

GUIDELINES FOR THE UPPER MERION TOWNSHIP APPEALS BOARD

The Upper Merion Township Property Maintenance Appeals Board has been established to enforce and administer the Property Maintenance Code of Upper Merion Township and shall adhere to the following regulations:

The Upper Merion Township Property Maintenance Appeals Board shall hear and rule on decisions, notices or orders issued pursuant to the Property Maintenance Code of Upper Merion Township by the Upper Merion Township Safety and Codes Enforcement Department and/or the Upper Merion Township Police Department. An application for appeal shall be filed within 20 days after the day the decision, notice or order was served and shall be based on claim that the true intent of the Property Maintenance Code of Upper Merion Township or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the Property Maintenance Code of Upper Merion Township do not fully apply or the Property Maintenance Code of Upper Merion Township are adequately satisfied by other means.

A. Composition of the Board

- 1) A member of the Upper Merion Township Appeals Board shall be qualified by experience and training to pass on matters pertaining to property maintenance.
- 2) A member of the Upper Merion Township Property Maintenance Appeals Board holds office at the pleasure of Upper Merion Township's Board of Supervisors.
- 3) Employees of Upper Merion Township may not serve on the Upper Merion Township Property Maintenance Appeals Board.
- 4) The Code Official shall be an ex-officio member of the Upper Merion Township Property Maintenance Appeals Board but shall have no vote on any matter before the Board.
- 5) The Upper Merion Township Property Maintenance Appeals Board shall serve staggered and overlapping terms.
- 6) Members of the Upper Merion Township Appeals Board shall be appointed by the Upper Merion Township Board of Supervisors from qualified persons who reside in the Township. The Upper Merion Township Board of Supervisors may fill a position on the Upper Merion Township Property Maintenance Appeals Board with a qualified person who resides outside of the Township when it cannot find a person within the Township who satisfies the requirements of membership.
- 7) The Upper Merion Township Board of Supervisors shall appoint two (2) or more alternate members who shall be called by the Chairman of the Upper Merion Property Maintenance Appeals Board to hear appeals

during the absence or disqualification of a member. Alternate members shall possess the qualification required for board membership.

- 8) An Upper Merion Township Property Maintenance Appeals Board member may not cast a vote or participate in a hearing in any appeal, in which the member has a personal, professional or financial interest.
- 9) The Upper Merion Township Property Maintenance Appeals Board shall schedule meetings and provide public notice of meetings in accordance with 65 Pa. C.S. §§701-716 (relating to the Sunshine Act).
- 10) After the initial terms of service, the members would up for reappointment by the governing bodies at the end of their terms or upon vacancies.
- 11) The Upper Merion Township Property Maintenance Appeals Board shall annually select one of its members to serve as Chairman.
- 12) The Upper Merion Township Manager shall designate a qualified person to serve as secretary to the Upper Merion Township Property Maintenance Appeals Board. The secretary shall file a detailed record of all proceedings in the office of the Upper Merion Township Manager.
- 13) Compensation of the members of the Upper Merion Township Property Maintenance Appeals Board shall be determined by law.

B. Appeals to Board

- 1) An application for appeal shall be filed within 20 days after the day the decision, notice or order was served and shall be based on claim that the true intent of the Property Maintenance Code of Upper Merion Township or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the Property Maintenance Code of Upper Merion Township do not fully apply or the Property Maintenance Code of Upper Merion Township are adequately satisfied by other means.
- 2) The Upper Merion Township Property Maintenance Appeals Board shall meet upon notice from the Chairman within 20 days of the filing of an appeal, or at stated periodic meetings.
- 3) All hearings before the Upper Merion Township Property Maintenance Appeals 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.
- 4) All quorum for a hearing shall consist of not less than two-thirds of the Board members.
- 5) The Upper Merion Township Property Maintenance Appeals 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.

- 6) When the full Upper Merion Township Property Maintenance Appeals 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.
- 7) The Upper Merion Township Property Maintenance Appeals Board shall modify or reverse the decision of the Upper Merion Township Safety and Codes Enforcement Department and/or the Upper Merion Township Police Department only by a concurring vote of a majority of the total number of appointed Board members.
- 8) The decision of the Upper Merion Township Property Maintenance Appeals Board shall be recorded. Copies shall be furnished to the appellant and to the Upper Merion Township Safety and Codes Enforcement Department and/or the Upper Merion Township Police Department.
- 9) The Upper Merion Township Safety and Codes Enforcement Department and/or the Upper Merion Township Police Department shall take immediate action in accordance with the decision of the Upper Merion Township Property Maintenance Appeals Board.
- 10) Appeals of notices and orders, other than Imminent Danger notices, shall stay the enforcement of the notice and order until the appeal is heard by the Upper Merion Township Property Maintenance Appeals Board.

C. Appeal to Court

- 1) 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 Upper Merion Township Manager.