

TITLE 3**MUNICIPAL COURT****CHAPTER**

1. CITY COURT.
2. COURT ADMINISTRATION.
3. ADMINISTRATIVE HEARING OFFICER.

CHAPTER 1**CITY COURT¹****SECTION**

- 3-101. Schedule of costs.
- 3-102. Alternative sentencing.

3-101. Schedule of costs. The city judge is hereby authorized to impose upon persons convicted of violating the ordinances of the City of Maryville the following court costs:

(1) For violating any of the provisions to title 15 of Maryville Municipal Code, "Motor Vehicles, Traffic and Parking," or any other ordinance or regulation of the City of Maryville regulating motor vehicles and traffic, the sum of forty-six dollars (\$46.00). Provided, however, such court costs shall not be imposed upon persons answering parking citations unless the clerk of the city court has issued a summons in accordance with § 15-704(c) of Maryville Municipal Code.

(2) For violating any other provision of Maryville Municipal Code or any other ordinance, regulation or common law offense of the City of Maryville, the sum of fifty-six dollars (\$56.00).

(3) For certain violations, as provided for by the municipal judge, an administrative fee may be attached in lieu of fine and cost. The purpose of the "First Offender Program" being a diversion from adjudication for a period defined by the municipal judge, the "First Offenders Fee" being the sum of ten dollars (\$10.00).

(4) Contempt of court in municipal court shall be punishable by a fine in the amount of fifty dollars (\$50.00) or less to be determined in the discretion of the court. (1985 Code, § 1-1201, as amended by Ord. #2004-42, Nov. 2004, and Ord. #2005-12, April 2005)

3-102. Alternative sentencing. The city judge is hereby authorized to impose upon persons convicted of violating the ordinances of the City of

¹Charter references: art. XI and art. VII, § 7.

Maryville, and who have shown proof of indigency by way of affidavit, an alternative to cash payment of fines, penalties, and costs.

(1) Upon conviction, a person may make application to the court for alternative sentencing by way of community service projects or other means of relief as may be deemed appropriate by the city judge.

(2) Such persons shall provide pertinent information to the court by way of an affidavit of indigency upon oath or affirmation.

(3) Upon approval by the municipal court, referral is made to the chief of police who schedules community service work to the extent that the individual's physical condition shall permit.

(4) The chief of police shall file with the court a report stating that the number of hours worked has satisfied the court's order based on an hourly rate equivalent to the prevailing minimum wage as prescribed by the Fair Labor Standards Act. (1985 Code, § 1-1202)

CHAPTER 2

COURT ADMINISTRATION

SECTION

3-201. Failure to appear.

3-202. Disturbance of any proceedings.

3-201. Failure to appear. Any person who fails to appear in city court to answer to a summons or citation for the violation of any ordinance or provision of this code shall be guilty of a civil offense punishable under the general penalty clause of this code. (As added by Ord. #99-45, Dec. 1999)

3-202. Disturbance of any proceedings. It shall be unlawful for any person to create any improper disturbance of any trial before the city court by making loud or unusual noises, by using profane or blasphemous language, or by any unduly distracting conduct whatsoever and such offense shall be punishable under the general penalty clause of this code. (As added by Ord. #99-46, Dec. 1999)

CHAPTER 3

ADMINISTRATIVE HEARING OFFICER

SECTION

3-301. Municipal administrative hearing officer.

3-302. Jurisdiction and procedure before the administrative hearing officer.

3-303. Judicial review of final order.

3-301. Municipal administrative hearing officer. (1) 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 Municipal Code of the City of Maryville relating to building and property maintenance, including:

(a) Locally adopted building codes - Maryville Municipal Code title 12, chapter 1;

(b) Locally adopted residential codes - Maryville Municipal Code title 12, chapter 11;

(c) Locally adopted residential codes - Maryville Municipal Code title 12, chapter 2;

(d) Locally adopted electrical codes - Maryville Municipal Code title 12, chapter 3;

(e) Locally adopted energy codes - Maryville Municipal Code title 12, chapter 5;

(f) Locally adopted property maintenance codes - Maryville Municipal Code title 12, chapter 12;

(g) Ordinances regulating any subject matter commonly found in the codes mentioned.

(2) There is hereby created the position of administrative hearing officer to be appointed pursuant to Tennessee Code Annotated, title 6, chapter 54, section 1006.

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

(4) Clerical and administrative support for the office of administrative hearing officer shall be provided as determined by the city manager.

(5) The administrative hearing officer shall perform all of the duties and abide by all of the requirements provided in Tennessee Code Annotated, title 6, chapter 54, sections 1001, et seq. (as added by Ord. #2011-30, Nov. 2011)

3-302. Jurisdiction and procedure before the administrative hearing officer. The administrative hearing officer's jurisdiction shall be as set out in Tennessee Code Annotated, title 6, section 54, section 1002, and all matters before the administrative hearing officer shall be conducted in accordance with the provisions of Tennessee Code Annotated, title 6, section 54,

sections 1001, et seq., which provisions are adopted and incorporated herein by reference. (as added by Ord. #2011-30, Nov. 2011)

3-303. 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, title 6, chapter 54, part 10, which shall be the only available method of judicial review. (as added by Ord. #2011-30, Nov. 2011)