

Sec. 4-17. Enforcement of chapter; procedure for adjudicatory hearings for violations.

(a) Whenever the board or director has reason to believe that a violation of any provision of this chapter or rule or regulation pursuant thereto has occurred, the board or director may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this chapter or rule or regulation alleged to be violated and the date, time, place and general nature of the alleged violation or violations thereof and may include an order that necessary action be taken within a reasonable time. The notice provided for in this subsection may be served by the sheriff or a deputy sheriff of the county; or by a police officer of this city; or by a special police officer of this city; or by a special deputy sheriff; or may be served in any other manner prescribed for the service of a writ of summons by the statutes of the state or by the Tennessee Rules of Civil Procedure. Any such order shall become final unless, no later than thirty (30) days after the date the notice and order are served, the person or persons named therein request in writing a hearing before the board and file a notice appeal and a bond pursuant to section 4-18(e). Upon such request, the board shall hold a hearing. In lieu of an order, the board may require that the alleged violator or violators appear before the board for a hearing at a time and place specified in the notice and answer the charges complained of, or the board may initiate action pursuant to section 4-15 or section 4-4 of this chapter, or the board may initiate action pursuant to any applicable provisions of the statutes of the state, or the acts of Congress of the United States, or the board may initiate action pursuant to any provisions or doctrines of the law of this state.

(b) If, after a hearing held pursuant to subsection (a) of this section, the board finds that a violation or violations have occurred, it shall affirm or modify the order previously issued, or issue an appropriate order or orders for the prevention, abatement, or control of the emissions involved or for the taking of such other corrective action as may be appropriate and the board may assess a civil penalty or enter any other appropriate order. If, after a hearing on an order contained in a notice, the board finds that no violation has occurred, it shall rescind the director's order. Any order issued as part of a notice or after a hearing may prescribe the date or dates by which the violation or violations shall cease and may prescribe timetables for necessary actions in preventing, abating or controlling the emissions. Any action taken by the board under this chapter shall be in writing and signed by the chairman, vice-chairman or chairman pro tempore of the board.

(c) Nothing in this chapter shall prevent the board or director from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means. Nothing in this chapter, or in this section of this chapter, shall be construed as requiring the board to hold a hearing pursuant to this section of this chapter prior to or as prerequisite to its institution of action in court pursuant to this or any other section of this chapter or pursuant to the statutes of the state, the acts of the Congress of the United States, or any applicable doctrine of the law of this state; and nothing in this chapter or this section of this chapter shall prevent the board or director from suspending or revoking an installation permit or a certificate of operation or any

other permit or license issued pursuant to the provision of this chapter, but notice shall be served pursuant to this section of this chapter prior to revocation of a valid and outstanding certificate of operation.

(d) In addition to the preceding, whenever the board or director has reason to believe that a violation of any provision of this chapter or rule or regulation pursuant thereto has occurred, the board or director may cause written notice to be served upon the alleged violator or violators citing the alleged violator or violators to municipal court for adjudication of the alleged violation or violations. The board or director, or the director's designee, may make complaint to the city judge for issuance of process on the alleged violation or violations.

(Code 1986, § 4-17; Ord. No. 10277, § 12, 8-15-95)

THIS IS THE FEDERALLY APPROVED REGULATION AS OF MAY 8, 1990

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