

**RULES OF PROCEDURE OF THE DISRUPTIVE PROPERTY APPEALS BOARD  
OF THE CITY OF PITTSBURGH**

*Created February 18, 2009  
Amended May 12, 2009*

**ARTICLE I. ETHICS**

101. No Member of the Disruptive Properties Appeals Board (“Board”) shall use the office or any Information received through holding a position as a member of the Board to obtain personal or financial gain.

102. No Member shall either participate in the hearing of, or vote on, any appeal in which that Member has a personal, professional, financial interest. Prior to the hearing on any appeal, a Member must disclose the existence of any conflict of interest, as defined by the Pennsylvania Public Official and Employee Ethics Act, or personal knowledge he/she has outside the scope of the pleadings as to the allegations upon which the appeal is based, and recuse himself/herself from the hearing of the appeal accordingly.

103. No Member shall initiate, permit, or consider ex parte communications or consider other Communications made to the Member outside the presence of the parties concerning a pending or impending proceeding, without notice to and opportunity to contest. Any such contact will promptly be disclosed in writing to the other Members of the Board.

**ARTICLE II. OFFICERS**

201. The Mayor shall appoint all Members of the board (the “Members”).

202. All Members of the Board shall be residents of the City of Pittsburgh.

203. A minimum of one (1) Member of the Board shall be a current rental property owner and/or manager within the City of Pittsburgh.

204. Initial Terms shall be drawn by lot for one, two, three, four and five year terms and subsequent terms shall be for five years so that no more than one term will expire in a given year.

205. The board shall select one (1) of its Members to serve as Chairperson. The Chairperson shall, from time to time, designate one of the other Members to serve as chairperson in his or her absence, recusal or other inability to serve.

206. The Director of the Department of Public Safety, or his/her designee, shall serve as an ex officio advisory member of the board but shall have no vote on any matter before the board.

207. Members of the City’s governing body, and current uniformed employees of the City’s Department of Public Safety, may not serve as members of the board.

208. The Director of Public Safety shall designate a qualified clerk to serve as secretary to the board.

**ARTICLE III. DUTIES**

301. The Chairperson shall preside at all meetings and hearings of the Board, and perform any other duties required of the Chairperson by any statute or City Ordinance or by these rules, including but not limited to the following:

- (a) administer oaths or authorize the administration of oaths to persons testifying at a hearing;

- (b) decide all points of order and procedures at hearings unless such duties are delegated to another Member by the Chairperson.

302. The minutes of the Board shall be kept by the Secretary and shall show the vote of each Member upon each question or a member's absence of or failure to vote. Records shall be kept of the proceedings and hearings of the Board and other official actions, all of which shall be filed in the office of the Director of Public Safety and shall be public record. In the absence of a transcript, the notes of the Secretary and exhibits presented shall be an adequate record for the rendering of a Board decision.

#### ARTICLE IV. MEETINGS

401. Regular hearings of the Board shall be held on the second Wednesday of each month unless changed by the Board upon giving proper notice.

402. Special meetings may be held upon call of the Chairperson with the consent of at least one other Member, upon satisfying any legal requirements for notice.

403. At all meetings and hearings of the Board, three (3) voting Members shall constitute a quorum.

404. Hearings will not be heard unless there is a quorum.

405. In the absence of any provisions of these rules to the contrary, the rules and procedure provided by Robert's Rules of Order shall prevail. The Chairperson shall rule on all procedural questions, subject to a reversal by a majority of those Board Members present.

#### ARTICLE V. PROCEDURE FOR HEARING APPEALS

501. A property owner may appeal any order, action, demand or decision of the Director of Public Safety to the Disruptive Property Appeals Board. Appeal shall be made on a form provided by the Board. Every appeal shall be made within 15 business days of the date of notice that a disruptive activity occurred or a property was declared disruptive. The appellant shall give notice of the Appeal to the Director of Public Safety. The Director, as appropriate, shall forthwith transmit to the Board all documents constituting the record upon which the action appeal was taken.

502. Where a special meeting is set by the Board for a day other than Wednesday, the Appeal must be filed no later than 3:00 pm of the twenty-third day preceding the date of the hearing.

503. Each appeal which has been filed in the proper form, with the required data, shall be numbered serially and be placed upon the calendar of the Board by the Secretary to be set for a public hearing. Applications for Appeal shall be assigned for hearing substantially in the order which they appear on the calendar.

504. During any hearing, any party or witnesses may appear in person with or without legal counsel and any Member may question any person appearing before the Board. At the discretion of the Chairperson, briefs or legal memoranda may be required by the parties at such times as are mutually agreeable.

505. The Board, through the Chairperson, will establish procedures consistent with due process of law for testimony and questioning during a hearing.

506. The concurring votes of any three (3) Members shall in any case constitute the decision of the Board. The board shall have 30 days to make a decision. Any Member not present at the hearing of a case is ineligible to participate in the decision in that case.

507. A transcript of any hearing before the Board may be ordered and shall be paid for by the party ordering the transcript.

ARTICLE VI. AMENDMENTS

601. Amendments to these Rules of Procedure may be made at any regular meeting attended by all Members, provided notice of such amendment has been given to each Member at a previous meeting or in writing, by facsimile or by email at least (3) days prior to such meeting.

602. The Board shall give public notice of the adoption, amendment revocation of its rules of procedure by means of the City of Pittsburgh website.

ARTICLE VII. MISCELLANEOUS

701. Terms used but not defined herein shall have the same meaning as ascribed thereto in the Disruptive Property Ordinance.

702. The conduct of the Members and their participation in the proceedings of the Board are subject to Chapter 197 of the Pittsburgh Code of Ordinances and the Pennsylvania Public Official and Employee Ethics Law.

703. These rules are subject to the terms and conditions of Title 6 Conduct; Article VII Disruptive Property Abatement and Title 6: Conduct, Article VII Disruptive; Chapter 670

704. These rules entirely supersede all prior rules and are effective as of the date of adoption.

THE FOREGOING RULES are in accordance with the powers granted by Title 6 Conduct: Article VII Disruptive Properties, Chapter 670: Disruptive Property Abatement and Title 6 Conduct Article VII Disruptive Properties, Chapter 670A: Disruptive Property Appeals Board effective July 1, 2008 as may be thereafter amended from time to time. All of the above are incorporated herein and made a part hereof by reference thereto.

THE FOREGOING RULES are hereby adopted by the Disruptive Property Appeals Board of the City of Pittsburgh on May 18, 2009.

DISRUPTIVE PROPERTY APPEALS BOARD

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Aggie J. Brose, Chair

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Tony Ceoffe

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Jerome B. McKinney

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Crystal Sumpter

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Caroline S. West