

TIGARD MUNICIPAL CODE

Chapter 1.17 APPEALS TO CIVIL INFRACTIONS HEARING OFFICER.

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1.17.100 Definitions.

For purposes of this Chapter:

A. City department means and includes any Bureau, Division, Board, Commission, Committee, agent, officer, or employee of the City of Tigard.

B. Decision or Determination means and includes any decision, determination, order or other action of any City department. (Ord. 96-16)

1.17.110 Jurisdiction Of The Civil Infraction Hearings Officer.

A. Whenever, pursuant to any portion of the Tigard Municipal Code, a person has the right to appeal to the Civil Infractions Hearings Officer from any decision or determination of a City Department, such appeal shall be in accordance with the procedures and under the conditions set forth in this Chapter.

B. No person shall have a right of appeal to the Civil Infractions Hearings Officer unless the right of appeal is expressly provided for in this Code. (Ord. 96-16)

1.17.120 Initiation Of Appeal.

A. Unless otherwise specified in this Code, a request for an appeal shall be filed within five (5) days, excluding holidays and weekends, after the date of the date of the decision appealed from.

B. Except when the Code provides differently, the Notice of Appeal shall be in writing and shall:

1. Contain either a copy or a complete and full description of the decision or determination appealed from;

2. A statement of the grounds upon which it is contended the decision or determination is invalid, unauthorized or otherwise improper;

3. The name of the person appealing the decision or determination along with their address and a telephone number;

4. Such other information that is deemed appropriate by rule of the Code Infractions Hearings Officer or as may otherwise be specified elsewhere in this Code. (Ord. 96-16)

1.17.130 Hearings And Hearings Procedures.

A. Upon receipt of a Notice of Appeal, the Civil Infractions Hearings Officer shall schedule and hold an appeal hearing within thirty (30) days of the receipt of the Notice. Notice of the time, date and place of the hearing on the appeal shall be sent by first class mail to the address provided on the Notice of Appeal. The time for the Hearing may be extended by motion of the Appellant or the City or in the sound discretion of the Civil Infractions Officer.

B. Hearings shall be conducted in accordance with the procedures set forth in

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Sections 1.16.250 to 1.16.300; 1.16.320 and 1.16.330 of this Code.

C. With the written consent of the Appellant and the City, the Civil Infractions Hearings Officer may determine the matter without a hearing and solely upon the record before him or her.

D. The Civil Infractions Officer may sustain, modify, reverse, or annul the decision or determination appealed from. The Civil Infractions Hearings Officer may also remand the decision or determination back to the City department for such reconsideration or further action as the Civil Infractions Hearings Officer deems necessary. (Ord. 96-16)

1.17.140 Nature Of Decision.

The determination of the Civil Infractions Hearings Officer is a quasi-judicial decision and is not appealable to the City Council; any appeal from the decision of the Civil Infractions Hearings Officer shall be by writ of review to the Circuit Court of Washington County, Oregon as provided for in ORS 34.010 to ORS 34.100. (Ord. 96-16)■