

ORDINANCE NO. 13386

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE,
CHAPTERS 1, 2, 6, 11, 12, 16, 18, 20, 24, 25, 26, 28, AND 35,
RELATING TO ARCHAIC PROVISIONS OF THE CITY CODE
CONSIDERED IN 2018.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA,
TENNESSEE:

SECTION 1. That Chattanooga City Code, Chapter 1, Section 1-9, as set forth below, be amended by deleting such section in its entirety because such section is archaic and inapplicable under the current ordinances adopted by the City:

Sec. 1-9. - Commitment required for nonpayment of fine and costs.

When any person is tried and convicted of a violation of this code or any other city ordinance and fails or refuses to pay the fine and costs imposed and it is judicially determined that such person is not indigent and is financially able to pay such fine and costs, such person shall be committed to the city workhouse, subject to the provisions of this Code.
(Code 1986, § 1-9)

SECTION 2. That Chattanooga City Code, Chapter 2, Sections 2-9, 2-10, and 2-661, as set forth below, be amended by deleting such sections in their entirety because such sections are archaic and inapplicable under the current ordinances adopted by the City:

Sec. 2-9. - City relief bureau—Duties of mayor.

A city relief bureau is hereby created and established under the general supervision and administration of the mayor, who shall make periodic reports to the city council as to the status and operations of the bureau. The mayor shall recommend to the city council for adoption by resolution such rules and regulations as may be reasonably necessary for the proper operation of the bureau. Expenditures of the bureau shall be consistent with other ordinances governing expenditure of public funds.
(Code 1986, § 2-9; Ord. No. 9654, § 5, 1-6-92)

Sec. 2-10. - Same—Truthfulness of applicant's statements; certification; penalty for violation.

(a) Each applicant for assistance to the city relief bureau shall execute a statement on a form to be provided by the bureau stating that the application and all statements made in support thereof are true to the best of the applicant's knowledge, information and belief.

(b) Each applicant to the city relief bureau shall be required to sign a statement authorizing the bureau to verify any statement made in support of the application for assistance with the applicant's family, employer, physicians, landlord, welfare case worker, or any other appropriate official or person possessing information pertinent to the application and the eligibility of the applicant for assistance.

(c) It shall be unlawful for any applicant to the city relief bureau knowingly to make any false statement to the bureau in any application for assistance.

(d) Any person convicted of violating paragraph (c) of this section shall be ineligible for any form of assistance from the city relief bureau for one (1) year from the date of the conviction.

(Code 1986, § 2-10)

ARTICLE X. - SUPPLEMENTAL PENSION BENEFITS [19]

Sec. 2-661. - Special fund created.

There be and is hereby created a special fund to be known as the "supplemental pension fund."

(Code 1986, § 2-461; Ord. No. 11103, § 2, 11-28-00)

SECTION 3. That Chattanooga City Code, Chapter 6, Sections 6-6 and 6-7, as set forth below, be amended by deleting such sections in their entirety because such sections are archaic and inapplicable under the current ordinances adopted by the City:

Sec. 6-6. - Human endurance contests.

It shall be unlawful for any person to operate or promote marathon walks or dances or other similar physical endurance contests in the city, and it shall be unlawful for any person to participate in such contests.

(Code 1986, § 6-6)

Sec. 6-7. - Hats not to be worn during performances.

It shall be unlawful for any person to wear on his head any kind of a hat while attending any performance, attraction, exhibition or other entertainment given at any theater or other public place of amusement and entertainment in the city.

(Code 1986, § 6-7)

SECTION 4. That Chattanooga City Code, Chapter 11, Sections 11-57, 11-58, 11-131, and 11-132, as set forth below, be amended by deleting such sections in their entirety because such sections are archaic and inapplicable under the current ordinances adopted by the City:

ARTICLE III. - BARBERSHOPS

Sec. 11-57. - Enforcement of article.

It shall be the duty of all peace officers and health officers of the city to enforce the provisions of this article.

