

**Rules of Spartanburg County
Land Management Board of Appeals**

Officers and Committee Members

Rule #1

Chairman - As soon as practical after the establishment of the Board, the Board shall select one of its members to serve as chairman for a term of one year. The Chairman may succeed himself if re-elected. The Chairman shall preside over all meetings of the Board and may execute on behalf of the Board all official instruments or documents. The Chairman shall preserve order and decorum at all meetings, announce the decision of the Board and decide questions of order.

Rule #2

Vice-Chairman - At the same meeting it selects a chairman, the Board will select one of its members to serve as Vice-Chairman for a term of one year. In the event the office of the Chairman is absent or unable to serve, the Vice-Chairman shall serve as the Chairman. In the event that the office of the Chairman is vacated, the Vice-Chairman shall succeed to that office, and another member shall be selected by the Board to serve as Vice-Chairman until the vacancy of the Chairman is filled at the next term. When the Chairman is absent from a meeting of the Board, or unavailable at the time execution on behalf of the Board is necessary, the Vice-Chairman shall execute on behalf of the Board all official instruments or documents.

Rule #3

Board Secretary - The Ordinance Administrator shall serve as secretary to the Board. The secretary shall take minutes of all proceedings of the Board and keep a record of said minutes which shall be open to public inspection. The secretary shall assist the Chairman in the preparation of the agenda for Board meetings, shall prepare and send out notices for regular and special meetings, shall prepare and distribute minutes of Board meetings.

Rule #4

Committees - The Board may have such committees as it shall deem necessary to conduct its business. The Chairman shall make all committee appointments.

Rule #5

Meetings - The Board shall meet as frequently as is necessary to conduct its business, but shall in any case meet at least twice annually. Meetings shall be called by the Chairman or a majority of the members after twenty-four (24) hours notice. All meetings shall be made public. Public notice may be made by posting a notice at the office of the County Administrator at least twenty-four (24) hours before the meeting, stating the hour, date and place of the meeting. Such notice shall be given each Board member.

Rule #6

Quorum - A majority of the members of the Board shall constitute a quorum for the transaction of official business.

Rule #7

Conduct of Business - Every member in speaking shall avoid personalities and shall confine discussion to the question under consideration. A member desiring to speak shall address the Chairman who shall name the member being recognized. When several members address the chair at the same time, the Chairman shall decide who was first. The member recognized first by the Chairman shall be heard first. *Roberts Rules of Order shall prevail in the conduct of meetings.

Rule #8

Voting - All members present at a meeting and called upon to vote on a matter shall vote except where a conflict of interest or other lawful reason shall prohibit it.

Rule #9

Votes Required for Passage - An affirmative vote of two-thirds (2/3) of the Board Members present and voting shall be required to reverse or modify a decision of the Ordinance Administrator.

Rule #10

Order of Business - The order of business at all regular meetings shall be as follows:

- a. Call to Order
- b. Approval of Minutes of previous meeting
- c. Unfinished Business
- d. New Business
- e. Adjournment

Rule # 11

Reasons for Appeal - An appeal shall be permitted before the Board from the decision of the Ordinance Administrator:

- a. Where it is claimed the provisions of the Ordinance do not apply;
- b. When the Ordinance Administrator shall reject an alternative to Ordinance rules and regulations; or
- c. When it is claimed that the true intent and meaning of the Ordinance has been misinterpreted.

Rule #12

Time for Appeal - An owner or his/her authorized agent may appeal the decision of the Ordinance Administrator to the Board by giving written notice of appeal which must be filed within fifteen (15) days after the decision is rendered by the Ordinance Administrator.

Rule # 13

Time for Appeal to be Heard - The Board shall schedule a meeting to consider any appeal within thirty (30) days after the notice of the appeal is received by the Ordinance Administrator.

Rule #14

Additional Procedures - The following procedures shall apply in Appeals before the Board:

- a. Each appeal before the Board shall have an accompanying statement by the Ordinance Administrator of the applicable sections of the Ordinance involved in the appeal;
- b. Each appeal shall contain a presentation of the notice of appeal and a statement as to whether or not the appeal is timely. If the notice of the appeal was not received within thirty (30) days after the decision is rendered by the Ordinance Administrator, it is not timely and the Board shall be justified in dismissing the appeal;
- c. In any appeal coming before the Board, the Board shall be permitted to ask questions of the appealing party and/or the Ordinance Administrator, or to solicit any additional information or gather any facts it feels necessary to make a decision on the appeal;
- d. In any appeal coming before the Board, the party appealing shall be given an opportunity to present his/her case, which may or may not include testimony or documents. The Ordinance Administrator shall be given an opportunity to ask questions of the party appealing;
- e. The Ordinance Administrator shall be permitted to present his/her case which shall include a presentation of the reasons for the decision under appeal or a statement of the particulars in which it is contended that the appealing party is in violation of the Ordinance. The appealing party may be permitted to ask questions of the Ordinance Administrator;
- f. After both parties have presented their cases, each shall be given an opportunity to briefly summarize their position;
- g. After each side has summarized their position, the Board shall consider the appeal with the parties present. When the Board has reached a decision, the decision shall be produced in writing and shall state the reasons for the decision and the vote of all members of the Board on the appeal. It shall not be necessary that the Board reach a

decision immediately, but the decision shall be reached without unnecessary and unreasonable delay;

- h. The original copy of the decision shall be filed in the office of the Ordinance Administrator and a certified copy shall be sent to all parties and their legal representatives, if any. The minutes of the proceedings before the Board shall be kept in the office of the Ordinance Administrator, where it shall be open to public inspection.

Rule #15

Ruling Should Be Consistent - The Board's decision on appeals shall be applicable only to the case appealed to the Board. However, the Board shall seek to be consistent in its decision.

Rule #16

Basis for Ruling - Appeals shall be sustained and adjustments should be granted only when there is some clear reason for such action and the intent of the Ordinance shall be considered in determining whether or not the decision of the Ordinance Administrator should be sustained or an adjustment granted.

Rule #17

Unlawful Rulings - The Board may not determine that any section of the Ordinance shall not be enforced by the Ordinance Administrator.

Rule #18

Amendment of Rules - Amendment of these rules shall be made only by a majority vote of the members of the Board.

Definitions

Ordinance Administrator - shall be the person in charge of administering the Unified Land Management Ordinance or his/her authorized representative.

Ordinance - shall mean the Unified Land Management Ordinance as adopted by the Spartanburg County Council.