



DEPARTMENT OF LICENSING, INSPECTIONS AND PERMITS

CITY HALL • 340 NORTH WASHINGTON AVENUE • SCRANTON, PENNSYLVANIA 18503 • PHONE: 570-348-4193 • FAX: 570-348-4171

BOARD OF APPEALS APPLICATION
(License's)

**Fee: \$300.00*
Non-Refundable

PLEASE MAKE SURE YOU READ THE INFORMATION & INSTRUCTION PAGE ATTACHED

Date: _____

Name of Licensed Applicant/Authorized Agent: _____

Address of Applicant/Agent: _____

Contact Phone Number: _____

Name of Business: _____

(*If the business is listed as an LLC, corporation or otherwise, proof of ownership is required.*)

Address of Business: _____

Business Phone Number: _____

License Application in Question: _____

What is the Licensed Applicant/Authorized Agent Appealing? _____

I have enclosed the *non-refundable* appeal fee of \$300.00 dollars with this application. YES NO

This Appeal is based on the following factor(s): _____



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I swear or affirm that my statements and answers above are true and complete to the best of my knowledge and belief. I also realize that I will be subject to criminal penalties provided by 18 PA.C.C 4903 and 4904 if I have provided false answers and statements.

Signature of Licensed Applicant/Authorized Agent

Date

Do not sign form until Applicant is in front of Notary Republic

Commonwealth of Pennsylvania, County of Lackawanna I, _____, hereby depose and say that all the above statements are true to the best of my knowledge and belief.

Signature: _____

Address: _____

Subscribed and sworn to before me this _____ day of _____, 20_____

Notary Republic

My Commission Expires:

Official Use Only

Appeal Accepted & Approved YES NO Date _____

Director/Agent of LIPS



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Information & Instructions for the Board of Appeals (License's)

- **Non-refundable Fee:** Money/currency that you pay to the City for a certain service, procedure or hearing of which you cannot get back regardless of any error or incident.

- * All written appeals **MUST** be filed within ten (10) days after the day of the decision, notice or order was served. Appeal applications submitted not conforming to this timeline will be denied and returned to appellant. All fees are non-refundable.

- * If an appeal is being filed by an authorized/certified agent on behalf of the listed license applicant, strict proof of the agent's representation is required. The proof required is a letter from the license applicant authorizing/certifying said agent to represent the listed applicant. The letter is to be signed, dated and notarized.

- * Anytime ownership of a property/business is listed as an LLC, corporation, partnership or otherwise, strict proof of ownership is required. Proof required can be but not limited to, the PA Department of State- Certificate of Organization form, or other official governmental form. The form must link the corporation/LLC name with listed members/agents name.

- * In order for an appeal application to be accepted, it must include the following: **Appeal application completed in full, appropriately signed and notarized, and the filing fee paid in full.** Any appeal application not conforming to the before mentioned requirements will not be reviewed or accepted and thus resulting in the denial of said appeal. (*Appeal applications will not be accepted or considered filed without the required fee paid in full.*)

- * Once the appeal requirements are satisfied, the appeal application will be accepted with a time and date stamped official marking on the application. This time/date stamped approval will be the certified date of filing.

- * Once the appeal application is reviewed and accepted, the appellant/license applicant will be notified when the next scheduled hearing for the Board of Appeals will be listed.

- * Any authorized person who seeks to rescheduled or cancel an appeal hearing must provide a seventy-two (72) hour notice (excluding weekends) prior to hearing date. Failure to provide proper notice will be deemed an infraction and liable of a late fee of One Hundred & Fifty (150.00) Dollars payable to the Department of Licensing Inspections & Permits. All late fees must be paid prior to scheduling another hearing date.

- * Procedural Rules for Hearing: (*See Attached*)

- * All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the Director of Licensing, Inspections & Permits Department/BCO and any person whose interests are directly affected shall be given an opportunity to be heard.

