

CHATTANOOGA CITY CHARTER

Title 15

PUBLIC WORKS, STREETS, SEWERS AND AIRPORTS¹

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CHAPTER I. IN GENERAL

Sec. 15.1. Authority of city relative to public works, streets, generally.

Said City of Chattanooga shall have full control, authority and power over all streets, alleys, sidewalks and sewers, and the building, altering, repairing, cleaning and improving the same, including the power to fix and change the grades of all streets, alleys, sidewalks and sewers, to determine their width, size, location and grade, and to order and enforce by law the grading, laying down, repairing and cleaning of sidewalks by the owners of abutting property, and to procure for the benefit of said city, by condemnation in the name of the city council, as now provided by law for such condemnation proceedings by purchase or otherwise, as now provided by law, any and all necessary property for widening or extending streets, and for enlarging and extending sewers when necessary to do so.

Said council shall also have the absolute control of the expenditure of all moneys and funds arising from taxation or any other source, for street and sewer purposes; and the mayor shall also have control and management over all gangs, forces or individuals condemned to, or in any way placed on street or sewer work by conviction and judgment of any court or order or judgment of any court or order or judgment of any other lawful authority; and over all scavenger

¹**Cross references**-General authority over streets and sidewalks, § 2.1(7); general authority over bridges, culverts, sewers and gutters, § 2.1(8); general authority to provide for lighting of streets, § 2.1(9).

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and street cleaning forces. (Pub. Acts 2nd Sess. 1890, Ch. 1, § 8; Priv. Acts 1911, Ch. 10, §§ 13, 17, 20; Ord. No. 11272, 05-02-02)

Sec. 15.2. Authority to establish, operate airports.

The City of Chattanooga, Tennessee, is hereby empowered in its corporate capacity to establish, construct, equip, maintain and operate an airport for the use of aeroplanes and other aircraft, and may through its city council lease or acquire real property for such use either within or without the corporate limits of said city.

The city council of the said city are hereby authorized to acquire in the name of the said city all necessary property for airports or landing fields, and parks or parkways, either within or without the corporate limits of said city, by purchase or by condemnation proceedings as now provided by law for the condemnation of property for school sites and street purposes by municipalities. (Priv. Acts 1929, Ch. 2, §§ 2, 3; Ord. No. 11272, 05-02-02)

Sec. 15.3. Adjustment of assessments for public improvements.

The city council of the City of Chattanooga is hereby authorized and empowered to adjust assessments heretofore or hereafter made for public improvements where, in the opinion of said council, on account of changed conditions the assessments are materially in excess of the benefits which have accrued to the property so assessed. Provided, however, that the person applying for an adjustment shall agree to pay promptly the installment assessments after such adjustment shall have been made. (Priv. Acts 1935, Ch. 647, § 8; Ord. No. 11272, 05-02-02)

Sec. 15.4. New assessments when original assessment declared invalid.

If any assessment heretofore or hereafter made by said city of property, or any special assessment made pursuant to any improvement act shall be declared invalid by a court of competent jurisdiction the city council are hereby empowered to make a new assessment on property for the year, or years, so declared to be invalid and shall adopt the assessment made by the tax assessor of Hamilton County, Tennessee, as the assessment of said property by said city. The reassessment of improvement assessments shall be made as provided in the Improvement Act authorizing the original assessment. (Priv. Acts 1935, Ch. 647, § 9; Ord. No. 11272, 05-02-02)

Sec. 15.5. Reserved.
(Ord. No. 11013, § 1, 5-9-00)

Sec. 15.6. Negotiations with lowest responsible bidder for work to be done on cost-plus, etc., basis.

After bids have been advertised and received for making any public improvement the mayor may negotiate with the lowest responsible bidder to have such bidder make such public improvement by force account or on a cost-plus basis, if, in the opinion of the mayor, the making

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of such agreement is advantageous to the city, and such agreement shall be in writing and approved by the city council. (Priv. Acts 1949, Ch. 607, § 3; Ord. No. 11272, 05-02-02)

Sec. 15.7. City authorized to condemn property of railroads and other corporations for street, etc., widening purposes.

