

# ORDINANCE 161

## AN ORDINANCE PROVIDING FOR THE CREATION OF A PLANNING COMMISSION FOR ELSINORE TOWN.

PURPOSE: THE PURPOSE OF THIS ORDINANCE IS TO PROMOTE THE GENERAL WELFARE ARE OF ELSINORE TOWN, TO PROTECT THE HEALTH OF ITS INHABITANTS, TO ENCOURAGE THE APPROPRIATE USE OF LAND WITHIN THE TOWN.

SECTION 1: PLANNING COMMISSION ESTABLISHED. THERE IS HEREBY CREATED A PLANNING COMMISSION TO BE COMPOSED OF FIVE (5) MEMBERS. MEMBERS OF THE PLANNING COMMISSION SHALL SERVE WITHOUT COMPENSATION. EXCEPT FOR REASONABLE EXPENSES INCURRED IN PERFORMING THEIR DUTIES AS MEMBERS OF THE COMMISSION. MEMBERS OF THE TOWN COUNCIL MAYBE APPOINTED TO THE PLANNING COMMISSION.

SECTION 2: TERM IN OFFICE. THE TERMS OF THE PLANNING COMMISSION SHALL BE STAGGERED. EACH MEMBER OF THE PLANNING COMMISSION SHALL SERVE FOR A TERM OF THREE (3) YEARS AND UNTIL HIS SUCCESSOR IS APPOINTED, PROVIDED THAT THE TERM OF THE FIRST MEMBERS SHALL BE SUCH THAT THE TERM(S) OF TWO (2) MEMBERS(S) SHALL EXPIRE AT "TWO (2) YEARS AND THREE (3) MEMBERS AT THREE (3) YEARS. ALL SUCCEEDING TERMS OF OFFICE SHALL BE THREE (3) YEARS. TERMS OF MEMBERS OF THE PLANNING COMMISSION SHALL BEGIN ON OR BEFORE THE FIRST MONDAY IN FEBRUARY OF EACH YEAR. THE TOWN COUNCIL MAY REMOVE ANY MEMBER OF THE PLANNING COMMISSION FOR CAUSE AND AFTER A PUBLIC HEARING, IF ONE IS REQUESTED. VACANCIES SHALL BE PROMPTLY FILLED IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT FOR THE REMAINDER OF THE UNEXPIRED TERM.

### SECTION 3: ORGANIZATION.

- A. THE MEMBERS OF THE PLANNING COMMISSION SHALL SELECT FROM THEIR OWN MEMBERS A CHAIRMAN AND SUCH OTHER OFFICERS AS DEEMED NECESSARY AND SHALL ADOPT RULES AND REGULATIONS FOR THEIR ORGANIZATION AND FOR THE TRANSACTION OF BUSINESS AND THE CONDUCT OF THEIR PROCEEDINGS.
- B. REPORTS OF OFFICIAL ACTS AND RECOMMENDATIONS OF THE PLANNING COMMISSION SHALL BE PUBLIC AND MADE BY THE CHAIRMAN IN WRITING TO THE TOWN COUNCIL AND SHALL INDICATE HOW EACH MEMBER OF THE COMMISSION VOTED WITH RESPECT TO SUCH ACT OR RECOMMENDATION. ANY MEMBER OF THE COMMISSION MAY ALSO MAKE A CONCURRING OR DISSENTING REPORT OR RECOMMENDATION TO THE TOWN COUNCIL.
- C. THE PLANNING COMMISSION SHALL MEET MONTHL Y AND AT SUCH OTHER TIMES AS THE PLANNING COMMISSION MAY DETERMINE.
- D. THREE (3) MEMBERS OF THE PLANNING COMMISSION SHALL CONSTITUTE A QUORUM.

### SECTION 4: DUTIES AND POWERS.

- A. THE PLANNING COMMISSION SHALL HAVE ALL THE POWERS AND DUTIES EXPLICITLY OR IMPLIEDLY GIVEN COMMISSIONS BY THE LAWS OF THE STATE OF UTAH.
- B. THE PLANNING COMMISSION ONLY REVIEWS A REQUEST TO AMEND THE ORDINANCE AND MAKES A RECOMMENDATION TO THE LEGISLATIVE BODY. THE PLANNING COMMISSION IS NOT AUTHORIZED TO APPROVE OR DISAPPROVE OF THE CHANGES. THE COMMISSION MERELY RECOMMENDS A COURSE OF ACTION, AND DOES SO IMPARTIALLY. THE FINAL APPROVAL AND ADOPTION OF ZONING CHANGES AND ORDINANCE MODIFICATIONS IS THE RESPONSIBILITY OF THE ELECTED OFFICIALS.

SECTION 5: VALIDITY. SHOULD ANY PART OF THIS ORDINANCE BE HELD INVALID BY A COURT OF COMPETENT JURISDICTION, THE REMAINING PARTS SHALL BE SEVERABLE AND SHALL CONTINUE TO BE IN FULL FORCE AND EFFECT.

SECTION 6: EMERGENCY CLAUSE. IN THE OPINION OF THE TOWN COUNCIL OF ELSINORE, A PUBLIC EMERGENCY EXISTS IN CONNECTION WITH THE MATTERS HEREIN CONTAINED AND IT IS NECESSARY TO THE PEACE, SAFETY AND WELFARE OF THE INHABITANTS OF ELSINORE TOWN, THAT THIS ORDINANCE BECOME EFFECTIVE IMMEDIATELY.

SECTION 7: EFFECTIVE DATE. THIS ORDINANCE SHALL BECOME EFFECTIVE AFTER PASSAGE PUBLICATION AND POSTING AS SET FORTH IN STATE LAW.

THIS FOREGOING ORDINANCE SHALL TAKE EFFECT ON THE 5<sup>TH</sup> DAY OF FEBRUARY, 1997.

