

CLAY COUNTY BUILDING COMMISSION
LIBERTY, MISSOURI

RULES, REGULATIONS AND PROCEDURES

Article 1 - Authority and Powers of the Commission

The authority and powers of the Building Commission of Clay County, Missouri are contained in Section 64.170 thru and including Section 64.205, Revised Statutes of Missouri, 1969.

64.170. County courts control construction-issue building permits-appoint building commission (class one and two counties).-- For the purpose of promoting the public safety, health and general welfare, to protect life and property and to prevent the construction of fire hazardous buildings, the county court in all counties of the first and second class, as provided by law, is for this purpose empowered to adopt by order or ordinance regulations to control the construction, reconstruction, alteration or repair of any building or structure and any electrical wiring or electrical installation therein, and provide for the issuance of building permits and adopt regulations licensing persons, firms or corporations other than federal, state or local governments, public utilities and their contractors engaged in the business of electrical wiring or installations and provide for the inspection thereof and establish a schedule of permit, license and inspection fees and appoint a building commission to prepare the regulations, as herein provided.

64.180. Building Commission - appointment - term - code of regulations - enforcement (class one counties). -- 1. The county court of any county which shall exercise the authority granted under the provisions of sections 64.170 to 64.200 shall appoint a building commission consisting of five members, residents and taxpayers of the County, one of whom shall be a member of the County Court to be selected by the County Court. The members of this commission shall serve without compensation for a term of two years. The term of the County Court member shall not extend beyond the tenure of his office. 2. Said commission shall prepare a building and electrical code of regulations under the powers granted herein, which shall be submitted to the County Court for adoption. Such code of regulations shall be in accord with standards prescribed by recognized inspection and testing laboratories and agencies. Before the adoption of such code of regulations, the commission shall hold at least three public hearings thereon, fifteen days' notice of the time and place of which shall be published in at least two newspapers having general circulation within the county and notice of such hearings shall also be posted at least fifteen days in advance thereof in four conspicuous places in the county. The regulations adopted shall be applicable to the unincorporated territory of the county, except as otherwise provided herein, and may from time to time be amended by the County Court after hearings are held and notice given, as prescribed herein. The County Court is authorized to employ and pay the personnel necessary to enforce the regulations adopted.

64.190. Building commission - powers - exception (class one counties). -- Said commission of such members thereof as are designated under the regulations adopted by the County Court shall be authorized to examine all applicants for a license to engage in electrical wiring or installation work and shall have authority under said regulation to revoke or suspend any license issued for refusal or failure to comply with the regulations adopted and any person, firm or corporation licensed under the provisions of sections 64.170 to 64.200 shall be authorized to make electrical installations in any municipality in the county and be subject to the inspection requirements contained in the regulations adopted here under and shall not be licensed by any city, town or village in said county, provided, that the provisions of sections 64.170 to 64.200 shall not apply to any city having more than three hundred and fifty thousand inhabitants.

64.200. Violation a misdemeanor (class one counties). -- A violation of sections 64.170 to 64.200 or of any order or regulation adopted under the authority of said sections shall be deemed a misdemeanor.

64.205. Applicability of Sections 64.170 to 64.200 (class one and two counties). -- Sections 64.170 to 64.200 shall apply to all counties of the first and second class.

2. OFFICERS

A. Officers of the Commission shall be Chairman and Vice-Chairman, said officers shall be elected by the Commission at the first regular meeting.

B. The Commission shall have a recording secretary, who shall be provided by Clay County, and who shall not be an appointed member of the Building Commission.

3. FUNCTION AND DUTIES OF OFFICERS

A. Chairman: The Chairman shall be the presiding officer at all meetings of the Building Commission. He may call special meetings at his discretion, and may relinquish the chair to the Vice-Chairman or other specific member at his discretion. The Chairman may not make or second motions, but may vote on any and all motions to come before the Commission.

B. Vice-Chairman: The Vice-Chairman shall serve in the absence of the Chairman, and while so serving shall have all the authority held by the Chairman.

C. Recording Secretary: A recording secretary shall attend all regular meetings of the Building Commission where the Chairman deems it advisable that a public record be kept of the proceedings. A recording secretary shall attend all public hearings before the Commission and shall keep an accurate record of the spirit and intent of statements made by witnesses at the hearing. All motions shall be recorded and an accurate record of all reasons for motions or votes by members of the Commission shall be made. The minutes of each such meeting shall be typed and copies distributed to members of the Commission and other appropriate persons at an early date. The original of the minutes shall be placed in a binder comprising an accumulating permanent record, such binder to be a part of the official records of Clay County.

4. MEETINGS

Meetings of the Building Commission shall be held at the call of the Chairman, or in his absence, the Vice-Chairman. All meetings shall be open to the public. The Chairman or Vice-Chairman may authorize a telephone poll of the members of the Commission for the purpose of cancelling a meeting.

5. AGENDA

The agenda shall be prepared one week prior to the date of the meeting. The order of items on the agenda shall be at the discretion of the Building Official, due consideration being given to early consideration of items likely to attract large attendance, vary from the order of the agenda. An item may be added to the agenda only by affirmative vote of three-fourths (3/4) of the members present. Items may be removed by majority vote of those present and reasons therefore stated in the record.