The city council of the City of Chattanooga are hereby specifically authorized and empowered to condemn and take the property, buildings, privileges, rights and easements, etc., of railway companies, or other corporations, their lessees, trustees and receivers, and any other person, firm or corporation that may be in possession of, using or controlling all or any part of the rights-of-way and properties of such railway companies or other corporations, and to condemn and acquire other property for the purpose of relocating tracks, buildings and other structures of such railway companies or other corporations, all in the manner and mode and upon the terms provided in sections 3397 to 3401 of the Code of Tennessee for the year 1932 [T.C.A. §§ 7-31-108--7-31-111], when it is necessary that the property of such railway companies or other corporations be acquired in order to widen any street, alley or sidewalk within the corporate limits of the City of Chattanooga. (Priv. Acts 1947, Ch. 548, § 2; Ord. No. 11272, 05-02-02)

Sec. 15.8. Authority of water company to contract for collection of sewer charges.

Chapter No. 91, Public Acts of Tennessee of 1867 and 1868, entitled as set out in the caption hereof, be, and the same is hereby amended so as to authorize the City Water Company of Chattanooga (successor to the Chattanooga Water Company) and its successors and assigns, to enter into contracts with the City of Chattanooga, or other public agency owning and operating a sewerage system, to bill and collect sewer service charges as an added designated item on its water service bills, or otherwise, and to contract with the City of Chattanooga, or other public agency, not to accept payment of water service charges without the simultaneous payment of sewer service charges, and to discontinue water service to sewer users who fail and refuse to pay sewer service charges, and not to re-establish water service until such time as sewer service charges due have been paid. (Priv. Acts 1951, Ch. 249, § 1)

Editor's note-Public Acts 1867-68, Ch. 91, which is not set out in this compilation, is the act chartering the Chattanooga Water Company.

Cross reference-Authority of city to enter into contracts with water company for collection of sewer charges, § 15.20(m).

Secs. 15.9 -- 15.18. Reserved.

CHAPTER II. SEWERAGE SYSTEM

Sec. 15.19. Definitions.

The following terms, wherever used or referred to in this Act [chapter], shall have the following meaning, unless a different meaning appears from the context:

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- (a) The term "city" shall mean the City of Chattanooga, Tennessee.
- (b) The term "board" shall mean the city council of the City of Chattanooga, Tennessee.
- (c) The term "federal agency" shall include the United States of America, the President of the United States of America, the Reconstruction finance Corporation, or any other agency, instrumentality or corporation of the United States of America which has heretofore been or may hereafter be designated, created or authorized by or pursuant to any Act of Congress of the United States of America to make allowances or grants to municipalities.
- (d) The term "sewerage system" shall be construed to include all or any part of the following: The collecting system, intercepting and out-fall sewers, pumping facilities, and treatment, purification and disposal plants, the disposition of sewage and industrial waste. (Priv. Acts 1949, Ch. 602, § 2; Ord. No. 11272, 05-02-02)

Sec. 15.20. Powers of city generally.

The city, acting by and through its board, shall have power, and is hereby authorized to:

- (a) Construct a sewerage system within or partially within and partially without the corporate limits of the city.
- (b) Operate and maintain a sewerage system for its own purposes or for the benefit and use of its inhabitants, and also to operate and maintain such sewerage system for the benefit and use of persons, firms and corporations within the corporate limits of the city, and persons, firms and corporations, including municipal corporations, which are situated or whose residence or places of business are situated outside the corporate limits of the city but within Hamilton County, Tennessee, and within a radius of twenty (20) miles from the corporate limits of the city.
- (c) Contract with the City of Rossville, Georgia, to jointly construct and operate a sewerage system, and to agree with said city for the apportionment of the construction and operating cost between the two (2) municipalities.
- (d) Contract with Hamilton County, Tennessee, or any county adjacent to the city located in another state, for the furnishing of sewerage service to the county or to the inhabitants thereof where by furnishing such service the public health of the city will be protected and stream pollution eliminated.
- (e) Accept from any federal agency or from the State of Tennessee or any agency of said state grants for or in aid of the construction of a sewerage system.

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(f) Contract debts for the construction of a sewerage system; to borrow money and to issue its bonds to finance such construction, and to provide for the rights of the holders of the bonds, and to secure the bonds as hereinafter provided.

(g) Fix, levy and collect fees, rents, tolls or other charges for connecting to and for the use of the sewerage system, including the use for industrial waste.

(h) Acquire, by purchase or the exercise of the right of eminent domain, any property or easements or other right or interest in property necessary for the construction, reconstruction, extension or enlargement of a sewerage system whether such property be within or without the city or partially within and partially without the city.

(i) Make contracts and execute instruments containing such terms, provisions and conditions as in the discretion of the board may be necessary, proper or advisable for the purpose of obtaining a grant, loan or other financial assistance from any federal agency or from the State of Tennessee by virtue of any Act of Congress or Act of the Legislature of Tennessee; to make all contracts and execute all other instruments necessary, proper or advisable in or for the furtherance of the construction of the sewerage system.

