

## GENERAL PROVISIONS

### PART II

#### CITY CODE

##### Chapter 1

## GENERAL PROVISIONS

### **Sec. 1-1. How Code designated and cited.**

The ordinances embraced in the following chapters and sections shall constitute and be designated as the “City Code of the City of Chattanooga, Tennessee” and may be so cited. The Code may also be cited as “Chattanooga City Code.”

(Code 1986, §1-1)

### **Sec. 1-2. Definitions and rules of construction.**

In the construction of this Code and of all ordinances of the city, the following definitions and rules of construction shall be observed, unless they are inconsistent with the manifest intent of the city council or the context clearly requires otherwise:

*Bond.* When a bond is required, an undertaking in writing shall be sufficient.

*City.* The words “city” or “the city” shall mean the City of Chattanooga, in the County of Hamilton and State of Tennessee.

*Computation of time.* The time within which an act is to be done shall be computed by excluding the first and including the last day, unless the last day is a Saturday, a Sunday or a legal holiday, and then it shall also be excluded.

**State law reference**--Similar provisions, T.C.A., §1-3-102.

*Council.* The words “council” or “city council” shall mean the City Council of the City of Chattanooga. (Ord. No. 9654, §1, 01-06-92)

*County.* The word “county” shall mean the County of Hamilton in the State of Tennessee.

*Gender.* Words importing the masculine gender shall include the feminine and neuter.

**State law reference**--Similar provisions, T.C.A., §1-3-104.

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*In the city.* The words “in the city” shall mean and include any territory jurisdiction over which the exercise of its regulatory power has been conferred on the city by public or private law.

**State law reference--**Police powers outside city, T.C.A., §6-54-301.

*Joint authority.* All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

**State law reference--**Similar provisions, T.C.A., §1-3-106.

*Month.* The word “month” shall mean a calendar month.

**State law reference--**Similar provisions, T.C.A., §1-3-105(16).

*Number.* Words used in the singular shall include the plural and the plural shall include the singular number.

**State law reference--**Similar provisions, T.C.A., §1-3-104.

*Oath.* The word “oath” shall include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”

**State law reference--**Similar provisions, T.C.A., §1-3-105(18).

*Or, and.* The word “or” may be read as “and” and the word “and” as “or,” where the sense requires it.

*Owner.* The word “owner,” applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

*Person.* The word “person” shall include a corporation, firm, partnership, association, organization and any other group acting as a unit, as well as an individual.

**State law reference--**Similar provisions, T.C.A., §1-3-105(19).

*Personal property.* The words “personal property” include money, goods, chattels, things in action, evidences of debt on every species of property except real property, as defined in this section.

**State law reference--**Similar provisions, T.C.A., §1-3-105(20).

*Preceding, following.* The words “preceding” and “following” shall mean next before and next after respectively.

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*Property.* The word “property” shall mean both personal and real property.

**State law reference--**Similar provisions, T.C.A., §1-3-105(23).

*Real property.* The words “real property” shall mean lands, tenements and hereditaments and all rights thereto and interests therein, equitable as well as legal.

**State law reference--**Similar provisions, T.C.A. §1-3-105(20).

*Shall.* The word “shall” shall be deemed to be mandatory.

*Sidewalk.* The word “sidewalk” shall mean any portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

*Signature, subscription.* The words “signature” and “subscription” shall include a mark when a person cannot write, the name being written near the mark and witnessed.

**State law reference--**Similar provisions, T.C.A., §1-3-105(25,27).

*State.* The word “state” shall mean the State of Tennessee.

*Street.* The word “street” shall mean and include streets, avenues, boulevards, highways, roads, alleys, lanes, viaducts, bridges and the approaches thereto and all other public thoroughfares in the city.

*Tenant, occupant.* The words “tenant” and “occupant” applied to a building or land, shall mean any person who occupies the whole or a part of such building or land, whether alone or with others.

*Tense.* Words used in the past or present tense shall include the future as well as the past and present, and the future tense includes the present.

**State law reference--**Similar provisions, see T.C.A. §1-3-104.

*Writing, written.* The words “writing” and “written” shall include printing, typewriting, engraving, lithography and any other mode of representing words and letters.

**State law reference--**Similar provisions, see T.C.A. §1-3-105(30).

*Year.* The word “year” shall mean a calendar year.

