

ORDINANCE NO. 13344

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF CHATTANOOGA, AND ALL ACTS, ORDINANCES, AND OTHER CHARTER PROVISIONS AMENDATORY THEREOF, PURSUANT TO THE PROVISIONS OF ARTICLE XI, SECTION 9, OF THE CONSTITUTION OF THE STATE OF TENNESSEE (HOME RULE AMENDMENT) SO AS TO CHANGE THE CITY CHARTER BY AMENDING TITLE 4, CHAPTER I, RELATED TO CITY COURT BY DELETING SECTIONS 4.1 THROUGH 4.9 AND SUBSTITUTING IN LIEU THEREOF SECTIONS 4.1 THROUGH 4.3.

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

SECTION 1. That the present Charter of the City of Chattanooga, and all Acts and Ordinances amendatory thereof, be and is hereby further amended as follows:

Title 4, Chapter I, Sections 4.1 through 4.9, of the City Charter be amended by deleting said sections in their entirety, which sections now state:

Sec. 4.1. - Jurisdiction and appeals from city court for ordinance violations; contempt; trial required within twenty-four hours of arrest.

The city court shall be a court of record and shall have original and exclusive jurisdiction of all violations of municipal ordinances, and shall also be clothed with the same powers and duties possessed by justices of the peace, touching the arrest and the preliminary trial, discharging, binding over or punishing under the small offense law, all persons charged with offenses against the state, committed within the city. In all city cases, in which the fine imposed does not exceed ten dollars (\$10.00), the judgment of the city court shall be final and no appeal shall be had therefrom. In all other cases an appeal may be taken to the circuit [criminal] court of Hamilton County, as now provided by law.

The city court and the judge thereof shall have and exercise the same jurisdiction in cases of contempt of court as is now provided by statute for circuit and criminal courts and the judges thereof.

Every person arrested on the charge of violating an ordinance, or on process issuing from the city court, shall be presented to the court for trial within twenty-four hours after his arrest, unless Sunday shall intervene.

(Priv. Acts 1901, Ch. 432, § 77; Priv. Acts 1901, Ch. 495, § 5; Priv. Acts 1915, Ch. 221)

Sec. 4.2. - Jurisdiction and appeal from city court for violations of state law.

The city court of the City of Chattanooga in Hamilton County is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said court by warrant wherein the person charged with such misdemeanor offenses enters a plea of guilty, or requests a trial upon the merits, and expressly waives an indictment, presentment and grand jury investigation, and a jury trial. In such cases the trial shall proceed before the judge and without a jury. The final judgment of such court may be appealed to the criminal court of Hamilton County, where such appeal shall be tried by a judge of such court without a jury, and without indictment or presentment. The jurisdiction hereby conferred shall be exercised within the corporate limits of the City of Chattanooga, but concurrently with criminal court of Hamilton County as hereinafter provided.

(Priv. Acts 1937, Ch. 868, § 1)

Sec. 4.3. - Jurisdiction of criminal court of Hamilton County; method of bringing cases to trial.

The criminal court of Hamilton County is hereby vested with jurisdiction to try and determine and render final judgment in all misdemeanor cases brought before said court upon warrant or information by the district attorney general wherein the person charged with such misdemeanor offense enters a plea of guilty, or requests a trial upon the merits, and expressly waives an indictment, presentment, grand jury investigation, and a jury trial. In such cases, the trial shall proceed before the judge and without a jury. The jurisdiction hereby vested shall extend to misdemeanor cases committed in Hamilton County.

Any person who has been committed to jail, or placed under bond to appear before the criminal court in any misdemeanor case by judgment of a justice of the peace may demand a trial before the criminal court upon waiving an indictment, presentment and grand jury investigation and a jury trial. In such cases, speedy trial shall be held before a judge of such court without a jury.

It shall be the duty of the district attorney general to ascertain from persons held in jail whether they desire to avail themselves of such procedure.

