



CITY OF ST. JOSEPH
INSPECTION DEPARTMENT
700 Broad Street
St. Joseph, MI 49085
Phone (269) 983-1212
www.sjcity.com

Property Maintenance Board of Appeals

Hearing Request Application

TO APPLY FOR A PMBOA HEARING: Property Maintenance Board of Appeals (PMBOA) hearings must be filed by the date stated on the Correction Notice and Order. Please complete this form and return it with the \$50 application fee to the Inspection Department. The PMBOA will meet to consider the appeal at the next regularly scheduled meeting (typically the 4th Thursday of month at 5PM at City Hall, 2nd floor, ADA accessible, see PMBOA calendar at www.sjcity.com). Written notification of the appeal hearing date, time and place will be sent at least five days prior to the PMBOA hearing, except by mutual agreement between the City and the Appellant. Please see attached IPMC Section 111, Means of Appeal.

Property Address:

Name of Owner/Agent: _____

Mailing Address: _____

City/State/Zip: _____

Phone: _____ E-mail: _____

Code & Description of Violation Being Appealed: _____

Reason(s) for seeking appeal (attach additional pages if necessary): _____

Date of Correction Notice and Order: _____

Date by which cited repairs will be completed: _____

Your check # _____ or Cash _____ for payment of the \$50 PMBOA hearing application fee

The information on this application form is, to the best of my knowledge, true, accurate and complete.

APPLICANT SIGNATURE _____ DATE _____ TITLE _____
(owner/agent/etc.)

I grant permission for the City of St. Joseph Inspection Department staff and appointed PMBOA member to enter the above described property for the purpose of gathering information related to the PMBOA Hearing application.

APPLICANT SIGNATURE _____ DATE _____

Attachment: IPMC Section 111, Means of Appeal

For entire IPMC go to: <https://codes.iccsafe.org/public/document/IPMC2015>

SECTION 111 MEANS OF APPEAL

[A] **111.1 Application for appeal.** Any person directly affected by a decision of the *code official* or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

[A] **111.2 Membership of board.** The board of appeals shall consist of not less than three members who are qualified by experience and training to pass on matters pertaining to property maintenance and who are not employees of the jurisdiction. The *code official* shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be appointed by the chief appointing authority, and shall serve staggered and overlapping terms.

[A] **111.2.1 Alternate members.** The chief appointing authority shall appoint not less than two alternate members who shall be called by the board chairman to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership.

[A] **111.2.2 Chairman.** The board shall annually select one of its members to serve as chairman.

[A] **111.2.3 Disqualification of member.** A member shall not hear an appeal in which that member has a personal, professional or financial interest.

[A] **111.2.4 Secretary.** The chief administrative officer shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

[A] **111.2.5 Compensation of members.** Compensation of members shall be determined by law.

[A] **111.3 Notice of meeting.** The board shall meet upon notice from the chairman, within 20 days of the filing of an appeal, or at stated periodic meetings.

[A] **111.4 Open hearing.** Hearings before the board shall be open to the public. The appellant, the appellant's representa-

tive, the code official and any person whose interests are affected shall be given an opportunity to be heard. A quorum shall consist of a minimum of two-thirds of the board membership.

[A] **111.4.1 Procedure.** The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

[A] **111.5 Postponed hearing.** When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

[A] **111.6 Board decision.** The board shall modify or reverse the decision of the *code official* only by a concurring vote of a majority of the total number of appointed board members.

[A] **111.6.1 Records and copies.** The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the *code official.*

[A] **111.6.2 Administration.** The *code official* shall take immediate action in accordance with the decision of the board.

[A] **111.7 Court review.** Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

[A] **111.8 Stays of enforcement.** Appeals of notice and orders (other than *Imminent Danger* notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.