6. MEETING PROCEDURE

The Chairman shall call each agenda item and briefly describe, or ask a member of the staff to briefly describe the proposition before the Commission. The proponent of his agent will then be asked to present his case. The name and address of the proponent and his agent shall be entered in the record, as well as a summary of his presentation. At the conclusion of the proponent presentation the members of the Commission and staff shall have the opportunity to question the proponent. Any other supporting testimony will then be called for. Opposition may then be heard with the members of the Commission and staff having an opportunity to question any speaker. The proponent will then be given a short summary opportunity.

All statements shall be directed to the Commission and cross conversation among those in attendance is prohibited. Questions between opposing parties shall be directed first to the Chairman, who may then ask the proper person to answer, such answer being directed to the Commission. At such time that the Commission feels that testimony has been sufficiently heard, a motion may be passed by simple majority to terminate testimony, after which the public in attendance may address the Commission only with the permission of the Chairman, and only to answer a question by a member of the Commission. All persons who wish to speak shall first give their names and addresses for the record.

7. MOTIONS

Following closing of testimony a motion may be made to recommend approval or denial of the proposition to the governing body, to continue, or, a motion to approve or deny may be made. A brief statement of reason for the motion should precede the making of the motion. Any stipulations relative to procedure, etc., should be listed following the motion to approve. Upon receiving the second, the motion may be discussed and, upon call for the question, the motion may be discussed and, upon call for the question or at the discretion of the Chairman, brought to a vote. Vote shall be by voice or by the raising of hands or by roll call, at the discretion of the Chairman. Any members may call for a roll call vote on any issue. Any motion may be tabled or amended in keeping with Roberts Rules.

7.

If the Commission feels that delaying an action would be in the best interests of the parties involved, the hearing may be continued to a certain date. Such a motion for continuance shall include a reason for the action, and shall require a majority vote of those present. The Commission may continue a proposition for a period not to exceed two months from the date of the first hearing, and one of three actions shall be taken within that period: (1) the proposal may be approved, (2) the proposal may be denied, or (3) the applicant may be permitted to withdraw the proposal. In the latter case, the proposal may come before the Commission again only by reapplication, publication, etc., as required by law for all such applications.

8. ENDORSEMENT OF EXHIBITS

Any plan, sketch, photo or other exhibit submitted as part of a Commission hearing and which is deemed by the Chairman as an important part of the presentation, shall be retained for the file. All such documents shall be appropriately annotated at the hearing and signed by the Chairman.

9. CONTINUANCE BY AN APPLICANT

A. An applicant may continue his own proposal to a date certain for a period not to exceed two months, but for not less than one month, by notifying the Building Official not less than eleven days prior to the date of the hearing, whereupon that item will not be placed upon the agenda. Where notification by mail of adjacent property owners has taken place, the applicant shall further notify the same property owners, by registered mail, return receipt requested, of the continuance and the new date of the hearing. This notification of continuance shall be mailed not less than eight days prior to the date of the originally scheduled hearing.

B. Any proposal not withdrawn prior to preparation of the agenda (eleven days prior to the meeting) may be continued at the applicant's request only by affirmative vote of three-fourths of the members present at the meeting. In consideration of such a motion to allow continuance the Commission may question the audience as to the number who have been inconvenienced or incurred expense on the presumption that the item would be heard, and the Commission may refuse to continue the proposal, and may proceed with the hearing and take appropriate action thereon. In any such case of continuance, it shall be to a date certain, only one continuance shall be permitted, and the applicant shall notify by registered mail all parties initially notified of the new hearing date, and such notification is to be mailed not less than eight days prior to the date of the new hearing.

10. APPLICANT NOT IN ATTENDANCE

In case an applicant or his agent is not in attendance when his item is called, that item shall be set over to the end of the agenda. At the time the item is again called, if the applicant is still not represented, the Commission may continue his case, or may approve or deny the proposition as it sees fit.

11. QUORUM

A majority of the appointed members, including the Chairman, shall constitute a quorum for the transaction of business and the conducting of hearings.

12. CONFLICT OF INTEREST

When a member of the Commission has an interest in conflict with any interest before the Commission in a particular case, he shall so state for the record, and vacate his chair, and shall not vote on the issue. If the vacation of a chair due to conflict of interest shall eliminate a quorum, the Commission shall continue the hearing to the next regular meeting.

13. SUSPENSION OF RULES


Any of these rules and regulations may be suspended for stated reasons by affirmative vote of three-fourths of those members present at a special or regular meeting with a quorum present.

14. AMENDMENT OF RULES

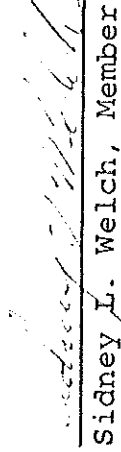
These rules and regulations may be amended or repealed for stated reasons by affirmative vote of three-fourths of those members present at a special or regular meeting with a quorum present.


Dated this 17 day of January 19 78


Commission:


Robert Pece, Sr.
Chairman


David R. Odegard, Vice Chairman


Sidney L. Welch, Member


Cecil O'Dell, Member


Judge Larry Mills