

PREAMBLE

BY-LAWS OF THE TRIPLE S BOARD OF ADJUSTMENTS & APPEALS

ARTICLE I

OBJECTIVES

The Objectives and purposes of the Board of Adjustments and Appeals of Shelby County, Shelbyville, and Simpsonville, are those set forth in Kentucky Revised Statutes, Chapter 100 and amendments and supplements thereto and those powers and duties delegated to the Board of Adjustments & Appeals by the Fiscal Court of Shelby County, Order Book No. 1963, page 558; the Board of Council of Shelbyville, September 7, 1967 and the Town Board of Simpsonville; ordinance number S-67, in accordance with the above-mentioned enabling law.

ARTICLE II
OFFICERS AND THEIR DUTIES

SECTION I:

The officers of the Board of Adjustments & Appeals shall consist of a Chairman, Vice-chairman and a Secretary-Treasurer.

SECTION II:

The Chairman shall be the presiding officer at all meetings and hearings of the Board of Adjustments & Appeals and shall perform his duties as described by Robert's Rule of Order.

SECTION III:

Under parliamentary procedure, the Chairman's general duties are: to open and call the meeting to order; to announce the business to be conducted; to recognize members entitled to the floor; to state and put to vote all questions which are regularly moved or necessarily arise in the course of proceedings and to announce the result of the vote; to vote only to break a tie vote; to protect the Board of Adjustments and Appeals from unnecessary or frivolous motions; to speed up proceedings as much as possible; to require order and sincerity in meeting; to inform the group present to a point of order or a practice pertinent to pending business; and to authenticate, by his signature when necessary, all acts, orders, and proceedings of the Board. He shall conduct business only for the benefit of the Board involved and shall reflect no personal prejudice in any matter.

SECTION IV:

The Vice-chairman shall assist the Chairman in any way possible, subject to the Chairman's request. Upon the absence of the Chairman, the Vice-chairman shall automatically become the presiding officer of the Board.

SECTION V:

The duties of the Secretary-Treasurer are as follows: to keep records and minutes of each meeting or hearing of the Board of Adjustments & Appeals; to keep a roll of the members and to call this roll when required; to notify officers and committees of their appointment and to furnish committees with all papers referred to them; to sign with the Chairman all orders on the treasury authorized by the Board, unless otherwise specified by the Chairman; to record the number of votes for and against each question put to vote; to indicate any absences or disqualifications from voting when a question is put to vote, and other duties which may be assigned to him.

ARTICLE III

NOMINATION AND ELECTION OF OFFICERS

SECTION I:

Nominations of officers shall be made at the annual organization meeting which shall be held annually at the Board's first meeting after January 1 of each year. All Officers shall be eligible for re-election at the expiration of their office.

SECTION II:

Election of officers shall take place immediately following nominations. Voting shall take place in one of the following way: voice, show of hands, rising, balloting, or roll call.

SECTION III:

A candidate receiving a majority vote of the entire membership of the Board shall be declared elected and shall serve for a term of one (1) year or until his successor shall take office.

SECTION IV:

Vacancies in unexpired terms of office shall be filled immediately by regular election procedures as outlined in K.R.S. 100.217.

ARTICLE IV

MEMBERSHIP

SECTION I:

Vacancies due to resignation, removal or termination of membership, shall be filled within sixty (60) day by the appropriate appointing authority. After such vacancy occurs, the Board Chairman shall immediately give the appropriate appointing authority written notice that the vacancy exists. Then such appointing authority shall have sixty (60) days to fill the vacancy. If the appointing authority fails to do so, the Triple S Planning & Zoning Commission shall fill the vacancy, using the same procedure it uses to elect its officers as set out in its by-laws. When a vacancy occurs other than through expiration of the term of membership, it shall be filled for the remainder of that term.

ARTICLE V
MEETINGS

SECTION I:

Meetings shall be held at such time as application for an administrative review, variance, conditional use permit or appeal is filed or other business is scheduled by the Chairman. Notice of such meetings must be given in accordance with K.R.S. 100.221.

SECTION II:

A quorum is a simple majority (one over half) of the total membership of a Board of Adjustments & Appeals as established by regulation or agreement. For the purpose of establishing quorum, a member of the Board shall not be counted if he has any stated direct or indirect financial interest in the outcome of any question before the Board.

SECTION III

- (A) To transact any official business, a simple majority vote of all members present that constitute a quorum shall be necessary.
- (B) To adopt or amend the Board of Adjustments & Appeals by-laws, a simple majority vote of the total required membership shall be necessary.

SECTION IV:

Special meetings may be called by the Chairman. Such a meeting may be requested by a quorum of the Board of Adjustments & Appeals and must be called by the Chairman. The notice of such a meeting shall specify the purposes of such meeting and no other business may be considered except by unanimous consent of the Board of Adjustments & Appeals. The Chairman shall notify all members of the Board by oral or written notice not less than (7) days in advance of such special meeting. This notice shall contain the date, time place and subject of discussion.

SECTION V:

All meetings and hearing at which official action is taken shall be open to the general public.

ARTICLE VI
ORDER OF BUSINESS

SECTION I:

The order of business at regular meetings shall be:

- (a) Roll Call
- (b) Reading of Minutes of previous meeting
- (c) Reports of committees
- (d) Old and unfinished business
- (e) New Business
- (f) Vote
- (g) Adjournment

ARTICLE VII

TRANSACTION OF BUSINESS

SECTION I:

Any member of a Board of Adjustments & Appeals who has any direct or indirect financial interest in any question called to vote shall notify the Board of such interest and thus disqualify himself from voting on the matter.

SECTION II:

Any member of a Board who fails to notify the Board of his direct or indirect financial interest in a question called to vote, shall have voting qualification judged by the Board as to his amount of interest in the question and his right to vote on it.

SECTION III:

Any member of a Board found to have any direct to indirect financial interest in a question called to vote shall not be considered in the quorum count prior to voting.

SECTION IV:

The legislative bodies represented in the Triple S Board may appropriate out of general revenues for the expenses and accommodations necessary for the work of the Board. The Board has the right to receive, hold, and spend funds which it may legally receive from every source both in and out of the Commonwealth of Kentucky, including the United States Government for the purpose of carrying out the objectives and purposes of the Triple S Board as set forth in Kentucky Revised Statutes, Chapter 100. An annual audit shall be performed on all receipts, expenditures and funds on hand by an official of any city or county which is a member of the unit, or by an accountant.

ARTICLE VIII

EMPLOYEES

SECTION I:

The Board may employ a clerk to assist the Secretary in the performance of his duties and perform such other duties as may be assigned to him by the Chairman.

SECTION II:

The Board may employ a staff and contract for assistance to aid in the work of the Board. Such employment shall be approved by a simple majority of the total required membership.

ARTICLE IX

HEARINGS

SECTION I:

Notice of such hearing shall be distributed to the "publication area" as defined in Kentucky revised Statutes 424.110. Notice shall be published at least once but may be published two or more times, provided one publication occurs not less than seven (7) days nor more than twenty-one (21) days before the occurrence of the hearing.

SECTION II:

A record shall be kept of those speaking before the Board by the Secretary.

ARTICLE X
AMENDMENTS

These by-laws may be amended by vote of a simple majority of the total membership of the Board.

ADOPTED BY TRIPLE S BOARD OF
ADJUSTMENTS & APPEALS

CHAIRMAN

SECRETARY

DATE: _____