

**CIVIL EMERGENCY PROCLAMATION AND EXECUTIVE ORDER
REGARDING REGULATION OF CROWDS AND NOISES ON BUSINESS LOTS IN THE CITY
BY MAYOR TIM KELLY FOR THE CITY OF CHATTANOOGA
No. 2024-3**

WHEREAS, the Tennessee General Assembly has found and declared that the state is vulnerable to a wide range of emergencies, including natural, technological, terrorist acts, and manmade disasters, all of which threaten the life, health, and safety of its people, damage and destroy property, disrupt services and everyday business and recreational activities, and impede economic growth and development pursuant to Tennessee Code Annotated § 58-2-102; and

WHEREAS, pursuant to Tennessee Code Annotated § 58-2-110 (3) and Tennessee Code Annotated § 58-8-104 the Mayor of a municipality has the power and authority to declare a local state of emergency by executive order at any time during the imminent pendency or happening of an occurrence; and

WHEREAS, an occurrence is defined as the imminent threat of an event or an actual event and its aftermath, whether natural or man-made, that could lead to substantial bodily injury or property damage and that could lead to the declaration of a state of emergency under Tennessee Code Annotated § 58-2-102; and

WHEREAS Chattanooga City Code Section 25-75 declares it to be a nuisance for an owner of commercial property to permit commercial property to be used in a way to permit more than thirty (30) people to gather on said property outside of any building between the hours of 12:00 AM and 5:00 AM within two hundred (200) feet of any residence subject to certain conditions; and

WHEREAS Chattanooga City Code Section 25-79 enumerates prohibited noises of amplified music and other excessive noises in residential zones which annoy or disturb the quiet, comfort or repose of persons in any dwelling, or other type of residence under certain conditions other than for special events permits issued by the City pursuant to City Code Section 24-100 for block parties, festivals, and park reservations; and

WHEREAS, as Mayor I have learned that large public gatherings have occurred this summer without permits which have blocked public access to residential neighborhoods and have caused public safety concerns due to the size of the events after the hours of 12:00 AM throughout the City; and

WHEREAS, as Mayor of the City of Chattanooga I have determined that I should proclaim the existence of a civil emergency that has occurred and may continue to occur from unlawful assembly and may occur in residential communities within the City and commercial properties in close proximity of residential property after the hours of 12:00 AM when persons refuse to obey an official order to disperse that is issued to maintain public safety in dangerous proximity to an emergency or in violation of City Code which may constitute disorderly conduct in violation of Tennessee Code Annotated§ 38-17-305 et. seq.; and

WHEREAS, I have decided to issue emergency restrictive orders in the interest of public safety based on my proclamation of a civil emergency pursuant to Tennessee Code Annotated § 38-9-101 et seq. and § 58-2-101 et seq. and City of Chattanooga Charter, Article 2.1, during several weekends in July and August of 2024; and

NOW, THEREFORE, I, TIM KELLY, MAYOR OF THE CITY OF CHATTANOOGA, by virtue of the powers vested in me, proclaim that a local civil emergency exists in the City of Chattanooga, Tennessee and it is my Executive Order to extend my prior emergency order 2024-1 to prohibit more than

thirty (30) people to gather on commercial property within two hundred (200) feet of any residence in the City subject to certain conditions and I hereby proclaim, direct, and order the following:

1. Any owner of commercial property within the City shall not permit commercial property to be used in a way to permit more than thirty (30) people to gather on said property outside of any building between the hours of 12:00 AM and 5:00 AM and/or which create prohibited noises outside the amplified music district which disturb the quiet, comfort or repose of persons in residences within two hundred (200) feet of the origin of the prohibited noises. This prohibition shall be in effect beginning Friday, August 2, 2024 at 9:00 a.m. to 4:00 p.m. on Sunday, August 4, 2024 and shall continue beginning each Friday at 9:00 a.m. and ending on each Sunday at 4:00 p.m. for the duration of this Executive Order, but in no event shall this Executive Order exceed fifteen (15) days pursuant to Tennessee Code Annotated § 38-9-103 after August 2, 2024 unless extended by future executive order by the Mayor.
2. The Chattanooga police department is authorized to enforce this executive order in the interest of public safety when necessary to issue an official order to disperse that is issued to maintain public safety in proximity to an emergency and to maintain the quiet, comfort and repose of persons in any dwelling outside of the downtown amplified music district subject to the conditions allowed for permitted events under City Code Section 24-100.
3. A determination that any provision of this Order is invalid will not affect the enforceability of any other provision of this Order. The remaining provisions shall remain in full force and effect. Any invalid provision will be modified to the extent necessary for enforceability.
4. This Order shall be effective at 9:00 a.m. on Friday, August 2, 2024, and shall remain in effect until withdrawn or extended pursuant to Tennessee law.
5. PURSUANT TO TENN. CODE ANN. § 38-9-103 the duration of this Civil Emergency Proclamation and Executive Order is limited to fifteen (15) days initially and may be extended, as necessary, in additional fifteen (15)-day increments. To the extent that this Order conflicts with any prior Orders by my office this Order shall control.

Issued this 1st day of AUGUST 2024, pursuant to Tenn. Code Ann. §§ 38-9-101, et seq. and 58-2-104 and 58-2-110 (3) by the Mayor of the City of Chattanooga, Tennessee.



TIM KELLY, MAYOR OF THE CITY OF CHATTANOOGA