

**BYLAWS OF THE BOARD OF ADJUSTMENT  
OF THE CITY OF WILLIAMSTOWN, KENTUCKY**

**ARTICLE I: PURPOSE AND OBJECTIVE**

The purpose and objective of the Board of Adjustment of the City of Williamstown, Kentucky is to perform and carry out the duties and responsibilities placed upon this public board by the Kentucky Revised Statutes and zoning regulations adopted pursuant to such statutes. It is the objective of this Board of Adjustment to perform its duties and responsibilities in accordance with applicable law and to provide and promote the public welfare in this regard.

**ARTICLE II: OFFICERS AND THEIR DUTIES**

Section I. In accordance with applicable law, the officers of this Board of Adjustment shall be a chairman, vice-chairman, and a secretary, and any other officers that this Board of Adjustment may deem necessary from time to time. These officers shall be elected annually and any officer shall be eligible for re-election at the expiration of his or her term. Any member of the Board may be eligible for election as an officer.

Section II. The chairman shall be the presiding officer at all meetings and hearings of the Board of Adjustment and shall perform his or her duties in accordance with proper parliamentary procedure. Under this parliamentary procedure, the chairman's duties are, generally, as follows:

1. To open and call the meetings or hearings to order;
2. Announce the items on the agenda or business to be conducted;
3. Recognize members of the Board of Adjustment or members of the general public who are being entitled to the floor for comments or discussion to expedite the performance of duties and responsibilities of the Board of Adjustment in an orderly manner;
4. To see that all questions or motions which are presented for a vote are presented clearly and to announce the result of any vote taken;
5. The chairman is specifically allowed to vote as any other member of the Board of Adjustment;
6. To generally expedite in a clear manner proceedings before the Board of Adjustment;
7. To authenticate by his or her signature when necessary, all acts, orders and proceedings of the Board of Adjustment.
8. To decide on all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Board in session at the time.

## Board of Adjustment Bylaws Continued

9. To rule motions in or out of order, including the right to rule out of order any motion(s) patently offered for obstructive or dilatory purposes.
10. To determine when a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground.
11. To call a brief recess at any time.
12. To adjourn in an emergency.

Section III. The vice-chairman shall assist the chairman in any way possible upon request and shall automatically assume the duties of the chairman in his or her absence.

Section IV. The duties of the secretary of the Board of Adjustment are as follows:

1. To see that accurate records and minutes of each meeting or hearing of the Board of Adjustment are maintained, and to authenticate by his or her signature the approved minutes of the Board of Adjustment;
2. To see that an accurate roll of the members is maintained and reflected in the minutes as records of the Board of Adjustment of each meeting or hearing;
3. To see that the records and minutes of the meetings or hearings of the Board of Adjustment accurately reflect the number of votes for and against each question or motion put to a vote before the Board of Adjustment;
4. To review the records and minutes of the Board of Adjustment so that they indicate any absences or disqualifications from voting by members of the Board of Adjustment when a question or motion is put to a vote; and
5. Any other duties pertaining to the maintaining of accurate records and minutes of the Board of Adjustment which may be assigned to him or her.

## ARTICLE III: NOMINATION AND ELECTION OF OFFICERS

Section I. Nomination of officers of the Board of Adjustment shall be made by its members at the first meeting of each year, which will be designated at its annual meeting.

Section II. Election of officers may take place immediately following nominations, but in no event shall the election of officers occur later than the next meeting of the Board of Adjustment. Voting shall take place through either voting by voice; show of hands; rising; written ballot; roll call; or general consent.

## Board of Adjustment Bylaws Continued

Section III. A member nominated receiving a majority vote of the entire membership of the Board of Adjustment shall be declared elected for that particular office and shall serve a term of one (1) year or until his or her successors shall be properly nominated and elected.

Section IV. If a member of this Board of Adjustment resigns their officer position during their term of office, nominations for the election of a new officer for the position vacated shall take place at the next meeting of the Board of Adjustment. If a member of the Board of Adjustment resigns their membership to the Board of Adjustment, nominations for the election of a new officer for the position vacated shall take place at the next meeting following the acceptance of the resignation by the Mayor. The election of the new officer shall take place as provided for in Section II, of this Article.

Section V. When a vacancy of an officer's position occurs, other than through expiration of that term of office, the member elected to that officer position shall serve the remainder of that term.

Section VI. Vacancies in membership of this Board of Adjustment shall be filled in accordance with applicable law.

### ARTICLE IV: MEETINGS

Section I. meetings and hearings of the Board of Adjustment shall be conducted at the call of the chairman, as provided for in Article XVIII, Section 18.1, of the Williamstown Zoning Ordinance, and will be held at the Williamstown City Building, 400 North Main Street, Williamstown, Kentucky. However, the chairman can call for meetings or hearings other than provided for herein by giving the notice required under Kentucky law containing the date, time, and place for such meeting or hearing and the subject or subjects which are to be discussed or voted upon at each meeting or hearing.

Section II. Special meetings of the Board of Adjustment can be called in accordance with Kentucky law concerning special meetings.

### ARTICLE V: ACTION BY THE BOARD

Section I. The Board shall proceed by motion. Any member of the Board, including the chairman, may make a motion.

