

BYLAWS OF THE JEFFERSON COUNTY, MISSOURI, CODE COMMISSION

Adopted April 1, 2009

Section 1. Membership. As set forth in the Home Rule Charter of Jefferson County, Missouri, the Jefferson County, Missouri, Code Commission (hereinafter, sometimes the "Code Commission") is to be composed of at least seven members appointed and re-appointed in the case of vacancies, by the County Executive with the advice and consent of the County Council. The members of the Code Commission must be registered voters who have resided in Jefferson County for at least one year, and must include:

1. A general contractor, construction manager, or officer, director or manager of a general contractor or construction manager;
2. A representative of the general public who is not a design professional and who does not have experience as a general contractor, construction manager, or officer or manager of a general contractor or construction manager, is not a supervisor, master craftsman, journeymen or apprentice in a construction trade, is not employed in the construction industry, and is not a supplier or an officer, director, manager, or employee of a supplier to the construction industry;
3. The other five members of the Code Commission shall each be required to demonstrate general knowledge of the codes and ordinances of Jefferson County, Missouri over which the Code Commission shall have jurisdiction.

Section 2. Powers. The Jefferson County, Missouri, Code Commission shall have those powers previously vested by law in the Jefferson County, Missouri, Building Commission. In addition, the Code Commission shall have authority to hear and determine violations of those codes which are investigated and enforced by the Jefferson County Department of County Services and Code Enforcement. The Code Commission shall have such further powers as are vested in it by the Home Rule Charter of Jefferson County, Missouri and by the Jefferson County, Missouri, Council.

Section 3. Regular Meetings. The Jefferson County, Missouri, Code Commission shall conduct its regular meetings on the first Wednesday of each month. Meetings shall begin at 6:00 p.m. Adjourned meetings may be held at such times as the Code Commission may determine. Regular meetings of the Code Commission shall be held in conference room G30 of the Jefferson County Administration Center, located at 729 Maple Street, Hillsboro, Missouri. The Code Commission may hold meetings at other dates, times or locations should the need arise.

Section 4. Enforcement Hearings. Upon the filing of a complaint by the Jefferson County Department of County Services and Code Enforcement, or one of the Divisions thereof, the Code Commission shall conduct a full and adequate hearing for the

purpose of determining whether sufficient evidence exists to believe that a violation has occurred. Prior to hearing any evidence of the violation, the Code Commission shall determine that all notice provisions of the respective ordinance, code or regulation have been met. Any affected party may be represented by counsel, and all parties shall have an opportunity to be heard. Following the hearing, the Code Commission may take such action as is authorized by the respective ordinance, code or regulation.

Section 5. Time and Location of Enforcement Hearings. Enforcement Hearings conducted by the Code Commission shall be held in the assembly room of the Jefferson County Administration Center, located at 729 Maple Street, Hillsboro, Missouri. Enforcement Hearings shall be held on such dates and times as determined by the Code Commission.

Section 6. Special Meetings. Special meetings of the Code Commission may be called by the Chair of the Code Commission or a majority of the serving Code Commission members. Special meetings are to be called on no less than twenty-four hours notice to each Code Commission member.

Section 7. Election of Officers. At the first meeting of the Code Commission in January of every year, the Code Commission must elect a Chair and Vice-Chair from among the Code Commission members. The Chair and Vice-Chair are to serve at the pleasure of the Code Commission and may be removed from their respective positions of Chair and Vice-Chair upon majority vote of the entire Code Commission.

Section 8. Presiding Officers. The Chair of the Code Commission is to preside over all meetings and hearings of the Code Commission. In the absence of the Chair, the Vice Chair is to preside over Code Commission meetings and hearings.

Section 9. Quorum. A majority of the serving Code Commission members constitutes a quorum for the conducting of Code Commission meetings and hearings. If a quorum is not present at a Code Commission meeting or hearing, the only matter upon which the Code Commission may act is to adjourn the meeting or hearing to the next regular or special Code Commission meeting or hearing date.

Section 10. Posting of Agenda. The agenda for each meeting or hearing of the Code Commission, must be posted not less than twenty-four (24) hours before the meeting or hearing in paper form in a conspicuous place near the assembly room of the Jefferson County Administration Center, located at 729 Maple Street, Hillsboro, Missouri.

