

Chapter 26

PARKS AND PLAYGROUNDS¹

- Art. I In General, §§ 26-1 -- 26-35**
- Art. II. Cemetery Park, §§ 26-36 -- 26-55**
- Art. III. Miller Park, §§ 26-56 -- 26-90**
- Art. V. Tree Ordinance, §§ 26-101 -- 26-130**
 - Div. 1. General, §§ 26-101 -- 26-109
 - Div. 2. Public Property, §§ 26-110 -- 26-112
 - Div. 3. Private Property, §§ 26-113 -- 26-115
 - Div. 4. Enforcement, §§ 26-116 -- 26-130
- Art. VI. Warner Park Zoo, §§ 26-131 -- 26-149**
- Art. VII. Greenways Advisory Board, §§ 26-150 -- 26-169**

ARTICLE I. IN GENERAL

Sec. 26-1. Jurisdiction of mayor; controlled access.

(a) The mayor shall have charge and general supervision over all parks, playgrounds, public squares and zoological exhibits belonging to the city.

(b) The mayor shall have the authority to regulate the use of city recreational facilities so as to give priority to city residents and their guests for first access to those facilities during those hours when the demand for use of such facilities exceeds the availability or supply of such facilities. This subsection (b) shall be enforced only as to adults over eighteen (18) years of age and nothing in this subsection shall affect the right of minors under eighteen (18) years of age to access to city recreational facilities.

(Code 1986, § 26-1; Ord. No. 9654, § 115, 1-6-92)

Charter reference--Departments of city government, jurisdiction thereof, § 8.4.

Sec. 26-2. Disturbing posted regulations and notices.

It shall be unlawful for any person to deface or tear down any regulations or notices posted in parks and playgrounds by the mayor or his designee.

(Code 1986, § 26-2; Ord. No. 9654, § 116, 1-6-92)

Sec. 26-3. Operation of vehicles in parks.

¹ **Cross references--**Memorial Auditorium, § 2-381 et seq.; amusements, Ch. 6; beautification, Ch. 9; littering in parks § 18-149; anti litter regulations, § 18-141 et seq.; playing games near improved premises restriction, § 25-16.

CHATTANOOGA CITY CODE

It shall be unlawful for any person to drive or propel any vehicle, or drive any horse or other animal in, over or through any park in the city, except along and upon park drives, parkways and park boulevards, or for any person to ride any bicycle, tricycle or toy vehicle through any park, except along and upon the park drives, parkways, park boulevards and upon paths set apart and designated as "bicycle paths."

(Code 1986, § 26-3)

Cross references--Motor vehicles and traffic, Ch. 24; vehicles for hire, Ch. 35.

Sec. 26-4. Reckless speed.

It shall be unlawful for any person to drive or propel any vehicle, to ride or drive any horse or other animal or to ride any bicycle or tricycle at a careless, indifferent or reckless speed through any park or playground in the city.

(Code 1986, § 26-4)

Cross references--Motor vehicles speed regulations generally, § 24-241 et seq.

Sec. 26-5. Certain vehicles prohibited.

It shall be unlawful for any person in the city to drive or propel along or over any park drive, parkway or park boulevard any heavily laden vehicle, or any vehicle carrying or ordinarily used in carrying merchandise, goods, tools, material or rubbish, or any market wagon, farm wagon, milk wagon, dirt cart, moving van, dray or truck, or, except in Citizens' Cemetery Park, any hearse or any vehicle carrying the body of a deceased person or any carriage or other vehicle being a part of a funeral procession, going to or returning from a cemetery.

(Code 1986, § 26-5)

Sec. 26-6. Pasturing, driving animals on park property; trespasses by stock.

It shall be unlawful for any person to pasture any horse or other animal on park property or to drive stock of any kind through or upon park property or to permit stock of any kind to trespass upon or damage park property.

(Code 1986, § 26-6)

Cross reference--Animals and fowl, Ch. 7.

Sec. 26-7. Animals in Parks.

(a) Running at Large. It shall be unlawful for any owner or custodian to allow or permit any animal to run at large in any park or to enter any of the lakes, ponds, fountains or streams therein, excluding any animal parks.

(b) Unsanitary Conditions. The owner or custodian of any animal shall be

PARKS AND PLAYGROUNDS

responsible for the removal of solid waste deposited by said animal within City greenways and parks. Enforcement of this provision shall be by enforcement action taken by City Police Officers, Animal Control Officers, or Parks Department Special-Commissioned Officers. This subsection shall not apply to guide dogs and other service animals.

(c) Posting. Notwithstanding the provisions of subsections (a) and (b) above, the Administrator of the Department of Parks and Recreation may post some parks or areas within parks prohibiting such animals.

(Code 1986, §26-7; Ord. No. 12045, § 1, 11-6-07)

Cross reference--Animals and fowl, Ch. 7.

Sec. 26-8. Where walking, standing, sitting prohibited; forcing entry or exit.

It shall be unlawful for any person to walk, stand or sit on any border, flower bed, monument, vase, fountain, railing or fence in any park or playground in the city or to enter or leave a park or playground by climbing over or forcing a way through any fence or gate therein.
(Code 1986, § 26-8)

Sec. 26-9. Use of seats and swings, other facilities.

It shall be unlawful to sleep upon, lie upon or overturn any seat or swing or other appliance of any park or playground. It shall be unlawful for men to occupy any seat or location designated or set apart for women and children.
(Code 1986, § 26-9)

Sec. 26-10. Injuries to plants, property.

It shall be unlawful for any person to remove, destroy, mutilate or deface any structure, monument, statue, vase, fountain, wall, fence, vehicle, bench, tree, shrub, fern, plant, flower or other property in any park or playground in the city.
(Code 1986, § 26-10)

Sec. 26-11. Molesting birds, animals, etc.

It shall be unlawful in any park or playground in the city to take or molest any bird, fish or frog or any live animal or bird egg, or in any way to interfere with bird nests, or with any cage, box, place or enclosure for the protection of any bird, fish of any live animal.
(Code 1986, § 26-11)

Sec. 26-12. Erecting of signs and other structures; posting advertising.

