

RESOLUTION NO. _____ OF 2023

A RESOLUTION OF THE CITY OF JEANNETTE ESTABLISHING ADMINISTRATIVE APPEAL PROCEDURES AND SETTING THE NON-ZONING APPEAL FEE FOR THE CITY OF JEANNETTE.

WHEREAS, the City of Jeannette is responsible for the enforcement and administration of various statutes, regulations, ordinances, and codes within the City of Jeannette; and

WHEREAS, the City of Jeannette desires to establish appeal procedures for administrative appeals and hearings;

WHEREAS, the Third Class City Code, 53 P.S. 37403(60), affords the City of Jeannette with the power "to make and adopt all such ordinances, by-laws, rules and regulations, not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as may be expedient or necessary for the proper management, care and control of the city and its finances, and the maintenance of the peace, good government, safety and welfare of the city, and its trade, commerce and manufactures."

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Jeannette that:

1. **Jurisdiction.** The City Council shall have jurisdiction in all disputes of any nature or description whatsoever arising from the grant or denial of any permit or the action of any City administrative official under any ordinance specifically providing for appeals, unless the action being appealed is the action of City Council or jurisdiction is otherwise expressly excluded by applicable law. No such appeal shall lie under any ordinance not specifically providing for appeals or providing for appeals to specific boards or directly to court. Specifically excluded from this appeal procedure are appeals arising under the Zoning Ordinance and Subdivision and Land Development Ordinance of the City of Jeannette or any other ordinance enacted under the Municipalities Planning Code.

2. **Aggrieved Persons Entitled to Appeal.** The City; any of its agencies; any other governmental office, agency or department of the county, state or federal government having jurisdiction over the land in question; the landowner; the occupant of the land; and any purchaser under an agreement of sale or under an option agreement having a direct, pecuniary or proprietary interest in lands immediately adversely affected by any action of the administrative office in the administration of applicable ordinances (all hereinafter referred to as "persons aggrieved") may appeal such action of the administrative official to the City Council, which shall hear and determine the same under the Local Agency Law of the Commonwealth of Pennsylvania. All petitions for appeal shall be filed within the time limits set forth in the statute, regulation, ordinance, or code from which an appeal is taken to the City Council.

3. **Administrative Appeal Fee; Records.** Any person appealing from the decision of an administrative official shall pay a fee of \$250 which shall be paid to the City. The records of all appeals before the City Council shall be the property of the City and shall at all times be kept in the custody of the City Clerk at the municipal building.

4. **Public Hearing.** All hearings shall be open to the public and shall be conducted under and pursuant to the procedure designated in the Local Agency Law of the Commonwealth of Pennsylvania. The majority of the City Council shall constitute a quorum, and the majority of

the members present and voting may render a decision on any matter before the City Council. At the hearing, the appellant shall be entitled to be represented by counsel, and those persons identified as aggrieved parties, as well as any other persons authorized by the City Council in its discretion, shall be permitted to intervene as parties.

5. **Adjournment to Future Date Certain.** When the necessary number to constitute a quorum of the City Council is not present, if the testimony has not been concluded or for any other reason in the discretion of the City Council, the City Council may continue the hearing to a future date certain.

6. **Vote.** The City Council shall affirm, modify or reverse the decision of the administrative office by a majority vote of the members of the City Council hearing the appeal. The failure to obtain a majority vote shall constitute affirmance of the action of the administrative office.

7. **Rendering of Opinion.** The City Council shall render a written opinion within 45 days of the close of the hearings and shall make findings of fact relevant to said application and apply the applicable law to said findings of fact in the rendering of its decision. Copies of the opinion and decision shall be mailed, by first class mail, to each party before the City Council; provided, however, that failure to render a decision within the forty-five-day period herein stated shall not constitute an affirmance or denial, but any party shall have the right to seek an order in mandamus from the Court of Common Pleas directing the filing to render such an opinion within 45 days.

8. **Action By Administrative Official.** The administrative office shall take immediate action in accordance with the decision of the City Council.

9. **Court Review.** Any party other than a discretionary party before the City Council who is aggrieved by the decision of the City Council may appeal to the Court of Common Pleas of Westmoreland County within 30 days from the date of the rendering of the decision of the City Council, and the Court of Common Pleas shall review the record on certiorari to determine whether or not the City Council abused its discretion or committed an error at law.

10. **Repealer.** The City Council hereby resolves that all resolutions, or parts of resolutions, which are inconsistent herewith be and are repealed.

RESOLVED, ENACTED, AND ADOPTED at a meeting of the City Council of the City of Jeannette held on the ____ day of _____, 2023.

THE CITY OF JEANNETTE

ATTEST:

Curtis J. Antoniak
Mayor and President of Council

Benjamin D. Walker
City Clerk