

Administration and Enforcement

Fees for variances and appeals under this Property Maintenance Code shall be as prescribed by the city manager in the fee schedule authorized by Chapter 153 of the Administrative Code.

17-111.4 PROPERTY MAINTENANCE BOARD.

In the International Code, 111.2 created such a board but that section number has been used to provide for appeals from code requirements. This section provides for the creation and membership of a Property Maintenance Board.

A. Creation and membership: A Property Maintenance Board is hereby created. It shall consist of 15 persons appointed by the City Council as members, 3 of those members being appointed from persons residing in each of the five districts depicted on the map of the city appended to this code and made a part hereof, marked Appendix B. At the time this Property Maintenance Code is enacted, a Citizens Housing Committee is in existence, having been created under the previous Housing Code of the city. Members of that previous committee shall constitute the original members of the Property Maintenance Board, and that committee is now terminated.

B. Term of office: The terms of board members shall be for 5 years. Appointments shall be attempted to be made in such a manner that the term of no more than one member from any one district shall expire in any one calendar year. If any member resigns, dies or moves out of the district from which that member was appointed, a replacement member shall be appointed by the City Council for the balance of the unexpired term of office.

C. Duties, quorum, and voting: The board shall have the duty to hear and decide all appeals and variances filed under this code, and shall also be responsible for authorizing the issuance of a citation by the city when an owner, occupant or agent fails to take remedial action to correct code violations within a reasonable period of time as determined by the Building Commissioner. The three members from each district shall constitute the Property Maintenance Board for the purpose of hearing appeals and variances and authorizing the issuance of citations regarding property in that district. If one or more of those three persons is unable to serve, any one or more of the remaining members of the board may be designated by the chairperson as replacement(s) so as to provide three persons to hear and decide each case. A majority of the full board of 15 members shall select a chairperson. Decisions of the board on any appeal or variance shall be made by a majority vote of the three person panel. Failure to obtain a majority vote to reverse or modify a decision or order appealed from shall constitute affirmance of that order. Similarly, failure to obtain a majority vote to grant a variance shall constitute denial of the variance.

D. Burden of proof: The person who files an appeal or a request for a variance shall have the burden of proving by a preponderance of the evidence that his appeal or variance should be granted. The board shall have subpoena power to compel attendance of witnesses.

LEGISLATIVE HISTORY: Amended 4200, passed 5/3/93; Ord. 4261, passed 7/18/94.