

CHATTANOOGA CITY CHARTER

Title 13

POLICE AND FIRE¹

- Ch. I. In General, §§ 13.1--13.25**
- Ch. II. Salaries, §§ 13.26--13.43**
- Ch. III. Tenure, §§ 13.44--13.62**
- Ch. IV. Pensions, §§ 13.63--13.86**

CHAPTER I. IN GENERAL

Sec. 13.1. Reserved.

(Ord. No. 10743, § 1(1), 8-18-98)

Editor's note-Ord. No. 10743, § 1(1), adopted August 18, 1998, proposed an amendment to the charter, subsequently approved at a referendum of the electorate November 3, 1998. Said ordinance repealed Priv. Acts 1901, Ch. 432, § 57, as amended by Priv. Acts 1911, Ch. 10, § 13, relating to the powers of the chief of police generally.

Sec. 13.2. Reserved.

(Ord. No. 10743, § 1(1), 8-18-98)

Editor's note-Ord. No. 10743, § 1(1), 8-18-98, repealed Priv. Acts 1901, Ch. 432, § 58, relating to the powers of policemen generally.

Sec. 13.2.1. Reserved.

(Ord. No. 10743, § 1(1), 8-18-98)

Editor's note-Ord. No. 10743, § 1(1), 8-18-98, repealed Priv. Acts 1969, Ch. 155, § 2, relating to a table of organization for the fire department.

Sec. 13.3. Special policemen.

The chief of police, with the approval of the city council, may, in case of need, appoint special policemen to do special duty at any place within the city, and on such terms as the city council may deem proper. (Priv. Acts 1901, Ch. 432, § 59; Priv. Acts 1911, Ch. 10, §§ 13, 17, 20; Ord. No. 10743, § 1(2), 8-18-98)

Sec. 13.4. Reserved.

(Ord. No. 10743, § 1(1), 8-18-98)

Editor's note-Ord. No. 10743, § 1(1), 8-18-98, repealed Priv. Acts 1901, Ch. 432, § 56, as amended by Priv. Acts 1911, Ch. 10, § 13, relating to qualifications for firemen and policemen.

¹**Editor's note**-Title 13, formerly titled "Police and Firemen" changed to "Police and Fire" by Ord. No. 12677, § 13, 12-18-12). **Cross references**-General authority to regulate police, § 2.1(40); authority to provide police and fire departments, § 2.1(41).

CHATTANOOGA CITY CHARTER

Sec. 13.5. Reserved.

Editor's note-Former Sec. 13.5 relating to maximum age of new employees was repealed by Ord. No. 9767, § 1, 8-11-92.

Sec. 13.6. Reserved.

(Ord. No. 10743, § 1(1), 8-18-98)

Editor's note-Ord. No. 10743, § 1(1), 8-18-98, repealed Priv. Acts 1967, Ch. 299, § 3, relating to requiring persons employed by the City as firemen or policemen to furnish a birth certificate.

Sec. 13.7. Political activities.

No officer or any member of the fire or police department shall be called on for any contribution or assessment by any political organization or member or committee thereof. No officer or member of either of said departments shall be allowed to solicit any contribution, or to sell any ticket, or to procure money by any device from the public without consent of the city council. Any person violating any of the provisions of this section shall, upon conviction in the city court, be fined not exceeding fifty dollars (\$50.00). (Priv. Acts 1901, Ch. 432, § 60; Priv. Acts 1901, Ch. 495, § 3; Priv. Acts 1911, Ch. 10, § 13; Ord. No. 11272, § 1, 05-02-02)

Sec. 13.8. Gratuities prohibited.

No policeman, fireman or other officer in either of said departments shall, without the consent of the city council, receive any money or gratuity or compensation in addition to his salary, for any service he may render as an officer. (Priv. Acts 1901, Ch. 432, § 61; Priv. Acts 1911, Ch. 10, § 13; Ord. No. 10743, § 1(2), 8-18-98)

Sec. 13.9. Reserved.

(Ord. No. 10743, § 1(1), 8-18-98)

Editor's note-Ord. No. 10743, § 1(1), 8-18-98, proposed an amendment to the charter, subsequently approved at a referendum of the electorate November 3, 1998. Said ordinance repealed Priv. Acts 1923, Ch. 580, § 1, relating to requiring two platoon systems for the fire department and setting maximum hours of service per day.

Sec. 13.10. Reserved.

Editor's note-Former § 13.10 relating to vacation for fire department members deleted. (Ord. No. 12677, § 26, 12-18-12)

Sec. 13.11. Reserved.

(Ord. No. 10743, § 1(1), 8-18-98)

Editor's note-Ord. No. 10743, § 1(1), 8-18-98, repealed Priv. Acts 1967, Ch. 52, § 2, relating to the work week and vacations for policemen and detectives.

CHATTANOOGA CITY CHARTER

Sec. 13.12. Reserved.

(Ord. No. 10743, § 1(1), 8-18-98)

Editor's note-Ord. No. 10743, § 1(1), 8-18-98, repealed Priv. Acts 1949, Ch. 127, § 2, relating to giving members of the police and fire departments one day per week off with pay.

