BALDWIN COUNTY CODE ENFORCEMENT POLICY MANUAL

APPENDIX A

BALDWIN COUNTY PROPERTY MAINTENANCE BOARD OF APPEALS (BCPMBoA)

RULES OF PROCEDURE

1. PURPOSE

The purpose of these Rules is to provide for the orderly disposition of the business of the Baldwin County Property Maintenance Board of Appeals (Board) by codifying the means by which that business is to be transacted.

2. AUTHORITY

These Rules are adopted pursuant to the authority vested in the Board by Section 111 of the 2012 International Property Maintenance Code (IPMC) as adopted by the Baldwin County Board of Commissioners.

3. APPLICATION

(A) Any person directly affected by a decision of the Code Official or notice or order issued under this Code shall have the right to appeal to the Board, provided that a written application for appeal is filed within 20 days after the decision, notice or order was served.

(B) The appeal shall be on a form (application) provided for that purpose by the Baldwin County Code Enforcement Office. All appeals must be accompanied by the signed application and any supporting documentation necessary to present the appeal case.

(C) Each appeal will be assigned a number by the Secretary of the Board or his/her designee, and be placed on a docket for meeting in order of filing, unless, the Board orders otherwise pursuant to the Code or these Rules.

(D) An application for appeal shall be based on a claim that the true intention 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, or that the strict application of any requirement of this Code would cause an undue hardship.

4. WITHDRAWN: FAILURE TO APPEAR

(A) Any Applicant may withdraw his/her application at any time prior to the meeting on the case.

(B) The withdrawal of an application by the Applicant shall forfeit the right to appeal the decision of the Code Official or notice or order issued under this Code and the Code Official may continue to prosecute the violation in accordance with the IPMC Section 106.3.

(C) In any case where the Applicant has failed to appear, the Board may continue to hear the case in the absence of the applicant. Any and all decisions of the Board will stand.

5. CONFLICT OF INTEREST

(A) Any member of the Board who has a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of the Board shall be disqualified from participating in the discussion, decision, and/or proceedings of the Board in connection therewith.

(B) Any Board member who may have an interest in the issues in a given case shall publicly state that fact on the record at the commencement of the meeting so that either the Applicant, Secretary, or a member of the Board might object to his/her further participation in the case.

(C) It shall be the policy of this Board that no member shall discuss the merits of any pending case with any person having an interest in the case prior to the meeting. Further any interested party wishing to provide written information to the Board prior to the meeting (including electronic communications) must place such information in the public record through the staff of the Board prior to providing such information to Board members.

6. PROCEDURE

(A) All meetings of the Board shall be open to the public pursuant to IPMC Section 111.4.

(B) Meetings shall be scheduled for 5:30 PM every first Monday of each month unless otherwise voted on by the Board. In cases where meeting dates conflict with holidays the Secretary of the Board may schedule the meeting of that month for the following Monday (2nd Monday). If there are no appeals or any other business to be heard 2 weeks prior to a scheduled meeting, that meeting shall be canceled. Agendas will be posted on the first floor of the county courthouse, 121 N Wilkinson St, Milledgeville, GA 31061 at least 24 hours prior to a scheduled meeting.

(C) The presence of two (2) members of the Board shall constitute a quorum and a quorum must be present to vote on any case.

(D) The witnesses appearing before the Board shall not be required to testify under oath, but all witnesses shall be made aware if it is determined that false information has been presented to the Board, the Board has the right to reconsider their decision.

7. MEETING

(A) Each case, which is listed on the Board's agenda for the meeting, shall be taken in the order listed on the agenda.

(B) The Board will base its decision only on information presented in the meeting; however a board member at his/her option, may visit a site that is the subject of an appeal to gather information, provided said visit shall be disclosed in the meeting.

(C) Each case shall be introduced by the Secretary, or his/her designee, including:

(1) A brief explanation of why the case is before the Board;

(2) A presentation of maps and photographs, and other exhibits, if necessary.

(D) After the Secretary's introduction, the Applicant shall present his/her case, including:

(1) The Applicant's name;

(2) A statement of why the Applicant believes the appeal sought should be granted; and

(3) Any witnesses in support of the application.

(E) Anyone appearing in opposition to the application shall present his/her case immediately following the close of the applicant's proof, including:

(1) The opponent's name;

(2) A statement of why the opponent believes the appeal sought should not be granted, and

(3) Any witnesses in opposition to the application.

(F) Any member of the Board may directly question any witness appearing before the Board at any time during his/her testimony.

(G) All exhibits presented to the Board for consideration by a witness must be submitted and made a part of the record unless the Board otherwise deems it unnecessary. (COMMENT: All bulky exhibits must be photographed by the person presenting exhibit and submitted on a suitable size for the permanent file.)

(H) The chairperson is authorized to place time limits on the presentation of information and proof in any and all cases.

8. CASE DECISIONS

(A) Upon the conclusion of each case, the Board shall discuss and vote on that case. All members eligible to participate shall vote.

(B) After discussion by the members and upon motion, an application shall be granted or denied if it receives the majority vote for approval or denial.

(C) Where an application results in a tied vote, the application shall be considered denied.

(D) In any decision made by the Board on an application:

(1) The Board shall indicate the specific section of the Code under which the appeal is being considered, and shall state its findings beyond such generalities as "in the interest of public health, safety and general welfare."

(2) In cases pertaining to hardship, the Board shall specifically identify the hardship warranting such action.

9. 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.

10. RECORDS

(A) Minutes. The Secretary shall prepare minutes for each meeting for approval by the Board. Minutes shall be maintained as public records.

(B) Records and Copies. The Secretary shall assist in the preparation of all records of the Board including notices, correspondence, and documentary evidence and copies of such shall be maintained as public records.

11. ABSENCE OF A RULE

When an issue arises which is not specifically covered by these rules, the Board will be governed by Robert's Revised Rules of Order.

12. SPECIAL MEETINGS

A special meeting may be called by the Chairperson or upon the written request of two (2) or more members of the Board. Written notification of the time, place and purpose of the meeting shall be delivered to each member of the Board at least one (1) day prior to the meeting. At a special meeting, only the business designated as the purpose of the meeting may be transacted.

13. ELECTION OF OFFICERS

(A) The Board shall elect from its members a chairperson and a co-chairperson, who shall serve for one (1) year. Elections to be held in March.

(B) A majority of the voting members present shall be required to elect a member to the position.

(C) After each yearly election, the Rules of the Board shall be ratified and approved.

14. AMENDMENTS

These Rules may be amended at any regular or special meeting of the Board by a majority vote of a quorum provided all members have been notified of the amendment at least ten (10) days prior to the meeting.

15. INTERPRETATION OF THE BOARD'S RULES

(A) The Board is the final authority as to the meaning of these rules.

(B) The Board may, from time to time, make an exception in these rules for extraordinary cases, setting out the reasons therefore.

16. FILING AND EFFECTIVE DATE

These rules shall become effective, after adoption, upon the filing of these rules with the County Clerk.

17. REPEAL OF PREVIOUS RULES OF PROCEDURE

Any other Rules of Procedure previously adopted by this Board are hereby repealed.

APPROVED AND ADOPTED ON THIS _____ DAY OF _____, 2018

_____	_____
CHAIRPERSON	**SECRETARY**

Revised 02/07/2018