

## APPENDIX C

### ORDINANCE ESTABLISHING MOLENA BOARD OF APPEALS

(5) 1/3

#### ORDINANCE NO. 5

Section 101: Scope. This Ordinance provides for the following:

- A. Establishes the Molena Board of Appeals.
- B. Defines the purpose and powers of the Molena Board of Appeals.
- C. Sets regulations for membership, appointments, terms of office, and compensation of members.
- D. Repeals conflicting ordinances.

Section 102: Definitions. The following words, terms and phrases, when used in this Ordinance, have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- A. City: City of Molena.
- B. Board of Appeals: The Molena Board of Appeals.
- C. Mayor and Council: The Molena Mayor and Council.

Section 103: Board of Appeals Established. This establishes the Molena Board of Appeals.

Section 104: Purpose and Powers. The purpose of the Board of Appeals is as follows:

- A. Hears appeals from the Molena Zoning Ordinance and has certain other administrative duties under the Zoning Ordinance.
- B. Duties, and procedures of the Board of Appeals under the Zoning Ordinance are specified in that Ordinance.
- C. Hears appeals from actions of the Administrative Officer.

Section 105: Membership and Appointments. ~~The Board of Appeals consists of at least three (3) but no more than five (5) members. All members must reside within Molena. They are appointed by the Mayor and Council. None of the members of the Board of Appeals may hold any other public office - - except that one (1) member may~~

also be a member of the Molena Planning Commission. Board members may be removed by the Mayor and Council for cause, upon written charges, and after a public hearing. Members of the Board of Appeals will be disqualified to act upon any matter before the Board of Appeals in which they have a personal financial interest or other conflict of interest.

Section 106: Terms of Office. The term of office for each member of the Board of Appeals is for three (3) years. However, in the appointment of the first Board, two (2) members will be appointed for three (3) years, two (2) for two (2) years, and one (1) for one (1) years. Any vacancy in the membership will be filled for the unexpired term in the same manner as the initial appointment. If one appointee is from the Molena Planning Commission and he ceases to be a member of the Planning Commission during the term of his appointment to the Board of Appeals, his membership in the Board of Appeals will terminate and the Mayor and Council may name another member of the Planning Commission to fill the unexpired term of its original appointee.

Section 107: Compensation. Board of Appeals members will receive compensation for their service as determined by the Mayor and Council.

Section 108: Rules and Procedures. The Board of Appeals will elect one of its members as Chairman. The Chairman will serve for one (1) year. At the end of that term, he must either be re-elected or a successor elected. The Board of Appeals will appoint a secretary, who may be an officer of Molena or the Planning Commission. The Board of Appeals has the authority to adopt rules of procedure. Meetings of the Board of Appeals will be held at the call of the Chairman, or in his absence the Acting Chairman. The Chairman or the Acting Chairman may administer oaths and compel the attendance of witnesses by subpoena. The Board of Appeals must keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such a fact. The Board of Appeals must also keep records of its examinations and other official actions, all of which must be immediately filed in the office of the Board of Appeals and will be a public record. A decision of the Board of Appeals must be recorded in the minutes for the meeting at which the decision was made, and must contain a statement of the grounds of its decision or action. The full text of the decision must be sent to the appellant. No appeal requesting the same relief for the same property will be received or heard by the Board of Appeals twice within the same twelve (12) month period. However, that limitation does not affect the right of the Board of Appeals to grant a rehearing as provided in the rules and procedures adopted by the Board of Appeals.

Section 109: Conflict with Other Ordinances. Portions of other ordinances that conflict with portions of this Ordinance are repealed. Non-conflicting parts of those ordinances remain in effect.

Section 110: Validity. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, that declaration will not affect the validity of the Ordinance as a whole nor any part of it other than the part that was declared to be unconstitutional or invalid.

Section 110: Effective Date: This Ordinance takes effect on October 5, 1993, the date of its adoption.

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The foregoing ordinance was introduced by Councilman Charles Oglesby and read at meetings on September 7, 1993, and October 5, 1993, and this day adopted by the City Council of the City of Molena, Georgia, and transmitted by me to the Mayor for his approval this 5<sup>th</sup> day of October, 1993.

/s/ \_\_\_\_\_  
City Clerk, City of Molena, Georgia

Approved by me and returned as "Approved" to said City Council, in open meeting, this 5<sup>th</sup> day of October, 1993,

/s/ \_\_\_\_\_  
Mayor, City of Molena, Georgia