(j) Enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in or for the furtherance of the construction of a sewerage system.

(k) Require the owner, tenant or occupant of each lot or parcel of land which abuts upon a street or other public way containing a sanitary sewer upon which lot or parcel a building exists for residential, commercial or industrial use to connect such building with such sanitary sewer and to cease to use any other means for the disposal of sewage, sewage waste or other polluting matter.

(l) Require the owner, tenant or occupant of each lot or parcel of land who is obligated to pay the charges made for the service furnished by the sewerage system to make a reasonable deposit in advance to insure the payment of such charges.

(m) Contract with the city water company of Chattanooga, its successors and assigns, for the billing and collection from each water user as an added and designated item on its water service bill the sewer service charges of the city, and to contract with said water company for it not to accept payment of water service charges without payment of the city sewer service charge, and for the company to discontinue water service to users who fail and refuse to pay sewer service charges, and not to re-establish water service until such time as sewer service charges due have been paid.

Cross reference-Authority of water company to contract for collection of sewer charges, § 15.8.

(n) Employ engineers, superintendents and other employees for the operation and maintenance of the sewerage system.

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(o) Perform any acts authorized under this Act [chapter] through or by means of its own officers, agents and employees or by contracts with private corporations, firms or individuals.

(p) Do all acts and things necessary convenient to carry out the powers expressly given in this Act [chapter]. (Priv. Acts 1949, Ch. 602, § 3; Priv. Acts 1951, Ch. 230, § 1)

Sec. 15.21. Proceeds from bonds, rents, fees, etc., to be deposited in separate account in city's name.

All proceeds received from the sale of bonds issued under this Act [chapter] and all fees, rents, tolls, or other charges received by the city from the operation of the sewerage system, and all monies received from any federal agency or the State of Tennessee or state agency shall be paid to the city treasurer, who shall not commingle any money so received with any other monies of the city, but the monies received shall be deposited in a separate bank account, or accounts, in the name of the city. (Priv. Acts 1949, Ch. 602, § 4)

Sec. 15.22 -- 15.33. Repealed.

Editor's note-Former §§ 15.22 through 15.33 inclusive relating to issuance of bonds relating to the sewer system repealed by Ord. No. 12766, § 29, 12-18-12. These Charter provisions have been superseded by the "Local Government Public Obligations Act of 1986", T.C.A. § 9-21-101 *et seq.*

(Ord. No. 12677, § 29, 12-18-12)

Secs. 15.34 -- 15.43. Reserved.

CHAPTER III. REMOVAL, RELOCATION AND INSTALLATION OF UTILITIES IN CONNECTION WITH PUBLIC IMPROVEMENTS

Sec. 15.44. Removal of poles, cables, etc., prior to widening, etc., of streets-City may require companies to do work.

The City of Chattanooga, Tennessee, shall have the power to require the removal, in advance, by public service companies concerned, including the electric power board of Chattanooga, of all telephone, telegraph, light and power poles, towers, cables or lines and all water and gas mains or pipes which may be necessary or advisable in any street widening, straightening, paving, repaving or other street improvement project within said city. (Priv. Acts 1947, Ch. 604, § 2)

Sec. 15.45. Same-City may do work when company fails to do so.

The City of Chattanooga, Tennessee, shall have the power to remove, or have removed, all telephone, telegraph, light and power poles, towers, cables, or lines and all water and gas mains and pipes, at the expense of the public service company concerned (including the electric

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power board of Chattanooga) in event of the failure or refusal of any public service company, after notice, to remove same, and to assess such public service company (including the electric power board of Chattanooga) for the cost and expense thereof, plus a penalty of ten per cent (10%). (Priv. Acts 1947, Ch. 604, § 4)

Sec. 15.46. Same-Assessment and penalty to constitute lien on property.

Assessment made to cover the cost or expense incurred by the City of Chattanooga, Tennessee, in removing or having removed, telephone, telegraph, light and power poles, towers, cables or lines, water and gas mains or pipes, as provided in section 4 of this Act [15.45. of this compilation], together with the penalty of ten per cent (10%), shall operate as a levy and is hereby declared to be a lien upon any and all property of the public service company concerned located within said city, which lien shall be superior to all other liens, except liens for state, county and city ad valorem taxes and special assessments. (Priv. Acts 1947, Ch. 604, § 6)

Sec. 15.47. Installation of utilities by abutting property owners-City may require work to be done.

