

BY-LAWS
of the
ZONING BOARD OF APPEALS
Of the
TOWN OF CHAPLIN, CONNECTICUT

ARTICLE I: Purpose and Authorization

The objectives and purposes of the Zoning Board of Appeals of Chaplin, Connecticut are those set forth in Chapters 124 and 126 of the *Connecticut General Statutes*, as amended, and those powers and duties delegated to the Zoning Board of Appeals by the aforementioned Statutes by the *Chaplin Town Ordinances* with the above enabling law.

ARTICLE II: Name

The Board shall be known as the *Zoning Board of Appeals*. In these By-Laws it is referred to as the "Board", or the "ZBA".

ARTICLE III: Office of the Agency

The office of the Chaplin Zoning Board of Appeals shall be at the Chaplin Town Hall, where all Board records shall be kept. Copies of all official documents, records, maps etc. shall be filed or recorded.

ARTICLE IV: Membership

The ZBA membership and their terms of office shall be as specified in the *Chaplin Town Ordinance* establishing the Board published April 6, 1964, and the aforementioned *Connecticut General Statutes*. A full Board shall consist of five regular members. There shall be three alternate members.

ARTICLE V: Officers and their Duties

1. The officers of the Board shall consist of a **Chairman, a Vice Chairman, and a Secretary**, who shall be members of the Board.
2. The **Chairman** shall preside at all meetings and hearings of the Board and shall have the duties normally conferred by parliamentary usage on such officers. The Chairman shall have the authority to appoint committees, call special meetings, and certify the expenditure of funds up to \$80.00 without prior approval of the Board. The Chairman shall have the authority to delegate the responsibility of notifying members and alternates of meetings, posting meeting notices and agendas with the Town Clerk.
3. The **Vice Chairman** shall act in lieu of the Chairman when the Chairman is absent at meetings or hearings.
4. The **Secretary** shall keep the records and minutes of the board, and shall be responsible for submitting legal notices for publication and send notifications as required by certified mail. The secretary shall also record hearings on magnetic tape, attend to Board correspondence and distributing drafts of minutes. A competent **Clerk**, who may attend certain ZBA meetings, may be asked to perform one or more of the secretarial duties.

ARTICLE VI: Election of Officers

1. The Board shall hold its annual organizational meeting at the time of its regular meeting in November or December of every year. At this meeting, officers shall be elected by the Board to serve in the following calendar year.
2. Nominations shall be made from the floor at the annual organizational meeting, and the election of the officers specified in *Article V* shall follow immediately thereafter.

ZBA By-Laws Page 2 Of 4

3. A candidate receiving a majority vote from the attending membership of the Board shall be declared elected, and shall serve as an officer for the position that he or she was nominated for, for the next year or until his or her successor shall take office.

ARTICLE VII: Vacancies in Office

1. Vacancies in office shall be filled by a regular election procedure as prescribed in the Ordinance establishing the Board.
2. Resignations from a Board Member shall be in written form and be transmitted to the Chairman, who shall then forward them to the Town Clerk.

ARTICLE VIII: Meetings

1. *Regular meetings* of the Board shall be held on a fixed day of each month at a Chaplin Town public meeting site (e.g. Town Hall or Chaplin Library). The November and December dates may vary from the fixed day of the month due to conflict with holidays. The ZBA regular meeting location, time and dates will be determined by the Board at the November or December meeting. A list of meeting place, time and dates shall be filed with the Chaplin Town Clerk with the minutes of that meeting.
2. Notice of a *Special Meeting* shall be communicated to members and alternates not less than 24 hours before such a meeting. The agenda for the Special Meeting shall be filed with the Town Clerk at least 24 hours before the meeting.
3. A majority of the voting membership shall constitute a **quorum**, and the number of votes necessary to transact general business shall be a majority of the Board. Specifically, a quorum shall consist of any combination of three regular members and alternates. A quorum is required to conduct business. However, a **QUORUM of four members and/or alternates** is required to make a decision on a hearing.
4. All Board meetings shall be open to the public when in session, and can be open to the public when the Board is in executive session when so voted by a majority of the Board members present and voting.
5. Unless otherwise specified, **Roberts' Rules of Order Newly Revised, 2000 Edition** shall govern the proceedings at the meetings of the Board.

