

BY-LAWS OF THE PENDLETON BOARD OF ZONING APPEALS

ARTICLE I – THE BOARD OF ZONING APPEALS

SECTION 1. NAME OF BOARD. The official name of the Board shall be the Pendleton Board of Zoning Appeals. Its acronym shall be BOZA.

SECTION 2. MEMBERS. There shall be five (5) members, recommended by the Town Council and appointed by the Mayor, for a term of four (4) years and eligible for reappointment. The terms of three (3) members shall expire in each odd numbered year and the terms of two (2) members shall expire in each even numbered year. The members of the Board shall be identified by place numbers one (1) through five (5). The odd numbered places shall expire in the odd numbered years and the even numbered places shall expire in the even numbered years. Board members may be appointed to succeed themselves.

SECTION 3. VACANCY. Vacancies shall be filled for unexpired terms; no member shall be appointed for a term in excess of four (4) years. A vacancy in a term of office shall occur whenever the Town Council finds that a member has resigned or has not maintained the qualifications required for appointment; or whenever the Town Council finds that a member:

(a) has repeatedly failed to attend properly called meetings of the Board without just cause, as prescribed in Article III, Section 7, of the By-laws, or

(b) has been guilty of malfeasance or misconduct while in office, and based upon such findings has removed the member from office.

SECTION 4. RULES. These rules of procedure are adopted pursuant to S.C. Code 6-29-790. The conduct of the Board will comply with all rules set for in the S.C. Code of Laws, Title 6, Chapter 29, commonly referred to as the Local Government Comprehensive Planning Enabling Act of 1994.

ARTICLE II – OFFICERS

SECTION 1. OFFICERS. Annually, at the regular meeting of the Board of Zoning Appeals held in the month of January, the Board of Zoning Appeals shall elect a Chairperson and Vice-Chairperson, and appoint a secretary. The officers may succeed themselves.

SECTION 2. CHAIRPERSON. The chairperson shall preside at all meetings of the Board of Zoning Appeals and at other meetings and public hearings called by the Board of Zoning Appeals when required, and shall transmit reports, plans, and recommendations of the Board of Zoning Appeals to the appropriate governing authority, and, in general, shall act as spokesperson for the Board of Zoning Appeals.

SECTION 3. VICE-CHAIRPERSON. The Vice-Chairperson shall serve as Chairperson in the absence or the disability of the Chairperson. In the event of the death or resignation of the Chairperson, the Vice-Chairperson shall perform the latter's duties until such time as the Board of Zoning Appeals shall elect a new Chairperson.

SECTION 4. SECRETARY. The secretary shall be a non-voting member of the Board appointed by the Board, and may be a designated staff person of the Town. The secretary shall assist the Chairperson in preparation of agenda for the Board of Zoning Appeals meetings, shall prepare and send out notices for regular meetings, shall prepare and distribute minutes of the Board of Zoning Appeals meetings, and shall establish and maintain the Board of Zoning Appeals' files. The Town Clerk shall assist the secretary by maintaining its books of account, and shall have the custody of all funds coming into the possession of the Board of Zoning Appeals' direction or upon its authorization. The Town Clerk shall sign all orders and checks for the payment of money and shall pay out and disburse the Board of Zoning Appeals funds.

SECTION 5. ADDITIONAL DUTIES. The Chairperson, Vice-Chairperson, and Secretary shall perform such other duties and functions as may from time to time be required by the Board of Zoning Appeals or by its By-laws.

ARTICLE III – MEETINGS

SECTION 1. REGULAR MEETINGS. The regular meetings of the Board of Zoning Appeals shall be held on the 2nd (second) Thursday of each month, at 6:00 pm, at the Pendleton Town Hall.

SECTION 2. SPECIAL MEETINGS. Special meetings may be called by the Chairperson, provided that reasonable notice in advance is given to each member and to the public.

SECTION 3. QUORUM. A quorum shall consist of three (3) members.

SECTION 4. ORDER OF BUSINESS. The order of business at all regular meetings shall be as follows:

- a) Attendance and establishment of a quorum;
- b) Approval of minutes of previous meetings;
- c) Unfinished business;
- d) New business;
- e) Adjournment.

SECTION 5. MEETINGS AND RECORDS OPEN. All meetings of the Board of Zoning Appeals at which official action is taken shall be open to the public and all records of the Board of Zoning Appeals shall be a public record. Records shall be maintained in Town Hall and are available according to the South Carolina Freedom of Information Act. The agenda and meeting information will be forwarded the Commissioners no later than five days prior to the regular meeting. The agenda and meeting information will be available for public review five days prior to the regular meeting.

SECTION 6. PUBLIC HEARINGS. Notice of hearings shall be given by paid advertisement one time in a newspaper of local distribution, stating the time and place of such public hearing, which time shall not be earlier than thirty (30) days from the date of the hearing, and again not later than fifteen (15) days from the date of hearing, stating the time and place of such public hearing.

SECTION 7. ATTENDANCE. A member may not have more than 3 (three) consecutive unexcused absences from meetings. A member may not have more than 4 (four) unexcused absences from meetings per year. A member must notify the Secretary of an upcoming absence. The course of action regarding chronic absences is at the discretion of the **Town Council, per S.C. state law.**

SECTION 8. VOTING. A member must be present to vote. Each member shall vote on every item unless not qualified to vote by law, due to a conflict of interest. The concurring vote of three (3) members of the Board shall be necessary to approve application upon which it is required to pass under these regulations or to affect any variance in said regulations.

SECTION 9. CONDUCT. Other than during the public hearing portion of a meeting, no person shall speak unless invited to do so by the Board. The Board reserves the authority to set time limits on public comments. All persons speaking must state their name and address for the record prior to stating their comments. Anything submitted to the Board, remains with the Board as part of the public record.

SECTION 10. APPEALS PROCESS AND HEARING PROCEDURE. All appeals, interpretations, and variances shall follow the procedures outlined within the Zoning Ordinance.

ARTICLE IV – AMENDMENTS TO BY-LAWS

SECTION 1. AMENDMENTS TO BY-LAWS. Changes may be made to the By-laws of the Board of Zoning Appeals at any regularly scheduled meeting or special meeting, by the affirmative vote of a quorum of the members of the Board of Zoning Appeals.

SECTION 2. ADOPTION. These rules were updated and adopted by a quorum of the Board of Zoning Appeals at a regularly scheduled meeting on **January 8, 2009.**

BY-LAWS OF THE PENDLETON BOARD OF ZONING APPEALS

ADOPTED _____

CHAIRPERSON _____

VICE-CHAIRPERSON _____