(Code 1986, § 11-57)

Sec. 11-58. - Employment of inspector; duties.

The mayor, with the approval of the city council, shall employ an inspector, on full or part-time pay, whose duty it shall be to make regular inspections of the barbershops of the city and see that the provisions of this article are enforced.

(Code 1986, § 11-58; Ord. No. 9654, § 2, 1-6-92)

ARTICLE IV. - COAL AND COKE DEALERS

Sec. 11-131. - Scope of article.

Every solid fuel dealer and every distributor of coal or coke in the city shall comply with the provisions of this article. For the purposes of this article, a distributor is any person engaged in the sale or distribution of coal and coke who delivers coal and coke from any source of supply other than a solid fuel dealer licensed by the city and by any means other than railroad cars and who uses the streets of the city in making such deliveries; provided that, nothing in this article shall apply to peddlers of coal or coke who buy from solid fuel dealers licensed by the city and who have standard measures and sell by the bushel or fraction thereof.

(Code 1986, § 11-131)

Sec. 11-132. - Privilege tax to be paid.

Each solid fuel dealer and each distributor using the streets of the city for the delivery of coal or coke shall pay the privilege tax which the city is authorized by law to exact.

(Code 1986, § 11-132)

SECTION 5. That Chattanooga City Code, Chapter 12, Sections 12-5, 12-13, and 12-14, as set forth below, be amended by deleting such sections in their entirety because such sections are archaic and inapplicable under the current ordinances adopted by the City:

Sec. 12-5. - Imposition of fine and costs; commitment to workhouse.

The city judge shall, upon conviction, render his judgment against any person violating any provision of this Code or other ordinance of the city, and shall impose the fine and penalties fixed for such violation and, upon a finding that the defendant is financially able to pay the fine and costs, commit the offender to the workhouse until the fine imposed and costs have been paid.
(Code 1986, § 12-5)

Sec. 12-13. - Monthly report by judge.

The city judge shall make out and present to the city council each month a statement showing the number of offenders tried by him and fined, the number of persons committed to the workhouse, the period of each commitment and the date of discharge of each person discharged on his order. Such statement shall be sworn to by him.

(Code 1986, § 12-13; Ord. No. 9654, § 2, 1-6-92)

Sec. 12-14. - Bail for offenses against city.

Any person arrested for violation of this Code or other city ordinance may be discharged until trial if he deposits with the sergeant on duty at the time of his commitment at police headquarters a sum of money not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00), or upon giving such sergeant a good bond of not less than twenty-five dollars (\$25.00) payable to the city as security for his appearance before the city judge for trial. The sergeant shall be governed as to the amount of the security required by the grade of the offense charged and shall in all cases where cash is given as bail furnish a receipt therefor.

(Code 1986, § 12-14)

SECTION 6. That Chattanooga City Code, Chapter 16, Section 16-11, as set forth below, be amended by deleting such section in its entirety because such section is archaic and inapplicable under the current ordinances adopted by the City:

Sec. 16-11. - Maintenance of electric wiring and apparatus of city.

The city electrician and assistants shall maintain the electrical wiring and apparatus belonging to the city, and in performing such duties shall be under the jurisdiction of the mayor.

(Code 1986, § 16-11; Ord. No. 9654, § 95, 1-6-92)

SECTION 7. That Chattanooga City Code, Chapter 18, Sections 18-181, 18-182, and 18-183, as set forth below, be amended by deleting such sections in their entirety because such sections are archaic and inapplicable under the current ordinances adopted by the City:

ARTICLE IX. - LITTER PATROLLER

Sec. 18-181. - Appointment; term.

The board of directors of Scenic Cities Beautiful Commission is authorized to appoint a litter patroller to serve in the various areas, neighborhoods, and blocks within the city. A litter patroller shall serve a one (1) year renewable term without compensation and shall be given appropriate identification; however, any such appointment may be canceled at any time by the party making the appointment for the convenience of the city.
(Code 1986, § 18-181)

Sec. 18-182. - Duties.

