

Appeals from Certain Administrative Agencies

Rule *27 *Appeals from Zoning Hearing Boards*

- (a) Upon the filing of a praecipe for the entry of appearance and a declaration of position in which shall be set forth the side of the appeal to be supported, and extent of the participation and the nature of the interest involved, the following may also become parties to the appeal:
 - (1) the municipality; or
 - (2) the applicant before the Zoning Hearing Board or the municipality; or
 - (3) any property owner, whether real or equitable, whose land is the subject matter of the application.
- (b) Any other person desiring to become a party shall make written application to the Court in conformity with the provisions of the procedural rules relating to intervention.
- (c) No person may become a party more than 30 days after the filing of a zoning appeal except by leave of court upon cause shown.
- (d) Any party may move the Court to fix a date for a conference to determine the necessity for, the nature of, the extent to which, and manner in which, the record may require supplementation. At such conference the Court may, inter alia:
 - (1) approve a stipulated supplementation of the record; or
 - (2) fix a time for a de novo hearing before the Court; or
 - (3) appoint a referee for the purpose of conducting a hearing and reporting thereon to the Court (in which case the Court may direct the posting of security for the purpose of defraying the costs incident to such hearing, including the compensation of the referee); or
 - (4) remand the record to the Zoning Hearing Board; and
 - (5) direct the manner in which disposition shall be made of exceptions to the action of the Court or to the referee's report.
- (e) When the matter is listed for argument, all briefs shall comply with the provisions of Bucks County Rule of Civil Procedure 210(a). The appellant as the moving party, together with any other parties to the appeal, shall file briefs within 15 days after notice of the listing for argument. Reply briefs shall be filed in accordance with Bucks County Rule of Civil Procedure 210(d).

- (f) After final disposition of the appeal, and after the expiration of any applicable appeal period, the prothonotary shall return the record of the proceeding below to the fact-finder below.

Editor's note: Adopted November 26, 1967; amended October 24, 1988, effective December 19, 1988.

Rule *28 *Appeals from the Bucks County Board of Assessment and Revision of Taxes*

- (a) Appeals from orders of the Bucks County Board of Assessment and Revision of Taxes should be by petition which shall be in substantially the following form:

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- (b) The Petition shall contain inter alia the following information:
 - (1) Identification and address of appellant.
 - (2) Date of filing appeal to Board of Assessment and amount of assessment originally fixed by the Board.
 - (3) The date of final decision of Board of Assessment and amount of assessment finally fixed by the Board.
 - (4) Reasons for appeal.
- (c) The appellant shall attach to the appeal Petition a proposed form of Court Order fixing, for record purposes only, a date and place for hearing. Said Order shall also contain substantially the following language:

“The foregoing hearing date is fixed for record purposes only. Actual trial date is to be fixed subsequently pursuant to a request of a party or parties to this action.”
- (d) Within 20 days after the date of entry by the Court of the Order fixing the hearing date on the appeal, the appellant shall mail, by certified mail, a copy of the Petition and Order to the following: the Board of Assessment; the County Solicitor; the municipality in which the tax parcel is located; the school district in which the tax parcel is located; and the property owner. Within thirty days after the date of the Order of Court, the appellant shall file an affidavit of service with the prothonotary.
- (e) Any person or governmental agency upon whom a copy of the Petition and Order is required to be served under paragraph (d) hereof, may intervene in the appeal proceedings as a matter of right by filing with the prothonotary within twenty days after receipt of the copy of the Petition and Order, a praecipe directing

intervention either as an appellant or appellee. If such praecipe has not been filed by said person or governmental agency within the said 20-day period, intervention thereafter shall be governed by Pennsylvania Rules of Civil Procedure 2326 through 2350 inclusive.

Editor's note: Adopted May 13, 1968, to apply to all appeals filed after July 1, 1968.