ARTICLE IX: Disqualification

1. No member of any municipal Board or Agency of the Town of Chaplin shall appear for or represent any person, firm, corporation or other entity in any matter pending before the Board whether or not he or she is a member of the Board hearing such matter. No member or Alternate of the Board shall participate in a hearing or decision of the Board upon any matter in which he or she is directly or indirectly interested in a personal or financial sense. Such a member or Alternate shall disqualify himself or herself from Board deliberations and voting on the matter in question.
2. In the event of such disqualification, such fact shall be entered into the minutes of the Board along with the reason for disqualification. Also, The Chairman shall temporarily appoint an Alternate in attendance to act in lieu of a disqualified Member for voting purposes on the matter in question.
3. If the matter of disqualification is questionable, i.e. the voting Member or Alternate in question does not think he or she should disqualify their self, while other Board Members feel circumstances warrant disqualification, then a Member may call for a vote on the matter of disqualification. Disqualification shall be accomplished by a majority vote

ZBA By-Laws, Page 3 of 4

ARTICLE X: Order of Business at Regular Meetings

1. Unless otherwise determined by the Chairman, the order of business at regular meetings shall be:
 - A. Call to order
 - B. Roll call and seat alternates if needed.
 - C. Approve minutes of previous meeting(s).
 - D. Old Business
 - E. New Business
 - F. Citizens Having New Business before the ZBA
 - G. Correspondence
 - H. Other items
 - I. Adjourn

ARTICLE XI: Public Hearings

1. The Board will hold all required public hearings.
2. All public hearings prescribed by law shall be held in accordance with the requirements set forth for such hearings in Chapters 124 and 126 of the *Connecticut General Statutes*.
3. The matter before the Board may be presented in summary by a member of the Board designated by the Chairman and parties of interest shall have the privilege of the floor under conduct rules read aloud at the start of the hearing by the Chairman.
4. The proceedings of every hearing shall be recorded by the Board on magnetic tape, or by an electronic ROM device, or by a competent stenographer. The recording or transcription of the proceedings shall be the legal record of the hearing, and will be placed permanently on file in Board archives.

ARTICLE XII: Conduct of Public Hearings

1. The Chairman of the Board shall preside at all public hearings. In the advent of the Chairman's absence, the Vice-Chairman or duly appointed Member shall act as Presiding Officer.
2. The Secretary or Chairman shall read the *Legal Notice* advertising the hearing, noting the dates and the newspapers in which the notice appeared.
3. A summary of the question or issue shall be stated by the Presiding Officer at the opening of the hearing. The Presiding Officer shall describe the method of conduct of the hearing. Comments shall be limited to the subject advertised for the hearing. The Board shall have the privilege of speaking first.
4. The Presiding Officer shall first call for comments from the proponents of the issue, to be followed by comments by those opposed to the issue. At the discretion of the Presiding Officer, this order of testimony may be reversed. In any case, each group shall make its statements without allowing an intermixture of comments pro and con. Rebuttal statements shall be permitted in their turn.
5. It shall be made clear at the hearing that all questions and comments must be directed through the Presiding Officer only after being properly recognized by the Presiding Officer. Each speaker commenting on the issue shall first clearly state his or her name and address, including Board members.
6. The Presiding Officer shall assure an orderly hearing and take necessary steps to preserve decorum and order at all times. The Presiding Officer shall reserve the right to terminate the hearing in the event the discussion becomes unruly and unmanageable.

ZBA By-Laws Page 4 of 4

7. The show of hands by those persons present shall not be allowed on any general question presented at a public hearing. The hearing shall be conducted only for taking testimony to be considered in deliberations at a regular meeting of the Board.
8. After the public hearing is closed by the Presiding Officer, no further written material, or verbal opinions or testimony on the subject of the hearing shall be accepted by the Board.

ARTICLE XIV: Employees

1. Within the limits of the funds available for its use, the Board may employ such staff as it sees fit to aid the Board in its work. Appointments shall be made by a majority vote of the attending membership. The Chairman may be authorized to sign contracts for employing personnel and services as might be approved by the Board.
2. The term of office of a ZBA Clerk shall be reviewed on a continuing basis until he or she is replaced, and the performance of the Clerk shall be reviewed every year at the November or December regular meeting.

ARTICLE XV: Committees

Committees may be appointed by the Chairman for the purpose and terms of which the Board approves.

ARTICLE XVI: Public Relations

The Chairman or duly appointed Board member shall act as public relations officer for the Board. Duties of the public relations officer include the preparation of ZBA position letters to a legislator and other officials and writing of press releases.

ARTICLE XVII: Fees

Fees shall be determined at the annual ZBA budget meeting and shall apply to the following applications: Variances and Appeals from a decision of the Zoning Enforcement Officer. (The purpose of the application fee is to pay for the three legal notices and two certified letters required by State Statute for the public hearing.) An Application Fee also will be charged if no public hearing is held. Applicants shall pay all Fees set by the Board before or at the time the Board votes to accept the applicant's application.

ARTICLE XVIII: Amendments

These *By-Laws* may be amended by a majority vote of the Attending membership of the Board, only after the proposed changes have been read and discussed at a previous regular meeting, except that the *By-Laws* may be changed at any time by a unanimous vote of the attending voting membership of the Board.

Date of Adoption: January 1, 1998

Revised: 5/11/05 10/19/07 12/12/07 11/20/13