The litter patrollers shall keep a constant vigil in the locality where each such person works or lives for persons who create, deposit, accumulate or leave litter upon the public rights-of-way, including streets, roads, highways, alleys and sidewalks, or upon private property. It shall be the duty of a litter patroller to first warn any violators of the litter laws and that such litter is a blight against the area, neighborhood, or block, and is in violation of the litter laws. If such violator of the litter laws continues such conduct, or if a single incident is a gross violation of the litter laws, then the litter patroller shall forthwith notify the police with the request that appropriate action be taken. Every litter patroller will be furnished with the name and telephone number of the police official whose duty it will be to cause appropriate action to be taken.

(Code 1986, § 18-182)

Sec. 18-183. - Not to be deemed city employees.

A litter patroller shall not be deemed to be an employee of the city but a person appointed to perform an important community service without compensation.

(Code 1986, § 18-183)

SECTION 8. That Chattanooga City Code, Chapter 20, Section 20-45, as set forth below, be amended by deleting such section in its entirety because such section is archaic and inapplicable under the current ordinances adopted by the City:

Sec. 20-45. - Places of detention for persons with venereal diseases designated.

The detention home for women at Silverdale, Tennessee, is hereby designated as a place of detention for women infected with communicable venereal diseases and the county jail and the city jail are hereby designated as places of detention for men infected with such communicable diseases, when such persons are quarantined by the county director of health.

(Code 1986, § 20-45)

SECTION 9. That Chattanooga City Code, Chapter 24, Section 24-21, as set forth below, be amended by deleting such section in its entirety because such section is archaic and inapplicable under the current ordinances adopted by the City:

Sec. 24-21. - Walking, driving on grass between sidewalk and curb.

No person shall walk or drive in any grass plot or parkway between the sidewalk and curb on any street in the city; provided, that pedestrians may cross such parkways at passageways in front of residences.

(Code 1986, § 24-21)

SECTION 10. That Chattanooga City Code, Chapter 25, Sections 25-9 and 25-12, as set forth below, be amended by deleting such sections in their entirety because such sections are archaic and inapplicable under the current ordinances adopted by the City:

Sec. 25-9. - Fortunetelling.

It shall be unlawful for any person to engage in the business of fortunetelling in the city. The word "fortunetelling" as used in this section, shall mean and include the activity of any person who tells fortunes by means of occult or psychic powers, facilities or forces, clairvoyance, psychology, psychometry, spirits, mediumship, seership, prophecy, astrology, palmistry, necromancy, phrenology, talismans, cards, graphology or other craft or mystery, science or character or magic of any kind or character.

(Code 1986, § 25-13)

Sec. 25-12. - Playing games near improved premises.

It shall be unlawful for any person to play baseball or any similar game on property adjacent to or near any improved premises without having obtained the written consent of the persons owning such improved premises.

(Code 1986, § 25-16) Cross reference— Parks and playgrounds, Ch. 26.

SECTION 11. That Chattanooga City Code, Chapter 26, Section 26-15, as set forth below, be amended by deleting such section in its entirety because such section is archaic and inapplicable under the current ordinances adopted by the City:

Sec. 26-15. - Playing of games.

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)

SECTION 12. That Chattanooga City Code, Chapter 28, Sections 28-1 through 28-6, as set forth below, be amended by deleting such sections in their entirety because such sections are archaic and inapplicable under the current ordinances adopted by the City:

Sec. 28-1. - Turnkey fees.

Whenever any person is committed to the workhouse for the purpose of working out a fine and costs, he shall pay, in addition to such costs, the sum of two dollars (\$2.00) as turnkey fees. Such fees shall either be paid in cash or worked out as the fine and costs are worked out.

(Code 1986, § 28-1)

Sec. 28-2. - Mittimus.

