may be divided into two (2) or more divisions. (Priv. Acts 1969, Ch. 102, § 2)

Sec. 4.28. Reserved.

Sec. 4.29. Reserved.
(Ord. No. 11014, § 1, 5-9-00)

Sec. 4.30. Emergency special judges.

The mayor is hereby authorized and empowered to appoint emergency special judges of the city court during any period of emergency proclaimed by the mayor or any other state or municipal official authorized to proclaim a state of emergency in the city. Such emergency special judges shall possess all the judicial power and jurisdiction now conferred on the city court or city judge;

may hold court sessions at such place or places as the judge of the first division may designate, either at the city courtroom or elsewhere, as the exigencies of the situation may demand; and the authority of such emergency special judges shall cease at the termination of the state of emergency. (Priv. Acts 1969, Ch. 102, § 7; Priv. Acts 1969, Ch. 180, § 3)

Secs. 4.31 -- 4.36. Reserved.

CHAPTER III. CLERK OF CITY COURT

Sec. 4.37. Reserved.
(Ord. No. 11018, § 1(1), 5-16-00)

Sec. 4.38. Clerk.

The city court clerk shall act under the direction of the Chief Finance Officer.
(Priv. Acts 1901, Ch. 432, § 76; Ord. No. 10742, § 1(1), 8-18-98; Ord. No. 11018, § 1(1), 5-16-00)

Sec. 4.39. Keeping of minutes and dockets.

The clerk of said court shall keep the records and minutes of the court in the same manner that the records and minutes of other municipal courts of state are required by law to be kept. The clerk shall also prepare for each session of the court a docket of all cases not previously disposed of. (Priv. Acts 1901, Ch. 432, § 80)

Sec. 4.40. Duties pertaining to functioning of court.

The clerk of the city court is hereby authorized to issue all writs and processes necessary to the functioning of said court; to administer oaths and to take acknowledgments; and to accept appearances, waivers and pleas of guilty to citations issued for traffic violations. (Priv. Acts 1969, Ch. 102, § 5)

Secs. 4.41 -- 4.49. Reserved.

CHAPTER IV. FINES, PENALTIES AND FORFEITURES

Sec. 4.50. Fines and penalties for violation of ordinance.

The City Council shall have power by ordinance to provide for fines, forfeitures and civil penalties for the breach of any ordinance of the city and for the enforcement, recovery and appropriation of the same. (Priv. Acts 1901, Ch. 432, § 11; Priv. Acts 1911, Ch. 10, § 13; Priv. Acts 1969, Ch. 82, § 2)
(Ord. No. 11305, §1, 08-22-02)

Sec. 4.51. Suits for and recovery of fines, penalties and forfeitures.

All fines, civil penalties or forfeitures imposed by the bylaws and ordinances of said corporation, shall be sued for and recovered as other moneys are under the existing laws of the state for the use of said city. (Acts 1839, Ch. 32, § 5; Priv. Acts 1911, Ch. 10, § 13)

(Paragraph 4 of the Amended Plan appended to the Agreed Order, dated 1-18-90, in the case of Brown v. Board of Commissioners, U.S.D.C., No. CIV-1-87-388)

Sec. 4.52. Reserved

SECTION 5. That Title 5, Chapter I, Section 5.1 relating to which district voters to vote is amended by deleting the word "ward" and substituting the word "district."

SECTION 6. That Section 5.3 relating to elections be amended by deleting the word "ward" and substituting the word "district."

SECTION 7. That Section 5.15 relating to compensation of commissioners of election be and the same is hereby repealed.

SECTION 8. That Title 6, captioned "FINANCE AND TAXATION", Chapter I, be and the same is amended as provided below.

Title 6.

FINANCE AND TAXATION

CHAPTER I. IN GENERAL

Sec. 6.1. Bank for city funds.

The Chief Finance Officer and City Treasurer shall select one or more banking institution providing services in the City for the deposit of city funds and for banking services. Banking institutions shall be selected upon interests paid, cost of services, variety of services offered, quality of services provided, and needs of the city.

Sec. 6.2. Reports required of certain organizations to which the city appropriates money

All boards, institutions, agencies, and organizations to which the City of Chattanooga appropriates ten thousand dollars ($10,000.00) or more shall submit to the city council annual financial statements in such detail as the city council may require; provided that the City Council may change this amount by ordinance. The city council shall have access at all reasonable times through representatives designated by the city council to records of files of recipients of city funds for purposes of verifying and clarifying said reports.

