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Building Code Appeals Board Standard Operating Procedures for Appeals

Under the International Property Maintenance Code (City Ordinance, File of Council #9 of 2012)

The following procedures will be followed for appeals to the City of Pittston Building Code Appeals Board (herein after referred to as "the board" for all appeals under the International Property Maintenance Code (hereinafter referred to as "the code"):

1. Authority of the board to hear appeals is strictly pursuant to Section 111.1 of the code.
 - a. Pursuant to Section 111.1, appeals must be filed in writing and be received by the Office of the City Clerk/City Manager, Room 3, Pittston City Hall, 35 Broad Street, Pittston, PA 18640 by the close of business on the twentieth (20th) day following notification of a violation by the Code Enforcement Officer. Any fee for the hearing prescribed by the Pittston City Council must be paid in full for an appeal to be considered accepted.
 - b. Pursuant to Section 111.1, appeals will be heard by the board based ONLY on the following criteria:
 - i. " ... a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted ... "
 - ii. " ... the provisions of this code do not fully apply ... "
 - iii. "... the requirements of this code are adequately satisfied by other means..."
2. Upon receipt of a proper appeal, a public hearing will be scheduled and advertised in accordance with law and written notice of the hearing and copies of the appeal will be provided to all members of the board.
3. The City Solicitor or designee will support the Board during the hearing and decision-making process. A Standing Commissioner will record the proceedings of the hearing, but full transcriptions will be ordered only in the event of an appeal to the court of common pleas and the appellant shall pay any required fees as prescribed by the Pittston City Council.
4. Procedure for Hearings:
 - a. Roll call of board members shall be made and all witnesses sworn. Order shall be maintained at all times by the chairperson. Only sworn witnesses may testify before the board.

- b. Pursuant to Section 111.4.1 of the Code, only relevant information may be presented to the board, and the board shall deem what is relevant.
 - c. The Code Enforcement Officer shall present the case to the board, explaining the nature of the violation, relevant code sections, proof of notice, and response. The Code Enforcement Officer shall be assisted by legal counsel, and may call upon city officials and city staff as needed to present the case.
 - d. The property owner shall present his appeal to the board explaining the specific basis of the appeal under the applicable provisions of Section 111.1 of the code.
 - e. The property owner shall have the right to question the code enforcement officer and the code enforcement officer may question the property owner.
 - f. All witnesses must respond to any and all questions posed by board members.
 - g. The board may designate its solicitor to pose questions.
 - h. Following the hearing, the board will vote on each appeal as follows:
 - i. Dismiss the appeal for failure to follow procedure, lack of standing, or failure to provide a basis for the appeal under Section 111.1;
 - ii. Uphold the action of the Code Enforcement Officer;
 - iii. Modify the action of the Code Enforcement Officer;
 - iv. Overturn the action of the Code Enforcement Officer.
 - i. The decision of the board will be issued in writing to the appellant, to the Code Enforcement Officer, and to the City Clerk/City Manager, within twenty (20) days of the hearing. Certified mail to the appellant's address of record shall suffice for notice of the board decisions.
5. Copies of this Standard Operating Procedure shall be provided to each appellant prior to the hearing, and shall be available for public inspection in the office of the Chief Clerk/City Manager.

Adopted by the Pittston City Code Appeals Board pursuant to Section 111.4.1 of the International Property Maintenance Code. If any provision of these rules deemed invalid by a court of law, the remaining provisions shall remain in full force and effect.

APPROVED AND ADOPTED AT A PUBLIC MEETING OF THE CITY OF PITTSTON BUILDING CODE AND PROPERTY MAINTENANCE CODE APPEALS BOARD ON 26 SEPTEMBER 2012.