

TITLE

AN ORDINANCE TO AMEND TITLE 3, TITLED "MUNICIPAL COURT," OF THE CODE OF ORDINANCES, CITY OF OAK RIDGE, TENNESSEE," BY CREATING A NEW CHAPTER 6, TITLED "ADMINISTRATIVE HEARING OFFICER," TO CREATE AN ADMINISTRATIVE HEARING OFFICER POSITION IN ACCORDANCE WITH TENNESSEE CODE ANNOTATED §6-54-1001 ET SEQ.

WHEREAS, by Resolution 11-109-11, City Council approved the *Not in Our City* conceptual plan which included an initiatives to establish an administrative hearing officer position to hear building and property maintenance code violations; and

WHEREAS, Tennessee Code Annotated §6-54-1001 et seq. authorizes municipalities to create, by ordinance, the office of administrative hearing officer to hear certain building and property maintenance code violations; and

WHEREAS, in order to promote and protect the health, safety, and welfare of the residents of Oak Ridge, the City of Oak Ridge deems it necessary to create one administrative hearing officer position.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAK RIDGE, TENNESSEE:

Section 1. Title 3, titled "Municipal Court," of the Code of Ordinances, City of Oak Ridge, Tennessee, is hereby amended by creating a new Chapter 6, titled "Administrative Hearing Officer," which new chapter shall read as follows:

CHAPTER 6

ADMINISTRATIVE HEARING OFFICER

Sec. 6-101. Administrative Hearing Officer.

- (1) In accordance with Tennessee Code Annotated §6-54-1001 et seq., there is hereby created the office of Administrative Hearing Officer to hear violations of any of the provisions codified in the City Code relating to building and property maintenance, including:
 - (a) Locally adopted building codes – City Code Title 12, Chapters 1 and 2
 - (b) Locally adopted residential codes – City Code Title 12, Chapter 11
 - (c) Locally adopted plumbing codes – City Code Title 12, Chapter 7
 - (d) Locally adopted electrical codes – City Code Title 12, Chapter 4
 - (e) Locally adopted mechanical codes – City Code Title 12, Chapter 13
 - (d) Locally adopted energy codes – City Code Title 12, Chapter 12
 - (e) Locally adopted property maintenance codes – City Code Title 13, Chapter 2
 - (f) Ordinances regulating any subject matter commonly found in the codes mentioned above.

The Administrative Hearing Officer is not authorized to hear violations of codes adopted by the state fire marshal pursuant to Tennessee Code Annotated §68-120-101(a) enforced by a deputy building inspector pursuant to Tennessee Code Annotated §68-120-101(f).

- (2) There is hereby created one (1) Administrative Hearing Officer to be appointed by City Council for a four (4) year term pursuant to Tennessee Code Annotated §6-54-1006 and serve at the pleasure of City Council.
- (3) The Administrative Hearing Officer shall be one of the following:
 - (a) Licensed building inspector;
 - (b) Licensed plumbing inspector;
 - (c) Licensed electrical inspector;
 - (d) Licensed attorney;
 - (e) Licensed architect; or
 - (f) Licensed engineer.
- (4) The Administrative Hearing Officer shall comply with the training and education requirements set forth in Tennessee Code Annotated §6-54-1007
- (5) The amount of compensation for the Administrative Hearing Officer shall be approved by City Council.
- (6) Clerical and administrative support for the Administrative Hearing Officer shall be provided as determined by the City Manager.
- (7) The Administrative Hearing Officer shall perform all of the duties and abide by all of the requirements provided in Tennessee Code Annotated §6-54-1001 et seq.

Sec. 6-102. Jurisdiction and Procedure before the Administrative Hearing Officer.

The Administrative Hearing Officer's jurisdiction shall be as set forth in Tennessee Code Annotated §6-54-1002, and all matters before the Administrative Hearing Officer shall be conducted in accordance with the provisions of Tennessee Code Annotated §6-54-1001 et seq., which provisions are adopted and incorporated herein by reference.

Sec. 6-103. Judicial Review of Final Order.

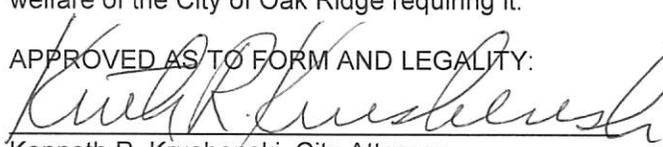
A person who is aggrieved by a final decision in a contested case is entitled to judicial review pursuant to Tennessee Code Annotated §6-54-1017, which shall be the only available method of judicial review.

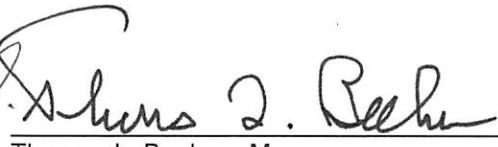
Sec. 6-104. Interlocal Agreements.

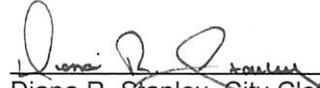
As authorized by Tennessee Code Annotated §6-51-1001, the City is hereby authorized to enter into interlocal agreements with one or more municipalities to employ an administrative hearing officer.

Section 2. This ordinance shall become effective ten (10) days after adoption on second reading, the welfare of the City of Oak Ridge requiring it.

APPROVED AS TO FORM AND LEGALITY:


Kenneth R. Krushenski, City Attorney


Thomas L. Beehan, Mayor


Diana R. Stanley, City Clerk

First Reading: 02/10/2014
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Second Reading: 03/03/2014
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