Sec. 6.3. Statement of receipts and disbursements of city, etc. to be published each month (to be repealed)

Sec. 6.4. Advertising fund. (to be repealed)

SECTION 9. That Title 6, captioned "FINANCE AND TAXATION", Chapter II, Article 1, Sections 6.15, 6.18, 6.19, 6.20, be and the same are amended as provided below.

Title 6

CHAPTER II. CITY TAXES

ARTICLE 1, GENERALLY

Sec. 6.15. Levy and collection of taxes.

The City Council may by ordinance levy taxes on all property, real and personal or business related, as authorized under state law. The City Treasurer and delinquent tax attorneys shall collect any unpaid taxes due to the City.

Sec. 6.18. Penalties for nonpayment of taxes.

In order to enforce the collection of taxes when due, the City Council is empowered, by ordinance, to affix both interest and penalty for the non-payment of taxes when due as provided by state law. The interest and penalty shall be paid to the City Treasurer at the same time the taxes are paid. Nothing herein shall preclude the imposition of such additional collection fees, penalties, and costs as may be authorized by law if the delinquent taxes are placed in the hands of an attorney for collection or if any legal proceeding is instituted to collect such taxes. (Priv. Acts 1935, Ch. 674, § 5)
(Ord. No. 11307, §1, 08-22-02)

Sec. 6.19. Distress warrants.

The city shall have power to issue distress warrants and alias pluries distress warrants in the name of the City of Chattanooga to enforce the collection of privileges, ad valorem and property taxes, and any other tax, respectively, and such warrants when issued may be served by a police officer, sheriff or such other person as may be designated by the city council. Such distress warrants shall be ample authority for the officer having same to distrain and sell a sufficient amount of the personal property of any delinquent taxpayer to satisfy his taxes, interest, penalties and costs. Such officer to whom the distress warrants are delivered may proceed against said delinquent taxpayers by garnishment proceedings, returnable before the General Sessions Court, the Circuit Court, or the Chancery Court of Hamilton County. The officer for each collection made under such warrant in case of a levy or garnishment shall receive the same fees as allowed by law for collecting under execution and garnishment, the same to be taxed as a part of the cost of collection and to be paid by the delinquent taxpayer; provided, however, that the issuance and return nulla bona of a distress warrant shall not be a condition precedent to the filing and maintaining of a bill to enforce the tax lien. Ten days' notice of the time and place of the sale of personalty shall be given by advertisement placed in three (3) public places in the city, one of which shall be in the district in which the property is located and one in the lobby of the municipal building. (Priv. Acts 1935, Ch. 647, § 6

Sec. 6.20. Exemption of islands and towheads from taxation. (To be repealed).

SECTION 10. That Title 6, captioned "FINANCE AND TAXATION", Chapter II, Article 2, Sections 6.27, be and the same are amended as provided below.

ARTICLE 2. DELINQUENT TAXES

Sec. 6.27. Publication of delinquent tax notice.

At least thirty (30) days prior to filing suit to collect delinquent ad valorem taxes, the City Treasurer shall cause to be published in a daily newspaper published in the City of Chattanooga a notice substantially in the following form:

"WARNING TO DELINQUENT TAXPAYERS.

On _____(date), unpaid city real estate and personal property taxes will be placed in the hands of delinquent tax attorney for collection by legal proceedings. On said date, an additional penalty of ten percent (10%) will be imposed on the gross amount of taxes, interest and penalties, as now provided by law. Delinquent taxes may be paid at my office prior to _____(date) without the afore-mentioned additional penalty.

_____
City Treasurer"

(Ord. No. 11307, §1, 08-22-02)

Sec. 6.28. Publication of Delinquent Tax Notice.

