

**ORDINANCE NO. 08-04**

**AN ORDINANCE ESTABLISHING AND CREATING THE PLANNING COMMISSION FOR THE TOWN OF HIDEOUT; PROVIDING FOR METHOD OF APPOINTMENT, NUMBER OF MEMBERS, THE RESPECTIVE TERMS, PROCEDURES FOR FILLING VACANCIES AND REMOVAL FROM OFFICE, AND ITS AUTHORITY; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

**WHEREAS**, having been recently incorporated and desiring to establish land use procedures within its corporate limits, Hideout seeks to appoint a planning commission pursuant to State law; and,

**WHEREAS**, the Council desires to establish a planning commission in order to fulfill the requirements for the enumerated procedures for the land use process.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF HIDEOUT, UTAH:**

**SECTION I: Repealer.** If any provisions of the Town's Code heretofore adopted are inconsistent herewith, they are hereby repealed.

**SECTION II: Enactment.** The Town Code for the Town of Hideout, Utah is hereby amended to read as follows:

**1. CREATION:**

- A. **Composition; Appointment:** Pursuant to the provisions of Utah Code, there is hereby created a planning commission for Hideout. The planning commission shall consist of three (3) members, to be appointed by the mayor, with the advice and consent of the council. Initially, the members shall be appointed with two (2) members having their terms expire January 1, 2010, and one (1) member having their terms expire January 1, 2012. Thereafter, every even numbered year, in the month of January, the mayor, with the advice and consent of the council, shall appoint members of said commission, for a term of four (4) years. The terms shall be staggered in such a manner that no fewer than two (2) terms expire in a given year. All terms expire on January 1 in the applicable year.
- B. **Term:** Each member of the planning commission shall serve until the expiration of the term for which they are appointed or until their successor is appointed and qualified. At the expiration of each term, new appointments shall be promptly made in the same manner as original appointment as provided in this section.
- C. **Vacancy:** Any vacancy occurring during an unexpired term, due to death, resignation or removal from office shall be promptly filled by the mayor, with the advice and consent of the council, for the unexpired portion of the term.

D. Alternates: Two (2) alternate members of the planning commission may be selected in the same manner and for the same length of time as a regular member. The alternate member may sit in for a full time member of the commission, at the request of the chairperson, when the full time member is not able to be in attendance. The alternate may only vote at such time as they are acting for the full time member.

## **2. QUALIFICATIONS:**

Members of the planning commission must qualify by taking, subscribing and filing with the recorder the oath of office required by section 10, article IV of the constitution of Utah.

## **3. REMOVAL FROM COMMISSION:**

The council may remove any member of the planning commission, with or without cause, upon written notice.

## **4. COMPENSATION:**

The council may fix per diem compensation for the members of the planning commission, based upon necessary and reasonable expenses and on meetings actually attended

## **5. POWERS AND DUTIES:**

The planning commission shall have such powers and functions and shall perform such duties as prescribed by Utah Code, Title 10, Chapter 9a, and any further amendments of or supplements to which may hereafter be enacted, and shall also have such powers and functions and perform such other duties in connection with the planning and zoning of the town as may hereafter be prescribed by any ordinance.

## **6. COOPERATION WITH COUNTY:**

The planning commission, in the exercise of its powers and the discharge of its duties, shall seek constantly to cooperate with any planning commission or other official body of the county having similar powers and duties.

## **7. RECORD OF PROCEEDINGS:**

The planning commission shall keep a public record of its proceedings, which shall be filed in the office of the recorder.

## **8. RULES AND REGULATIONS:**

The planning commission shall submit to the council rules and regulations subject to the provisions of the laws of the state and the planning and zoning ordinances of the town, to provide

for the regulation of its procedure and the conduct of its duties, and may submit amendments to such rules from time to time to the council.

**SECTION IV: Severability.** If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

**SECTION V: Effective Date.** In order to protect the health, safety and welfare of the citizenry and public at large, this ordinance shall go into effect immediately upon posting.

**PASSED AND ADOPTED** by the Town Council of Hideout, Utah, this **16<sup>th</sup> day of July, 2008.**

ATTEST:

  
Recorder

  
RICHARD H. SPRUNG, Mayor

APPROVED AS TO FORM:

  
Attorney