1. One motion at a time. A member may make only one motion at a time.
2. Motion Requires a Second. All motions require a second before the motion is voted on.

## Board of Adjustment Bylaws Continued

3. Substantive Motion. A substantive motion is out of order while another substantive motion is pending. A substantive motion shall be any motion other than the procedural motions listed in Section II of this Article.
4. Adoption by Majority Vote. A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules, the laws of Kentucky, or the regulations of the Williamstown Zoning Ordinance.
5. Debate. The chairman shall state the motion and then open the floor to debate on it. The chairman shall preside over the debate according to the following general principles:
  - A. The introducer (the member who makes the motion) is entitled to speak first;
  - B. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
  - C. To the extent possible, the debate shall alternate between opponents and proponents of the measure.
6. Procedural Motions. In addition to substantive proposals, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption. In order of priority (if applicable), the procedural motions are as follows:
  - A. To Adjourn. The motion may be made only when action on a pending matter concludes, and it may not interrupt deliberation of a pending matter;
  - B. To Take a Recess;
  - C. Call to Follow the Agenda. The motion must be made at the first reasonable opportunity or it is waived;
  - D. To suspend the Rules. For adoption, the motion requires a vote equal to the number required for a quorum;
  - E. To Divide a Complex Motion and Consider it by Paragraph;
  - F. To Defer Consideration. A substantive motion consideration that has been deferred expires in sixty (60) days thereafter unless a motion to revive consideration is adopted;

## Board of Adjustment Bylaws Continued

G. Call of the Previous Question. The motion is not in order until there has been at least twenty (20) minutes of debate, and every member has had an opportunity to speak once;

H. To Postpone to a Certain Time and/or Day;

I. To Refer to a Committee. Sixty (60) days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire Board, regardless of whether the committee has reported the matter back to the Board;

J. To Amend. An amendment to a motion must be pertinent to the subject matter of the motion, but it may achieve the opposite of the motion's intent. The motion may be amended and an amendment may be amended, but no further amendments may be made;

K. To Revive Consideration. The motion is in order any time within the sixty (60) days after a vote to defer consideration. A substantive motion consideration which has been deferred expires sixty (60) days thereafter unless a motion to revive consideration is adopted;

L. To Reconsider. The motion must be made by a member who voted with the prevailing side. It must be made at the same meeting the vote was taken. It cannot interrupt deliberation on a pending matter, but is in order at any time before actual adjournment;

M. To Rescind or Repeal. This motion is in order only for these measures adopted by the Board that may legally be repealed or rescinded;

N. To Ratify;

O. To Prevent Reconsideration for Twelve (12) Months. The motion is in order immediately following the defeat of a substantive motion and at no other time. For adoption the motion requires a vote equal to the number required for a quorum. It is valid for twelve (12) months or until a new board member is appointed, whichever occurs first;

P. Renewal of Motion. A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted;

Q. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before a vote;

## Board of Adjustment Bylaws Continued

R. Duty to Vote. Every member must vote unless excused by the remaining members. A member who wishes to be excused from voting shall so inform the chairman, who shall take a vote of the remaining members present. No member shall be excused from voting except on matters involving his or her own financial interest or personal interest. In all other cases, a failure to vote by a member who is physically present or has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote;

S. The Board May Hold Executive Session as Provided by Law. The Board shall commence an executive session by a majority vote to do so and end it in the same manner, and may do so only for those purposes provided or under the Kentucky Revised Statutes;

T. Robert's Rules of Order. To the extent not provided for in these rules and to the extent that the reference does not conflict with the spirit of these rules, the Board shall refer to Robert's Rules of Order, Revised, for unresolved procedural questions.

### ARTICLE VI: RULES OF CONDUCT FOR MEMBERS

Section I. Members of the Board may be removed for cause, including violation of the rules state below, as provided for by Article XVIII, Section), Paragraph H., of the Williamstown Zoning Ordinance and as provided for by K.R.S. 100.217 (8).

Section II. No Board member shall take part in the hearing, consideration, or determination of any case in which (s) he is personally or financially interested. Any Board member who has determined that (s)he has a personal or financial interest in a case shall, at the opening of the public hearing, make a request to the Chairman to be excused, at which time the Chairman shall call for a motion from the remaining Board members to excuse said member.

Section III. No Board member shall vote on any matter that decides an application, petition, or appeal unless (s) he has attended the public hearing on that application, petition, or appeal.

Section IV. No Board member shall discuss any case with any parties thereto before the public hearing on that case; provided, however, that members may receive and/or seek information pertaining to the case from any other member of the Board, its Secretary, or the Zoning Administrator before the hearing.

Section V. Members of the Board shall not express individual opinions on the proper judgment of any case with any parties thereto before that case is determined.

Board of Adjustment Bylaws Continued

ARTICLE VII: AMENDMENTS

These bylaws may be amended by a vote of a simple majority of the total membership of the Board of Adjustment.

These bylaws were originally adopted by the Board of Adjustment of the City of Williamstown, Kentucky on the 3<sup>rd</sup> day of March 1993.

These bylaws were amended by the Board of Adjustment of the City of Williamstown, Kentucky on the 30<sup>th</sup> day of June, 1997.

---

Ray Daugherty, Chairman

---

Judy Wigginton, Secretary