**State law reference--**Similar provisions, T.C.A. §1-3-105(31).

(Code 1986, §1-2; Ord. No. 9654, §2, 01-06-92)

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### **Sec. 1-3. Provisions considered continuations of existing ordinances.**

The provisions appearing in this Code, so far as they are the same as those of the City Code and ordinances existing at the time of adoption of this Code, shall be considered as a continuation thereof and not as new enactments.

(Code 1986, §1-3)

### **Sec. 1-4. Catchlines of sections.**

The catchlines of the sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, nor as any part of any section, nor, unless expressly so provided, shall they be so deemed when any section, including its catchlines, is amended or reenacted.

(Code 1986, §1-4)

### **Sec. 1-5. Repeal of ordinance not to affect liabilities.**

No new ordinance shall be construed to repeal a former ordinance as to any offense committed against the former ordinance or as to any act done or penalty, forfeiture or punishment incurred, or as to any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act committed or done, penalty, forfeiture or punishment incurred, right accrued, or claim arising before the new ordinance takes effect, save only that the proceedings thereafter had shall conform, so far as practicable, to the ordinance in force at the time of such proceedings.

(Code 1986, §1-5)

### **Sec. 1-6. Repeal not to revive former ordinance.**

When an ordinance which has repealed another shall itself be repealed, the previous ordinance shall not be revived without express words to that effect.

(Code 1986, §1-6)

### **Sec. 1-7. Severability of provisions of Code.**

In any part, section, subsection, sentence, clause, or phrase of this Code or any code adopted by reference in this Code is for any reason declared to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Code or any code adopted by reference in this Code.

(Code 1986, §1-7)

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### **Sec. 1-8. General penalty; exceptions; continuing violations.**

(a) Wherever in this Code or in any ordinance or rule or regulation promulgated by any officer of the city under authority vested in him by law or ordinance, any act is prohibited or is declared to be unlawful or a misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful, the violation of any such provision of this Code or any such ordinance, rule or regulation shall be punished by a monetary penalty and forfeiture not exceeding five hundred dollars (\$500.00).

(b) Notwithstanding the provisions of subsection (a), the penalties set forth in Chapter 4 and in Sections 24-304, 24-322 and 24-329 of this Code are not affected by this Section 1-8.

(c) Each day any violation of this Code or any such ordinance, rule or regulation continues shall constitute a separate offense.

(Code 1986, §1-8; Ord. No. 9802, §1, 10-20-92)

**State law reference**--Penalty for violation of home rule municipal ordinances, T.C.A. § 6-54-306.

### **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)

**Cross reference**--City court, Ch. 12.

### **Sec. 1-10. Enforcement of city's right-of-entry.**

If the owner, occupant or person in charge of any premises in the city, to which the city is given a right-of-entry for enforcement or administration purposes by any provision of this Code or any code or regulation adopted by this Code, refuses entry to the person responsible for enforcement of such provision, such person shall seek a warrant or use such other legal procedures as shall be advisable and reasonably necessary to discharge his duties.

(Code 1986, §1-10)

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### **Sec. 1-11.     Supplementation of Code.**

(a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city council. A supplement to the Code shall include all substantive parts of permanent and general ordinances passed by the city council during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words “this ordinance” or words of the same meaning to “this chapter,” “this article,” “this division,” etc., as the case may be or to “sections \_\_\_\_ to \_\_\_\_” (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but, in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

(Code 1986, §1-11)

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### **Sec. 1-12. Ordinances not affected by adoption of Code.**

The repeal provided for in section 2 of the ordinance adopting this Code shall not affect any of the following:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of the ordinance adopting this Code;
- (2) Any ordinance or resolution promising or guaranteeing the payment of money for the city, or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness, or any contract or obligation assumed by the city;
- (3) Any ordinance or resolution fixing salaries or compensation of officers or employees of the city;
- (4) Any appropriation ordinance or resolution;
- (5) Any right or franchise granted by the council to any person, firm or corporation;
- (6) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the city;
- (7) Any ordinance or resolution establishing and prescribing the street grades of any streets in the city;
- (8) Any ordinance or resolution providing for local improvements or assessing taxes therefor;
- (9) Any ordinance annexing property to the city;
- (10) Any zoning ordinance of the city or amendments thereto;
- (11) Any ordinance levying taxes;
- (12) Ordinance No. 7034, providing regulations for professional fund solicitors, and any amendments thereto;
- (13) Any subdivision ordinance or amendments thereto;

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(14) Any ordinance enacted after February 11, 1986;

nor shall such repeal be construed to revive any ordinance or part of an ordinance that has been repealed by a subsequent ordinance which is repealed by the ordinance adopting this Code.  
(Code 1986, §1-12)