CHATTANOOGA CITY CODE

It shall be unlawful for any person to place or erect any structure, sign, bulletin board or advertising device of any kind whatever in any park or playground in the city or to attach any notice, bill, poster, sign, wire, rod or cord to any tree, shrub, fence, railing, post or structure belonging to any park or playground; provided that, the mayor or his designee may permit the erection of temporary decorations on occasions of public celebrations or holidays.

(Code 1986, § 26-12; Ord. No. 9654, § 116, 1-6-92)

Cross reference--Advertising generally, Ch. 3.

Sec. 26-13. Permit--Required; exceptions.

(a) It shall be unlawful for any person to hold any planned and organized public assembly to include such events as parades, meetings, weddings, rallies, special events, shows, races, or other events involving more than fifteen (15) individuals in any park in the city except by a permit issued by the Administrator of Parks and Recreation.

(b) No event for which a permit is required shall exceed three (3) hours in duration or end later than 10:00 p.m.

(c) No permit application shall be considered unless the applicant shall have paid at the time for filing a permit application the required application fee of twenty-five dollars (\$25). (Code 1986, § 26-13; Ord. No. 9654, § 116, 1-6-92; Ord. No. 12039, § 1, 10-23-07)

Cross reference--Businesses, trades and occupations generally, Ch. 11.

Sec. 26-14. Same--Application procedure; grounds for denial; other charges.

(a) Applications for permits required by section 26-13 shall be submitted to the Administrator of Parks and Recreation, in writing on a form provided by the Administrator of Parks and Recreation so as to be received at least ten (10) but not more than thirty (30) days (exclusive of Saturdays, Sundays and holidays) in advance of any proposed event. Permit applications shall be received only during the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday, holidays excepted. All applications shall be deemed granted unless denied by the mayor or his designee in writing within five (5) days (exclusive of Saturdays, Sundays and holidays) of receipt for one of the reasons set forth in paragraph (b), which shall be stated in the notice of denial.

(b) Permit applications for events shall be processed in order of receipt, and the use of the park shall be allocated in order of receipt of fully executed applications; provided that, a permit may be denied in writing by the mayor or his designee upon any of the following grounds:

PARKS AND PLAYGROUNDS

- (1) An event has been initiated and previously scheduled by the program coordinator for the same date and time prior to receipt of the permit application.
- (2) A fully executed prior application for the same date and time has been received and a permit has been or will be granted authorizing the program.
- (3) The proposed event is of such a nature or duration that it cannot reasonably be accommodated at the place, date or time applied for.
- (4) It reasonably appears from all known circumstances that the proposed meeting or special event will present an immediate clear and present danger of physical harm to persons or property in or adjacent to the park.
- (5) The permit applicant has not complied or cannot comply with applicable licensure requirements, ordinances or regulations of the city concerning the sale or offering for sale of any goods or services.
- (6) The application proposes activities contrary to any of the provisions of this section or any ordinance of the city, or statute of the United States or the state.
- (7) The permit application is not fully completed and executed.
- (8) The applicant has not tendered the required application fee with the application or has not tendered the required user fee, indemnification agreement, insurance certificate, or security deposit, if required.
- (9) The permit application contains a material falsehood or misrepresentation.
- (10) The applicant is legally incompetent to contract or to sue or be sued.
- (11) The applicant or the person on whose behalf the application for permit was made has on prior occasions damaged or littered city park property and has not paid in full for such damage or has other outstanding and unpaid debt to the city.

(c) In the event a permit is denied under paragraph (b)(1), (2) or (3), the mayor or his designee shall propose to the applicant an alternative site under the management and control of the department of public utilities, grounds and buildings, if available, for the proposed program.

(d) The permit application required by this paragraph shall contain the following

CHATTANOOGA CITY CODE

provisions as a minimum:

- (1) Name and address of person, persons and organizations sponsoring the proposal program;
- (2) Date and time desired;
- (3) Brief description of the nature of the program, including the names of all persons expected to speak if a meeting, as defined in section 26-57, is proposed;
- (4) The facilities, and/or equipment desired to be used;
- (5) An estimation of the number of persons expected to attend the program;
- (6) An agreement of the applicant or other responsible person or persons to defend and indemnify the city for claims arising out of the program and/or to provide proof of public liability insurance for the program if deemed desirable by the mayor or his designee with respect to the particular program proposed.
- (7) An agreement waiving liability on the part of the city for losses or injuries to the person or property of the applicant and/or sponsoring organizations;
- (8) An agreement that no fee or charge for attendance shall be made, advertised or solicited during the program by any person under the auspices or control of the applicant or sponsoring organization;
- (9) An agreement to provide at the expense of the applicant or sponsoring organization such additional policemen and laborers as may be deemed necessary for the program in the discretion of the mayor or his designee.

(e) The applicant shall pay, in advance, in cash, by cashier's check, or by credit card, a nonrefundable user charge to the city for the use of special equipment at the event and any rental fee for the specific area set forth in this Chapter.

(Code 1986, § 26-14; Ord. No. 9654, §§ 2 and 116, 1-6-92; Ord. No. 12039, §2, 10-23-07)

Sec. 26-15. Playing of games.

PARKS AND PLAYGROUNDS

It shall be unlawful for any person to play baseball, football, golf, cricket, lacrosse, polo, hockey or any other game of like character in any park or playground in the city except at the places set apart and designated as grounds for such games and athletic sports, and then only upon such terms as the head of the recreation department may designate.

(Code 1986, § 26-15; Ord. No. 9654, § 117, 1-6-92)

Sec. 26-16. Use of toilet facilities.

It shall be unlawful for any person to void excrement or urine in any park or playground except in facilities specifically provided for such purpose, or to use or enter any such facility established exclusively for persons of the opposite sex.

(Code 1986, § 26-16)

Sec. 26-17. Other acts prohibited.