After publication of a notice as required by Section 6.27, the City Treasurer shall furnish the Delinquent Tax Attorney a list showing the unpaid real estate taxes for said year, and it shall be the duty of said attorney to prepare and file suit in the Chancery, Circuit or Sessions Court of Hamilton County for collection of said delinquent taxes by enforcing the lien of such taxes, such lien being hereby declared to be subordinate only to the lien of state and county taxes in lien of a abutting property and/or improvement district assessments. When the delinquent tax lists are placed in the hands of said attorney, the additional penalty of ten percent (10%) of the gross amount of taxes, interest and penalties due on the date of payment shall be added to the purpose of defraying the cost of collecting such delinquent taxes.
(Ord. No. 11307, §1, 08-22-02)
(Priv. Acts 1933, Ch. 640, § 3; Priv. Acts 1967, Ch. 170, § 2)

Sec. 6.29. Filing and prosecution of suits.

(a) The attorney designated by the Mayor shall after file suit in the Chancery, Circuit or Sessions Court for collection of delinquent taxes due the City, as well as the interest, penalties and costs attached to and a part of such taxes, which taxes, interest penalties and costs are declared a lien upon the property; and, for enforcement of this lien, suits shall be brought in the name of the City, in its own behalf and for the use and benefit of the state.

(b) The procedure for collecting municipal ad valorem taxes shall be the same as now provided for the collection set forth in Tennessee Code Annotated §§ 67-5-2405, 67-5-2410, 67-5-2411, and 67-5-2414 through 67-5-2421.
(Ord. No. 11307, §1, 08-22-02)
(Priv. Acts 1933, Ch. 640, § 5)

Sec. 6.31. Reserved. (Ord. No. 11307, §1, 08-22-02)

Sec. 6.32. City may purchase property at tax sales.

(a) The City of Chattanooga is authorized and empowered to bid at such sale the amount of taxes, interest, penalties and costs, and if such property is purchased by such municipality, the title of such municipality thereto shall be in fee simple, and the municipality shall have full right and power to sell, lease or dispose of such real estate and execute conveyance thereof. (Priv. Acts 1933, Ch. 640, § 7)

(b) If the city council determines that environmental risk are such that it is not in the best interest of the city for a minimum bid to be offered at this tax sale, the clerk shall not offer a bid on the property at tax sale. In such event, the delinquent tax attorney shall use other procedures authorized by law to collect the tax from the owner.
(Ord. No. 11307, §1, 08-22-02)

Sec. 6.33. Reserved. (Ord. No. 11307, §1, 08-22-02)

Sec. 6.34. Appointment of receivers for income producing property upon which taxes are delinquent.

Wherever property involved in tax suits is producing an income and no substantial part of such income is being applied to the payment of delinquent taxes on such property, the court in which any tax suit is pending is authorized to and shall appoint receivers to take charge of the property in question and collect the rents and profits thereon to the end that such rents and profits, after paying the receiver reasonable compensation, shall be applied to the delinquent taxes, penalties, interest and costs, and upon the payment of all taxes, interest, penalties and costs involved in said cause such receivers shall be discharged. (Priv. Acts 1933, Ch. 640, § 9)

Sec. 6.35. Delinquent tax attorney-Appointment.

The Mayor shall appoint some practicing attorney or attorneys as Delinquent Tax Attorney(s) who shall proceed with the collection of delinquent taxes as provided by the provisions of this article and applicable laws. The City Attorney's office may be appointed to collect delinquent taxes.
(Ord. No. 11307, §1, 08-22-02)
(Priv. Acts 1933, Ch. 640, § 11; Priv. Acts 1967, Ch. 170, § 4)

Sec. 6.36. Penalty added.

When ad valorem taxes, real or personalty are delinquent or other delinquent taxes or assessments are delivered to the delinquent tax attorney, a penalty of ten percent (10%) or such other amount as may be authorized by state law shall be added to defray the cost of collection.
(Ord. No. 11307, §1, 08-22-02)
(Priv. Acts 1933, Ch. 640, § 10)

Sec. 6.37. Same-Authority of mayor to withdraw tax, etc., collections from attorney if collections not made within five years.

If delinquent ad valorem taxes, personalty taxes, or delinquent special benefit assessments heretofore or hereafter turned over by the mayor to a private attorney for collection are not collected or the property against which such taxes and benefits are assessed sold for such taxes or benefit assessments within a period of five (5) years from the date they are turned over to such attorney, the mayor shall have authority to recall and withdraw such tax collections from the attorney, and such attorney shall forfeit all rights to fees or commissions that he has for the filing of suits against property for the collection of such taxes or benefit assessments. The attorney shall deliver to the mayor upon demand any and all records that he may have with reference to such taxes and benefit assessments, and the mayor thereafter may appoint another attorney to collect the taxes and benefit assessments or to sell the property for such taxes or benefit assessments who shall be entitled to all fees or commissions on all taxes or benefit assessments collected or on property sold for such taxes or benefit assessments by him. (Priv. Acts 1949, Ch. 760, § 2)

Sec. 6.38. Compensation for contracted attorney.