Section 11. Preparation and Form of Agenda. The agenda for Code Commission meetings shall be prepared by the Director of the Jefferson County Department of County Services and Code Enforcement. The agenda shall include and be substantially in the following order: Call to Order; Roll Call; Approval of the Agenda; Approval of Minutes; Public Comments; Report from the Director of the Jefferson County Department of County Services and Code Enforcement; Consent Agenda; Consideration of Items Removed from Consent Agenda; Introduction of Resolutions; Old Business; New

Business; Other Matters and Adjournment. Additional items may be included in the agenda at the request of the members of the Code Commission only upon a motion duly made, seconded and affirmatively passed by a majority of Code Commission members present at the meeting. Members of the public in attendance at a Code Commission meeting shall only be allowed to speak during the Public Comments portion of the agenda. The Chair of the Code Commission may call upon or recognize a member of the public during a Code Commission meeting regarding any other agenda item.

Section 12. Order of Business. The order of business at meetings of the Code Commission shall be to take up the items on the posted agenda, in order. The order of items on the agenda may be amended upon motion by any member of the Code Commission. Upon a second, and upon an affirmative vote of Code Commission members present, the order of items on the agenda shall be amended. Except for consideration of emergency matters permitted by the Missouri Sunshine Law, no item of business shall be discussed unless the item was listed on the agenda.

Section 13. Amendment of County Ordinances. Before January 15, 2011, the Code Commission shall consider and propose to the County Council, by Resolution, Ordinances (1) establishing the enforcement authority of the Division of Code Enforcement, (2) establishing procedures complying with Missouri Law for hearings in response to complaints of violations of Building Codes filed by the Division of Code Enforcement with the Code Commission, (3) granting subpoena power to the Code Commission and/or the Division of Code Enforcement in aid of those hearings and the enforcement of Building Codes generally, and providing for delegation of that power to officers conducting evidentiary hearings, (4) providing for fines and revocation of licenses, after a hearing, for one or more substantial violations of the Building Codes; (5) providing for debarment, after a hearing, from performing work for the County, of contractors or subcontractors who substantially violate one or more of the Building Codes, and (6) covering any other matter pertaining to the adoption and scope of Building Codes and the enforcement powers of the Code Commission and the Division of Code Enforcement, including but not limited to appeals from their decisions.

Section 14. Procedure for Enforcement Hearings. All Enforcement Hearings conducted by the Code Commission shall follow the procedure as set forth in Section 4 above. An agenda for Enforcement Hearings shall be prepared by the Director of the Jefferson County Department of County Services and Code Enforcement. The agenda for the Enforcement Hearing shall include and be substantially in the following order: Call to Order; Roll Call; Approval of the Agenda; Approval of the Minutes; a listing comprised of each case to be presented to the Code Commission; and Adjournment. The Code Commission shall call cases for hearing in the order listed on the agenda. All witnesses who intend to testify at the hearing shall be sworn. Prior to hearing any evidence of the violation, the Code Commission shall determine that all notice provisions of the respective ordinance, code or regulation have been met. Upon a determination that the proper notice provisions have been met, the Code Commission shall receive evidence regarding the alleged violation. A representative from the Jefferson County Department of County Services and Code Enforcement shall present evidence of the violation. The

members of the Code Commission may ask questions of the County's representative. Following the County's presentation of evidence, the affected party or parties may testify and present evidence. Any affected party may be represented by counsel. The members of the Code Commission may ask questions of the affected party or the affected party's counsel. Following the hearing, the Code Commission may take such action as is authorized by the respective ordinance, code or regulation upon a motion duly made, seconded and affirmatively passed by a majority of the serving members of the Code Commission. Any action taken shall be reduced to writing in the form of an Order of the Jefferson County, Missouri, Code Commission. The enactment of any such Order may occur at the time of the decision, or at a later date. Actions taken by the Code Commission at Enforcement Hearings shall not become final until the enactment of the written Order by a majority of the serving members of the Code Commission.

Section 15. Custodian of Records. The Director of the Jefferson County Department of County Services and Code Enforcement or such person as the Director designates shall be responsible for attending meetings and hearings of the Code Commission and for keeping an accurate record of all proceedings had and actions taken by the Code Commission. In addition, all Enforcement Hearings shall be recorded.

Section 16. Amendment of Bylaws. These Bylaws may be amended upon a motion duly made, seconded and affirmatively passed by a majority of the serving members of the Code Commission.

Section 17. Effective Date. These Bylaws shall be in full force and effect from and after the date of their adoption. If any part of these Bylaws is invalid for any reason, such invalidity shall not affect the remainder of these Bylaws.