

ORDINANCE 163

AN ORDINANCE PROVIDING FOR THE CREATION OF A BOARD OF ADJUSTMENT FOR ELSINORE TOWN.

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

SECTION 1: BOARD OF ADJUSTMENT IS ESTABLISHED. IN ORDER TO CARRY OUT THE PROVISIONS OF UTAH LAW RELATING TO PLANNING AND ZONING THERE IS HEREBY CREATED A BOARD OF ADJUSTMENT, WHICH SHALL CONSIST OF FIVE (5) MEMBERS, ONE MEMBER OF WHICH SHALL BE A MEMBER OF THE PLANNING COMMISSION. THE MEMBERS OF THE BOARD OF ADJUSTMENT SHALL BE APPOINTED BY THE TOWN COUNCIL. THE TOWN COUNCIL MAY FIX PER DIEM COMPENSATION FOR THE MEMBERS OF THE BOARD OF ADJUSTMENT BY RESOLUTION, BASED ON NECESSARY AND REASONABLE EXPENSES FOR MEETINGS ACTUALLY ATTENDED.

SECTION 2: TERM IN OFFICE. THE TERMS OF THE BOARD OF ADJUSTMENT SHALL BE STAGGERED. EACH MEMBER OF THE BOARD OF ADJUSTMENT SHALL SERVE FOR A TERM OF THREE (3) YEARS AND UNTIL HIS SUCCESSOR IS APPOINTED, PROVIDED THAT THE TERM OF THE MEMBERS 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. TERMS OF MEMBERS OF THE BOARD OF ADJUSTMENT SHALL BEGIN ON OR BEFORE THE FIRST MONDAY IN FEBRUARY OF EACH YEAR. THE TOWN COUNCIL MAY REMOVE ANY MEMBER OF THE BOARD OF ADJUSTMENT 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 BOARD OF ADJUSTMENT SHALL ELECT 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. MEETINGS OF THE BOARD OF ADJUSTMENT SHALL HELD AT THE CALL OF THE CHAIRMAN AND AT SUCH OTHER TIMES AS THE BOARD MAY DETERMINE. THE CHAIRMAN, OR IN HIS/HER ABSENCE THE ACTING CHAIRMAN, MAY ADMINISTER OATHS AND COMPEL THE ATTENDANCE OF WITNESSES.
- C. THE BOARD SHALL KEEP MINUTES OF ITS PROCEEDING, SHOWING THE VOTE OF EACH MEMBER UPON EACH QUESTION, OR IF ABSENT OR FAILING TO VOTE, INDICATING SUCH FACT, AND SHALL KEEP RECORD OF ITS EXAMINATIONS AND OTHER OFFICIAL ACTIONS ALL OF WHICH SHALL IMMEDIATELY BE FILED IN THE OFFICE OF THE RECORDER, WHICH SHALL BE THE OFFICE OF THE BOARD AND SHALL BE A PUBLIC RECORD.

SECTION 4: APPEALS TO BOARD – TIME – PERSONS ENTITLED-TRANSMISSION OF PAPERS, SEE U.C.A. 10-9-9.

SECTION 5: STAY OF PROCEEDINGS PENDING APPEAL. SEE U.C.A. 10-9-10.

SECTION 6: NOTICE OF HEARING OF APPEAL – RIGHT OF APPEARANCE. SEE U.C.A. 10-9-11.

SECTION 7: POWERS OF BOARD ON APPEAL- GRANTING OF AND SHOWING TO BE ENTITLED TO VARIANCE.

- A. SEE U.C.A. 10-9-13

- B. TO HEAR AND DECIDE REQUESTS FOR CONDITIONAL USES, BUT ONLY WITHIN THE RESPECTIVE ZONES IN WHICH SUCH CONDITIONAL USES ARE PERMITTED.

SECTION 8: DECISION ON APPEAL. SEE U.C.A. 10-9-13.

SECTION 9: VOTE NECESSARY TO REVERSE DECISION OF APPOINTED OFFICIAL. SEE U.C.A. 10-9-14.

SECTION 10: 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 11: 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 12: EFFECTIVE DATE. THIS ORDINANCE SHALL BECOME EFFECTIVE AFTER PASSAGE PUBLICATION AND POSTING AS SET FORTH IN STATE LAW.

THE FOREGOING ORDINANCE SHALL TAKE EFFECT ON THE 5TH DAY OF MARCH, 1997.