It shall be unlawful in any park or playground for any person to:

- (1) Carry firearms;
- (2) Make any fire;
- (3) Have any alcoholic beverage without the approval of the Administrator of the Department of Parks, Recreation, Arts & Culture;
- (4) Sell, offer or expose for sale any goods or wares, except under a written permit from the head of the recreation department;
- (5) Post or display any sign, placard, flag or advertising device without such permit;
- (6) Solicit any subscription or contribution;
- (7) Bathe or fish;
- (8) Follow a person in or about a public place; or
- (9) Engage in a course of conduct or repeatedly commit an act that alarms or seriously annoys another person and that serves no legitimate purpose.

(Code 1986, § 26-17; Ord. No. 10911, § 1, 9-21-99)

Sec. 26-18. Reserved.

Sec. 26-19. Curfew; unlawful to be on park lands after curfew; exceptions.

CHATTANOOGA CITY CODE

It shall be unlawful for any person to remain upon any public park in the city at night after the hour of 10:30 p.m. prevailing time, unless such person is attending an organized athletic or social event in areas which are lighted for such purposes and which events have been previously scheduled through the park director of that park, or through the head of the recreation department, and which events are supervised by such park director or a designated employee of such department.

(Code 1986, § 26-19; Ord. No. 9654, § 117, 1-6-92)

Sec. 26-20. Admission fees for aerobic and/or similar exercise programs.

In order to defray the necessary cost and expense of operating aerobic and/or similar exercise programs at facilities operated by the City of Chattanooga, the city council may from time to time establish by resolution such admission fees as it deems necessary for aerobic and/or similar exercise programs offered to the public.

(Ord. No. 9478, 11-6-90)

Sec. 26-21. Petty cash fund for softball activities.

A petty cash fund may be maintained only during the softball season, entitled “Softball Program Account,” for the Department of Parks, Recreation, Arts & Culture in an amount not to exceed Three Thousand Dollars (\$3,000.00). At the conclusion of each season, any amounts remaining in such account shall be returned to the General Fund.

(Ord. No. 11008, § 1, 5-9-00)

Sec. 26-22. Rental rates for Greenway Farm Conference Room.

There shall be a charge of Twenty-Five Dollars (\$25.00) per hour for the Greenway Farm Conference Room, not to exceed One Hundred Dollars (\$100.00) per day, for the rental of the Greenway Farm.

(Ord. No. 11175, § 30, 9-11-01)

Sec. 26-23. Rental rates for Walker Pavilion.

There is hereby established a rental rate schedule for the Walker Pavilion as follows:

Casual Daily User	Free
Pavilion Table Reservation	\$ 25.00/per 2 hours
Private Facility Rental (6 p.m. – 12 midnight)	\$350.00
--User rents table and chairs privately	
--Insurance cost is renters	
--Off-duty police officer(s)	
--\$100.00 maintenance deposit (refundable)	

(Ord. No. 11175, § 30, 9-11-01)

PARKS AND PLAYGROUNDS

Sec. 26-24. Rental rates for Usage of Waterfront.

The following fee schedule shall apply to usage of the waterfront area for events falling within the categories enumerated herein. For category four (4) or five (5) events, a License Agreement shall be entered into with the City of Chattanooga establishing the fee amount, which shall not be less than the amount set forth for category three (3) events. This established fee schedule shall not apply to City sanctioned events. A deposit shall be required for use of the waterfront area in an amount equal to one day of rental for each venue that the event is utilizing.

Description of Categories	
Category 1	No sales, admission fees, concessions, entry fees, pledges or donations. Funds to produce the event may be obtained from grants, donations, or sales that occur off site prior to event.
	OR
	Runs/Walks where no entry fee is charged to participate. Pledges in support of a charity may be collected off site.
Category 2	Closed to the public, with or without a fee.
Category 3	Commercial: The purpose of the event is to distribute information and/or introduce a product that may result in present or future donations or sales.
	OR
	Sales: Events where concessions, and/or sales are part of the event. Runs, walks, contests where entry fees are charged in order to participate and the end event is combined with a festival-type event (beer gardens, bands, or similar activity).
	OR
	Festival-type events where there are sales. Sales are limited to eight (8) vendors. These vendors are for providing food services to the public and event personnel during the event. Vendors may also provide specific event-related goods & services that closely follow the theme or subject Matter of the event. No admission may be charged to the festival. No donations may be collected. This Category is limited to one-day (including set up and take down) events with an attendance of 1,000 People or less. In addition to the usage fee, a separate Category per-vendor charge is accessed.
Category 4	Runs, walks, contests where entry fees are charged in order to participate and race memorabilia may be sold on site. Race memorabilia is limited

CHATTANOOGA CITY CODE

	to T-shirts, sweatshirts or other race-related items which have a per item cost of \$25 or less.
Category 5	Limited access/entrance fees: Events in this Category will be charged three (3) times Category 3. These are events that totally fence the area and charge an admission fee.

Venue	Category 1	Category 2	Category 3	Category 4	Category 5
Green west of Olgiati					
Bridge near Marina	150	1000	1500	License	License
Small parking lot west of Olgiati					
Bridge nearest to Marina	100	500	500	License	License
Parking lot under Olgiati Br.	n/a	n/a	n/a	n/a	n/a
Step area under Olgiati Bridge	250	750	1000	License	License
Green east of Olgiati Bridge near Southern Belle	150	1000	1250	License	License
Parking lot east of Olgiati Br.	150	1000	1500	License	License
Lower green west of the Pier	150	1000	1500	License	License
Parking lot west of Power Alley	100	500	500	License	License
City Pier	500	2000	2500	License	License
Lower green east of the Pier	350	1500	2000	License	License
City Green in front of River Pier					
Landing	250	1250	1750	License	License
River Terrace	500	2000	2500	License	License
1st Street Steps					

PARKS AND PLAYGROUNDS

T/E to close street	350	1500	2000	License	License
Walnut Street Bridge	500	750	1000	License	License
Martin Ampitheatre	250	750	1000	License	License
Homberg Bridge	500	2000	2500	License	License
Coolidge Park	500	750	1000	License	License
Renaissance Park	500	750	750	License	License
*Bridge is always open to the public					

The following fees shall apply to any City services provided in connection with an event as defined in categories one (1) through five (5).