Private attorneys to whom delinquent ad valorem taxes, special benefits assessments, or other taxes which may hereafter be turned over for collection shall receive a fee or commission on all such taxes or benefit assessments collected by them. The amount of the fee shall be reached by agreement, provided that the fee shall not exceed maximum amount authorized by state law.
(Ord. No. 11307, §1, 08-22-02)
(Priv. Acts 1933, Ch. 640, § 11; Priv. Acts 1949, Ch. 760, § 3)

Sec. 6.39 Supplemental powers; legal construction; Interlocal Agreement.

Neither the provisions of this article nor anything herein contained shall be construed as a restriction or a limitation upon any powers which the city might otherwise have under any laws of this state, but shall be construed as cumulative of and supplemental to any such powers. The City Council may provide by ordinance for any supplemental or additional provisions it deems advisable to collect delinquent taxes or to take advantage of or conform to future changes in state laws. Nothing in this article may be construed as limiting the authority of the city to contract with the county trustee to collect both current and delinquent municipal taxes pursuant to an interlocal agreement.
(Ord. No. 11307, §1, 08-22-02)

SECTION 11. That Title 6, Chapter II, "City Taxes", Article 3, "Privilege Taxes", be amended by deleting therefrom Division II. captioned "Alcoholic Beverages Sold at Retail", Sections 6.45 to 6.52, inclusive.

SECTION 12. That Title 6, Chapter I, Article 4, captioned "PROPERTY TAXES" be and the same is hereby amended by deleting Sections 6.67 captioned "Correction of assessments," Section 6.68 captioned "Reduction of assessments," and Sections 6.69 captioned "Back assessments for property omitted from assessment lists" be and the same are hereby repealed.

SECTION 13. That Title 6, encaptioned "BUDGET", Chapter III, be and the same is hereby amended by deleting Section 6.80 in its entirety and substituting in lieu the following:

> **Sec. 6.80. Annual budget not to exceed estimated revenue except in cases of extraordinary emergencies.**
>
> It shall be the duty of the mayor and city council elected under this act to prepare and pass an annual budget each year. The budget for the ordinary and extraordinary expenses of the city for any one year shall not exceed the estimated amount of revenue to be collected for said year; and in no event shall there be appropriated by the city council any sum or sums in excess of the estimated revenues of said city, for the fiscal year in which said appropriation is made. Provided, however, the city council may make appropriations from fund balance to the extent allowed under established guidelines and state law. (Priv. Acts 1911, Ch. 10, § 19; Priv. Acts 1911, Ch. 621; Priv. Acts 1917, Ch. 42, § 9)

SECTION 14. That Title 6, encaptioned "APPROPRIATIONS", Chapter IV, be and the same is hereby amended by deleting Section 6.91 in its entirety and substituting in lieu the following:

> **Sec. 6.91. Levy and appropriations for departments.**
>
> In fixing the annual tax rate the ordinance shall designate what amount of the total appropriation is made for various departments, for debt service, and for such other purposes as may require an appropriation for the ensuing year. It is not intended, however, that it shall be obligatory upon the city council to make a levy and appropriation for all the purposes above enumerated, but only for such as may be necessary, in its judgment. It shall not be lawful to use any funds appropriated to a particular fund for any other fund unless the same shall have

been previously directed by ordinance. In making appropriations for the various departments the city council shall not be bound by the estimates submitted by the officer or board in charge of such departments, but shall appropriate only as much as it shall deem necessary. It shall not be lawful to expend in any year a greater amount in any fund than shall have been appropriated for that fund. (Priv. Acts 1901, Ch. 432, § 15; Priv. Acts 1911, Ch. 10, § 13)

SECTION 15. That Title 6, Chapter IV, "APPROPRIATIONS", be and the same is hereby amended by deleting the following provisions 6.92 through 6.96.

