



DEPARTMENT OF LICENSING, INSPECTIONS AND PERMITS

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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 Scranton Board of Appeals, for any and all appeals, and are adopted in accordance with the International Property Maintenance Code, Specifically Section 111.4.1.
2. **Citation:** These rules may be referred to or cited as **S.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.