City Service(s)	# of Laborers	Hours	Rate \$/hr	Totals
Public Works			\$20	\$
Road Closure	N/A	N/A	\$50/Event	\$
Parks & Recreation			\$20	\$
Officers			\$28	\$
School Patrol			\$15	\$

(Ord. No. 11175, § 30, 9-11-01; Ord. No. 11976, § 1, 6-19-07)

Sec. 26-25. Fees for Municipal Golf Courses.

There is hereby established the following fee schedule for municipal golf courses:

Daily Fees - new rates effective April 1, 2005

18-hole Green Fee, Weekday	\$	18.00
18-hole Green Fee, Weekend*		23.00
18-hole Senior Green Fee, Weekday		12.00
18-hole Junior (16-18) Green Fee, Weekday		12.00

*Note: All golfers pay the same rate on weekends and holidays.

Annual Passes**

Single Course

Dual

PARKS AND PLAYGROUNDS

Sec. 26-39. Who may be interred; transfer of lots.

No owner of a lot in Citizens' Cemetery may allow the interment of any person, except members of his immediate family, to be made in his lot, nor shall any transfer of any interest in any lot be made except with the written consent of the mayor or his designee, which shall be endorsed on the instrument of transfer or assignment.

(Code 1986, § 26-39; Ord. No. 9654, § 116, 1-6-92)

Sec. 26-40. Use of potter's field prohibited.

No interments may be made in that part of Citizens' Cemetery designated as the pauper burying grounds and potter's field.

(Code 1986, § 26-40)

Sec. 26-41. Lot regulations.

(a) In Citizens' Cemetery, no enclosure of lots, such as fences, hedges, coping or ditches shall be permitted, nor shall any lot be raised above the established grade or contour of the ground, nor shall grave mounds be allowed or such articles as shells, glass, vases, stones or ornaments on graves.

(b) No trees, shrubs or plants shall be planted, pruned or removed without the consent of the mayor or his designee.

(c) Only one (1) stone or marker shall be allowed for each grave, to be placed at the head of the grave in line with the contour of the ground.

(d) Monuments of granite not more than four (4) feet high shall be permitted on lots covering three hundred and eighty (380) square feet or more, but only one (1) such monument shall be placed on a lot. All monuments shall be subject to approval by the mayor or his designee. Excavations for monuments shall be not less than five (5) feet deep and shall be made by employees of the department of parks and recreation at the expense of the person having the monument erected. Such person shall be responsible for any damage to the grounds and for the prompt removal of all debris, litter, etc., after the monument's erection. No stone work shall be commenced on Saturday that cannot be completed on that day, and no heavy hauling shall be allowed in wet weather.

(Code 1986, § 26-41; Ord. No. 9654, § 116, 1-6-92)

Secs. 26-42 -- 26-55. Reserved.

ARTICLE III. MILLER PARK

DIVISION 1. GENERALLY

CHATTANOOGA CITY CODE

Sec. 26-56. Scope.

The rules and regulations set out in this article shall govern the use of the stage, stage area, acoustical shell and/or sound equipment in the Miller Park, for public meetings or other special events.

(Code 1986, § 26-56)

Sec. 26-57. Definitions.

As used in this article, the following words and terms shall have the meanings herein set out:

Meeting includes any public expression of feeling or opinion, such as speechmaking and all other like forms of conduct involving the communication or expression of views or grievances engaged in by one (1) or more persons, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term does not include casual use of the park areas by visitors which does not have an intent or propensity to attract a crowd or onlookers.

Other park areas shall mean the sidewalks and paved walkways in and adjacent to the Miller Park.

Special events includes plays, pageants, celebrations, musical performances, entertainments, exhibitions, shows, fairs, festivals and similar events which are engaged in by one or more persons, the conduct of which has the effect, intent or propensity to draw a crowd or onlookers. This term does not include casual use of other park areas by visitors which does not have an intent or propensity to attract a crowd or onlookers.

(Code 1986, § 26-57; Ord. No. 9654, § 118, 1-6-92)

Cross reference--Definitions and rules of construction generally, § 1-2.

Secs. 26-58 - 26-90. Reserved.

ARTICLE IV. BRAINERD GOLF COURSE

Sec. 26-91. Board of Directors--Created; composition.

A board of directors is hereby created which shall be known as the "Board of Directors of the Brainerd Golf Course." Such board shall be composed of seven (7) members, one of whom shall be the mayor or his designee, who shall be chairman of the board.

(Code 1986, § 26-91; Ord. No. 9654, § 116, 1-6-92)

Sec. 26-92. Same--Appointment, term of office.

The board of directors of the Brainerd Golf Course shall be appointed by the mayor or his designee and confirmed by the city council. Effective January 1, 1986, each member of the

PARKS AND PLAYGROUNDS

board, except for the mayor or his designee, shall hold office for a term of one (1) year or until his or her successor is duly appointed and confirmed. The mayor or his designee shall serve as a director during his term of office as mayor. As each remaining director's term expires, a successor director shall be appointed, upon confirmation by the city council, for a term of one (1) year; provided, no person shall serve as a director for more than three (3) separate one-year terms.

(Code 1986, § 26-92; Ord. No. 9654, §§ 2 and 116, 1-6-92)

Sec. 26-93. Same--Powers, duties.

The board of directors of the Brainerd Golf Course shall have complete control in the entire management of such golf course, and shall make, and by majority vote of the board, shall approve, all contracts pertaining to the maintenance, upkeep, use and operation of such golf course; provided that, any contract involving liability on the part of the city shall have the approval of the mayor.

