Article - Transportation

[Previous][Next]

§5–813.

(a) The legislative body of a political subdivision may provide for a board of appeals with the power:

(1) To hear and decide appeals in all cases in which it is alleged that there is error in any decision of the political subdivision or its administrative agency in the enforcement of this part or of any ordinance or other legislation adopted under this part; and

(2) To hear, decide, and, in proper cases, grant specific variances from noise zone regulations adopted under this part, subject to § 5-815 of this subtitle.

(b) A zoning board of appeals of the political subdivision may be designated as the board of appeals. In all other cases, subsection (c) of this section applies.

(c) (1) Except as provided in subsection (b) of this section, the board of appeals shall consist of five appointed members.

(2) Each member of the board of appeals serves for a term of 4 years and until his successor is appointed and qualifies. However, of the original appointees, one is to serve a 1-year term, one is to serve a 2-year term, one is to serve a 3-year term, and two are to serve a 4-year term.

(3) On written charges and after a public hearing, the respective appointing authority may remove any member of the board of appeals for cause.

(4) A member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term.

(d) (1) The board of appeals shall adopt rules and regulations in accordance with any ordinance adopted under this subtitle.

(2) Meetings of the board shall be held at the call of the chairman and at any other time that the board determines. All meetings of the board shall be open to the public.

(3) The board shall keep minutes of its proceedings, showing the absence, vote, or failure to vote of each member on each question, and records of its examinations and other official actions. These minutes and records shall be filed immediately in the office of the board and shall be a public record.

(e) (1) At a meeting of the board of appeals, the chairman or, in his absence, the acting chairman may administer oaths and issue subpoenas and orders for the attendance of witnesses and the production of papers, books, and documents.

(2) If a person fails to comply with any subpoena or order issued under this subsection, the chairman or acting chairman may invoke the aid of a court of competent jurisdiction. The court may order that person to obey the subpoena or order or to give evidence about the matter in question.

(f) The concurring vote of a majority of the members of the board is sufficient to exercise any of its powers under this part.

[Previous][Next]