

**CHATTANOOGA CITY CHARTER**

Title 11

**ORDINANCES AND RESOLUTIONS<sup>1</sup>**

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

**CHAPTER I. IN GENERAL**

**Sec. 11.1. General authority of City Council.**

The city council shall have power to pass for the government of the city any ordinance not in conflict with the Constitution of the United States or the Constitution of the State of Tennessee or the statutes thereof. (Priv. Acts 1901, Ch. 432, § 9; Priv. Acts 1911, Ch. 10, §§ 13,15)

(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).

**Cross reference-**Powers of city enumerated generally, § 2.1.

**Sec. 11.2. Required readings; subject matter.**

No ordinance shall be valid unless passed on two (2) separate readings after an opportunity for free discussion thereof; however, this prohibition shall not apply to a motion, a motion in the nature of a resolution, or a resolution not having the force and effect of an ordinance, and such motions and resolutions shall be effective upon passage by the city council. No ordinance shall be valid if passed on the first and final reading on the same day. This section shall not apply to a franchise ordinance. No ordinance of any kind shall be invalid if it should embrace more than one (1) subject. All resolutions heretofore passed by the city which were motions in the nature of a resolution, or were resolutions not having the force and effect of an ordinance, are hereby validated notwithstanding they were passed and executed after one (1) reading. (Priv. Acts 1901, Ch. 432, § 9; Priv. Acts 1911, Ch. 10, §§ 13, 15; Priv. Acts 1969, Ch. 82, § 3, Ord. No. 11590, § 1, 8-3-04)

**Editor's note-**Ordinance No. 11590, Section 1, amended Section 11.2 to read as herein set out. Formerly, said section said required three readings of ordinances.

Section 3, Ch. 82, Priv. Acts 1969, amended the acts codified as § 11.2. Formerly, said section required three readings of resolutions; invalidated resolutions if passed on the first and final reading on the same day; limited ordinances to one subject, that subject to be expressed in the title.

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<sup>1</sup> **Cross reference-**Requirements for ordinances granting franchises, § 7.2.

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(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. 11.3. Introductory clause.**

The style or introductory clause of all ordinances shall be: "Be it ordained by the City Council of the City of Chattanooga." (Priv. Acts 1911, Ch. 10, § 15)

(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. 11.4. When ordinances take effect.**

Ordinances shall take effect upon becoming law or at such other and subsequent time as the Council may designate within the Ordinance. (Priv. Acts 1911, Ch. 15, § 3, Ord. No. 11592, Section 1, 8-3-04)

(Paragraphs 4 and 21 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. 11.5. Signing of ordinances, etc.; recordation in book by Clerk of the City Council.**

Every ordinance and resolution upon final passage on third reading 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. (Priv. Acts 1911, Ch. 10, § 15)

(Paragraph 21 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. 11.6. Veto power of mayor-Generally.**

All resolutions and ordinances passed by the board, except resolutions calling for information from the mayor and ordinances fixing the compensation of a mayor pro tem, shall be subject to approval or disapproval of the mayor. If the mayor should disapprove of any ordinance or resolution, he shall specify his objection thereto in writing by the next regular meeting of the city council. Such ordinance or resolution so disapproved or vetoed by the mayor shall not be valid unless passed over said veto by a majority vote, to be taken by ayes and nays, and a record thereof entered on the minutes. (Priv. Acts 1901, Ch. 432, §§ 17, 28; Priv. Acts 1911, Ch. 10, § 15)

(Paragraphs 4 and 5 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. 11.7. Same-Item veto.**

The mayor may disapprove any item or items in an ordinance making appropriations, and the part or parts of such ordinance approved by him shall be valid, but the item or items

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disapproved shall not be effective unless again passed as required for the passage of an ordinance, notwithstanding the mayor's veto. (Priv. Acts 1901, Ch. 432, § 28)

### **Sec. 11.8. Ordinances may become valid without signature of mayor.**

Should the mayor withhold any such resolution or ordinance beyond the day for the next regular meeting, and the city council actually meets, if three (3) days shall have intervened between the presentation to the mayor and said meeting, it shall be obligatory as if signed. (Priv. Acts 1901, Ch. 432, § 28; Priv. Acts 1911, Ch. 10, § 13)

**Editor's note**-In the opinion of the City Attorney, this section is modified by 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. 11.9. Vote required for passage of ordinances, etc.**

The affirmative votes of five (5) members shall be necessary to adopt any motion, resolution or ordinance or pass any measure. (Priv. Acts 1911, Ch. 10, § 14)

**Editor's note**-In the opinion of the City Attorney, this section is modified by paragraph 21 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. 11.10. Existing ordinances saved; amendment and repeal.**

All ordinances now in force and not in conflict with this Act or the constitution or statutes of the state, are continued in force, but the city council shall have power to amend or repeal any of them by ordinance. (Priv. Acts 1901, Ch. 432, § 11; Priv. Acts 1911, Ch. 10, § 13)

### **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, in the same manner as done in the 1949 Code of the City of Chattanooga, and the same shall be adequately indexed. Annual pocket part supplements shall be similarly prepared by the city attorney and his assistants codifying all amendments to the said City Charter, all amendments to existing ordinances and resolutions contained in said City Code, all ordinances and resolutions of said city of general application or having regulatory effect, and shall carry all case citations involving any portion of said City Code with a brief explanation of the holding in said case in the same manner as citations are shown in the Tennessee Code Annotated.

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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. Said Code and annual supplements shall be prepared and published at the expense of the City of Chattanooga, and shall be made available for purchase by the public at a reasonable price established by the city attorney, approved by the city council of said city.