TITLE 6 – FINANCE AND TAXATION

CHAPTER IV. Appropriations

Sec. 6.92. Youth concerts (To be repealed).

Sec. 6.93. Farmers' institute-Appropriation (To be repealed).

Sec. 6.94. Same-Chattanooga and Hamilton County Farmers' Institute Commission. (To be repealed).

Sec. 6.95. Same-Purposes of institute and commission (To be repealed).

Sec. 6.96. Appropriations for legislative delegations (To be repealed).

SECTION 16. That Title 6, Chapter V, encaptioned "BORROWING POWER OF CITY", Article 1, Generally, be and the same is hereby amended by deleting Section 6.107 in its entirety and substituting in lieu the following:

Sec. 6.107. General debt limit.

Hereafter no bonds shall be issued by the City of Chattanooga in such an aggregate amount as will create or increase the total bonded indebtedness of said city more than ten per cent (10%) of the assessed valuation for the preceding year of all taxable property in said city.

Provided, that bonds payable out of funds derived from special assessments for public improvements, or designated revenue sources other than property taxes, or bonds payable wholly from revenue derived from the operation of any utility owned or controlled by the city and the amount in the sinking fund shall be deducted in computing the amount of the net bonded debt of said city. Provided, further, that the provisions of this Act [section] shall not apply to refunding bonds issued for the purpose of paying or to be exchanged for outstanding bonds of the city, or to bonds issued for funding any floating indebtedness of said city now outstanding. (Priv. Acts 1941, Ch. 251, § 1)

SECTION 17. That Title 6, Chapter V, captioned "BORROWING POWER OF CITY", Sections 6.107 through 6.155, inclusive be and the same is hereby repealed. These charter provisions have been superseded by the "Local Government Public Obligations Act of 1986", Tennessee Code Annotated Sections 9-21-101, *et seq.*

SECTION 18. That Title 6, Chapter VI, captioned "AID TO RAILROADS", Sections 6.152 through 6.155, inclusive be and the same is hereby repealed.

SECTION 19. That Title 6, Chapter VII, captioned "TORT LIABILITY AND MORAL CLAIMS FUNDS", Sections 6.166 through 6.172, be deleted in its entirety and the following substituted in lieu thereof:

CHAPTER VII. LEGAL LIABILITY FUND

Sec. 6.166. Purpose.

The purpose of the legal liability fund is to provide for the City's legal liabilities and for the defense of and prosecution of claims for the City.

Sec. 6.167. Appropriations for, use of legal liability fund.

There shall be included in the budget and appropriated to the legal liability reserve fund an amount which the city council reasonably anticipates will be needed to create and maintain the fund at a level to meet any liability of the city under the Tennessee Governmental Tort Liability Act and any other laws that may create liability resulting from acts or omissions of any officials, officers or employees of the city while engaged in the exercise of any of their functions, governmental or proprietary. Disbursements from the fund shall be made only for this purpose and the cost of litigation relating to claims for or against the city. Neither the creation of this fund, nor the appropriation of money to the fund from whatever source, shall constitute a waiver of any legal immunity from suit for acts or omissions of officers and employees of the city, and the city council shall not have the power to waive such immunity. The city attorney may settle or compromise and authorize payments from the legal liability fund, which does not exceed fifteen thousand ($15,000.00) dollars per claim. The city council may increase this amount by ordinance. All payments in excess of fifteen thousand ($15,000.00) dollars or larger amounts, as may be subsequently amended by ordinance, are subject to approval by the city council. (Acts 1923, Ch. 580, § 2)

Sec. 6.168. Permanent nature of fund.

> The liability fund shall be a permanent fund and at the end of the fiscal year the same shall not be appropriated for any other municipal purpose, nor shall the same revert to surplus or a contingency fund. (Priv. Acts 1965, Ch. 165, § 5)
>
> **Sec. 6.169. Insurance not barred.**
>
> Nothing herein shall be construed as prohibiting the city from contracting for any form of insurance, including but not limited to coverage for motor vehicles, buildings, or other insurable risks, whether as to one department, agency or division of city government, or for more than one, or for all divisions of city government. (Priv. Acts 1965, Ch. 165, § 6)

SECTION 20. That Title 9, Chapter I, Section 9.3, captioned "HOSPITAL BOARD", be and the same is hereby repealed.

