

An Ordinance to repeal, amend and re-ordain Section 86-731 to the Code of the Town of Altavista, 1968, relating to created; membership; organization.

Be it ordained by the Town Council of the Town of Altavista:

1. That Section 86-731 of the Code of the Town of Altavista, 1968, be repealed, amended and re-ordained as follows:

**Sec. 86-731. – Board of Zoning Appeals Created; membership; organization.**

- (a) A board of zoning appeals of the town is hereby established.
- (b) The Board of Zoning Appeals shall consist of five residents of the town appointed by the Campbell County Circuit Court. Their terms of office shall be for five years each, and the term of one member shall expire each year. The secretary of the board shall notify the court at least 30 days in advance of the expiration of any term of office, and shall also notify the court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. Members of the board shall hold no other public office in the town except that one may be a member of the Planning Commission. A member whose term expires shall continue to serve until his or her successor is appointed and qualified.
- (c) With the exception of the secretary, the board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The board may elect as its secretary either one of its members or a qualified individual who is not a member of the board. A secretary who is not a member of the board shall not be entitled to vote on matters before the board. ~~For~~ Notwithstanding any other provision of law, general or special, for the conduct of any hearing a quorum shall be not less than a majority of all the members of the board and the board shall offer an equal amount of time in a hearing on the case to the applicant, appellant or other person aggrieved under Va Code Ann. §15.2-2314, and the staff of the Town. Except for matters governed by Va Code Ann. §15.2-2312, no action of the board shall be valid unless authorized by a majority vote of those present and voting. The board may make, alter, and rescind rules and forms for its procedures, consistent with ordinances of the Town and general laws of the commonwealth. The board shall keep a full public record of its proceedings and shall submit a report of its activities to the town council at least once a year.
- (d) Within the limits of funds appropriated by the Town Council, the board may employ or contract for secretaries, clerks, legal counsel, consultants, and other

technical and clerical services. Members of the board may receive such compensation as may be authorized by the Town Council. Any board member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court which appointed him or her after a hearing held after at least 15 days notice.

2. This Ordinance shall become effective immediately upon passage by the Council of the Town of Altavista.