BY-LAWS

TOWN OF PENDLETON INTERNATIONAL PROPERTY MAINTENANCE CODE

BOARD OF APPEALS

ADOPTED 3/27/2019

SECTION I. GENERAL

The Town of Pendleton International Property Maintenance Code Board of Appeals shall be governed pursuant to Ordinance # 18-07 as adopted by the Pendleton Town Council. The Board shall be composed of three (3) members and three (3) alternates appointed by Town Council. In the event that a member is unable to attend a meeting, an alternate member shall be contacted and eligible to serve and vote.

SECTION II. OFFICERS AND DUTIES

1. ***CHAIR***. At its initial meeting in January each year, a Chair shall be elected by the voting members of the International Property Maintenance Code Board of Appeals (hereinafter "Board") for a term of one year. At the completion of his term, the Chair shall be eligible for re-election. The Chair shall preside at all meetings of the Board and shall decide all points of order and procedure, subject to these rules and the ordinances referred to in Section I above. Rulings by the Chair on procedure may be challenged by a majority of the Board in session at the time. The Chair may appoint any committees found necessary to investigate any matters before the Board. If the

office of the Chair is vacated, the Board, at its next meeting following the occurrence of the vacancy, shall choose one of its members to serve as Chair.

2. ***VICE CHAIR***. At its initial meeting in January each year, a Vice Chair shall be elected by the Board from among its member in the same manner and for the same term as the Chair. The Vice-Chair shall preside at meetings of the Board when the Chair is absent or unable to preside.

3. ***SECRETARY***. The Chief Administrative Officer or his designee shall designate a qualified clerk to serve as secretary to the Board. The secretary shall file a detailed record of all proceedings in the appropriate County office.

SECTION III. MEETINGS

1. ***Application for Appeal.*** Any person directly affected by a decision of the code official or a notice or order issued under the codes under the purview of the Board, shall have the right to appeal to the Board, provided that a written application for appeal is filed on a form obtained from the code official within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

2. ***Meetings.*** The Board shall ordinarily hold its regular meetings on the last Wednesday of each quarter at 6:00 P.M., in Pendleton Town Hall or at such other time or place as the Chair may specify. The Chair or a majority of the board members

may call special meetings, which may be held after at least twenty-four (24) hours public notice, which specifies the hour, date and place of the special meetings and its agenda. No special or called meetings may be held without a prepared agenda. No item may be considered at the special or called meetings unless it appears on said agenda.

3. ***Cancellation.*** Whenever there is no business for the Board, the Chair may dispense with a regular meeting by having the Secretary give notice to all the members and to the Town Hall office not less than twenty-four (24) hours prior to the time set for the meeting.

4. ***Quorum***. The majority of members of the Board shall constitute a quorum for the transaction of business. In the event of a vacancy or vacancies, a quorum, for purpose of conducting the business of the Board, shall consist of a majority of the remaining members of the Board.

5. ***Attendance***: By majority vote of Town Council, board members may be removed from their appointed positions for the following reasons:

a. Conviction of driving under the influence of alcohol (DUI) while serving on the board.

b. Excessive absences.

i. For boards meeting four (4) or more times per calendar year, excessive absences shall be defined as three (3) consecutive regularly scheduled meetings and/or 25% of all meetings for the calendar year.

ii. For boards meeting fewer than four (4) times per calendar year,

excessive absences shall be addressed on a case-by-case basis taking into consideration whether the absence affects the board's ability to form a quorum and/or effectively conduct business.

c. Relocation outside of the board's jurisdictional boundaries.

6. ***Required Abstentions***. No member of the Board may make or participate in making a decision of any matter in which he, a member of his immediate family, an individual with whom he is associated or a business with which he is associated has an economic interest. All Board members subject to the limitations set forth above shall recuse themselves and abstain from any involvement/participation with the matter under consideration as required by State Law.

7. ***Conduct of Meetings***. The order of business at regular meetings shall be as follows:

   1. Call to order
   2. Reading and adoption of the minutes and findings from the previous meeting
   3. The report of any committees
   4. Unfinished business
   5. New business
   6. Adjourn

SECTION IV. HEARINGS

A. ***Notice of Hearing***. Notice shall be given at least ten (10) days in advance of the Hearing. The owner of the property with respect to which any matter for determination is before the Board shall be notified by first class mail, directed to such

owner or his agent of record.

B. ***Parties of Record***: Parties of record shall include the applicant and or the appellant, and other persons who have submitted a written statement to the Board or the Code Enforcement Officer indicating their interest in the matter before the Board. All hearings before the Board shall be open to the public. The appellant, the Appellant's representative, the Code Enforcement Officer and any person whose interests are affected shall be given an opportunity to be heard.

C. ***Procedural Rules***. The Board may adopt such procedural rules, not inconsistent with the statues, Town Ordinances and State Laws as it shall deem proper for governing the procedure and conduct of hearings. Witnesses may be called and factual evidence may be submitted. The Board will not be limited to the consideration of such evidence as would be deemed admissible in a Court of Law. The chairman of the Board, or such other member as may be appointed by the chairman of the Board, shall rule upon matters respecting the admissibility of evidence, subject to an overruling vote by the majority of the members present. All evidence, testimony, information and arguments considered in any matter shall be presented publicly. No member shall permit evidence, information or arguments to be presented privately.

D. ***Recordation of Hearings***. Proceedings during all hearings will be recorded by magnetic tape or other appropriate means.

SECTION V. DECISIONS

1. The Board shall, in every case, reach a decision without unreasonable or unnecessary

delay. But in no case shall a decision take longer than sixty (60) days.

2. Each decision of the Board shall also include a summary of the case and findings of fact and conclusions of law which must be separately stated in final decisions or orders of the Board. A decision of the board that reverses an order of the Code Enforcement Officer requires two-thirds of affirmative votes by the members present of the Board.

3. Every decision shall be promptly filed in writing in the appropriate Town office and shall be open to public inspection. A copy of the decision shall be sent by certified mail to the appellant and any interested party. Every decision of the board may be appealed by any aggrieved party as provided by the laws of the State of South Carolina to the Circuit Court.

SECTION VI. AMENDMENTS.

1. ***Amendments***. These By-Laws may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than two-thirds of the members present of the Board, provided that such amendments shall have first been presented to the full membership of the Board in writing at a regular or special meeting, or shall have been furnished to each member not less than ten (10) days prior to the meeting at which the vote is taken.

2. Effective Date. These By-Laws become effective on the 27th day of March, 2019.

Chair

Vice-Chair

Secretary