

CHAPTER 31: HEARING OFFICER; APPEALS

Section

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§ 31.01 LEGISLATIVE HEARING OFFICER.

In order to hear and decide appeals from a notice of violation or emergency issued by enforcement officers pursuant to Chapters 92, 99 and 98 of the Worthington City Code, there shall be and is hereby created a Legislative Hearing Officer. The Legislative Hearing Officer shall be a person appointed by the City Council. The Legislative Hearing Officer shall also have the authority to conduct hearings on such other matters, except those matters which are governed by Title XV of the Worthington City Code, as the City Council may from time to time direct be heard by the Legislative Hearing Officer.
(Ord. 961, passed 4-12-04)

§ 31.02 APPEALS FROM ENFORCEMENT OFFICERS.

(A) *Right to appeal.* Any person affected by any notice of violation or emergency order issued and served pursuant to Chapters 92, 99 and 98 which has been issued may appeal such order by following the procedures set forth in this chapter.

(B) *Filing appeal.* Any person affected by any notice of violation or emergency order issued and served pursuant to Chapters 92, 99 and 98 shall be granted a hearing before the Legislative Hearing Officer upon filing in the office of the City Clerk a written appeal requesting such hearing. Said appeal shall be filed within ten days after the date the notice or order from which the appeal is taken is served.

(C) *Contents of written appeal.* The written appeal shall set forth the date of the notice of violation or emergency order issued by the enforcement officer and shall set forth the grounds for the appeal.

(D) *Hearing date and notice of hearing.* Upon receipt of a written appeal, the Legislative Hearing Officer shall set a time and place for such hearing and shall give the appellant written notice thereof. Unless the relevant chapter provides for a shorter time period, the hearing shall be commenced not later than 14 days after the date on which the written appeal was filed. If the relevant chapter provides for a shorter period of time, the hearing shall be commenced during such period of time.

(E) *Conduct of hearing and evidence.* At such hearing the appellant, appellant's agent or attorney shall be given an opportunity to show cause why the notice of violation or emergency order issued by the enforcement officer should be modified or withdrawn. The enforcement officer shall present a written statement of his or her findings which caused the enforcement officer to issue the notice of violation or emergency order. Such evidence as either the appellant or the enforcement officer feels is relevant may be presented. Strict rules of evidence shall not apply.

(F) *Decisions of the Legislative Hearing Officer.* After the hearing, the Legislative Hearing Officer shall sustain, modify or withdraw the notice of violation or emergency order. If the Legislative Hearing Officer sustains or modifies such notice of violation or emergency order, it shall be deemed to be an effective notice of violation or emergency order. A copy of the decision of the Legislative Hearing Officer shall be served by mail on the petitioner or petitioners and filed in the office of the City Clerk. The Legislative Hearing Officer shall render a decision within 21 days from the date the hearing closes. If no decision is rendered within 21 days, the appeal shall be considered denied. If within 10 days from the date of service of the decision of the Legislative Hearing Officer, no appeal is made from the decision of the Legislative Hearing Officer to the City Council pursuant to the provisions of division (I) of this section, the decision of the Legislative Hearing Officer shall be final.

(G) *Record of proceedings.* The proceedings of each hearing held before the Legislative Hearing Officer pursuant to an appeal shall be tape-recorded and the recording kept as a part of the record of the proceedings. The record of the proceedings shall include a copy of every notice, order, stay and writing issued in connection with the notice of violation or emergency order and the appeal.

(H) *Prosecution of appeal.* The appellant shall prosecute the appeal in a timely fashion. If the Legislative Hearing Officer concludes that the appellant is not prosecuting the appeal in a timely manner, the Legislative Hearing Officer shall enter an order sustaining the order of the enforcement officer.

(I) *Appeal to Council from decision of the Legislative Hearing Officer.* If either the appellant or the enforcement officer disagrees with the decision of the Legislative Hearing Officer, the appellant or the enforcement officer may, within the time period set forth in division (F) of this section, appeal the decision to the City Council by filing a notice of appeal with the City Clerk. The City Council shall consider the appeal at the first regularly scheduled meeting of the City Council held more than four days after the notice of appeal has been filed. At such meeting, the record of the proceedings shall be reviewed and, based on such review, the City Council shall affirm, modify or reverse the decision of the Legislative Hearing Officer.

(J) *Extension of time periods.* If the ending day of any time period for which provision is made in this chapter falls on a Saturday, Sunday or legal holiday, the time period shall be extended to end on the first working day following the Saturday, Sunday or legal holiday.
(Ord. 961, passed 4-12-04)

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