

(3) The owner, agent, agent of the owner, occupant, and lienholder, if any, of the subject property shall be given the opportunity to present evidence to said board during the course of the hearing.

(4) In those instances where the nuisance has been abated by the city pursuant to §9-32 herein, and the purpose of the hearing demanded is to address the cost of abating the nuisance and the fees charged therein, the appeals board shall have the discretion to waive the cost and fees associated with the abating of the nuisance in whole or in part, if, in the course of the hearing reviewing the decision, the appeals board finds that any of the following did not conform to the provisions of this article;

- (1) The notice to remove the nuisance;
- (2) The work performed in abating the nuisance;
- (3) The computation of the charges and fees associated with the abatement of the nuisance.

This Ordinance shall be effective immediately upon its passage on second reading.

ADOPTED THIS _____ DAY OF _____, 2010.

Stephen J. Wukela
Mayor

Approved as to form:

Attest:

James W. Peterson, Jr.
City Attorney

Dianne M. Rowan
Municipal Clerk