

First Reading: April 22, 2025
Second Reading: April 29, 2025

ORDINANCE NO. 14224

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE,
PART II, CHAPTER 16, ADDING SECTIONS 16-30 THROUGH
16-34, RELATING TO EMERGENCY POWERS OF THE
CHATTANOOGA FIRE DEPARTMENT.

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

SECTION 1. That Chattanooga City Code, Part II, Chapter 16, Sections 16-30 through 16-34, shall be added as follows:

Sec. 16-30. Emergency powers.

When the Chattanooga Fire Department is requested to respond to a fire, hazardous materials incident, natural disaster, service call, or other emergency, it may, regardless of where the emergency exists, proceed to the emergency site by the most direct route at the maximum speed consistent with safety. While responding to, operating at, or returning from such emergency, the Fire Chief, Fire Marshal, or Command Officer at the incident scene, or any member serving in capacity of fire officer-in-charge, shall also have the authority to:

- (1) Control and direct the activities at the scene of the emergency;
- (2) Order any person or persons to leave any building or place in the vicinity of such scene for the purpose of protecting such person or persons from injury;
- (3) Blockade any public highway, street or private right-of-way temporarily while at such scene;
- (4) Trespass at any time of the day or night without liability while at such scene;
- (5) Enter any building or premises, including private dwellings, where a fire is in progress, or where there is reasonable cause to believe a fire is in progress, for the purpose of extinguishing the fire;
- (6) Enter any building or premises, including private dwellings, near the scene of the fire for the purpose of protecting the building or premises, or for the purpose of extinguishing the fire that is in progress in another building or premises;

- (7) Inspect for preplanning all buildings, structures, or other places in the chief's fire district, except the interior of a private dwelling, where any combustible material, including waste paper, rags, shavings, waste, leather, rubber, crates, boxes, barrels, rubbish, or other combustible material that is or may become dangerous as a fire menace to such buildings, structures, or other places has been allowed to accumulate, or where such chief or the chief's designated representative has reason to believe that such combustible material has accumulated or is likely to accumulate;
- (8) Direct without liability the removal or destruction of any fence, house, motor vehicle, building, structures, or other things, if such person deems such action necessary to prevent the further spread of the fire;
- (9) Request and be furnished with additional materials or special equipment at the expense of the owner of the property on which the emergency occurs, if deemed necessary to prevent the further spread of the fire or hazardous condition; and
- (10) Order disengagement or discouplement of any convoy, caravan, or train of vehicles, craft, or railway cars, if deemed necessary in the interest of safety of persons or property.

Sec. 16-31. Authority to order demolition of structures beyond repair.

Whenever the Fire Chief or designee determines, in the course of an investigation of a building or other structure that has been destroyed or damaged by fire, that such building or other structure has been damaged so extensively that repair is not a feasible alternative, the Fire Chief or Fire Marshal shall order the remains of the building or structure demolished, materials removed, and all dangerous conditions remedied. The order shall be delivered with written notice to the owner and/or person responsible for the building or structure and shall state that the person must comply with the order within thirty (30) days or, if an insurance claim is pending on such building or structure, then the person must comply with the order within thirty (30) days after settlement of such claim.

Sec. 16-32. Appeal of order to demolish.

- (a) The person responsible for the building or structure that the Fire Chief or designee has ordered to be demolished pursuant to Sec. 16-31 above may, within twenty-four (24) hours of the date the order is signed, appeal the order to demolish the building or structure to the Commissioner of the Tennessee Department of Commerce and Insurance (the "Commissioner"). Unless the Commissioner revokes or modifies the demolition order, the order shall remain in full force and be complied with within the time fixed in the order or decision of the Commissioner.

- (b) Any owner or occupant who feels aggrieved by the order to demolish or affirmed order to demolish may, within five (5) days after the making or affirming of the order by the Commissioner, file a petition with the Hamilton County Circuit Court. In case the owner or occupant is not satisfied with the order or judgment of the Hamilton County Circuit Court, the owner or occupant may file a petition in the appellate court to review the order or judgment.

Sec. 16-33. Failure to comply with order to demolish.

If the owner of or person responsible for the building or structure fails to comply with the order to demolish, or with the modified order if applicable, the Fire Chief or designee in Public Works and/or Code Enforcement shall cause the building or structure to be demolished, materials removed and all dangerous conditions remedied, the expense to be borne by the owner of or person responsible for the building or structure.

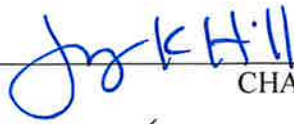
Sec. 16-34. Failure to repay demolition expenses.

Should the owner of or person responsible for the building or structure fail or neglect to repay the expenses within thirty (30) days after all dangerous conditions are so remedied, the Fire Chief or designee in Public Works and/or Code Enforcement may immediately place a lien upon the property for the expenses incurred from the demolition, together with a twenty-five (25%) percent penalty pursuant to T.C.A. § 68-102-125. The lien shall be a lien on the building or structure, including the real estate on which the building or structure is located, and the lien shall be superior and prior to all other liens on the property, except a lien for taxes assessed and due the state, county and city in which the property is located, and vendors' liens. The order and lien filed in the Register's Office of Hamilton County shall be notice to all parties.

Sec. 16-35 – 16-40. Reserved.

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

Passed on second and final reading: April 29, 2025


CHAIRPERSON

APPROVED: ☒ DISAPPROVED: ☐


MAYOR

PAN/HGB/mem/v2