Such trials may be held upon the original warrants, or upon an [any] information filed by the district attorney general.  
(Priv. Acts 1937, Ch. 868, § 2)

Sec. 4.4. - Court costs; litigation tax not required.

In all trials provided by this Act [sections 4.2 and 4.3 of this charter], the costs as now provided by law shall be taxed and collected, except that no state and county litigation tax shall be charged or collected.

In all cases tried in city court of Chattanooga for the violation of ordinances of said city, fees shall be taxed by the clerk of the city court in an amount to be set by ordinance for all matters and services including, but not limited, to the following:

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|----------------------------------------------------|--|
| Issuing warrant or other original process .....    |  |
| Judgment .....                                     |  |
| Docketing .....                                    |  |
| Continuance .....                                  |  |
| Recognizance bond .....                            |  |
| Appeal bond .....                                  |  |
| Issuing subpoena for a single witness .....        |  |
| Issuing subpoena for each additional witness ..... |  |
| Taxing cost .....                                  |  |
| Mittimus to workhouse .....                        |  |
| Officer's cost, arrest .....                       |  |
| For each witness summoned .....                    |  |
| Continuance requiring officer's attendance .....   |  |

Such part of said fees as may accrue in each case shall be taxed by the clerk as a part of the cost, and collected from the defendant in addition to the fine imposed by the court. In the event the fine is not paid and the defendant is sent to the workhouse, the city court clerk shall certify to the warden of the city workhouse the amount of costs in each case in addition to the fine imposed by the court.

The clerk of the city court shall, at least once in each week, pay to the city finance officer the fines and costs collected. If the city court clerk shall fail to collect the costs in a case where the fine is paid, he shall be liable to the city for the amount not collected.

The city judge shall not in cases involving violations of the parking ordinance, impose court costs in fining a violator provided, that in the event the violator of the ordinance shall willfully fail to appear to answer a parking ticket and it is necessary that a warrant be issued for his or her arrest, then, the costs provided in section 2 hereof [this section] shall be taxed as costs against such violator. If this section [paragraph] should be held invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining sections of this Act [paragraphs of this section].

At the time the city court clerk pays to the city finance officer the fines and costs collected by him each week, he shall file a written report over his signature, showing the amount collected as costs and the amount collected as fines. The city finance officer shall pay over to the city treasurer the amount of costs collected which shall be kept in a separate account by the city treasurer and shall be earmarked for and used in paying increases in salaries to regular policemen, detectives and firemen.

The sum of five dollars (\$5.00) [shall] be added as and in the nature of court cost to the cost incurred in the city court of the City of Chattanooga on all forfeitures of fines or monies for or on conviction for violation of any city ordinances and that said increase in court costs for the city court of the City of Chattanooga be collected by the clerk of said court and paid over to the treasurer of the City of Chattanooga who will account for said funds and pay same over to the trustees of the firemen's and policemen's insurance and pension fund together with all other monies properly collected for credit to said fund as herein before [hereinbefore] set out.

(Priv. Acts 1937, Ch. 868, § 3; Priv. Acts 1945, Ch. 425, §§ 2—6; Priv. Acts 1969, Ch. 165, § 1; Ord. No. 10742, § 1(1), 8-18-98; Ord. No. 11272, § 1, 5-2-02; Ord. No. 11310, § 1, 8-22-02)

**Editor's note—** The paragraph of § 4.4 beginning "The sum of five dollars..." is derived from § 1, Ch. 165, Private Acts 1969.

Sec. 4.5. - Sessions of city court; signing of minutes and process.

A session of said city court shall be held daily except for holidays and weekends. At the opening of each session, the minutes of the preceding session shall be read and signed by the judge in open court. When a fine has been imposed and the minutes signed, the judge shall have no power to remit or release the same or any part thereof. All process issuing from said court shall be signed by either the judge or the clerk thereof.

(Priv. Acts 1901, Ch. 432, § 78; Ord. No. 11308, § 1, 8-22-02)

Sec. 4.6. - Judge and clerk of city court may administer oaths.

Both the judge and clerk of said [city] court shall be authorized to administer oaths and affirmations.

