

**AMITY TOWNSHIP
BERKS COUNTY, PENNSYLVANIA
RESOLUTION NO. 2019 - 16**

**A RESOLUTION ESTABLISHING THE AMITY TOWNSHIP
INTERNATIONAL PROPERTY MAINTENANCE CODE
APPEALS BOARD AND APPEALS PROCESS**

WHEREAS, the Township had adopted the 2018 International Property Maintenance Code as a part of the Code of Ordinances of Amity Township, Chapter 6, titled "Code Enforcement," Part 2, titled "International Property Maintenance Code," Section 6-201, et seq., by Ordinance No. 309, dated December 5, 2018.

WHEREAS, the 2018 IPMC provides for an appeal process, and for the appointment of a Board of Appeals from decisions of the Township Code Official or notice or order issued under the Property Maintenance Code.

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved by the Board of Supervisors of AMITY Township that:

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.

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.

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.

111.2.2 Chairman.

The board shall annually select one of its members to serve as chairman.

111.2.3 Disqualification of member.

A member shall not hear an appeal in which that member has a personal, professional or financial interest.

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.

111.2.5 Compensation of members.

Compensation of members shall be determined by law.

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.

111.4 Open hearing.

Hearings before the board shall be open to the public. The appellant, the appellant's representative, 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.

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.

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.

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.

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.

111.6.2 Administration.

The code official shall take immediate action in accordance with the decision of the board.

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.

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.

FURTHER RESOLVED, that the Board of Appeals will be appointed by Resolution, with membership and alternate members selected in accordance with Section 111.2/111.2.1 of the 2018 IPMC.

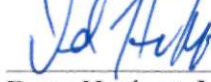
FURTHER RESOLVED, that this Resolution shall become effective immediately.

IN WITNESS WHEREOF, the Amity Township Board of Supervisors has caused this Resolution to be passed this 6th day of November, 2019.

**AMITY TOWNSHIP, BERKS COUNTY,
PENNSYLVANIA**




Kim McGrath, Chairperson



Dave Hackett, Vice Chair



Paul Weller



Terry Jones



Kevin Keifrider

Attest:



Pamela L. Kisch, Township Secretary