

**CITY OF DEADWOOD BOARD OF APPEALS
AND EXAMINERS BY-LAWS**

Article 1: Membership of the Board

The Board of Appeals shall consist of five (5) persons appointed by the Mayor and approved by the City Commission. Preferably, at least one (1) member shall be a structural engineer and another be a building contractor. Under no circumstances shall an employee of the City of Deadwood be a voting member of the Board of Appeals. Appointments shall be staggered at three (3), two (2), and one (1) year terms. If a vacancy occurs during a term of appointment, the vacancy shall be filled for the length of the unexpired terms. Members of the Board may be reappointed at the conclusion of the term.

Article 2: Chairperson of the Board

In the month of June of each year, the Board shall select one of its members as Chairperson and one as vice Chairperson, who shall serve one year or until their successors have been selected. In the absence of the Chairperson, the Vice Chairperson shall act as Chairperson on the Board. Appointments shall initially be at staggered terms for three (3), two (2), and one (1) year terms.

Article 3: Clerk of the Board/Records

The Building Official or his or her representative shall act as a Clerk of the Board. The Clerk shall keep all the records of the Board as required by South Dakota Law. The Clerk shall keep a minute book which shall be maintained to date. The Clerk shall enter the number of the appeal, the name of the applicant, a description of the street number or legal description of the premises, the nature of the application, and the final disposition of the case.

The Clerk shall, under the direction of the Board and as Chairperson, conduct all correspondence of the Board; send out all notices required by these rules and at the order of the Board; attend all meetings of the Board and all hearings; review all appeals and applications for variations for compliance with the Board's rules; keep the minutes of the Board's proceedings; comply with all the required records; shall maintain the necessary files and indexes and generally supervises all of the clerical work of the Board; and retain in the records the original papers acted upon by the Board.

The Clerk shall see that all maps, plans, and specifications are properly prepared, make a personal inspection of any premises involved, research codes standards, seek legal or professional opinions, and be prepared to advise the Board.

The Clerk shall obtain from the application such additional information and data as may be required to fully advise the Board with reference to any appeal, product, or method. Failure or

refusal on the part of the applicant to furnish such additional information shall be grounds for denial by the Board.

Article 4: Meetings of the Board

Upon the Clerk receiving an application for appeal and filed with the Clerk within twenty (20) days of the notice of the violation, a meeting shall be scheduled to occur within twenty-one (21) days of receipt of the application for appeal. Three (3) members of the Board shall constitute a quorum for the transaction of business. All meetings will be conducted according to an informal interpretation of Robert's Rules of Order.

Article 5: Notice of the Meeting

The scheduled meetings shall be posted at least twenty-four (24) hours prior to the scheduled meeting.

Article 6: Open Meetings

All hearings before the Board shall be open to the public. The Appellant, the Appellant's representative, the Building Official, and any person whose interest are effected shall be given an opportunity to be heard.

Article 7: Postponement of Hearing

When the five (5) voting members are not present to hear an appeal, either the Appellant or Appellant's representative shall have the right to request a postponement of the hearing.

Article 8: Action by Resolution

The final disposition of any appeal shall be in the form of a resolution affirming, modifying, or reversing any decision by the Building Official by a concurring vote of two-thirds ($\frac{2}{3}$) of the Board's members.

The final disposition of any appeal shall contain written findings of fact.

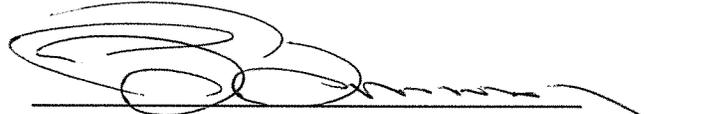
Article 9: Compensation

Members present at a scheduled meeting shall receive twenty-five (\$25.00) dollars as compensation for their time.

Article 10: Amendment

These rules may be amended by resolution at any meeting of the Board.

Adopted this 10 day of Sept, 2013.



Chairperson