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ORDINANCE NO. 2017-\_\_\_\_\_

AN ORDINANCE FOR THE CITY OF FOREST ACRES, STATE OF SOUTH CAROLINA, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF FOREST ACRES, BE AMENDED BY REVISING SECTION 21.236 OF SAID CODE, IN ORDER TO PROVIDE FOR ATTENDANCE OF THE MEMBERS OF THE ZONING BOARD OF APPEALS; AND BE FURTHER AMENDED BY REVISING SECTION 21.236.1 PROCEEDINGS OF THE BOARD IN ORDER TO LIMIT TERMS OF THE CHAIRPERSON.

WHEREAS, the Mayor and Council of the City of Forest Acres deem it desirable to provide rules for attendance of the board members and to limit the terms of the Chairperson.

NOW, THEREFORE, pursuant to the power vested in the Council of the City of Forest Acres by virtue of Sections 6-29-780 Code of Laws of South Carolina, 1976, as amended; and to promote and preserve public health, safety and the general welfare of the City;

BE IT ORDAINED BY THE CITY COUNCIL, City of Forest Acres:

Section 1. That the Code of Ordinances of the City of Forest Acres be amended by revising Section 21.236 to read as follows:

Sec. 21.236 Establishment, membership, and attendance of the board.

A zoning board of appeals is hereby established which shall consist of seven (7) members who are residents of the city and appointed by the city council. Term of office of the members of the board shall be three (3) years; provided, however, that the initial board of appeals established under this chapter shall be appointed with terms as follows: Three (3) to serve for one (1) year; three (3) to serve for two (2) years; and one (1) for three (3) years; and their successors shall serve for three (3) years or until their respective successors are appointed.

Members may be removed for cause by city council upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Members shall not hold any other public office in the city.

Any member who, for any reason other than sickness or bona fide emergency, misses three consecutive meetings, or thirty (30%) percent of all meetings within a calendar year, shall be removed from the board. City council shall declare the position vacant and shall fill the vacancy. Where good cause for the absences is shown, the city council may, in its discretion, reappoint the removed member. Any member, who is unable to attend a meeting shall contact the zoning administrator or his/her designee as soon as possible to determine if a quorum can be established.

The secretary shall maintain a record of attendance for each board member and shall be responsible for notifying the zoning administrator or his/her designee of any member who violates the attendance requirements. The zoning administrator shall then provide city council with the details of the violation.

**Section 2.** That the Code of Ordinances of the City of Forest Acres be amended by revising Section 21.236.1 to read as follows:

Sec. 21.236.1 Proceeding of the board of appeals.

The board shall elect one of its members chairperson, who shall serve for one (1) year or until such member is re-elected or a successor is elected and qualified. No member shall serve more than two (2) consecutive one (1) year terms and no member shall be eligible for election as chairperson for a period of two (2) years from the date such member last served as chairperson. The board shall appoint a secretary. The board shall adopt rules in accordance with the provisions of this chapter. Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in the absence of the chairperson, the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. The secretary shall keep minutes of the proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and keep records of its examinations and other official actions, and all of which shall be filed within 5 days in the office of the zoning administrator and shall be a public record.

**Section 3.** That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Effective date. The effective date of this ordinance shall be immediately upon its passage.

**ORDAINED AND ADOPTED** under the Corporate Seal of the City of Forest Acres, State of South Carolina, this \_\_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
COUNCILPERSON

\_\_\_\_\_  
COUNCILPERSON

\_\_\_\_\_  
COUNCILPERSON

\_\_\_\_\_  
COUNCILPERSON

ATTEST:  
\_\_\_\_\_, City Clerk

Approval of City Attorney as to Form: \_\_\_\_\_

Person Requesting Ordinance: City Council

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_

Planning Commission recommendation: Approval by failure to consider

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COUNCILPERSON

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