SECTION 21. That Title 9, Chapter III, captioned, "CITY-COUNTY HISTORICAL COMMISSION", be and the same are hereby deleted provided that the deletions from the City's Charter provisions relating to Home Rule and a City-County Historical Commission shall not be deemed to preclude the City from exercising those functions pursuant to other state laws of general application.

SECTION 22. That Title 11, Chapter I, Section 11.5, relating to signing and maintenance of ordinances and resolutions is deleted in its entirety and the following substituted in lieu thereof:

> **Sec. 11.5. Signing of ordinances, maintenance of ordinances, and resolutions.**
>
> Every ordinance upon final passage shall be signed by the council chairperson, vice-chairperson or chairperson pro tempore, and shall also be approved or vetoed by the mayor and shall then be delivered to the clerk of the city council whose duties it shall be to maintain same as required by law. Resolutions are not required to be signed but shall be numbered and maintained by the Clerk of the Council for such period as may be required by applicable laws and regulations or directive of the City Council.

SECTION 23. That Title 11, Chapter I, Section 11.11, be amended by deleting it in its entirety and substituting in lieu thereof the following:

Sec. 11.11. Codification-Authority of city generally.

The city attorney and his assistants shall cause to be prepared a codification of the City Charter of the City of Chattanooga and all amendments thereto, and all ordinances and resolutions of said city of general application or having regulatory effect, which are in force and effect as of the date of such codification. Said codification shall be known and designated as the City Code of the City of Chattanooga. The Code shall carry notes and cumulative reference indicating prior amendments to any section thereof and all case citations. The City Code shall be updated at least annually and then current copies shall be maintained in the Office of the City Attorney and in the Office of the Clerk of Council.

Copies of said official Code and all annual supplements shall be certified by the city attorney, and when so certified shall be competent evidence as to the matters contained therein. Copies of the official Code shall be maintained electronically on the city's website or upon any technologically advanced electronically accessible site maintained on behalf of the city.

The codification of the city charter and ordinances shall be in two volumes. PART I shall contain the codification of the provisions of the charter, with separate index; PART II, shall contain the ordinances of the city, with separate index. PART II, shall contain ordinances and resolutions adopted in the form of an ordinance in the same form and manner as now provided for the passage of ordinances by the city. The city council of the city shall designate PART II, as the Official Code of Chattanooga, and shall have authority to amend, and to enact additional ordinances other than those contained in such official code, from time to time. The codification of the City Charter in Part I and the ordinances and resolutions in Part II or copy thereof which is duly certified by the city attorney or the clerk of the city council as a true and correct copy of said Charter, Code, or supplement may be read in evidence in any court in this state without further proof of passage. (Priv. Acts 1957, Ch. 193, § 2; Priv. Acts 1961, Ch. 341, § 1)

SECTION 24. That Title 12, Chapter I, entitled "PLANNING, ZONING, AND DEVELOPMENT", Sections 12.1 through 12.10 inclusive, be and the same are deleted and a new Section 12.1 substituted in lieu thereof as follows:

CHAPTER I. PLANNING

Sec. 12.1 Municipal Planning.

The legislative body of the City is authorized to create and establish a Municipal Planning Commission with full authority to act on all zoning plans, plots, replots, recommendations, dedications, and utilities pursuant to laws of the State of Tennessee, including Priv. Acts 1923, Ch. 397, §§ 1 - 9 and as the same may have been amended, and other Private Acts of the Tennessee General Assembly and General Laws of the State which are applicable to the City of Chattanooga, and to provide appropriating funding and hiring of staff to perform duties of the Municipal Planning Commission. The legislative body of the City is further

authorized to enter into Interlocal Agreements pursuant to State law for the funding of a Regional Planning Commission and/or Regional Planning Agency as authorized by State law.

SECTION 25. That Title 12, Chapter II, "ZONING", Sections 12.21 and 12.27 inclusive, be and the same is hereby amended by deleting same in its entirety and substituting in lieu the following:

Sec. 12.21 Zoning.