(Priv. Acts 1901, Ch. 432, § 81)

Sec. 4.7. - City declared civil district; justices of the peace.

The first civil district [of Hamilton County] shall embrace all the territory now included or which may be hereafter included within the corporate limits of the City of Chattanooga, the county side of said county and now constituting the First Civil District of Hamilton County.

The second civil district, created by this Act [section] shall contain all that territory south and east of the Tennessee River which lies north and east of the corporate limits of the City of Chattanooga, together with all that territory lying and being in what was formerly James County.

The third civil district shall include all that territory lying south of the Tennessee river which lies southwest of the corporate limits of the City of Chattanooga which now comprises the territory of the voting precincts of Lookout Mountain, Grandview and Wauhatchie, together with all that territory north and west of the Tennessee River not in the corporate limits of Chattanooga, and the same shall constitute and be the third civil district of the county.

The three (3) justices of the peace and the two (2) constables now serving from the first civil district shall continue to represent the first civil district in the performance of their official duties until the expiration of their terms of office.

(Priv. Acts 1945, Ch. 45, §§ 1, 2)

Sec. 4.8. - City workhouse.

The City Council of Chattanooga, shall have power to erect a workhouse and lockup, or calaboose, for the safekeeping of persons; and when any person convicted of a violation of any ordinance of said corporation, fails or refuses to pay or secure to be paid, the fine and costs accruing thereon, the City Council may provide by ordinance, for their confinement in said lockup or workhouse, and put them to work for the city, either within an enclosure or on the streets, and other public works of the city, under proper guard, at such wages as the board may adopt by ordinance, until said fine and costs are paid.

(Priv. Acts 1869-70, Ch. 4, § 12; Priv. Acts 1911, Ch. 10, §§ 3, 13; Ord. No. 11272, § 1, 5-2-02)

Sec. 4.9. - City-county workhouse.

The City Council may provide, if they see fit, a city workhouse, either within or without the corporate limits of said city, where any person convicted of offenses against the laws and ordinances of the City of Chattanooga who fails to pay or secure the fine imposed upon him shall be committed and confined until such fine and cost shall have been fully paid, or until the fine has been remitted; or to contract with Hamilton County to keep such prisoners in the workhouse of said county and provide by said contract for the commitment of such persons to the workhouse or county jail until such fine and cost shall be fully paid. Every person committed to either the city or county workhouse shall be allowed credit upon such fine and cost at the rate allowed by law for each day served until the fine and cost is fully satisfied, at which time the person shall be released.

(Priv. Acts 1929, Ch. 652, § 2; Ord. No. 11272, § 1, 5-2-02)

Secs. 4.10—4.19. - Reserved.

SECTION 2. That the Charter of the City of Chattanooga, and all Acts and Ordinances amendatory thereof, shall further be amended by substituting, in lieu of all sections deleted in Section 1, the following new Sections 4.1 through 4.3, which state as follows:

Sec. 4.1. - Jurisdiction and appeals from city court for ordinance violations; contempt.

The city court shall have original and exclusive jurisdiction of all violations of municipal ordinances. In all city cases in which the fine imposed does not exceed ten dollars (\$10.00), the judgment of the city court shall be final, and no appeal shall be had therefrom. In all other cases, an appeal may be taken to the circuit court of Hamilton County, as now provided by law.

The city court and the judge thereof shall have and exercise the same jurisdiction in cases of contempt of court as is now provided by statute.

(Priv. Acts 1901, Ch. 432, § 77; Priv. Acts 1901, Ch. 495, § 5; Priv. Acts 1915, Ch. 221)

Sec. 4.2. - Court costs; litigation tax not required.

In all cases tried in the city court of Chattanooga for the violation of ordinances of said city, fees shall be taxed by the clerk of the city court in an amount to be set by state law or city ordinance for all matters and services.

Such part of said fees as may accrue in each case shall be taxed by the clerk as a part of the cost and collected from the defendant in addition to the fine imposed by the court. Court costs shall take precedence over fines for partial payments by defendants.

