

2-87. Created; composition; appointment and term of members.

There is hereby created and established a County Board of Appeals which shall consist of five members who shall be appointed by the County Council for three year terms; except that in appointing the first County Board of Appeals, one member shall be appointed for a term of one year, one for a term of two years and the third for a term of three years. Thereafter, all appointments or reappointments shall be for three year terms; except, that an appointment to fill a vacancy occurring before the expiration of a term shall be for the remainder of the unexpired term. Prior to any appointment hereunder the Council shall request the recommendation of the County Executive as to any person or persons qualified for such appointment; any such recommendation shall be made within thirty days of Council request.

SEC. 2. Subsection (r) of Section 2-90, Chapter 2, title "Administration," of the Montgomery County Code 1965, is hereby repealed and re-enacted, with amendments, to read as follows:

2-90. Powers, duties and functions.

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(r) Other appeals. The Board shall hear and decide all other appeals as it may be authorized to hear from time to time by law, ordinance or resolution.

SEC. 3. Section 2-92, Chapter 2, title "Administration," of the Montgomery County Code 1965, is hereby repealed and re-enacted, with amendments, to read as follows:

2-92. Appeals from decisions.

Any decision by the County Board of Appeals may, within thirty days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for the County which shall have power to affirm the decision of the Board, or if such decision is not in accordance with law, to modify or reverse such decision, with or without remanding the case for rehearing as justice may require. Whenever any such appeal is taken a copy thereof shall be served on the Board by the Clerk of the Court and the Board shall promptly give notice of the appeal to all parties to the proceeding before it and shall, within the time limit prescribed by the Maryland Rules of Procedure, file with the Court the originals or certified copies of all papers and evidence presented to the Board in the proceeding before it, together with a copy of its opinion which shall include a statement of the facts found and the grounds for its decision. Any party to the proceeding in the Circuit Court aggrieved by the decision of the Court may appeal from such decision to the Court of Appeals within thirty days from the date thereof. The review proceedings provided by this Section shall be exclusive.