

**RULES AND REGULATIONS
OF THE
METROPOLITAN NASHVILLE AND DAVIDSON COUNTY
BOARD OF PROPERTY STANDARDS AND APPEALS**

I. PURPOSE

The purpose of these Rules and Regulations is to provide for the orderly disposition of the business of the Metropolitan Board of Property Standards and Appeals (the "Board").

II. MEETINGS

Meetings of the Board shall be regularly scheduled on the first Wednesday of each month, unless otherwise changed by the Board. The meetings shall be held in the Howard Building Auditorium, 700 Second Avenue, South, and shall begin promptly at 3:00 p.m. Special sessions of the Board may be convened upon call by the Chair or by any two (2) Board Members at such time as specified in the public notice required for the meeting.

All meetings of the Board shall be open to the public pursuant to the Tennessee Code Annotated § 8-44-101 through 8-44-108 and Metropolitan Code § 2.68.010.

III. QUORUM NUMBER OF VOTES REQUIRED FOR CERTAIN ACTIONS

The presence of four (4) Board members shall be necessary to constitute a quorum for the conduct of business. The concurring vote of majority of those Board members present, but not fewer than four (4) affirmative votes, shall be necessary to approve or modify any order, requirement or decision of the Director, or to decide in favor of either the Director or the Appellant on any matter upon which the Board is required to pass or effect any modification.

IV. ELECTION OF OFFICERS

The Board shall elect a Chair and a Vice-Chair from its membership. The term of office for each shall be for one year. In the event that the Chair and Vice-Chair are both absent, but otherwise a quorum is present, another Board Member shall act as Chair Protempore. General elections shall be held at the first meeting of the Board each calendar year. Any vacancy occurring during the year shall be filled by an election at the next regular meeting of the Board.

The Director and the Property Standards Inspection Chief of the Department of Codes Administration (the "Department") shall be ex officio Board Members. The Director or the Director's duly authorized representative shall serve as Secretary to the Board, and shall be custodian of the minutes and records of the proceedings of the Board.

V. ORDER OF BUSINESS

The order of business to be conducted at every meeting of this Board shall be as follows:

- (a) Call To Order
- (b) Roll Call
- (c) Approval of Minutes
- (d) Presentation of Appeal Cases
 - For each appeal case presented:
 - (i) Department's Presentation
 - (ii) Appellant's Presentation
 - (iii) Third Party Comments
 - (iv) Appellant's Rebuttal
 - (v) Board Deliberations
- (e) Old Business
- (f) New Business
- (g) Adjournment

VI. APPEAL CASES

Any person aggrieved by an order, requirement, or decision of the Director, or his duly authorized representative (the "Appellant") shall have the right to file a petition for appeal requesting a hearing before the Board. The petition for appeal shall be in writing on forms provided by the Department and shall set forth the grounds for requesting reversal or modification of the Director's action.

Each appeal shall be assigned a number by the Secretary of the Board or the Secretary's duly authorized representative and shall be placed on a docket for Hearing in chronological order by date received, unless the Board orders otherwise

pursuant to its Rules and Regulations.

The Secretary shall notify the Appellant in writing of the date, time, and place of the hearing. When any person affected by an order of the Director makes an appeal to the Board, the Metropolitan Council Member representing the person's district shall be notified of the appeal and the time and place of such hearing. The "person's district" shall be considered that district in which the affected property is located at the time of filing of the petition for appeal.

The Appellant, or the Appellant's representative must be present in order for the Board to hear an appeal on the merits. In any case where the Appellant has failed to appear, the Board shall dismiss the appeal for lack of prosecution. The Appellant shall be eligible to refile a written petition for appeal within ten (10) days of the date of dismissal upon a finding by the Director or the Director's duly authorized representative that Appellant's failure to appear was for a good cause.

As a courtesy to Metropolitan Council Members, the Board may, as a preliminary matter, allow a Council Member to make a statement if the Council Member cannot stay for the regularly scheduled hearing of the appeal case; however, an appeal case shall not be moved forward on the docket to accommodate a Council Member.

The Director of Codes, the Property Standards Inspection Chief, or the Director's duly authorized representative shall present the appeal case record to the Board. The appeal case record shall include, but is not limited to, the record of code violations, the results of title searches, photographs of the property, and any other relevant information.

The Chair is authorized to place time limits on the presentation of testimony and proof in any and all appeal cases. Every person appearing before the Board shall abide by the order and direction of the Chair. Discourteous, disorderly or contemptuous conduct shall be regarded as a breach of the privilege of continuing the hearing before the Board and shall be dealt with as the Chair deems proper.

The Board, after hearing the evidence presented, may sustain or modify the provisions of the order, depending upon its findings, so as to secure the intent and purposes of Chapter 2.88 and Chapter 16.24 of the Metropolitan Code. Whenever such findings are made that strict compliance with the Property Standards Code or any order issued thereunder imposes undue or unreasonable hardship upon the owner or occupants of the subject property, the Board may modify the order and

extend the time limit given in the order for compliance, and may further stipulate Special conditions to be met by the owner as mandatory conditions to such extension of time or modification of the order. If the Board sustains or modifies such order, it shall be deemed a final order, subject to appeal to a court of competent jurisdiction.

All decisions of the Board are final. The Secretary shall notify the Appellant in writing of the Board's decision and shall enter the decision in the minutes of the Board. The findings and decisions of the Board shall be summarized, reduced to writing, and entered as a matter of public record in the office of the Director.