The City of Chattanooga, Tennessee, shall have the power to require all abutting property owners on any street being widened, straightened, paved, repaved or otherwise improved, within said city to make such sewer, water, gas or other utility connections as may be necessary or advisable in advance of construction. (Priv. Acts. 1947, Ch. 604, § 3)

Sec. 15.48. Same-City may do work when owner fails to do so.

The City of Chattanooga, Tennessee, shall have the power to make or have made all sewer, water, gas or other utility connections at the cost and expense of the abutting property owner concerned in the event of the owner's failure or refusal, after notice, to make such connections, and to assess such owner with the cost and expense thereof, plus a penalty of ten per cent (10%). (Priv. Acts 1947, Ch. 604, § 5)

Sec. 15.49. Same-Assessment and penalty to constitute lien on property.

Any assessment made to cover the cost or expense incurred by the City of Chattanooga, Tennessee, in making sewer, gas, water or other utility connections, as provided in section 5 of this Act [15.48 of this compilation], together with the penalty of ten per cent (10%), shall operate as a levy and is hereby declared to be a lien upon that property of the abutting owner concerned where the connection or connections were made, which lien shall be superior to all other liens, except liens for state, county and city ad valorem taxes and special assessments. (Priv. Acts 1947, Ch. 604, § 7)

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Sec. 15.50. Certification and collection of assessments.

The assessments authorized in sections 4 and 5 of this Act [15.45 and 15.48 of this compilation] shall be certified and collected in such manner as the city council may, by resolution, provide. (Priv. Acts 1947, Ch. 604, § 8; Ord. No. 11272, 05-02-02)

Secs. 15.51 -- 15.60. Reserved.

**CHAPTER IV. GAS, WATER, SEWER
AND OTHER CONNECTIONS BY CITY**

Sec. 15.61. City authorized to make connections at expense of abutting property owners.

Without impairing the powers it already has with respect to requiring property owners to construct and connect sewers, gas, water and other connections, said city shall hereafter have the power to construct and connect sewers, gas, water and other connections at the expense of the abutting property owners in the manner hereinafter provided. (Priv. Acts 1929, Ch. 790, § 2)

Sec. 15.62 -- 15.65. Repealed.

Editor's note-Former §§ 15.62 through 15.65 inclusive relating to sewer districts repealed by Ord. No. 12677, § 30, 12-18-12.

Secs. 15.66 -- 15.75. Reserved.

**CHAPTER V. ABUTTING PROPERTY LAW OF 1907
RELATIVE TO STREETS AND SIDEWALKS²**

Secs. 15.76 -- 15.85. Reserved.

CHAPTER VI. SIDEWALK IMPROVEMENT ACT OF 1915³

Secs. 15.86 -- 15.95. Reserved.

²**Editor's note**-The abutting property law of 1907, consisting of Priv. Acts 1907, Ch. 149, is not set out in this compilation in order to conserve space and because of its limited interest. Various titles and names of officers and departments in said act are changed by Priv. Acts 1911, Ch. 10, adopting the commission form of government. The 1907 act has been specifically amended, as of Nov. 1, 1967, by the following: Priv. Acts 1909, Ch. 484; Priv. Acts 1915, Ch. 574; Priv. Acts 1917, Ch. 432, __ 3,4; Priv. Acts 1919, Ch. 548; Priv. Acts 1921, Ch. 302; Priv. Acts 1921, Ch. 920.

³**Editor's note**-The sidewalk improvement act of 1915, consisting of Priv. Acts 1915, Ch. 131, is not set out in this compilation in order to conserve space and because of its limited interest. Said act has been amended, as of Nov. 1, 1967, by the following: Priv. Acts 1919, Ch. 548

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CHAPTER VII. METROPOLITAN IMPROVEMENT ACT OF 1927⁴

Secs. 15.96 -- 15.105. Reserved.

CHAPTER VIII. IMPROVEMENT ACT OF 1931⁵

Secs. 15.106 -- 15.115. Reserved.

⁴**Editor's note**-The metropolitan improvement act of 1927, consisting of Priv. Acts 1927, Ch. 457, is not set out in this compilation in order to conserve space and because of its limited interest. Said act has been amended, as of Nov. 1, 1967, by Priv. Acts 1929, Ch. 482 and Priv. Acts 1929, Ch. 665.

⁵**Editor's note**-The improvement act of 1931, consisting of Priv. Acts 1931, Ch. 727, is not set out in this compilation in order to conserve space and because of its limited interest. Said act has not been amended as of Nov. 1, 1967.