

MONROE COUNTY ENVIRONMENTAL HEALTH/SANITARY CODE
CHAPTER VI - ENVIRONMENTAL HEALTH/SANITARY CODE BOARD OF APPEALS

A regulation establishing an appeals board; defining membership of the appeals board; establishing a procedure for hearing appeals to the regulations established in this Code.

SECTION 600 MEMBERSHIP

The Monroe County Board of Commissioners shall establish an "Environmental Health/Sanitary Code Board of Appeals" consisting of seven members. The Environmental Health/Sanitary Code Board of Appeals members shall serve two-year staggered terms.

SECTION 601 PROCEDURE

601.01 Appellant Request

Request for an appeal from a ruling or decision of the Health Officer charged with enforcement of the Monroe County Environmental Health/Sanitary Code shall be made in writing to the Environmental Health/Sanitary Code Board of Appeals no later than 30 days following the date of the ruling or decision. The appeal shall include the basis upon which the appeal is being made. The appellant shall pay an appeal-filing fee as stated in the Monroe County Health Department Fee Schedule upon filing a request for a hearing. The Environmental Health/Sanitary Code Board of Appeals may waive all or part of said fee if a financial hardship can be demonstrated.

601.02 Schedule for Hearing

A hearing shall be held no less than ten days nor more than 45 days following the request. The Environmental Health/Sanitary Code Board of Appeals shall notify the appellant in writing of the date, location, and time of the hearing. A written notice shall be sent to the appellant at least seven days prior to the date established for the appeal hearing.

601.03 Granting of Variances

The Environmental Health/Sanitary Code Board of Appeals may grant individual variances from the requirements of these regulations when the Board has determined that all of the following conditions exist:

- (a) No substantial health hazard or nuisance is likely to occur as a result of the variance;
- (b) Strict compliance with regulations or requirements would result in unnecessary or unreasonable hardship;
- (c) No state statute or other applicable laws would be violated as a result of the variance; and
- (d) The proposed variance would provide essentially equivalent protection for the public health and would be in the public interest.

601.04 Final Decision and Notification

The final decision of the Environmental Health/Sanitary Code Board of Appeals shall be an

affirmative vote of at least three members and will establish the time period for a successful applicant to complete the subject project as allowed under the variance or appeal granted, after which time period the granting of such variance or appeal shall automatically become null and void. A written decision of the Environmental Health/Sanitary Code Board of Appeals shall be provided to the appellant, the local city, village, or township and Health Officer no later than ten days following the hearing.