The clerk of the city court shall remit collections to the City Treasury daily, but in no event later than three (3) business days after collection. A report providing a detailed description of the collections by type shall be submitted with said collections as support and proof of completeness of all collections received.

The city judge shall not in cases involving violations of the parking ordinance impose court costs in fining a violator, provided that in the event the violator of the ordinance shall willfully fail to appear to answer a parking ticket, the costs provided in this section shall be taxed as costs against such violator.

The City Council shall establish by ordinance a fee to be added as and in the nature of court cost to the cost incurred in the city court on all forfeitures of fines or monies for or on conviction for violation of any city ordinances. Said increase in court costs for the city court shall be collected by the clerk of said court and deposited in the City Treasury. The City Finance Officer shall remit said funds to the trustees of the firemen's and policemen's insurance and pension fund, together with all other monies properly collected for credit to said fund as set forth herein.

(Priv. Acts 1937, Ch. 868, § 3; Priv. Acts 1945, Ch. 425, §§ 2—6; Priv. Acts 1969, Ch. 165, § 1; Ord. No. 10742, § 1(1), 8-18-98; Ord. No. 11272, § 1, 5-2-02; Ord. No. 11310, § 1, 8-22-02)

**Editor's note**— The paragraph of § 4.4 beginning "The sum of five dollars..." is derived from § 1, Ch. 165, Private Acts 1969.

Sec. 4.3. - Judge and clerk of city court may administer oaths.

Both the judge and clerk of the city court shall be authorized to administer oaths and affirmations.

(Priv. Acts 1901, Ch. 432, § 81)

Secs. 4.4—4.19. - Reserved.

FOR THE AMENDMENT (     )

AGAINST THE AMENDMENT (     )

SECTION 3. BE IT FURTHER ORDAINED, That, this with the exception provided in Title 4, Chapter I, Sections 4.1 through 4.3, all provisions in the present Charter of the City of Chattanooga not in conflict with this amendatory home rule ordinance be and the same are continued in full force and effect, and all provisions constituting the Charter of the City of Chattanooga in conflict therewith are hereby repealed.

SECTION 4. BE IT FURTHER ORDAINED, That if any clause, sentence, paragraph, section, or part of this Ordinance shall be held to be unconstitutional or void, it shall not affect the remaining parts of this Ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this Ordinance notwithstanding such part, if any, as may be held to be invalid.

SECTION 5. BE IT FURTHER ORDAINED, That this Ordinance shall be published in full by the Clerk of the City Council in the daily newspaper in the City of Chattanooga after the passage thereof on second and final reading.

SECTION 6. BE IT FURTHER ORDAINED, That the Clerk of the City Council shall certify the passage of this Ordinance to the Hamilton County Election Commission and request that the proposed amendment to the City Charter of the City of Chattanooga, Tennessee, be placed on the ballot to be used in the general state election to be held on or about November 6, 2018.

SECTION 7. BE IT FURTHER ORDAINED, That the City Finance Officer is authorized and directed to pay the *pro rata* cost of this special City election.

SECTION 8. BE IT FURTHER ORDAINED, That the Hamilton County Election Commission shall certify to the Clerk of the City Council of the City of Chattanooga, Tennessee, the result of said election, and the said Clerk shall cause said certification to be made a part of the minutes of the City Council.

SECTION 9. BE IT FURTHER ORDAINED, That Sections 1 and 2 of this Ordinance shall take effect sixty (60) days after its approval by a majority of the qualified voters of the City voting thereon, as provided by Article XI, Section 9, Constitution of Tennessee, the public welfare requiring it.

SECTION 10. BE IT FURTHER ORDAINED, That this Ordinance shall take effect, except for Sections 1 and 2, immediately from and after its passage and upon signature of the Mayor.

Passed on second and final reading: August 7, 2018

  
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CHAIRPERSON

APPROVED: ☒ DISAPPROVED: ☐

  
\_\_\_\_\_  
MAYOR

MJF/PAN/mem