(Code 1986, § 26-93; Ord. No. 9654 § 13, 1-6-92)

Secs. 26-94 -- 26-100. Reserved.

ARTICLE V. TREE ORDINANCE

DIVISION 1. GENERAL

Sec. 26-101. Title.

This article shall be known and may be cited as the Chattanooga Tree Ordinance.
(Ord. No. 9315, § 1, 1-30-90)

Sec. 26-102. Purpose.

Street trees and plantings on public grounds constitute an important public asset of the City of Chattanooga, enhancing the attractiveness and environmental health of the City, thereby promoting the general and economic well-being of the City. Urban trees are a fragile public resource and may be damaged or destroyed through malicious, careless, or even well-intentioned actions. This public resource may best be improved and protected by a program of comprehensive management and regulation of planting, maintenance, and removal, administered by a new office within municipal government. This program shall be known as the "Urban Forestry Program," or alternatively as the "Tree Program."

(Ord. No. 9315, § 1, 1-30-90)

Sec. 26-103. Definitions.

For the purpose of this Article the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the

CHATTANOOGA CITY CODE

present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is mandatory and not merely directory.

City - the City of Chattanooga, Tennessee.

City Property - all real property which is owned or leased by the City or which is maintained by it, or any part of any public right-of-way.

Diameter at Breast Height (DBH) - a standard of measure of tree size, consisting of the diameter of the tree at a height of four and one-half (4.5) feet above the ground.

Highway or Street - the entire width of every public way or right-of-way when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular or pedestrian traffic.

Municipal Forester - the Municipal Forester or other qualified designated official of the City of Chattanooga, assigned to carry out the enforcement of this Article.

Park - shall include all public parks having individual names.

Park Division - the designated unit of the City under whose jurisdiction park and/or street trees fall.

Planting Plan - a scaled drawing depicting all plant materials, specifications, and any other information required by the Municipal Forester for the evaluation of permit applications.

Property Line - shall mean the outer edge of the right-of-way of a highway or street.

Property Owner - shall mean the person owning property as shown by the County Assessor's Plat of Hamilton County, Tennessee.

Pruning Standards - generally accepted standards for pruning as defined in the current edition of Pruning Standards by the American Society of Consulting Arborists.

Public Trees - shall include all shade and ornamental trees now or hereafter growing on any street, park, or any other public place.

Right-of-way - that property located within and adjoining the public streets, roads, highways and public easements within the City, which rights-of-way are owned or otherwise maintained by the City.

Street Trees - trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the City.

PARKS AND PLAYGROUNDS

Topping - the severe cutting back of limbs or trunks within the canopy of a tree so as to remove the normal canopy and disfigure the tree.

Treelawn - that part of a street or highway, not covered by sidewalk or other paving, lying between the property line and that portion of the street or highway usually used for vehicular traffic.

Urban Forestry Program - an affirmative action program for management of trees within the City as a public resource.
(Ord. No. 9315, § 1, 1-30-90)

Sec. 26-104. Establishment of a Tree Advisory Commission.

(a) There shall be created a commission to be known and designated as "Tree Advisory Commission" composed of seven (7) persons, who shall be residents of the City of Chattanooga or of Hamilton County. Said members shall be appointed by the mayor with approval of the Governing Body of the City. The Superintendent of the Division of Parks and Municipal Forester shall serve as advisors to the Commission. All members of the Commission shall serve thereon without pay. The members first appointed by the mayor shall be appointed for terms as follows: Three (3) for two (2) years; three (3) for three (3) years; and one (1) for four (4) years, and serve until their successors are duly appointed and approved by the city council. Successors to those members appointed by the mayor shall thereafter be appointed for terms of four (4) years. Vacancies caused by death, resignation, or otherwise, shall be filled for the unexpired term in the same manner as original appointments are made.

(b) *Organization.* Within a reasonable time after the appointment of said Commission and approval of the members thereof, upon call of the mayor, the Commission shall meet and organize by election of a chairman and appointment of the Municipal Forester as secretary. The Commission shall then provide adoption of rules and procedures and for holding of regular special meetings as the Commission shall deem advisable and necessary in order to perform the duties set forth.

(c) *Duties.*

- (1) The Commission shall study the problems and determine the needs of the City of Chattanooga in connection with its urban forestry program and report from time to time to the Governing Body of the City as to desirable legislation concerning the tree program and related activities for the City.
- (2) The Commission shall recommend to the Commissioner of Public Utilities, Grounds and Buildings candidates for the office of Municipal Forester.

CHATTANOOGA CITY CODE

- (3) The Commission shall assist the properly constituted officials of the City, as well as the Governing Body and citizens of the City, in the dissemination of news and information regarding the selection, planting, and maintenance of trees within the corporate limits, whether they be on private or public property.
- (4) The Commission shall provide regular and special meetings at which the subject of trees, insofar as it relates to the City, may be discussed by the members of the Commission, officers and personnel of the City and its several divisions, and all others interested in the urban forestry program.
- (5) The Commission shall hear and decide appeals from decisions of the Municipal Forester as set forth in Sec. 26-107.

(Ord. No. 9315, § 1, 1-30-90; Ord. No. 9662, §§ 1 and 2, 1-21-91)

Sec. 26-105. Establishment of the position of Municipal Forester.

(a) *Appointment.* The Municipal Forester shall be appointed by the Governing Body of the City upon recommendation by the Commissioner of Public Utilities, Grounds and Buildings after a competitive examination and interview given by the Tree Advisory Commission. He or she shall be a person skilled and trained in the arts and sciences of municipal arboriculture, and shall hold a college degree in urban forestry, arboriculture, ornamental or landscape horticulture, or other closely related field. He or she shall have had at least three (3) years experience in municipal urban forestry work or its equivalent. The office of the Municipal Forester shall be an administrative unit of the Department of Public Utilities, Grounds and Buildings. The position of Municipal Forester shall be fully funded for a minimum of three (3) years. Should the office of Municipal Forester be vacant, the authority of that office shall be transferred to the Superintendent of Parks until such time as the Municipal Forester position is filled.

