

## **Ordinance 2016-3**

### **AN ORDINANCE ESTABLISHING A BOARD OF APPEALS**

**WHEREAS**, The Town of Taylor Board of Aldermen desires to create a board of appeals to hear appeals of decisions by any Town of Taylor planning administrative official, herein referred to as administrative official concerning the Taylor Planning and Development Code and the associated “Building Code” ordinances.

**THEREFORE**, be it ordained by the Mayor and Board of Aldermen of the Town of Taylor, Mississippi: A board of appeals is hereby established, which shall be the same as the Town of Taylor planning commission assisted by any professional or journeyman who is qualified by experience and training to pass on matters pertaining to building construction. The town building official will be a non-voting member of the board of appeals.

The board of appeals shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of the Taylor Planning and Development Code. Meetings shall be held at the call of the chairman and such other times as this board may determine. The chairman, or in the chairman’s absence the vice-chairman, may administer oaths and compel the attendance of witnesses.

The board of appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failure to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the town planning office.

Appeals to the board of appeals concerning interpretation or administration of the Taylor Planning and Development Code or the adopted “Building Codes” may be taken by any persons aggrieved or by any officer or bureau of the governing body of the town affected by any decision of the administrative official. Such appeals shall be taken within a reasonable time, not to exceed 60 days or such lesser period as may be provided by the rules of the board of appeals and specifying the grounds thereof. The administrative official shall forthwith transmit to the board of appeals all papers constituting the record upon which the action appealed from was taken.

The Town of Taylor planning administrator shall set the date of public hearing for an appeal at the next regular meeting of the board of appeals, provided that sufficient time is available for public notice thereof as well as due notice to the parties in interest. Special meetings of the board of appeals may be called for hearing such appeal. The board of appeals shall decide the matter within 60 days following the date of hearing. At the hearing, any party may appeal in person or by agent or attorney.

**Stay of proceedings:** An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the board of appeals after the notice of appeal is filed with him, that by reason of the facts stated in the certificate of appeal, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted on due cause shown by the board of appeals. Notice shall be given to the administrative official from whom the appeal is taken.

It will be the power and duty of the board of appeals to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of The Town of Taylor Planning and Development Code or any of the adopted “Building Codes”.

In exercising the above mentioned powers, board of appeals may, so long as such action is in conformity with the terms of the applicable ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have powers of the administrative official from whom the appeal is taken.

The concurring vote of a majority of members of the board present and voting shall be necessary to reverse any order, requirement, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance.

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the administrative official, and that such questions shall be presented to the board of appeals only on appeal from the decision of the administrative official, and that recourse from the decisions of the board of appeals shall be to the courts as provided by law.

It is further the intent of this ordinance that the duties of the board of aldermen in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. Under this ordinance the board of aldermen shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this ordinance, as provided by law.

Complaints regarding violations: Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the administrative official. The administrative official shall record properly such complaint, promptly investigate, and take action thereon as provided by this ordinance.

**Be it further ordained that:** The Town Clerk is hereby ordered and directed to cause this ordinance to be posted as required by Mississippi statute;

And that, this ordinance and the rules, regulations, provision, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect 30 days from and after the date of its final passage and adoption and shall take effect and be in force on and after the 7<sup>th</sup> day of July, 2016.

UPON THE MOTION of Alderman Covington, duly seconded by Alderman Meacham, the aforementioned ordinance was put to a vote with the voting as follows:

Alderman Tim Bridges:	Voted Yes;
Alderman Betty Kisner	Voted Yes;
Alderman Courtney Covington	Voted Yes;
Alderman Ellen Meacham	Voted Yes;
Alderman Jimmie Willingham	Voted Yes.

ORDAINED AND ADOPTED, this the 7<sup>th</sup> day of June, 2016.

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James E. Hamilton, Mayor  
Taylor, Mississippi  
(SEAL)

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Attest: Richard Williams, Town Clerk  
Taylor, Mississippi