

ORDINANCE NO. _____

An Ordinance to add Title 12, Chapter 11 to the Crossville Municipal Code pertaining to municipal administrative hearing officer.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROSSVILLE, TENNESSEE AS FOLLOWS:

SECTION I. That Title 12, Chapter 11 of the Crossville Municipal Code be amended to read as follows:

12-1101. Municipal administrative hearing officer.

(A) In accordance with Tennessee Code Annotated, Title 6, Chapter 54, Part 10, there is hereby created the office of administrative hearing officer to hear violations of any of the provisions codified in the Code of Ordinances relating to building and property maintenance including:

- a. Building codes found at Title 12, Chapter 1;
- b. Residential codes found at Title 12, Chapter 2;
- c. Existing building codes found at Title 12, Chapter 3;
- d. Property maintenance codes found at Title 12, Chapter 4
- e. Accessibility codes found at Title 12, Chapter 5
- f. Plumbing codes found at Title 12, Chapter 6
- g. Energy conservation codes found at Title 12, Chapter 7
- h. Moving building codes found at Title 12, Chapter 8
- i. Fuel gas codes found at Title 12, Chapter 9
- j. Mechanical codes found at Title 12, Chapter 10
- k. Miscellaneous property maintenance regulations found at Title 13, Chapter 1
- l. Slum clearance regulations found at Title 13, Chapter 2
- m. Junkyard regulations found at Title 13, Chapter 3
- n. Abandoned and inoperable vehicles found at Title 13, Chapter 4
- o. Nuisance regulations found at Title 13, Chapter 6
- p. All ordinances regulating any subject matter commonly found in the above-described codes.

(B) The administrative hearing officer is not authorized to hear violation of codes adopted by the State Fire Marshal pursuant to Tennessee Code Annotated §68-120-101(a) enforced by Deputy Building Inspector pursuant to Tennessee Code Annotated §68-120-101(f)

(C) The utilization of the administrative hearing officer shall be at the discretion of the administrative hearing officer and shall be an alternative to the enforcement in the City of Crossville Municipal Court.

(D) There is hereby created two (2) administrative hearing officer positions to be appointed pursuant to T.C.A. § 6-54-1006.

(E) The amount of compensation for the administrative hearing officer shall be approved by the Crossville City Council.

(F) The city may enter into an inter-local agreement with one (1) or more other municipalities to employ one (1) or more administrative hearing officers in accordance with T.C.A. § 6-54-1001.

(G) Clerical and administrative support for the office of administrative hearing officer shall be provided as determined by City Manager.

(H) The administrative hearing officer shall perform all of the duties and abide by all of the requirements provided in T.C.A. § 6-54-1001 et seq.

12-1102. Jurisdiction and procedure before the administrative hearing officer.

(A) The administrative hearing officer's jurisdiction shall be as set out in T.C.A. § 6-54-1001, et seq., and all matters before the administrative hearing officer shall be conducted in accordance with the provisions of T.C.A. § 6-54-1001 et seq., which provisions are adopted and incorporated herein by reference.

- (B) The power and authority vested in the Office of Administrative Hearing is not exclusive and does not terminate or diminish any other existing municipal power or authority. The Crossville City Council may direct a municipal officer or employee to develop criteria for determining when to exercise administrative enforcement.
- (C) When required, the Office of Administrative Hearing shall hold hearings at 1:00 p.m. on the second Tuesday of each month.

12-1103. Judicial review of final order. A person who is aggrieved by a final decision in a contested case is entitled to judicial review pursuant to T.C.A. § 6-54-1017, which shall be the only available method of judicial review.

SECTION II. This ordinance shall take effect upon and after its final date of passage, the public welfare requiring it.

Mayor

Councilman

Councilman

Councilman

Councilman

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

Passed 1st Reading: _____
 Passed 2nd Reading: _____
 Passed 3rd Reading: _____