(b) *Salary.* The Municipal Forester shall receive a salary commensurate with his or her training and experience as full compensation for all services rendered and in lieu of all fees.

(c) *Duties and Authority.*

- (1) *General.* The Municipal Forester shall have the authority and jurisdiction of regulating the planting, maintenance, and removal of trees on streets and other publicly owned property to insure safety or preserve the aesthetics of such public sites. The Municipal Forester shall promulgate the rules and regulations of the Arboricultural Specifications and Standards of Practice governing the planting, maintenance, removal, fertilization, pruning, and bracing of trees on the streets, parks and other public places in the City, and shall direct, regulate, and control the planting, maintenance and removal of all trees growing now or hereafter in any public area of the City. He or she shall cause the provisions of this Article to

PARKS AND PLAYGROUNDS

be enforced. The Municipal Forester shall seek the advice of the City Traffic Engineer in matters concerning trees which may be a hazard to traffic safety.

- (2) **Permit Authority.** The Municipal Forester shall have the authority to issue or deny permits for planting, maintenance, or removal of trees as authorized. It shall also be his or her duty to supervise or inspect all work done under a permit issued in accordance with the terms of this Article.
- (3) **Master Street Tree Plan.** The Municipal Forester shall have the authority to formulate a Master Street Tree Plan with the advice and approval of the Tree Advisory Commission. The Master Street Tree Plan shall specify the species of trees to be planted on each of the streets or other public sites of the City. From and after the effective date of the Master Street Tree Plan, or any amendment thereof, all planting of Public Trees shall conform thereto. The Municipal Forester shall consider all existing and future traffic, utility and environmental factors and urban design criteria when recommending a specific species for each of the streets and other public sites of the City.

(Ord. No. 9315, § 1, 1-30-90; Ord. No. 9662, § 3, 1-21-91)

Sec. 26-106. Interference with Municipal Forester.

No person shall hinder, prevent, delay, or interfere with the Municipal Forester or any of his assistants while engaged in carrying out the execution or enforcement of this Article; provided, however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the City.

(Ord. No. 9315, § 1, 1-30-90)

Sec. 26-107. Right to appeal decision of Municipal Forester.

Any aggrieved party shall have a right to appeal any decision of the Municipal Forester. If a party wishes to contest a decision he shall, within ten (10) days from the date of receipt of such decision, request in writing a hearing before the Tree Advisory Commission for a review and/or hearing on said decision. Any decision of the Tree Advisory Commission shall be final, subject to appeal to a court of competent jurisdiction.

(Ord. No. 9315, § 1, 1-30-90)

Sec. 26-108. Legality of article and parts thereof.

Should any section, clause, or provisions of this Article be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the Article as a whole, or parts thereof, other than the part so declared to be invalid.

(Ord. No. 9315, § 1, 1-30-90)

Sec. 26-109. Reserved.

CHATTANOOGA CITY CODE

DIVISION 2. PUBLIC PROPERTY

Sec. 26-110. Public tree care.

(a) *City authority on public grounds.* The City shall have the right to plant, prune, maintain and remove trees, plants, branches and shrubs within the property lines of all streets, alleys, avenues, lanes, boulevards, public schools, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

(b) *Private planting on public grounds.* This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with Sections 26-105 and 26-112 of this Article.

(c) *Damage.* Unless specifically authorized by the Municipal Forester, no person shall intentionally damage, cut, carve, transplant, or remove any tree; attach any rope, wire, nails, advertising posters, or other contrivance to any tree; allow any gaseous, liquid, or solid substance which is harmful to trees to come in contact with any public tree.

(d) *Topping.* It shall be unlawful for any person, firm or city department to top any street tree, park tree, or other tree on public property. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this provision by agreement of the Municipal Forester.

(e) *Stumps.* All stumps of removed street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

(f) *Construction protection.*

(1) All trees on any street or other publicly owned property near any excavation or construction of any building, structure, or street work, shall be guarded with a good substantial fence, frame, or box not less than four (4) feet high and eight (8) feet square, or at a distance in feet from the tree equal to the diameter of the trunk in inches of diameter at breast height (DBH), whichever is greater, and all equipment and building material, dirt, or other debris shall be kept outside the barrier; provided, however that upon good cause shown the Municipal Forester may alter or waive the foregoing requirements.

(2) No person shall excavate any ditches, tunnels, trenches, or lay any drive within a radius of ten (10) feet from any public tree without first obtaining a written permit.

PARKS AND PLAYGROUNDS

- (3) No person shall deposit, place, store, or maintain upon any public place of the City any stone, brick, sand, concrete, or other materials which may impede the free passage of water, air, and fertilizer to the roots of any tree growing therein, except by written permit of the Municipal Forester.

(Ord. No. 9315, § 1, 1-30-90)

Sec. 26-111. Obstructions--minimum clearances.

It shall be the duty of any person or persons owning or occupying real property bordering on any street upon which property there may be trees, to prune such trees in such manner that they will not obstruct or shade the street lights, obstruct the passage of pedestrians on sidewalks, obstruct vision of traffic signs, obstruct the view of any street or alley intersection, or otherwise endanger the public. The minimum clearance of any overhanging portion thereof shall be eight (8) feet over sidewalks, and twelve (12) feet over all streets and vehicular use areas except truck thoroughfares which shall have a minimum clearance of fourteen (14) feet. No street trees shall be planted closer than ten (10) feet to any fireplug. No street trees shall be planted closer than twenty (20) feet to any overhead electrical or telephone wires unless specifically approved by the Municipal Forester as a low growth variety suitable for such location. Property owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public.

(Ord. No. 9315, § 1, 1-30-90)

Sec. 26-112. Permits required.

