

## TITLE 12

### BUILDING, UTILITY, ETC. CODES

#### CHAPTER 10

#### CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

##### SECTION

12-1002. Membership

12-1003. Terms and removal of members.

**12-1002. Membership.** Due to safety concerns and the necessity of a level of technical expertise, the board shall consist of five (5) members, all of whom shall be recommended jointly by the town manager, building official and town planner. The town council will review the applicants set forth by the listed staff and consequently appoint the members by a majority vote. Preference shall be given to applicants who reside within the town limits of Smyrna, however; if there is not a desired number of applicants within the town, the town council may appoint applicants with technical experience from within the borders of Rutherford County. The members should be composed of individuals with knowledge and experience in the technical codes, such as design professionals, contractors, a fire service industry representative or building industry representatives. A board member shall not act in a case which he/she has a personal or financial interest (1991 Code, §2-202, modified)

**12-1003. Terms and removal of members.** The members shall be appointed for three years terms, except that on the initial appointment, two shall be appointed for one year, two for two years, and one for three years, so as to insure no more than one-third of the board is appointed or replaced in any 12 month period. Members of the board may be removed by the town council for neglect of duty, conflict of interest, malfeasance in office, violation of ethics ordinance, or other just cause, or for unexcused absence from more than three consecutive meetings or more than five non-consecutive meetings during the member's term of appointment. It is the duty of the Town of Smyrna staff representative to advise the town manager when removal is recommended or necessary based on the provisions herein. The decision of the town council will be final with no appeal. Board members who are unable to attend regular meetings are expected to tender their resignation. A vacancy on said board shall be filled by the town council for the unexpired term of such vacancy. The members of said board shall serve without compensation. (1991 Code, §2-203, modified)