- * Once the hearing has concluded, the Board shall render a decision. The Board shall modify, reverse or uphold the decision of the LIPS Director/BCO only by a concurring majority vote.

(Appeals, Procedures & Penalties from this application is taken from FOC # 63 of 2016.)



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Procedural Rules for the Board of Appeals Hearing

1. **Application:** these procedural rules will be strictly applied at all Board Hearings conducted by the Board of Appeals, for any and all appeals, and are adopted in accordance with File of Council # 63 of 2016.
2. **Citation:** These rules may be referred to or cited as **.B.A Rule # _____**.
3. **Purpose:** These procedural rules shall be a framework for the orderly process of appeals at all hearings before the Scranton Board of Appeals.
4. **Agenda & Time Limits:** The City, at the direction of the Building Code Official/Director of Licensing Inspections & Permits Department will present its case first to the Board, with fifteen (15) minutes of uninterrupted time. In said fifteen (15) minutes the City may make an opening statement, call witnesses and make a closing argument. The Appellant will then present his/her case, with fifteen (15) minutes of uninterrupted time allotted for his/her case. In said fifteen (15) minutes the Appellant may make an opening statement, call witnesses, and make a closing argument. The Appellant and the City will each be given five (5) minutes for rebuttal. Neither the Appellant nor the City will interrupt the other party during the presentation of its case or rebuttal. If it is anticipated that more time will be necessary than the time allotted for under this rule, the party seeking more time shall indicate the same prior to the date of the hearing. Additional time will be granted or denied at the discretion of the Chairman for the Scranton Board of Appeals or his/her designee. The Board shall designate from its membership a time keeper for all time limits in this rule. A ruling shall be made by a simple majority vote of the board members present, upon conclusion of each case. The decision shall be issued orally from the dais and confirmed in writing to the parties.
5. **Representation:** The City and the Appellant may choose to represent themselves or seek legal counsel. Private legal counsel, if employed may act as a passive advisor to their client or may directly prosecute or defend the matter. The city shall be represented by the City Solicitor or his/her designee. Either party may ask for a brief recess to consult with counsel or may do so privately during the course of the hearing.
6. **Evidence:** Evidence shall be limited to that which is relevant to the pending appeal. Relevance evidence shall be defined as evidence that has any tendency to make a fact more or less probable than it would be without the evidence; and the fact must be of consequence in determining the action. All evidentiary determinations shall be made at the sole discretion of the Chair or his/her designee.
7. **Subpoenas:** Parties may request the issuance of subpoenas to attend and testify and/or to bring documents and/or things to a hearing. The party seeking a subpoena shall submit a written request for the same, no later than two (2) weeks prior to their hearing date. The written request shall be delivered upon the Director of Licensing, Inspections and Permits, for delivery to the Chair or his/her designee. The Chair or his/her designee shall review said subpoena request and determine, at the Chair's sole discretion, whether the subpoena shall be issued. The Chair will respond to the party requesting a subpoena, no later than one (1) week prior to the hearing. It shall be the responsibility of the party requesting the subpoena to serve the same and to provide the Chair with proof of service of the same. The subpoena and return of service forms to be utilized when requesting, serving and showing proof of service of a subpoena under this rule are attached hereto, made a part hereof and identified as exhibits "A" and "B" respectively.

8. **Order:** All parties recognize the importance of maintaining professionalism, order and decorum throughout the duration of any hearing. All parties shall present to and address the Chair and will refrain from engaging in argument with the opposing party or other members attending said hearing. It shall be the duty of the Chair or his/her designee to maintain professionalism, order and decorum at all times. Parties shall not speak over one another or the Chair. If the Chair deems a party to be out of order, the Chair will so inform the party and direct them accordingly. Failure of a party to adhere to the direction of the Chair and to cease and desist from the conduct deemed to have been disorderly will result in the party being asked to leave the hearing and/or adjournment of the hearing.