Sec. 13.13. City to pay for repairs of uniforms damaged in discharge of duty.

The Charter of the City of Chattanooga and all acts amendatory thereof be and the same are hereby amended to require the city to pay the expenses of repairing or replacing the uniform of any policeman or fireman damaged while engaged in the performance of his duty. (Priv. Acts 1941, Ch. 472, § 1)

Sec. 13.14. Uniform and equipment allowance.

The City of Chattanooga shall provide in each fiscal budget hereafter a uniform and equipment allowance for every city fireman and policeman, and that same be paid annually thereafter to each and every city fireman and policeman beginning July 1, 1963. (Priv. Acts 1963, Ch. 30, § 2; Ord. No. 10743, § 1(4), 8-18-98)

Sec. 13.15. Reserved.

(Ord. No. 10743, § 1(1), 8-18-98)

Editor's note-Ord. No. 10743, § 1(1), 8-18-98, repealed Priv. Acts 1901, Ch. 432, § 56, as amended by Priv. Acts 1911, Ch. 10, § 13, relating to a manual of instructions.

Sec. 13.16. Political activities of members of the fire and police departments.

No officer or any member of the fire or police department(s) shall be called on for any contribution or assessment by any political organization or member or committee thereof. No officer or member of either of said departments shall be allowed to solicit any contribution, or to sell any ticket, or procure money by any device from the public while on duty or while in uniform. Any person violating any of the provisions of this Section shall, upon conviction in the City Court, be fined not exceed fifty dollars (\$50.00) and shall be subject to disciplinary action. (Ord. No. 10743, § 1(3), 8-18-98; Ord. No. 12677, § 27, 12-18-12)

Secs. 13.17 – 13.25. Reserved.

CHAPTER II. SALARIES

Secs. 13.26 – 13.30. Reserved.

Editor's note-Ord. No. 10743, § 1(1), 8-18-98, repealed Priv. Acts 1951, Ch. 139, relating to minimum salaries for certain members of the fire and police departments.

CHATTANOOGA CITY CHARTER

Secs. 13.31 -- 13.43. Reserved.

Editor's note-Section 1, Ch. 155, Private Acts 1969 repealed: Priv. Acts 1951, Ch. 9; Priv. Acts 1963, Ch. 150; Priv. Acts of 1967, Ch. 51, formerly codified as §§ 13.31 through 13.33, pertaining to the salary and additional pay for police and fire personnel.

CHAPTER III. TENURE

Sec. 13.44. Grant of tenure; arbitrary, etc., dismissal, etc., prohibited; effective date.

All firemen and policemen of the City of Chattanooga shall have safe tenure on their jobs so long as they properly and efficiently fulfill the duties of their respective positions. They shall not be discharged, or suspended for political or religious reasons or for any other unjust or arbitrary cause. This Act [chapter] shall apply to all firemen and policemen of the City of Chattanooga serving as of the effective date of this Act [chapter]; provided, however, that this Act [chapter] shall apply only to those firemen and policemen who have been employed for more than one year. (Priv. Acts 1953, Ch. 141, § 2; Ord. No. 10744, § 1(1), 8-18-98)

Sec. 13.45. Maximum period of suspension.

No suspension of any such employee [fireman or policeman] shall be of a longer period than thirty (30) days. (Priv. Acts 1953, Ch. 141, § 2; Ord. No. 10744, § 1(1), 8-18-98)

Sec. 13.46. Political activity.

Each fireman and policeman shall be free to vote for and support any political candidate he or she chooses, without interference, coercion, pressure or dictation by any superior of such employee. No fireman or policeman shall engage in political activities while on duty or while wearing his uniform. As private citizens, and while not on official duty and not in uniform, firemen and policemen shall have a right to work for and support any political candidate whom they choose so long as they do not use their official positions in connection therewith. (Priv. Acts 1953, Ch. 141, § 2; Ord. No. 10744, § 1(1), 8-18-98)

Sec. 13.47. Dismissal, suspension, etc.-To be in accord with chapter.

No fireman or policeman shall be dismissed, or suspended, except as provided herein. (Priv. Acts 1953, Ch. 141, § 2; Ord. No. 10744, § 1(1), 8-18-98)

Sec. 13.48. Same-Written charges to be filed.

Any fireman or policeman who shall be discharged, suspended, or laid off, shall be furnished with written charges within twenty-four (24) hours from such discharge, suspension, or layoff action, specifically stating the offense or offenses with which he is charged, which shall be signed by the department head. (Priv. Acts 1953, Ch. 141, § 2; Ord. No. 9437, § 1(3), 8-21-90; Ord. No. 10744, § 1(1), 8-18-98)

Sec. 13.49. Same-Hearing.

