

**ARTICLE III. ZONING BOARD OF APPEALS****Sec. 14-30. Authority.**

This article is enacted pursuant to Title 8, Chapter 124, of the General Statutes.

(Code 1961, § 13.02.01; Ord. No. 75-2, 2-3-75)

**Charter references:**

*Appointment*, §§ 5-1(c), 5-8(c).

**Sec. 14-31. Establishment.**

There is hereby established in accordance with General Statutes, section 8-5, a zoning board of appeals for the town.

(Code 1961, § 13.02.02; Ord. No. 75-2, 2-3-75)

**Sec. 14-32. Regular members—Number; qualifications.**

The zoning board of appeals shall consist of five (5) members, who shall be electors of the town, holding no salaried municipal office, and who shall not also be alternate members of this board, or members or alternate members of the town planning and zoning commission, or commission on inland wetlands and watercourses.

(Code 1961, § 13.02.03; Ord. No. 75-2, 2-3-75)

**Sec. 14-33. Same—Appointment and terms.**

Each member shall be appointed by the town council to serve a term of four (4) years, commencing on the second Monday of November. All members currently serving in terms to expire November, 1987, and November, 1989, are appointed to so serve until the expiration of their respective terms. In the event no successor member is appointed on the expiration of any term, the term shall automatically be extended until that member's successor is appointed and qualified.

(Code 1961, § 13.02.04; Ord. No. 75-2, 2-3-75; Ord. No. 86-2, § 1, 2-3-86)

**Sec. 14-34. Alternates—Number; qualifications.**

There is hereby established a panel of three (3) alternate members who shall be electors of the town, holding no salaried municipal office, and who shall not be regular members of the zoning board of appeals or members or alternates to the town planning and zoning commission, or the town commission on inland wetlands and watercourses.

(Code 1961, § 13.02.05; Ord. No. 75-2, 2-3-75)

**Sec. 14-35. Same—Appointments and terms.**

Each alternate member shall be appointed by the town council to serve a term of two (2) years, commencing on the second Monday of November. All members currently serving in terms to expire November, 1987, are appointed to so serve until the expiration of their respective terms. In the event no successor member is appointed on the expiration of any term, the term shall automatically be extended until that member's successor is appointed and qualified.

(Code 1961, § 13.02.06; Ord. No. 75-2, 2-3-75; Ord. No. 86-2, § 2, 2-3-86)

**Sec. 14-36. Same—Powers and duties.**

Such alternate members shall, when seated as herein provided, have all the powers and duties set forth in the General Statutes for regular members of the zoning board of appeals. If a regular member of the zoning board of appeals is absent, such member may designate an alternate from the panel of alternates to act in such member's place. If such member fails to make such designation or if such member is disqualified, the chairperson of the board shall designate an alternate from such panel, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

(Code 1961, § 13.02.07; Ord. No. 75-2, 2-3-75)

**Sec. 14-37. Organization and procedure.**

Such board by vote of its regular members only shall elect a chairperson from among its members and all meetings of said board shall be held at the call of the chairperson and at such other times as the board determines and shall be open to the public. Such chairperson, or in such chairperson's absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. The board shall keep minutes of its proceedings showing the vote of each member and each alternate member when seated upon each question or, if absent or failing to vote, indicating such fact; and shall also keep records of its examinations and other official actions. Each rule or regulation and each amendment or repeal thereof and each order, requirement or decision of the board shall immediately be filed in the office of the board and shall be a public record.

(Code 1961, § 13.02.08; Ord. No. 75-2, 2-3-75)

**Sec. 14-38. Powers and duties.**

The zoning board of appeals shall have all the powers and duties now or hereinafter conferred upon it by the General Statutes or ordinance, including the power to promulgate, amend, or repeal rules and regulations as to procedures. Any rules, regulations, and procedures which were in effect prior to the effective date of the ordinance from which this section is derived shall continue in full force and effect until modified, repealed or superseded in accordance with Chapter 124 of Title 8 of the General Statutes.

(Code 1961, § 13.02.09; Ord. No. 75-2, 2-3-75)

**Sec. 14-39. Council not to appoint more than bare majority from one political party.**

In appointing members and alternates to the board, the council shall not appoint more than a bare majority of any one (1) party on the board, and in filling a vacancy, the appointee shall be chosen from the same political party as the person vacating the office if he or she was a member of a political party.

This shall not, however, preclude the appointment by the council of any person who is not a member of any political party.

(Ord. No. 90-2, § 1, 9-10-90)