

## CHAPTER 15 – MUNICIPAL COURT

### Sec. 15-16. Civil hearings; rules of procedure.

(a) At the hearing, the city employee or the city attorney on behalf of the city employee responsible for enforcement of code violations shall present evidence of the violation and the respondent or his designated representative shall have the opportunity to present evidence.

(b) Formal rules of evidence shall not apply and the hearing officer may admit any evidence deemed relevant or probative by the hearing officer.

(c) The rules of procedure regarding change of judge as a matter of right shall not apply in civil sanction cases except for cases consolidated with criminal matters.

(d) Civil and criminal traffic cases based on the same conduct or otherwise related in their commission; may be consolidated at any point in the proceedings on motion of a party or on the court's own motion.

(e) No pre- hearing discovery shall be permitted absent extraordinary circumstances.

(f) Immediately prior to the hearing, both parties shall produce for inspection any pre-prepared exhibits and written or recorded statements of any witness. Failure to comply with this rule may result, in the court's discretion, in the sanction of granting a recess or continuance to permit such inspection or denying admission of the evidence not so exchanged.

(g) During the hearing:

1. Upon request of the defendant, the citing officer shall produce any notes made by the officer in reference to the civil citation. This rule shall not be construed to create a duty on the officer to maintain or preserve notes.

2. All testimony shall be given under oath or affirmation.

3. The court may, on its own motion, call and examine witnesses, including the defendant in cases other than those consolidated pursuant to Rule 14 of these Rules.

4. No person may be examined or cross-examined at a hearing except by the court, the code officer, an attorney for a party, or the defendant.

(h) All witnesses for the State's case in chief shall be required to testify prior to the defendant's case. However, a witness not called to testify in the State's case in chief may be called in rebuttal to testify to an issue raised by the defense.

(Ord. No. 96-02, 1/3/96, enacted)

(Ord. No. 00-20, 5/16/00, amended to add (e),(f), (g) and (h))

(Ord. No. 04-190, 8/24/04, amended) SUPP 2004-3

(Ord. No. 07-21, 07/14/07, Renumbered from 15-14, amended) SUPP 2007-03

(Ord. No. 07-25, 08/21/07, amended) SUPP 2007-03