

CHATTANOOGA CITY CHARTER

PART I

CHARTER COMPILATION

Title 1

INCORPORATION

Sec. 1.1. Incorporation of city; corporate name; general powers and liabilities.

The inhabitants of the City of Chattanooga, in the County of Hamilton, are hereby constituted a corporation and body politic, by the name and style of "the City of Chattanooga, Tennessee"; and by the same may sue and be sued; plead and be impleaded, in all the courts of law and equity, and in all actions whatsoever; may purchase, receive and hold property, real and personal, within said city; and may sell, lease or dispose of the same for the benefit of said city; and may purchase, receive and hold property, real and personal, beyond the limits of the city, to be used for the burial of the dead, for the erection of water works, for the establishment of a hospital, poor house, workhouse or house of correction; and may sell, lease or dispose of said property for the benefit of the city; and do all other acts touching the same, as natural persons; and shall have a common seal and change it at pleasure. (Priv. Acts 1869, Ch. 4, § 1; Priv. Acts 1911, Ch. 10, § 2; Priv. Acts 1969, Ch. 82, § 4)

Editor's note-Priv. Acts 1969, Ch. 68, § 4, amended the acts codified as § 1.1, by superseding the provision that "the same shall have succession for ninety-nine years".

Code reference-For composite description of corporate limits and subsequent annexation ordinances, see Appendix A of Chattanooga City Code, Part II.

Sec. 1.2. City to have perpetual existence.

The City of Chattanooga, Tennessee, as a municipal corporation and body politic, shall have perpetual existence, and shall be considered for all purposes to have had perpetual existence since being first chartered by the General Assembly; and no act of said city, including the issuance of bonds, shall be affected in any manner by any prior charter provision to the contrary that may not have been expressly amended or repealed heretofore. (Priv. Acts 1969, Ch. 82, § 4)

Editor's note-Part I of this Volume contains the compilation of the Acts of the Tennessee General Assembly and Home Rule amendments adopted by the voters of the City pursuant to Art. 11, § 9 of the Constitution of Tennessee. Historically, the Charter has been arranged according to subject matter and each provision assigned an arbitrary section number to facilitate referencing and indexing. Although major changes to the Charter were made prior to the 2013 publication of the Charter, the historic numbering system has been maintained to the extent practicable to facilitate cross-referencing and legal research.

The adoption of Home Rule was submitted to the voters to ratify Ordinance No. 6489, 9-19-72 pursuant to Art. 11, § 9 of the Constitution of Tennessee on November 7, 1972, and approved by a vote of 15,895 to 8,190. A list of Home Rule ordinances that have been duly ratified by the voters pursuant to Art. 11, § 9 set forth below. All amendments have been worked into their proper places and amended or repealed revisions deleted.

Legislation that has clearly been superseded by subsequent legislation has been deleted. This provision is set out in the language in which it was enacted, but the editors have added clarifying words or phrases in brackets where necessary. The bracketed material should not, of course, be considered authoritative, but is for convenience and clarity only.

Ordinance No. 11272, 05-02-02, approved by referendum amended and restated the Charter of the City in its entirety so as to conform to the decision of the United States District Court in *Brown v. Board of Commissioners*, U.S.D.C. No. CIV-1-87-388 and subsequent amendments thereto. The Court of Appeals of Tennessee held in the case of *Ron Littlefield v. Hamilton County Election Commission, et al*, No. 11C1520, that Ordinance No. 11272, was "sufficient to 'enact' a 'contrary charter provision' pursuant to Tennessee

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Code Annotated Section 2-5-151 (i) ...” (page 17 of opinion). The editors are of the opinion that based upon this Court of Appeals decision that Ordinance No. 11272 is the baseline for the present charter.

Michael A. McMahan, City Attorney, 2009-2013, is the principal editor of this 2013 publication of the Charter of the City of Chattanooga. Thanks is given to Maria Sirchia for her ongoing efforts to accurately maintain the Charter and City Code.

The following Home Rule Ordinances approved by referendum have been compiled in this Charter of the City of Chattanooga:

TITLE 2	ORDINANCE NO.	EFFECTIVE DATE
	6783	8/13/74
	10741	8/13/74
	10079	6/30/97
	11272	5/2/02
	11305	8/22/02
	11306	8/22/02
	12677	12/18/12
	12766	12/18/12
TITLE 3	ORDINANCE NO.	EFFECTIVE DATE
	7408	8/22/78
	8688	8/19/86
	8936	4/26/88
	9435	8/21/90
	9437	8/21/90
	9439	8/2/90
	9766	8/11/92
	10084	8/16/94
	10463	8/20/96
	10739	8/18/98
	10742	8/18/98
	10745	8/18/98
	11011	5/9/00
	11018	5/6/00
	11101	5/9/00
	11272	5/2/02
	11833	5/23/06
	11876	8/29/06
	11877	8/29/06
	12424	8/17/10
	12566	1/24/12
	12631	7/24/12
	12677	12/18/12
TITLE 4	ORDINANCE NO.	EFFECTIVE DATE
	10742	8/18/98
	11010	5/9/00
	11014	5/9/00
	11018	5/16/00
	11305	8/22/02
	11308	8/22/02
	11310	8/22/02
TITLE 5	ORDINANCE NO.	EFFECTIVE DATE
	7036	5/11/76
	9713	5/5/92
	9724	5/19/92
	10740	8/18/98
	10742	8/18/98
	12677	12/18/12
TITLE 6	ORDINANCE NO.	EFFECTIVE DATE
	10742	8/18/98
	11307	8/22/02
	11591	8/3/04
	12677	12/18/12
TITLE 8	ORDINANCE NO.	EFFECTIVE DATE

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	7368	5/16/78
	10048	5/18/94
	10742	8/18/98
	10746	8/18/98
	11009	5/9/00
	11873	8/22/06
	12566	1/24/12
TITLE 9	ORDINANCE NO.	EFFECTIVE DATE
	12677	12/18/12
TITLE 10	ORDINANCE NO.	EFFECTIVE DATE
	10742	8/18/98
	11872	8/22/06
TITLE 11	ORDINANCE NO.	EFFECTIVE DATE
	9433	8/21/90
	10742	8/18/98
	11592	8/3/04
	12677	12/18/12
TITLE 12	ORDINANCE NO.	EFFECTIVE DATE
	11309	8/22/02
	12677	12/18/12
TITLE 13	ORDINANCE NO.	EFFECTIVE DATE
	8688	8/19/86
	9437	8/21/90
	9767	8/11/92
	9778	8/19/92
	9785	9/8/92
	9839	2/9/93
	10463	8/20/96
	10743	8/18/98
	10744	8/18/98
	10747	8/18/98
	11012	5/9/00
	11272	4/30/02
	12424	8/17/10
	12677	12/18/12
TITLE 14	ORDINANCE NO.	EFFECTIVE DATE
	10742	8/18/98
TITLE 15	ORDINANCE NO.	EFFECTIVE DATE
	11013	5/9/00
	12677	12/18/12
TITLE 18	ORDINANCE NO.	EFFECTIVE DATE
	12677	12/18/12