The legislative body of the City has been empowered with full authority pursuant to laws of the State of Tennessee, pursuant to Priv. Acts 1923, Ch. 402, §§ 1 - 7 and as the same may have been amended, including other Private Acts of the Tennessee General Assembly and General Laws of the State to establish zoning or land use regulations applicable to the City of Chattanooga, which regulate the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the sizes of yards, courts and other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes, and to identify areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities which the planning commission may determine that services are necessary in order for development to occur. The legislative body of the City has further been empowered to establish Special districts or zones in those areas deemed subject to seasonal or periodic flooding, and such regulations may be applied therein as will minimize danger to life and property, and as will secure City residents eligibility for flood insurance under State and federal laws, as may be amended, or subsequent related laws or regulations promulgated thereunder. The legislative body has further been empowered to provide for the protection and encouragement of access to sunlight for solar energy systems which may be considered in promulgating zoning regulations and any other appropriate land use regulations which are authorized by the General Laws of the State. The legislative body may establish a Board of Appeals as authorized by State law to hear appeals from decisions by the City on zoning and land use decisions.

SECTION 26. That Title 12, Chapter 3, entitled "PLATS AND SUBDIVISIONS", Sections 12.38 to 12.39 inclusive shall be amended by deleting the language in said sections in their entirety and inserting in lieu thereof the following:

Sec. 12.38. Plats and subdivision.

The legislative body of the City has been authorized to provide for the development of plats and subdivisions for registration in the office of the County Register pursuant to Priv. Acts 1923, Ch. 405, §§ 1 - 2 and as the same may have been amended, including other Private Acts of the Tennessee General Assembly and General Laws of the State which are applicable to plats and subdivisions which are developed within the City of Chattanooga.

SECTION 27. That Title 13, entitled "Police and Firemen", is to be changed to "Police and Fire", Chapter I, Section 13.10. setting forth fifteen (15) specific vacation days for a member of the Fire Department is hereby deleted in its entirety.

SECTION 28. BE IT FURTHER ORDAINED, That Title 13, Chapter I, Section 13.16. is hereby deleted in its entirety and the following substituted in lieu thereof:

> **Sec. 13.16. Political activities of members of the fire and police departments.**
>
> No officer or any member of the fire or police department(s) shall be called on for any contribution or assessment by any political organization or member or committee thereof. No officer or member of either of said departments shall be allowed to solicit any contribution, or to sell any ticket, or procure money by any device from the public while on duty or while in uniform. Any person violating any of the provisions of this Section shall, upon conviction in the City Court, be fined not exceed fifty dollars ($50.00) and shall be subject to disciplinary action.
> (Ord. No. 10743, § 1(3), 8-18-98)

SECTION 29: That Title 13, Chapter IV, relating to the Fire and Police Pension Fund involves a function of city government that may be amended by ordinance and shall be removed from the Charter and transferred to the City Code; provided that to protect the rights of present and future participants in this pension fund, the following provisions shall be maintained in this Charter:

CHAPTER IV. FIRE AND POLICE PENSION

> **Sec. 13.63. Fire and Police Pension Fund.**
>
> The Fire and Police Pension Fund formerly called "Firemen's and policemen's insurance and pension fund" as established by the Private Acts of 1949 Chapter 165, as amended by private acts and Home Rule referenda, shall be transferred from the Charter compilation to the City Code compilation, but the vested rights of any participant or beneficiary shall not thereby be affected. No current provision of the Fire and Police Pension Fund may be amended hereafter except pursuant to the provisions of section 13.64 below. (Priv. Acts 1949, Ch. 165; Priv. Acts 1953, Ch. 90; Priv. Acts 1961, Ch. 222; Priv. Acts 1969, Ch. 165; Priv. Acts 1971, Ch. 149; Priv. Acts 1972, Ch. 406; Ord. No. 8688, 8-19-86;

Ord. No. 9778, 8-19-92; Ord. No. 9839, 2-9-93; Ord. No. 10463, 8-20-96; Ord. No. 11012, 5-9-00; Ord. No. 11272, 4-30-02)

Sec. 13.64. Amendments by ordinance.

The City Council, City of Chattanooga, in its discretion, only after a recommendation of the Board of Directors of the Fire and Police Pension Fund, upon advice by the Mayor, may, by ordinance, passed on two separate readings, amend any section of the Private Acts of 1949, as amended; provided that such amendment is not inconsistent with sound actuarial principles, methods, and actuarial assumptions and further provided that such amendment shall not in any way decrease any vested financial benefits accrued by any participant or beneficiary of the Fire and Police Pension Fund. (Ord. No. 11012, 5-9-00).

