

City of St. Joseph
Property Maintenance Board of Appeals (PMBOA)

RULES OF PROCEDURE

Order of Events

- 1 Chair calls meeting to order.
- 2 Secretary shall take attendance by roll call.
- 3 Chair shall ask that the minutes from the last meeting be reviewed, amended if necessary, and approved.
- 4 Chair explains the general procedure for each appeal hearing:
 - A. The Chair shall identify the appellant, and open the hearing.
 - B. The City Representative shall describe the conditions observed, the order(s) given to the owner/appellant, and the reasons therefore.
 - C. The owner/appellant or his/her representative shall present the facts and the arguments supporting the appeal, and state the relief requested. Generally, the appellant's presentation should be limited to five minutes, though the Chair has discretion to grant more time when warranted.
 - D. The City Representative may speak in rebuttal to the appellant's presentation, if he or she wishes to do so.
 - E. Any other member of the public in attendance may comment on the specific issues(s) presented, if desired. Generally these comments should be limited to two minutes for each speaker, though the Chair has discretion to grant more time when warranted.
 - F. If there are any written or telephone comments received before the hearing, they shall be read aloud or otherwise made a part of the record, as appropriate.
 - G. The owner/appellant shall be given an opportunity to provide a rebuttal to any evidence received or comments made.
 - H. The Chair shall close the hearing.
 - I. The Board of Appeals shall then discuss the issues presented, and issue a decision on the appeal.
- 5 The Chair has the discretion to modify these procedural rules, in the interests of providing a full and fair hearing.
- 6 Generally, all evidence and arguments should be presented clearly, concisely and in a non-repetitive fashion. The Board of Appeals is not bound by any strict rules or evidence, and may consider any evidence and arguments presented in light of experience, common sense, and generally-accepted facts and standards, however, only relevant information shall be received by the Board. There must be a two-thirds quorum (4 members present) for the Board of Appeals to take action, and a majority vote of those members present is required for a decision. In the event of a tie vote, the motion fails. If the full Board is not present, either the appellant or his or her representative may request a postponement of the hearing.
- 7 Standard of review and decision: As required by the Property Maintenance Code, all appeals must be based upon one or more of the following grounds: that the true intent of the Code or the rules legally adopted there under have been incorrectly interpreted, that the provisions of the Code do not fully apply, that the requirements of the Code are adequately satisfied by other means, or that the strict application of any requirement of the Code would cause an undue hardship. The Board shall modify or reverse the decision of the City Representative only by a concurring vote of a majority of the total number of appointed board members: thus, three (3) concurring votes are required for the appellant to prevail, in whole or in part.