(a) *General.*

- (1) Except as provided herein, no person shall plant, spray, fertilize, preserve, prune, remove, cut above ground, or conduct ground-disturbing activities within the drip line of, or otherwise disturb any tree on any street or city-owned property without first filing an application and procuring a written permit from the Municipal Forester on forms furnished by the Division of Parks. The person receiving the permit shall abide by the Standards of Practice adopted by the Forester and by other reasonable conditions imposed by the Municipal Forester.
- (2) Applications for permits must be made at the office of Municipal Forester not less than forty-eight (48) hours in advance of the time the work is to be done. A permit fee of \$5.00 shall be charged which shall include costs to the city for instructional pamphlets to be issued with permits.
- (3) The Municipal Forester shall issue the permit provided for herein if, in his or her judgment, the proposed work and the proposed method and workmanship thereof are in compliance with the provisions of this Article. Any permit granted shall contain a definite date of expiration and the work shall be completed in the time

CHATTANOOGA CITY CODE

allowed on the permit and in the manner as therein described. Any permit shall be void if its terms are violated.

- (4) Notice of completion shall be given within five (5) days to the Municipal Forester for his inspection. Such notice shall include whatever form of identification as may be specified by the Municipal Forester.
- (5) General permits may be approved for public and private utility companies which shall install overhead and underground utilities (including CATV installations and water and sewer installations by or at the direction of the city); provided that, the company's written pruning and trenching specifications have been annually approved by the Division of Parks and the Tree Advisory Commission; provided, however, that removal of any tree shall have been specifically approved in advance by the Municipal Forester. Such general permits may be revoked upon written notice to the permit holder from the Municipal Forester in the event the permit holder fails to comply with the provisions of this Article or with the conditions of the permit.
 - (b) *Planting.*
 - (1) Application Data. The application required herein shall state the number of trees to be set out; the location, grade, species, cultivar or variety of each tree; the method of planting; and such other information as the Municipal Forester shall find reasonably necessary to a fair determination of whether a permit should be issued. A Planting Plan shall be required if twenty-five (25) or more trees or shrubs are to be planted.
 - (2) Improper Planting. Any tree planted in a manner in conflict with the provisions of this section shall be subject to removal as provided in Division 4 of this Article.
 - (c) *Maintenance.* Application Data. The application required herein shall state the number and kinds of trees to be sprayed, fertilized, pruned, or otherwise maintained; the kind of treatment to be administered; the composition of the spray material to be applied; and such other information as the Municipal Forester shall find reasonably necessary to a fair determination of whether a permit should be issued.
 - (d) *Removal, replanting and replacements.*
 - (1) Wherever it is necessary for the city to remove a tree or trees from a treelawn in connection with the paving of a sidewalk, or the paving or widening of the portion of a street or highway used for vehicular traffic, the city may replant such trees or replace them. Provided that if conditions prevent planting on treelawns,

PARKS AND PLAYGROUNDS

this requirement will be satisfied if any equivalent number of trees of the same size and species as provided for in the Master Street Tree Plan are planted in an attractive manner on the adjoining property with the approval of the property owner(s).

- (2) No person or property owner shall remove a tree from the treelawn for any reason without first filing an application and procuring a permit from the Municipal Forester. The person or property owner shall bear the cost of removal and replacement of all trees removed.

(Ord. No. 9315, § 1, 1-30-90)

DIVISION 3. PRIVATE PROPERTY

Sec. 26-113. Utility responsibility on private property.

Public and private utilities which install overhead and underground utilities (including CATV installations and water and sewer installations by or at the direction of the city Department of Public Works or Public Utilities, Grounds, and Buildings), shall be required to accomplish all work on property subject to this Article in accordance with the company's written pruning and trenching specifications, or as mutually agreeable to the property owner and the utility. Written specifications shall have been first approved by the Division of Parks and reviewed by the Tree Advisory Commission.

(Ord. No. 9315, § 1, 1-30-90)

Sec. 26-114. Dead or diseased tree removal on private property.

(a) The city shall have the right to order or cause the removal of any trees that are dead or diseased on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the city. The Municipal Forester shall determine which tree or trees are to be removed.

(b) Unless such trees pose immediate hazard to public safety, the owner of such trees will be ordered, in writing, to remove said trees, stating the reason for removal and the location of said tree or trees to be removed. Removal shall be done by said owners at the owner's expense within fourteen (14) days after the date of the order to remove. In the event the owner fails to comply with such order to remove, or if public safety considerations require immediate removal, the city shall then proceed to remove said tree or trees, and to charge removal costs to the owner of the property as provided by law in the case of special assessments.

(Ord. No. 9315, § 1, 1-30-90)

Sec. 26-115. Reserved.

DIVISION 4. ENFORCEMENT

CHATTANOOGA CITY CODE

Sec. 26-116. Violations declared nuisances.

The maintenance of any tree in violation of the provisions of this Article by any person is declared to be a public nuisance dangerous to the public safety and shall be abated as set forth in this Article.

(Ord. No. 9315, § 1, 1-30-90)

Sec. 26-117. Notice requiring abatement of violations; abatement by City; lien for costs.

Upon ascertaining a violation of the provisions of this Article, the Municipal Forester shall cause to be served upon the offender a written notice to abate which shall (i) describe the conditions constituting a nuisance under this Article and (ii) state that the nuisance may be abated by the City at the expense of the offender at the expiration of fourteen (14) days from the date of such notice if the condition is not corrected by the offender. If, at the expiration of fourteen (14) days from the date of said notice to abate, the condition constituting a nuisance has not been corrected, then such condition may be corrected for the nuisance abated by the City at the expense of the offender under the directions of the Municipal Forester. The City shall have a lien on the property upon which such nuisance is located to secure the amount expended for the abatement of such nuisance.

(Ord. No. 9315, § 1, 1-30-90)

Sec. 26-118. Violation declared misdemeanor; penalty.

Any person who shall violate any provision of this chapter, or any person who shall fail or refuse to comply with any notice to abate or other notice issued by the Municipal Forester within the time allowed by such notice, shall be guilty of a misdemeanor; each day of such violation or failure or refusal to comply shall be deemed a separate offense and punishable accordingly. Each violation of this article shall be punishable by a fine of not less than Ten (\$10.00) Dollars nor more than Fifty (\$50.00) Dollars.

