

Procedure for Appeals. An appeal before the Planning Commission shall be conducted in accordance with the following procedures:

1. Failure of Appellant to Appear. If an appellant fails to appear in person, the Commission may proceed with the hearing.
2. Oath to Be Administered. Anyone testifying before the Commission shall be administered an oath prior to giving testimony.
3. Record. The city clerk shall be ex officio clerk and shall keep verbatim stenographic records or electronic recordings of the board's proceedings, showing the vote of each member on every question and all of the evidence presented.
4. Burden of Proof. The burden of proof rests with the appellant. The city shall make available to the appellant all reasonably pertinent documents requested for presentation of the appeal.
5. Rules of Evidence. The hearing of an appeal shall be conducted informally. The Commission shall not be restricted by the formal rules of evidence; however, the chair may exclude evidence irrelevant to the issues appealed. Hearsay evidence may be considered, provided there are adequate guarantees of its trustworthiness and that it is more probative on the point for which it is offered than any other evidence which the proponent can procure by reasonable efforts.
6. General Procedure. Each side shall have a total of no more than thirty minutes to present their case. Each side shall be responsible for dividing their thirty minutes between oral presentation, argument, testimony (including witness testimony), and rebuttal. The Commission may expand or limit the length of the hearing depending on its complexity, or take other action to expedite the proceedings.
7. Order of Presentation. The appellant shall present argument first. Following the appellant, the Building Official shall present the city's argument. The appellant may, at the discretion of the chair, make rebuttal presentations directed solely to the issues raised by the Building Official. The members of the Planning Commission may ask questions through the chair of either the appellant or the Building Official at any time during the hearing.
8. Witnesses and Exhibits. The appellant and the building official may offer oral testimony of witnesses and documentary evidence during the hearing. All testimony before the Planning Commission shall be under oath.

9. Decision of Planning Commission. At the conclusion of the hearing, the Commission shall, based on the information received at the hearing, make their final determination.