



To be completed by staff _____ _____	<b>Date Received:</b> _____	<b>Received By:</b> _____	<b>Date of Hearing:</b> _____
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**REQUEST FOR HEARING (BAB Panel, PMC Ch. 31)**

**I am in receipt of a Correction Order / Notice to Abate. I understand I may request a hearing before the Building Advisory Board. This is my official written request for such a hearing.**

**City of Salina Municipal Code Sec. 31-1300. Application for appeal.**

Any person directly affected by a decision of the code official or a notice or order issued under this chapter shall have the right to appeal to a building advisory board appeals panel ("BAB appeal panel"), by completing and filing a written application for appeal hearing form in the office of the city clerk prior to the close of business on the day of the deadline specified pursuant in the applicable provisions of this chapter or, if no deadline is specified, within 20 days after the day the decision, notice or order was served. An application for appeal shall be based upon a claim that the true intent of this chapter or the rules legally adopted there under have been incorrectly interpreted, the provisions of this chapter do not fully apply, or the requirements of this chapter are adequately satisfied by other means.

Applicant's Name \_\_\_\_\_ Telephone (daytime) \_\_\_\_\_

Applicant's Address \_\_\_\_\_ Email: \_\_\_\_\_

Address of property for which this request applies: \_\_\_\_\_

Complaint ID # (found on the Notice) \_\_\_\_\_ Date of Notice \_\_\_\_\_

**Reason for Request for an Appeal Hearing: (check all that apply)**

- The true intent/rules of Chapter 31 have been incorrectly interpreted.
- The provisions of Chapter 31 do not fully apply.
- The requirements of Chapter 31 are adequately satisfied by other means.

**The notice I received, and am requesting an appeal hearing for, relates to: (check all that apply)**

- |  |   |
|--|---|
| <input type="checkbox"/> Trash & Debris                      | <input type="checkbox"/> Inoperable Vehicle(s)      |
| <input type="checkbox"/> Tall Grass & Weeds                  | <input type="checkbox"/> Graffiti                   |
| <input type="checkbox"/> Sidewalk/Driveway Maintenance       | <input type="checkbox"/> Rodent or Pest Infestation |
| <input type="checkbox"/> Maintenance of a Structure or Fence | <input type="checkbox"/> Other (specify) _____      |

**I understand the following requirements for this type of hearing include:**

**(Please acknowledge, by initialing each item)**

- \_\_\_\_\_ Any request for a hearing must be submitted in writing to the City Clerk at 300 W. Ash, Salina, KS 67401, before the expiration of the notice period.
- \_\_\_\_\_ The notice period shall run from the date of the original letter. It includes weekends and holidays, except that, should the last day of the notice period fall on a weekend or a holiday for which the City Clerk's office is not open, then I shall have until the first regular business day to submit my request for a hearing.
- \_\_\_\_\_ At such a hearing, I will have the opportunity to discuss any matters concerning the notice or the violation.
- \_\_\_\_\_ It is my responsibility to provide any oral or written evidence on which I will be asking the hearing panel to rely upon.
- \_\_\_\_\_ Ex parte communication with Building Advisory Board members is not allowed.
- \_\_\_\_\_ I am entitled to have an attorney represent me at my own expense during such hearing.
- \_\_\_\_\_ The City will provide no additional notice prior to taking necessary action.

Describe *in detail* the nature of your request for an appeal hearing and include the code sections that you are appealing. Describe the reasons you feel the true intent of this chapter or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this chapter do not fully apply, or the requirements of this chapter are adequately satisfied by other means. (Attach additional pages if needed.)

Applicant(s) Signature \_\_\_\_\_ Date: \_\_\_\_\_

If the applicant is to be represented by an authorized agent, please complete the following information:

Name of authorized agent / representative: \_\_\_\_\_

Authorized Agent's Complete Mailing Address \_\_\_\_\_

Agent's Phone (Day time): \_\_\_\_\_ Agent's E-mail address: \_\_\_\_\_

**Sec. 31-1301. Membership of board.**

A BAB appeal panel shall consist of a minimum of three members of the Building Advisory Board appointed on a case-by-case basis by the chairman of the Building Advisory Board, making reasonable effort to select members who are available to serve and who are qualified by experience and training to pass on matters pertaining to the matter being appealed. The chairman of the Building Advisory Board may designate alternate members of a BAB appeal panel and may serve as a self-appointed member of a BAB appeal panel.

**Sec. 31-1303. Disqualification of member.**

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

**Sec. 31-1304. Compensation of members.**

Members of the Building Advisory Board shall serve as volunteers and shall not be compensated for their service when serving on a BAB appeals panel.

**Sec. 31-1305. Notice of meeting.** A BAB appeals panel shall meet upon notice from the chairman and within 30 days of the filing of an appeal.

**Sec. 31-1306. Open hearing.**

Subject to the provisions of the Kansas open meetings act, all hearings before a BAB appeal panel 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.

**Sec. 31-1307. Procedure.**

The Building Advisory Board shall adopt and make available to the public procedures under which hearings by a BAB appeals panel will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

**Sec. 31-1308. Postponed hearing.**

When a full BAB appeal panel consisting of three appointed or alternate members is not present to hear an appeal, the hearing shall be postponed and rescheduled as soon as reasonably possible.

**Sec. 31-1309. 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 can be heard and decided by the BAB appeal panel.

**Sec. 31-1310. Limitations on authority.**

An application for appeal shall be based upon a claim that:

- (a) the true intent of the applicable code or rules legally adopted thereunder have been incorrectly interpreted;
- (b) the provisions of the applicable code do not fully apply; or
- (c) that the code official have incorrectly denied a request for a modification pursuant to Section 31-53.1 or use all alternative materials, methods or equipment pursuant to section 31-53.2.

A BAB appeal panel shall have no authority to waive requirements of any codes duly adopted or amended by this chapter.

**Sec. 31-1311. Final Order.**

The decision of the Building Advisory Board appeal panel shall be a final order of the City.