No person or party in interest who has appealed the order of the Director to the Board, in accordance with the provisions for appeal herein set forth, shall be subject to any penalty for the violation of Chapter 2.88 or Chapter 16.24 of the Metropolitan Code until the Board has issued a final order sustaining or modifying the order of the Director, with which final order the appellant refuses or fails to comply, and any appeal thereon is finally disposed of by a court of competent jurisdiction.

Any person aggrieved by the decision of the Board or by an order of the Director may seek relief therefrom in any court of competent jurisdiction as provided by laws of the State of Tennessee.

VII. CONFLICT OF INTEREST

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

Each Board Member shall comply with the "Standards of Ethical Conduct" contained in Metropolitan Code Chapter 2.72. Those standards are incorporated herein by reference.

VIII. ABSENCE OF A RULE

When an issue arises which is not specifically covered by these Rules and Regulations, the Board shall be governed by Roberts Revised Rules of Order.

IX. POWERS & DUTIES

This Board shall have such powers and duties as prescribed by the Metropolitan Property Standards Code, the Metropolitan Charter, and the Metropolitan Code.

X. ADOPTION

These Rules and Regulations are hereby adopted pursuant to the Metropolitan Code § 2.88.050 and shall become effective upon the approval of the Metropolitan Mayor pursuant to Metropolitan Code § 2.64.050. A copy of the Rules and Regulations shall be filed with the Metropolitan Clerk.

XI. AMENDMENTS

These Rules and Regulations may be amended at any regular or special meeting of the Board by an affirmative vote of four (4) Board Members, provided all Board Members have been notified of the proposed amendment at least ten (10) days prior to the meeting.

XII. INTERPRETATION OF THE RULES AND REGULATIONS OF THE BOARD

The Board is the final authority as to the meaning of these Rules and Regulations. The Board may make exceptions to these Rules and Regulations in extraordinary cases, setting out the reasons therefor.

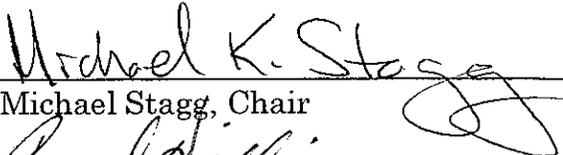
XIII. PRIOR RULES AND REGULATIONS

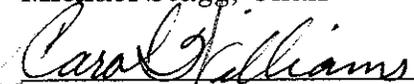
All prior Rules and Regulations of the Board are hereby repealed.

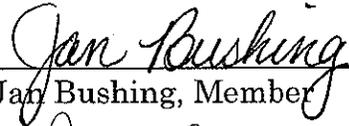
METROPOLITAN NASHVILLE AND DAVIDSON COUNTY
BOARD OF PROPERTY STANDARDS AND APPEALS

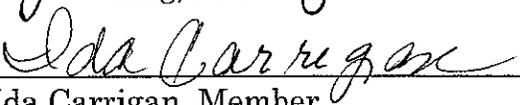

Terry Cobb, Secretary

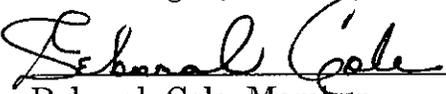
1/14/02
Date

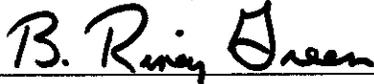

Michael Stagg, Chair

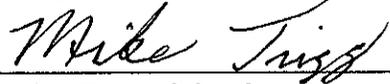

Carol Williams, Vice-Chair


Jan Bushing, Member


Ida Carrigan, Member

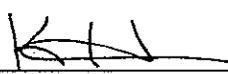

Deborah Cole, Member


Riney Green, Member


Mike Trigg, Member

December 5, 2001
Date

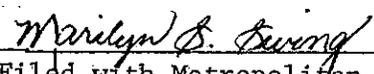
APPROVED:


Metro Legal Department

1-29-02
Date


Bill Purcell, Mayor

2-14-2002
Date


Filed with Metropolitan Clerk

2/14/02

Title 2 ADMINISTRATION

Chapter 2.88 BOARD OF PROPERTY STANDARDS AND APPEALS

2.88.020 Appointment, qualifications, compensation and term of office.

A. The board of property standards and appeals ("the board") shall consist of seven members, who shall have been residents of the area of the metropolitan government area for not less than one year, and who shall continue to be eligible so long as they shall serve, to be appointed by the mayor and confirmed by a majority vote of the whole membership of the metropolitan council. The members of the board shall serve without compensation, and may be removed from membership on the board by the mayor for continued absence from meetings of the board or other just causes. Replacements for any members that resign or are dismissed from the board shall be appointed by the mayor and confirmed by the metropolitan council in the same manner as prescribed for regular appointees. Any member appointed as a replacement shall serve only for the remainder of the term of the member replaced, unless subsequently reappointed for an additional term according to the procedures set forth above.

B. Of the seven members first appointed, two shall be appointed for a term of one year, two shall be appointed for a term of two years, two shall be appointed for a term of three years, and one shall be appointed for a term of four years. Thereafter, each member shall be appointed for a term of four years and shall serve until the member's successor is appointed, except that no member shall serve for more than two consecutive terms.

C. One member of the board shall be qualified in the field of building construction and materials, one member in the field of labor, one member in the field of finance, one member in the field of real estate, and one member in the field of business. Two members may be appointed at large, provided that not more than two members in any of the categories listed above may serve on the board at the same time. (Ord. BL2001-585 § 1 (part), 2001)