

## CHAPTER 770 Property Appeals Board

Sections:

### 770.01 BOARD MAKEUP.

- (a) The property appeals board shall be composed of five members as follows:
  - (1) City Council shall select a qualified resident from either Ward 1 or Ward 2.
  - (2) The Mayor shall select a qualified resident from either Ward 1 or Ward 2.
  - (3) City Council shall select a qualified resident from either Ward 3 or Ward 4.
  - (4) The Mayor shall select a qualified resident from either Ward 3 or Ward 4.
  - (5) City Council shall select a qualified at large resident. If a Ward is not represented, all efforts shall be made to select a qualified person from an unrepresented Ward. If there are no applications from a qualified resident from an unrepresented Ward, then Council may select any qualified resident.
- (b) When the Board is initially established, the City Council selection from either Ward 1 or Ward 2 and the Mayor's selection from either Ward 3 or Ward 4, shall serve an initial term of one year. The Mayor's selection from either Ward 1 or Ward 2 and the City Council selection from either Ward 3 or Ward 4 shall serve an initial term of two years. The City Council at large selection shall serve an initial term of three years. Thereafter, the terms of appointment of all public members shall be three years each, and they shall serve until a successor is appointed.
- (c) The Clerk of Council, or designee, shall serve as secretary of the board, shall serve as the official custodian of its records, and shall perform such duties for the Board as are required. All filings pertaining to official Board actions and appeals shall be submitted to said Clerk.
- (d) The Board shall adopt those rules necessary to conduct its affairs.
- (e) The Board shall be selected from a pool of applications filed with the Mayor and/or City Council.

(Ord. No. 101-2020, § 1(Exh. A), 11-17-20)

### 770.02 APPEALS TO THE BOARD.

- (a) Appeals shall be in writing, ~~in the form prescribed by law,~~ and shall be filed, either in person, by mail, or electronically via email, with the Clerk of Council within the time prescribed by Section 903.4(a)(4)(B)(vi), 1308.09(a), or 780.13 as applicable. ~~30 days from the date of the action being appealed.~~ The following items shall be filed with each appeal:
  - (1) A concise statement of the reason or legal basis for the appeal, along with a citation of the applicable Code section(s) signed by the appellant or agent, with the appellant or agent's printed name, address and telephone number.
  - (2) A listing of proposed exhibits not already contained in the record, which shall be signed by the appellant or agent, along with ~~six copies of~~ each of the exhibits.
  - (3) Any filing fee required by City Code.

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The City official, employee or body whose decision is under appeal is deemed the appellee and is a party to the appeal.

Within seven days of notification of an appeal, the appellee shall transmit to the Clerk of Council the records pertaining to the matter under appeal, ~~which may include . Further, the Board may require the appellees to provide~~ a written statement describing the basis for the decision under appeal.

- (b) *Notification procedures.* At least seven days prior to the hearing, the Clerk of Council shall notify in writing the appellant and appellee of the hearing date.
- (c) *Hearing procedures.* If a party wishes to have a stenographer present at hearing, the party shall provide at least five days' prior written notice to the Clerk. The party requesting the stenographer is responsible for the cost of such stenographer. The Board may have a stenographer present at a hearing. If no stenographer is present, the Clerk's minutes serve as the official record of the hearing. Any matter concerning hearing procedures not governed herein shall be governed by the Board's rules.
- (d) ~~*Evidence Standards.* The appellant has the burden of proof by a preponderance of the evidence.~~ The Board shall consider all relevant evidence brought before it, provided however, evidence not disclosed as required may only be admitted in accordance with the Board's rules. Evidence not admitted into the record by the Board may be proffered into the record by a party.

(Ord. No. 101-2020, § 1(Exh. A), 11-17-20)

### **770.03 FEES.**

The filing fee for appeals ~~shall be \$50.00. can be found in the City of Gahanna Master Fee Schedule. If the appeal is voluntarily withdrawn prior to a hearing, fees are refundable. Otherwise, Fees~~ are not refundable, unless the Board orders the fee waived due to special circumstances.

(Ord. No. 101-2020, § 1(Exh. A), 11-17-20)