

ORDINANCE NO. 14072

AN ORDINANCE AMENDING CHATTANOOGA CITY CODE, PART II, CHAPTER 21, ARTICLE VI, OFFICE OF THE ADMINISTRATIVE HEARING OFFICER, SECTION 21-239, REVIEW OF CITATION; LEVY OF CIVIL PENALTIES AUTHORIZED BY LAW.

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

SECTION 1. That Chattanooga City Code, Part II, Chapter 21, Article VI, Office of the Administrative Hearing Officer, Section 21-239, Review of citation; levy of civil penalties authorized by law, be amended by deleting same in its entirety and substituting in lieu thereof the following:

Sec. 21-239. Review of citation; levy of civil penalties authorized by law.

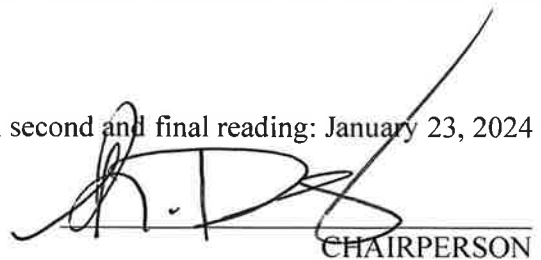
- (a) Upon receipt of a citation issued pursuant to this Article, an administrative hearing officer shall, within seven (7) business days of receipt, review the appropriateness of an alleged violation. Upon determining that a violation does exist, the administrative hearing officer has the authority to levy a civil penalty upon the alleged violator in accordance with this section. Any civil penalty levied by an administrative hearing officer must be reasonable based upon the totality of the circumstances.
 - (1) For violations occurring upon residential property, an administrative hearing officer has the authority to levy a civil penalty upon the violator not to exceed five hundred dollars (\$500.00) per violation. For purposes of this part, "residential property" means a single family dwelling principally used as the property owner's primary residence and the real property upon which it sits.
 - (2) For violations occurring upon nonresidential property, an administrative hearing officer has the authority to levy a civil penalty upon the violator not to exceed five hundred dollars (\$500.00) per violation per day. For purposes of this part, "nonresidential property" means all real property, structures, buildings, and dwellings that are not residential property.

- (b) If a civil penalty is levied pursuant to Subsection (a), the administrative hearing officer shall set a reasonable period of time to allow the alleged violator to remedy the violation alleged in the citation before the civil penalty is imposed. The remedial period shall be no less than ten (10) nor greater than one hundred twenty (120) calendar days, except where failure to remedy the alleged violation in less than ten (10) calendar days would pose an imminent threat to the health, safety or welfare of persons or property in the adjacent area.
- (c) Upon the levy of a civil penalty pursuant to Subsection (a), the administrative hearing officer shall within seven (7) business days provide via certified mail notice to the alleged violator of:
 - (1) The fine and remedial period established pursuant to Subsections (a) and (b);
 - (2) A statement of the time, place, nature of the hearing, and the right to be represented by counsel; and
 - (3) A statement of the legal authority and jurisdiction under which the hearing is to be held, including a reference to the particular sections of the statutes and rules involved.
- (d) The date of the hearing shall be no less than thirty (30) calendar days following the issuance of the citation. To confirm the hearing, the alleged violator must make a written request for the hearing to the administrative hearing officer within seven (7) business days of receipt of the notice required in Subsection (c).
- (e) If an alleged violator demonstrates to the issuing officer's satisfaction that the allegations contained in the citation have been remedied to the issuing officer's satisfaction, the civil penalty levied pursuant to Subsection (a) shall not be imposed or if already imposed cease; and the hearing date, if the hearing has not yet occurred, shall be cancelled.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two

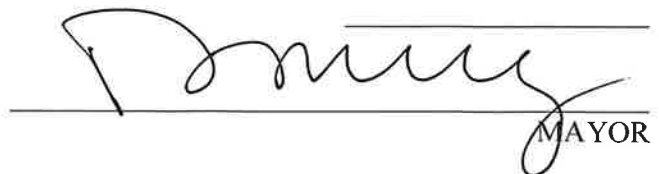
(2) weeks from and after its passage.

Passed on second and final reading: January 23, 2024



 CHAIRPERSON

APPROVED: DISAPPROVED:



 MAYOR