

ORDINANCE NO. 13238

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 21, ARTICLE VIII, OFFICE OF ADMINISTRATIVE HEARING OFFICER, SECTION 21-150, CREATION BY ORDINANCE, CONTENTS OF ORDINANCE, INTERLOCAL AGREEMENTS, EXISTING MUNICIPAL POWER OR AUTHORITY.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 21, Article VIII, Office of Administrative Hearing Officer, Section 21-150, Creation by ordinance, Contents of ordinance, Interlocal agreements, Existing municipal power or authority, is hereby added as follows:

ARTICLE VIII – OFFICE OF ADMINISTRATIVE HEARING OFFICER

Sec. 21-150. Creation by ordinance – Contents of ordinance – Interlocal agreements – Existing municipal power or authority.

(a) Municipalities are authorized to create, by ordinance, the office of administrative hearing officer to hear building and property maintenance code violations.

(b) Such authorizing ordinance must, at minimum, contain:

(1) Reference to the municipal code sections subject to administrative jurisdiction; and

(2) The number of administrative hearing officer positions created.

(c) Two (2) or more municipalities may enter into an interlocal agreement to employ one (1) or more administrative hearing officers if so referenced in the adopting ordinance.

(d) No provision in this part diminishes or terminates any existing municipal power or authority.

(e) For purposes of this part, “municipality” means any incorporated town or city, or metropolitan form of government.

SECTION 2. BE IT FURTHER ORDAINED, That Chattanooga City Code, Part II, Chapter 21, Article VIII, Office of Administrative Hearing Officer, Section 21-151, Municipal administrative hearing officer, will be amended by deleting same in its entirety and substituting in lieu the following:

Sec. 21-151. Jurisdiction of administrative body – Restrictions on authority.

(a) The administrative body has jurisdiction to hear cases involving violations of municipal ordinances regulating building and property maintenance, including:

- (1) Locally adopted building codes;
- (2) Locally adopted residential codes;
- (3) Locally adopted plumbing codes;
- (4) Locally adopted electrical codes;
- (5) Locally adopted gas codes;
- (6) Locally adopted mechanical codes;
- (7) Locally adopted energy codes;
- (8) Locally adopted property maintenance codes;
- (9) Locally adopted zoning codes; and
- (10) Ordinances regulating any subject matter commonly found in the codes mentioned in subdivisions (a)(1)-(9).

(b) The administrative hearing officers are not authorized to hear violation of codes adopted by the state fire marshal pursuant to T.C.A. § 68-120-101(a) enforced by a deputy building inspector pursuant to T.C.A. § 68-120-101(f). The utilization of the administrative hearing officer shall be at the discretion of the chief code enforcement inspector and/or the chief building official of the city and shall be an alternative to the enforcement included in the city Code.

(c) The City may appoint up to two (2) administrative hearing officers in accordance with T.C.A. § 6-54-1001 et seq.

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

(e) The amount of compensation for the administrative hearing officer shall be approved by the city council.

(f) Clerical and administrative support for the office of administrative hearing officer shall be provided as determined by the mayor or designee.

(g) 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.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two
(2) weeks from and after its passage.

Passed on second and final reading: November 14, 2017



CHAIRPERSON

APPROVED: DISAPPROVED:



MAYOR

/mem