The city judge shall issue a mittimus for any person whom he may send to the workhouse, showing the amount of fine imposed on such person and costs assessed against him. The chief of police shall endorse the mittimus when any person is discharged before his fine and costs are paid, giving the reason for such discharge.

(Code 1986, § 28-2; Ord. No. 9654, § 122, 1-6-92)

Sec. 28-3. - Prisoners to work.

Every person committed as provided in section 1-9 of this Code shall be put to public work at such labor as his health and strength will permit.

(Code 1986, § 28-3)

Sec. 28-4. - Per diem allowed.

Each prisoner shall be allowed five dollars (\$5.00) per day (exclusive of board) for each day that he is incarcerated, to be applied on the payment of the fine and costs imposed on him by the city judge; provided, that prisoners sent to any county prison or institution shall be allowed five dollars (\$5.00) per day (exclusive of board), to be applied on the payment of the fine and costs imposed by the city judge.

(Code 1986, § 28-4)

Sec. 28-5. - Sexes to be segregated.

Female prisoners shall be kept entirely separate and apart from male prisoners.

(Code 1986, § 28-5)

Sec. 28-6. - When prisoners to be released; premature release.

No person who has been committed to the workhouse to work out a fine and costs shall be released therefrom until the fine and costs for which he has been committed have been fully worked out; provided that, in extreme cases, where from considerations of humanity a prisoner ought not longer to be detained in the workhouse, the chief of police may release him before he has fully worked out the fine and costs for which he has been committed. All such releases shall be by written order in which the reason for release is specifically stated. The chief of police shall report any such action to the mayor.

(Code 1986, § 28-6; Ord. No. 9654, § 122, 1-6-92)

SECTION 13. That Chattanooga City Code, Chapter 35, Section 35-283, be amended as set forth below, by deleting such section in its entirety because such section is archaic and inapplicable under the current ordinances adopted by the City:

ARTICLE VIII. - [TRANSPORTATION NETWORKS]

Sec. 35-283. - Definitions.

License means a transportation network "application" company license.

Inspector means the Passenger Vehicle for Hire Inspector assigned to the Chattanooga Police Department.

Transportation Network Application Company ("TNC") shall mean a company operating in the City of Chattanooga that uses a digital network or software application to connect a passenger to Transportation Network Services provided by a Transportation Network Operator.

Transportation Network Operator ("TNC Operator") shall mean an individual who operates a motor vehicle that is:

(a) Owned, leased, or otherwise authorized for use by the individual; (b) Not licensed as a public vehicle-for-hire under Art. III et seq. of this Code of Ordinances; and (c) Used to provide Transportation Network Services.

Transportation Network Services ("TNS") shall mean transportation of a passenger between points chosen by the passenger and that is prearranged by a transportation network application company. TNS shall begin when a TNC Operator accepts a request for transportation received through the TNC's digital network or software application service, continue while the TNC Operator transports the passenger in the TNC Operator's vehicle, and end when the passenger exits the TNC Operator's vehicle.

Transportation network vehicle means any vehicle used to provide a transportation network service.

Vehicle age means the age of a vehicle computed by totaling the number of the years from the model year to the calendar year, including both. For example, a vehicle with a model year of 2009 has a vehicle age of four (4) years in the 2012 calendar year (2009 + 2010 + 2011 + 2012).

Wheelchair-accessible transportation network vehicle means a transportation network vehicle that a person in a wheelchair may enter and exit independently or with assistance while seated in a wheelchair. A wheelchair-accessible transportation network vehicle shall safely secure and restrain the wheelchair, shall have only side entries for passengers, and shall comply with all applicable standards provided by law for wheelchair-accessible vehicles, including standards specified by applicable ordinances and regulations adopted by the city.

(Ord. No. 12891, § 17, 1-6-15)

SECTION 14. That Chattanooga City Code, Chapter 35, relating to the entire chapter on Transportation networks has been superseded by State and Federal law and should be deleted in its entirety.

SECTION 15. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: October 23, 2018



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

PAN/mem