SECTION 30. That Title 15, Chapter II, captioned "SEWERAGE SYSTEM", Sections 15.22 through 15.33 inclusive relating to issuance of bonds relating to the sewer system be and the same are hereby repealed. These Charter provisions have been superseded by the "Local Government Public Obligations Act of 1986", Tennessee Code Annotated Sections 9-21-101, *et seq*.

SECTION 31. That Title 15, Chapter IV, captioned "GAS, WATER, SEWER AND OTHER CONNECTIONS BY CITY", Sections 15.62 through 15.65 inclusive relating to sewer districts be and the same are hereby repealed:

SECTION 32. That Title 18 captioned "TRANSPORTATION", Section 18.1 to 18.8 inclusive is hereby repealed relating to operation of a public transportation system provided that the City shall retain the authority to operate public transportation systems under state laws of general application.

SECTION 33. BE IT FURTHER ORDAINED, That all laws constituting the present Charter of the City of Chattanooga, not in conflict with this amendatory home rule ordinance, be and the same are continued in full force and effect, and all laws or parts of laws in conflict therewith are hereby repealed.

SECTION_34. That the City Attorney is hereby authorized and directed to formulate and supervise the complications, arrangements, classification, annotations, editing, indexing, printing, publication, and performance of all other acts necessary for the publication of this revised Charter, now existing and as may be amended in the future, which official compilation shall be known as "Chattanooga City Charter." In preparing this revised Chattanooga City Charter, the City Attorney shall not alter the meaning or effect of this Ordinance, but shall copy the exact language of the substantive text, but is authorized to re-arrange, regroup, and renumber the titles, chapters, sections, and parts thereof to change reference numbers to correlate with any renumbered chapter or heading, to change this wording of and prepare new section headings and symbols, to substitute the proper chapter or section reference and to correct manifest misspelling and typographical errors and to change capitalization and spelling for purposes of uniformity.

SECTION 35. BE IT FURTHER ORDAINED, That the Charter additions, deletions, and revisions set forth hereinabove shall be submitted to the electorate with the summary required by law in substantially the following ballot measure:

"Shall the Charter of the City of Chattanooga be amended pursuant to Article XI, Section 9 of the Constitution of Tennessee (Home Rule Amendment) so as to delete archaic provisions, modernize its provisions, to conform to state laws of general application, and to generally to improve the Charter."

FOR THE AMENDMENT [ ]

AGAINST THE AMENDMENT [ ]

SECTION 36. BE IT FURTHER ORDAINED, That the references in this ordinance to section headings and references to Private Acts, ordinances approved by referendum amending the Charter, cross-references, and editor's notes shall not be construed as part of the law.

SECTION 37. BE IT FURTHER ORDAINED, That if any clause, sentence, paragraph, section, or part of this ordinance shall be held to be unconstitutional or void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding such part, if any, as may be held to be invalid.

SECTION 38. BE IT FURTHER ORDAINED, That this Ordinance shall be published in full by the Clerk of the City Council in the daily newspaper in the City of Chattanooga after the passage thereof on second and final reading.

SECTION 39. BE IT FURTHER ORDAINED, That the Clerk of the City Council shall certify the passage of this Ordinance to the Hamilton County Election Commission and request that the proposed amendment to the home rule Charter of the City of Chattanooga, Tennessee, be placed on the ballot to be used in the general state election to be held on or about March 5, 2013.

SECTION 40. BE IT FURTHER ORDAINED, That the Chief Finance Officer is authorized and directed to pay the cost of this election.

SECTION 41. BE IT FURTHER ORDAINED, That the Hamilton County Election Commission shall certify to the Clerk of the City Council of the City of Chattanooga, Tennessee, the result of said election, and the said Clerk shall cause said certification to be made a part of the minutes of the City Council.

SECTION 42. BE IT FURTHER ORDAINED, That Section 1 of this Ordinance shall take effect sixty (60) days after its approval by a majority of the qualified voters of the City

voting thereon, as provided by Article XI, Section 9, Constitution of Tennessee, the public welfare requiring it.

SECTION 43. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two weeks upon its passage.

PASSED on Second and Final Reading

_____, 2012 _____
CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2012

S/_____
MAYOR

/mms