

**By-Laws
Of
The Hamblen County
Property Maintenance Board of Appeals**

Approved May 2, 2022

Article I The Board

Section 1 Name of Board - The name of the board shall be the Hamblen County Property Maintenance Board of Appeals established and adopted by the Hamblen County Legislative Body.

Section 2 Office of Commission-The office of the board shall be at the Hamblen County Courthouse in Morristown, Tennessee where is the official meeting shall be held, except that such meetings may be held at such other places as may be designated by the Planning Commission.

Article II Officers

Section 1 Membership of the board-The board shall consist of a minimum of three (3) members who are qualified by experience and training to pass on matters pertaining to property maintenance and are not regular full-time employees of the County. The Code Official shall be an ex-officio member but shall have no vote on any matter before the board. The board shall be selected from the members of the County Planning Commission who are not County Commissioners. The terms of the Property Maintenance Board members shall correspond with their terms as Planning Commissioners. The Planning Commission shall appoint the three (3) members of the Planning Commission who serve on the Property Maintenance Board. The remaining two members of the Planning Commission shall serve as alternates at the discretion of the PMB Chairman. No private citizen shall have any right of action to enforce the above member appointment rotation, such being totally within the purview of the Hamblen County Planning Commission or County Commission.

Section 2 Elections-The Planning Commission, at their September meeting, shall appoint three (3) members of that board to serve on the Property Maintenance board, with the other two (2) members as alternates. The members are to serve for terms of one (1) year with eligibility for re-election. An officer is authorized to continue to serve until a successor has been approved as set forth herein.

Section 3 Chairman-The board shall annually select one (1) of its members to serve as chairman. The Chairman shall preside at all meetings of the board.

Section 4 Secretary-The Planning & Zoning department's operations manager shall designate a qualified person to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the Planning & Zoning Office.

Section 6 Vacancy of Officer-Should the office of Chairman or Secretary become vacant, the board shall, at its next regular monthly meeting, elect a successor in the manner prescribed for the election of such officer and such election shall be for the unexpired term of said officer.

Section 8 Disqualification of Members- A member shall not hear an appeal in which that member has a personal, professional or financial interest.

Article III Meetings

Section 1 Notice of Meetings. The PMB shall meet upon notice from its chairman, within 20 days of filing of an appeal, or at stated periodic meetings. The board shall meet on the first Monday of each month at the Hamblen County Courthouse or at such other time and place as may be designated by the board. The meeting shall follow the regularly scheduled Planning Commission & Board of Zoning Appeals meeting. Adequate public notice of such meeting shall be given to comply with Tennessee Code Annotated 8-44-103.

Section 2 Open hearing-All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official and any person who interests are affected shall be given an opportunity to be heard.

Section 3 Quorum-A quorum shall consist of a minimum of two-thirds of the board members.

Section 4 Board decision-The board can modify or reverse the decision of the code official only by a concurring vote of a majority (2) of the total number appointed board members.

Section 5 Records and copies- The decision of the board shall be audio recorded. Copies shall be furnished to the appellant and to the code official when requested.

Section 6 Administration-The Code official shall take immediate action in accordance with the decision of the board.

Section 7 Court review-Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate courts for a writ of certiorari to correct error of law. Application for review shall be made, in the manner and time required by law, following the filing of the decision in the Planning & Zoning Office.

Section 8 Stays of enforcement-Appeals of notice and orders shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

Article IV Applicant Attendance & Public Comment Guidelines

1. On all agenda items before the PM Board, the owner, agent, or representative making the appeal shall attend the meeting.
2. Everyone attending the meeting will refrain from private conversations while the PM Board is in session and cell phones shall be set to silent.
3. The Board shall not allow disruptive comments and remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations. The person guilty of such conduct may be removed from the room. In case the Board Chairman shall fail to act, any member of the Board may move to require enforcement of the rules and the affirmative vote of the majority of the Board shall require the presiding officer to act.
4. Cameras, video equipment, and other recording devices shall be restricted to a designated area in rear of the meeting room on the opposite side of the video stand.

Members of the audience may speak during this section of the agenda subject to the following guidelines:

- A person wishing to address the PM Board regarding items on the agenda can do during the "Public Comment" section of the agenda.
- Speakers at a meeting must address their comments to the Chairman rather than to individual members of the board, staff, or others attending the meeting.
- Each speaker will be allowed a maximum of three (3) minutes to address the Board. A majority vote of the Board will be required to extend the time limit. The Board may impose more restrictive time limits if a larger number of people desire to speak.
- The Board will not discuss or consider any item addressed that is not on the agenda but will refer to the staff for a response at a later date or may be scheduled for discussion by the Board at a later time.

Article V Amendments

The By-Laws of the Board may be amended at a regular or special meeting, but no amendment shall be adopted unless at least four (4) days written notice thereof has been previously given to all members of the Board. Any amendment to the By-laws shall receive a two-thirds (2/3) vote of the entire membership.


Signature of Chairman

5/2/22

