

CITY OF BELLE FOURCHE
City Hall, 511 6th Ave.
Belle Fourche, SD 57717
(605) 892-2494; Facsimile (605) 892-2784

GUIDELINES FOR REQUESTING AN APPEAL HEARING

This form is for a person or party wishing to appeal a Notice of Violation/Notice of Removal (NOTICE) of the City of Belle Fourche's Nuisance ordinance, and to request the Belle Fourche Common Council to review the alleged violation of Sections 8.24.050 or 8.32.080. This means you will have a hearing before the Common Council. At this hearing, the City of Belle Fourche will present evidence to support the NOTICE. You should first review Title 8 of the City of Belle Fourche ordinances. Title 8 can be accessed through the Internet at http://library3.municode.com/default-test/home.htm?infobase=16208&doc_action=whatsnew or at the Belle Fourche library. You should specifically determine if there are any defenses that apply to you. You must request a hearing in writing no later than 4:00PM on the fifteenth (15th) day following the NOTICE. To request a hearing you must complete the attached form and file it with the Finance Office at the address shown above.

You may request copies of documents the City of Belle Fourche may rely upon at the hearing. These copies will be charged to you at a rate determined by the Finance Office. In order to obtain this information, you must request the information from the Finance Office. The information will be provided to you within seven (7) days of your request. You may request the identity of witnesses the City of Belle Fourche intends to have testify at the hearing. This information may not be available prior to the hearing.

The City will mail a Notice of Hearing to you at the address you provide on your appeal form. All hearings take place at City Hall, 511 6th Avenue, Belle Fourche, South Dakota. You are entitled to have an attorney represent you at your own expense.

Submit ten (10) copies of all exhibits that you intend to introduce into evidence at hearing with your Appeal of Notice; these copies will be provided to the Mayor, eight Council Members and the City Attorney. Failure to submit the copies may cause a delay in the hearing or result in a rejection of evidence.

Requests to reschedule hearings must be made in writing and filed with the Finance Office prior to the hearing. Failure to timely appear at the scheduled hearing will result in denial of your appeal.

If you require special accommodations to attend the hearing, please advise the Finance Office at least three (3) business days prior to the hearing so that assistance may be arranged. Failure to do so may cause delays in the hearing process.

After the hearing, the Common Council will make a determination as to whether or not the nuisance alleged in the NOTICE exists. If the Common Council confirms the existence of the nuisance, the Common Council will require you to abate the nuisance within the timeframe set forth in the ordinance or as established by the Common Council. If you fail to abate the nuisance as directed, the City of Belle Fourche may abate the nuisance and bill you for all related costs of abatement including, but not limited to, direct, contractual, administrative, legal, and any costs, fees or expenses. Costs and fees may also be assessed against your property if not paid within thirty (30) days. If the Common Council determines that a nuisance does not exist, no further action will be taken by the City of Belle Fourche.

APPEAL OF NOTICE OF VIOLATION AND REQUEST FOR APPEAL HEARING
Please read attached Guidelines – page 1

City of Belle Fourche
511 6th Avenue
Belle Fourche, SD 57717

You must request a hearing in writing no later than 4:00PM on the fifteenth (15th) day following the NOTICE

This is a Request for Hearing on: _____ Nuisance violation; Ordinance 8.24.050
_____ Junk and abandoned motor vehicles;
_____ Ordinance 8.32.080

Case Number: # _____

Please type or print clearly. Attach a copy of the NOTICE being appealed

Your Name: _____ Physical Address: _____

Mailing Address: _____ Telephone Number: (w) _____ (h) _____

State why you are appealing the Notice of Violation/Removal. If more space is needed, attach additional sheets.

STATEMENT OF RIGHTS

I understand that I am entitled to attend and submit evidence at the hearing. I understand that I may present witnesses, cross-examine witnesses called by the City of Belle Fourche, and may engage the services of an attorney to represent me at my own expense. If I do not attend the appeal hearing, I waive the right to present evidence in my defense. I understand that if I do not attend, a decision will be rendered against me by default. I understand that the notice of the hearing date, time and place, and all decisions will be served by mail.

I declare that all information provided above is true, accurate and complete. In the absence of a notary public, I personally certify under penalty of perjury, that the foregoing statements are true.

Signature **Date**

Received by: _____ for Sharon Mins, Finance Officer.

Date: ___/___/_____ Time: _____AM/PM