Any fireman or policeman who is discharged, suspended, or laid off and who claims that such discharge, suspension, or lay off, was made for political or religious reasons, or otherwise

CHATTANOOGA CITY CHARTER

in violation of the provisions of this Act [chapter], may request, and shall have the right to have a hearing as established by the administrative procedures authorized by the City Council, and such employee, or employees will have the right to have witnesses subpoenaed for such hearing without discrimination, or coercion being used against them for serving as witnesses in such hearing. A copy of said request shall be furnished to the department head. Said administrative procedures shall require that a time and place for the hearing be set within fifteen (15) days after said appeal. Upon such hearing both the employee and his superior authority whose action is reviewed shall have the right to appear at the hearing and plead his cause in person or by counsel; and the right to present proof. The administrative hearing body or judge shall have the right and duty to administer oaths, subpoena witnesses, compel the production of books and papers pertinent to any hearing, and shall have the right to file proceedings in the circuit court of Hamilton County for appropriate action for contempt against any person failing or refusing to answer or obey a summons, and to give and produce testimony before said hearing body. Any person who shall fail to appear in response to a subpoena or to answer any questions or produce any books or papers pertinent to any such proceeding or proceedings, or hearing or who shall knowingly give false testimony in connection therein shall be guilty of a misdemeanor.

The hearing may be private or public, in the discretion of the hearing body or judge. If the hearing body or judge finds that the employee was discharged, suspended, or laid off for a political or a religious motive, or in violation of the provisions of this Act, the appealing employee shall be reinstated without loss of faith. The hearing body or judge shall have the duty and power to affirm, reverse, set aside or modify the order of discharge, suspension or layoff, as theretofore made by the superior officer of such employee. Any and all employees discharged, or suspended in the event that such employee or employees are proven innocent of said charges by the hearing body or judge or any other of the courts will be reinstated at his position he held when charges were made, with full retroactive pay for the time lost. A copy of the order of the hearing body or judge shall be furnished to the proper city official. In the event said order directs the reinstatement of said employee, or retroactive pay, it shall be the ministerial duty of the cognizant officials of the City of Chattanooga to comply with the terms thereof. As used herein, the term "hearing body or judge" shall mean the person or persons duly established by the City Council to conduct appeal hearings of employees. (Priv. Acts 1953, Ch. 141, § 2; Ord. No. 9437, § 1(3)(4), 8-21-90; Ord. No. 10744, § 1(1), 8-18-98; Ord. No. 12424, § 2, 8-17-2010)

Sec. 13.50. Reinstated employees.

Nothing in this Act will prohibit any discharged employee from being reinstated to his former position and rank at the same salary he was receiving when discharged. (Priv. Acts 1953, Ch. 141, § 2)

Sec. 13.51. Rights of appeal under general state law.

No employee will be discharged or suspended without full rights of appealing the case in accordance with section 9008 of the Tennessee Code [T.C.A. §§ 27-9-101--27-9-103]. (Priv. Acts 1953, Ch. 141, § 3)

Sec. 13.52. Applicability of chapter.

All provisions of the Charter of the City of Chattanooga in conflict herewith be, and the same hereby are repealed. This Act shall not be construed to amend, repeal, supersede or modify

CHATTANOOGA CITY CHARTER

chapter 301, Private Acts of 1913, except to the extent of irreconcilable conflict therewith. (Priv. Acts 1953, Ch. 141, § 4)

Secs. 13.53 -- 13.62. Reserved.

CHAPTER IV. FIRE AND POLICE PENSION

Sec. 13.63. Fire and Police Pension Fund.

The Fire and Police Pension Fund formerly called “Firemen’s and policemen’s insurance and pension fund” as established by the Private Acts of 1949 Chapter 165, as amended by private acts and Home Rule referenda, shall be transferred from the Charter compilation to the City Code compilation, but the vested rights of any participant or beneficiary shall not thereby be affected. No current provision of the Fire and Police Pension Fund may be amended hereafter except pursuant to the provisions of section 13.64 below. (Priv. Acts 1949, Ch. 165; Priv. Acts 1953, Ch. 90; Priv. Acts 1961, Ch. 222; Priv. Acts 1969, Ch. 165; Priv. Acts 1971, Ch. 149; Priv. Acts 1972, Ch. 406; Ord. No. 8688, 8-19-86; Ord. No. 9778, 8-19-92; Ord. No. 9839, 2-9-93; Ord. No. 10463, 8-20-96; Ord. No. 11012, 5-9-00; Ord. No. 11272, 4-30-02; Ord. No. 12677, § 28, 12-18-12)

Sec. 13.64. Amendments by ordinance.

The City Council, City of Chattanooga, in its discretion, only after a recommendation of the Board of Directors of the Fire and Police Pension Fund, upon advice by the Mayor, may, by ordinance, passed on two separate readings, amend any section of the Private Acts of 1949, as amended; provided that such amendment is not inconsistent with sound actuarial principles, methods, and actuarial assumptions and further provided that such amendment shall not in any way decrease any vested financial benefits accrued by any participant or beneficiary of the Fire and Police Pension Fund. (Ord. No. 11012, 5-9-00; Ord. No. 12677, § 28, 12-18-12).

Sec. 13.65 – 13.86 Reserved.

Editor note-Former §§ 13.65 to 13.86 transferred to City Code, Chapter 2, Division 18, Fire and Police Pension Fund, §§ 2-400 to 2-422 pursuant to Ord. No. 12677, § 28, 12-18-12.