The codification of the city charter and ordinances and resolutions may be in one volume. PART I, of said volume 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, consisting of the ordinances and resolutions, may be 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. PART II, of said code or supplements or any copy thereof which is duly certified by the city finance officer and clerk of the city council as a true and correct copy of said 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)

**Editor's note**-In the opinion of the City Attorney, this section is modified by paragraphs 4 and 13b 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. 11.12. Same-Amendment, repeal, etc., of existing ordinances; Code conclusive as to law in city; use of evidence.**

The City of Chattanooga, in the preparation of any digest of its local laws and ordinances is hereby empowered and authorized to codify, revise and collect in the form of a Code all ordinances of a general nature, and in so doing, the city council shall have full power and authority without special ordinance referring to each ordinance amended, altered, repealed or modified, to amend, alter, repeal or modify any ordinance of a general nature other than contract ordinances, franchise ordinances, ordinances relating to bond issues or other ordinances in or by which the city has assumed such contract obligations as are protected by the Constitution of the United States or the State of Tennessee. Such Code shall be in the form of an ordinance and shall be published by the city council in the same form and manner as is now provided for the passage of other ordinances. The provisions of any such Code shall be conclusively held to be the law of the City of Chattanooga from and after its passage with respect to any subject or provision contained therein. Such Code or any copy thereof which purports to be published by authority of the City of Chattanooga may be read in evidence in any court in this state without further proof of its passage. (Priv. Acts 1939, Ch. 572, § 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).

### **Sec. 11.13. Same-Severability of sections, etc., of City Code.**

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The invalidity of any section or part of section of such Code shall not affect the validity of any part of such Code, and only such invalid part shall be elided from such Code. (Priv. Acts 1939, Ch. 572, § 5)

**Secs. 11.14 -- 11.23. Reserved.**

### CHAPTER II. INITIATIVE AND REFERENDUM

**Sec. 11.24. Initiative.**

Any proposed ordinance may be submitted to the city council of the City of Chattanooga by petition signed by the qualified voters of said city equal in number to twenty-five per centum (25%) of the votes cast for all the candidates for mayor at the last preceding general municipal election, with the request that said ordinance be submitted to a vote of the people, if not passed by the city council. The signatures, verification, inspection, amendment and certification of each petition shall be the same as provided in section 23 of the Act hereby amended [section 3.18 hereof]. If the commissioners of election certify to the sufficiency of the petition, the proposed ordinance and petition shall be filed, with the city finance officer, and thereupon either (1) the city council shall pass such ordinance without alteration within six (6) weeks after it is so filed, or, if they fail or refuse to do so, (2) the city finance officer shall transmit said ordinance and petition, together with his certificate that the city council fail or refuse to pass such an ordinance, to the commissioners of election, whose duty it shall then be to call special election to be held as soon as may be done conformably to law, unless a general municipal election is fixed to be held within ninety (90) days; and at said special election, if one is so fixed, said ordinance shall be submitted without alteration to the vote of the qualified voters of said city. The ballots used when voting upon said ordinance shall contain these words: "For the Ordinance" (stating the nature of the proposed ordinance) and "Against the Ordinance" (stating the nature of the proposed ordinance). If a majority of the qualified voters voting on the proposed ordinance shall vote in favor thereof, such ordinance shall thereupon become as valid and binding an ordinance of the city as if duly passed by the board of commissioners; and any ordinance proposed by petition or which shall be adopted by a vote of the people, cannot be repealed or amended except by a vote of the people.

Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section, but there shall not be more than one special election in any period of six (6) months for such a purpose.

The city council may submit a proposition for the repeal of any such ordinance or for amendments thereto, to be voted upon at any succeeding general city election; and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall thereby be repealed or amended accordingly. Whenever any ordinance

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or proposition is required by this Act to be submitted to the voters of the city at any election, the city finance officer shall cause such ordinance or proposition to be published in each of the daily newspapers published in said city, such publication to be not more than twenty (20) nor less than five (5) days before the submission of such proposition or ordinance to be voted on. (Priv. Acts 1911, Ch. 15, § 2; Ord. No. 9433, § 1, 8-21-90; Ord. No. 10742, § 1(1), 8-18-98)

(Paragraphs 4 and 13 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. 11.25. Referendum.**

No ordinance passed by the city council, except an ordinance which the public peace, health or safety shall require to take effect immediately and which shall contain a statement of such urgency and be passed by a vote of more than five (5) of the city council, shall go into effect before two (2) weeks from its final passage; and if, during said two (2) weeks a petition such as is hereinafter described to be filed with the city finance officer protesting against the passage of said ordinance, the same shall be suspended from going into operation, and it shall be the duty of the city council to reconsider such ordinance; and if the same is not entirely repealed, the city finance officer shall transmit said petition with his certificate of the action of the city council thereon to the commissioners of election, whose duty it shall then be to submit said ordinance to a vote of the qualified voters of said city at a general election or a special election called for that purpose in like manner as provided in the second section of this Act [section 11.24 hereof], and said ordinance shall not go into effect or become operative unless a majority of the qualified voters voting upon the same shall vote in favor thereof. Said petition shall be in all respects in accordance with the provisions of the second section of this Act [section 11.24 hereof], but it shall be the duty of the said commissioners of election to examine and certify the same within said period of two (2) weeks. (Priv. Acts 1911, Ch. 15, § 3; Ord. No. 10742, § 1(1), 8-18-98)

(Paragraphs 4, 13 and 21 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).