(Ord. No. 9315, § 1, 1-30-90)

Secs. 26-119 -- 26-130. Reserved.

ARTICLE VI. WARNER PARK ZOO

Sec. 26-131. Operation; supervision.

The Warner Park Zoological Exhibit shall be operated under the general supervision of the Administrator of Parks and Recreation. The Zoo Supervisor shall directly manage the zoological exhibit and employees assigned thereto.

(Ord. No. 10549, § 1, 3-18-97)

PARKS AND PLAYGROUNDS

Sec. 26-132. Rules and regulations.

The Zoo Supervisor shall have the authority to post regulations and notices concerning the use of the zoological exhibit for the protection of the public and the animals.
(Ord. No. 10549, § 1, 3-18-97)

Sec. 26-133. Molesting zoo animals unlawful.

It shall be unlawful for any person to molest or in any way interfere with any animal, cage, place or enclosure for the protection of any animals in the zoo or to violate any posted regulations or notices.
(Ord. No. 10549, § 1, 3-18-97)

Sec. 26-134. Fees.

(a) An entrance fee shall be imposed upon persons entering the zoological exhibit. Fees shall be as follows:

Adults	\$ 6.00
Seniors	4.00
Child (ages 3-15)	3.00
Child (school)	2.00
Wednesdays (1:00 p.m. – 4:00 p.m.)	1.00
Children (under age 3)	FREE
Free/Reduced School Lunch Recipients	FREE
Members of the American Zoo Association	FREE
Members of Friends of the Zoo	FREE

(Ord. No. 10549, § 1, 3-18-97; Ord. No. 11266, 04-09-02; Ord. No. 11690, 05-24-05)

Secs. 26-135 -- 26-149. Reserved.

ARTICLE VII. GREENWAYS ADVISORY BOARD

Sec. 26-150. Establishment.

There is hereby established a board of nine (9) members, one from each district, to be known as the Greenways Advisory Board.
(Ord. No. 10564, § 1, 5-13-97)

Sec. 26-151. Appointment; chairman and secretary; term; meetings.

CHATTANOOGA CITY CODE

(a) *Appointment.* The Greenways Advisory Board shall consist of nine (9) members to be appointed by the Mayor subject to confirmation by the City Council. The Mayor shall appoint the members from the following list of organizations, if possible:

- (1) Friends of the North Chickamauga Creek Greenway;
- (2) South Chickamauga Creek Greenway Alliance;
- (3) Lookout Mountain Protection Association;
- (4) South Chattanooga Greenway Association;
- (5) Chattanooga Nature Center;
- (6) Lula Lake Land Trust;
- (7) Tennessee River Gorge Trust;
- (8) RiverValley Partners;
- (9) Trust for Public Land;
- (10) Chattanooga Audubon Society;
- (11) Chattanooga Chamber of Commerce;
- (12) Bicycle Task Force;
- (13) Friends of Moccasin Bend; and
- (14) Tennessee Valley Authority

An unlimited number of other persons concerned with the Chattanooga Greenways Program may be appointed by the Board to serve as non-voting, auxiliary members.

(b) *Chairman and Secretary.* The Greenways Advisory Board shall elect annually a Chairperson and a Secretary, and may also elect such other officers and form such committees as may be necessary.

(c) *Term.* All Greenways Advisory Board members shall be appointed so that they shall hold office for staggered terms. The members appointed from Districts 1-4 shall be initially appointed for one (1) year terms. The members appointed from Districts 5-9 shall be initially appointed for two (2) year terms. After the initial appointments, terms of all members shall be for two (2) years. All members shall continue to serve until their successors have been appointed and confirmed.

(d) *Meetings.* The Greenways Advisory Board shall meet not less than four (4) times per year and shall make recommendations concerning the establishment of greenways in the City of Chattanooga to the Mayor and the City Council.

(Ord. No. 10564, § 1, 5-13-97)

Sec. 26-152. Duties.

The Greenways Advisory Board shall develop recommendations for the Chattanooga Greenway System and the Priority Greenway Corridors. In developing its recommendations the Greenways Advisory Board shall consider the following items, among others:

PARKS AND PLAYGROUNDS

- (a) Planning for greenways, including primary and secondary uses, master plans for greenway alignment and routing, and type, level and intensity of greenway use;
- (b) Land protection techniques for greenway corridors, including donations in fee simple, donations of conservation easements, leases, management agreements, exchanges, acquisition in fee simple and acquisition of conservation easements;
- (c) Greenway development, including type, level and intensity of development, greenway design and greenway construction and engineering;
- (d) Greenway management and operations, including appropriate management entities, public safety, the type, level and intensity of greenway maintenance, environmental, recreational, historic and cultural programming and hours of operation;
- (e) Appropriate institutional framework for the Chattanooga Greenways System;
- (f) Methods to inform the general public as to the conservation, environmental, historical, cultural, recreational, alternative transportation, flood control, storm water management, educational and economic benefits of greenways; and
- (g) Funding for greenway planning, acquisition, development and management.
(Ord. No. 10564, § 1, 5-13-97)

Sec. 26-153. Quorum.

No quorum shall be required for any meeting except for meetings where the Greenways Advisory Board as a body deliberates toward or adopts recommendations to the Mayor and City Council concerning the matters set forth hereinabove in which event a majority of the members appointed shall constitute a quorum.

(Ord. No. 10564, § 1, 5-13-97)

Sec. 26-154. Support and assistance.

The Trust for Public Land shall support and provide assistance to the Greenways Advisory Board in carrying out its duties. The Board may also seek the support and assistance of the City's Parks and Recreation and Public Works Departments, the City Attorney, the Chattanooga-Hamilton County Regional Planning Agency and, where appropriate, other City departments and agencies, before making its recommendations to the Mayor and City Council.

(Ord. No. 10564, § 1, 5-13-97)