

**TOQUERVILLE CITY**  
**ORDINANCE 2021.26**



AN ORDINANCE OF THE CITY COUNCIL OF TOQUERVILLE, UTAH, AMENDING AND RESTATING SECTION 1 (PLANNING COMMISSION), CHAPTER 3 (ADMINISTRATIVE AND DECISION MAKING BODIES) OF TITLE 10 (LAND USE REGULATIONS) OF THE TOQUERVILLE CITY CODE ("TCC") TO BETTER DEFINE HOW AND WHEN THE CHAIRPERSON FOR THE PLANNING COMMISSION IS ELECTED AND WHEN HIS/HER TERM COMMENCES.

RECITALS

WHEREAS, Toquerville City ("City") is an incorporated municipality duly organized under the laws of the State of Utah;

WHEREAS, the City is authorized and required pursuant to Utah Code Annotated, Title 10, Chapter 9a, Section 501 to create and enforce regulations regarding the use of land within the City's municipal boundaries;

WHEREAS, pursuant to Utah Code Annotated, Title 10, Chapter 9a, Section 103 and Title 10, Chapter 3b, Section 301, the Toquerville City Council ("City Council") is designated as the governing body of the City and the primary Land Use Authority;

WHEREAS, pursuant to Utah Code Annotated, Title 10, Chapter 9a, Section 301 every municipality is required to have a planning commission to review and make recommendations to the City Council on various land use applications and, in some instances where the ultimate land use authority is delegated to them action to approve or deny certain types of land use applications.

WHEREAS, the current Section of the TCC regarding the Toquerville City Planning Commission ("Planning Commission") (10-3-1) prescribes a method and timing for the Planning Commission to elect its Chairperson and Chairperson *Pro Tem* which has become unworkable or inefficient in that it leaves open the question of who is the Chairperson of the Planning Commission at the outset of its first meeting in each calendar year.

WHEREAS, the City Council has determined that it is in the best interests of the health, safety and general welfare of the City to amend and restate Section 10-3-1 of the TCC to prescribe a process by which the Planning Commissions Chairperson is elected at the conclusion of the last meeting of each calendar year to commence on January 1<sup>st</sup> of the following year.

ORDINANCE

NOW THEREFORE BE IT HEREBY ORDAINED by the City Council of Toquerville City, Utah, as follows:

1. AMENDMENT AND RESTATEMENT OF SECTION 10-3-1 OF THE TOQUERVILLE CITY CODE. Sections 10-3-1 of the TCC is hereby amended and restated in its entirety as

follows:

*10-3-1: PLANNING COMMISSION:*

*A. Membership, Appointment And Quorum: The City Planning Commission consists of five (5) members and two alternate members. Members are appointed by the Mayor with the advice and consent of the City Council. Three (3) members of the five (5) shall be sufficient to constitute a quorum. The alternate member(s) shall attend all meetings.*

*B. Alternate Members: The alternate members shall attend all meetings and serve and vote in the absence of a member of the Planning Commission under rules established by the commission.*

*C. Length Of Term: Members of the Planning Commission shall serve terms of four (4) years. The terms shall be staggered so that only one term shall expire each year. Terms expire on December 31. With the advice and consent of the City Council, the Mayor shall appoint an interim Planning Commissioner to fill vacancies that might arise, and such appointments shall be to the end of the vacating member's term.*

*D. Absence Deemed Resignation: Any Planning Commission member who is absent from two (2) consecutive regularly scheduled Commission meetings without prior notice to the City Recorder and/or Chairperson of the Planning Commission shall be deemed to have resigned from the Commission.*

*E. Powers: The Planning Commission shall have all necessary powers conferred on Planning Commissions pursuant to Utah Code Annotated title 10, chapter 9a, as amended.*

*F. Chairperson: The Chairperson shall be elected by the Planning Commission, each calendar year at the first last meeting of the year, to take effect January 1 of the following year, and shall be a full voting member of the body.*

*G. Staff: In order to assist the Planning Commission in carrying out its duties, the Planning Commission Chairperson may request the assistance of other employees or agents of the City through an appropriate request made to the Mayor.*

*H. Policies And Procedures: The Planning Commission shall adopt rules of policy and procedure consistent with this chapter and State law.*

2. **REPEALER.** This Ordinance shall repeal and supersede all prior ordinances and resolutions governing the same.

3. **SAVINGS CLAUSE:** If any provision or clause in this Ordinance or the application thereof to any person or entity or circumstance is held to be unconstitutional or otherwise invalid by any

court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses, or applications hereof which can be implemented without the invalid provision, clause, or application hereof, and to this end the provisions and clauses of this Ordinance are declared to be severable.

4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon approval by the City Council.

PASSED AND APPROVED this 15<sup>th</sup> day of December, 2021.

John 'Chuck' Williams	Aye x_Nay __ Absent/Abstain ____
Keen Ellsworth	Aye x_Nay __ Absent/Abstain ____
Justin Sip	Aye x_Nay __ Absent/Abstain ____
Gary Chaves	Aye x_Nay __ Absent/Abstain ____
Ty Bringhurst	Aye x_Nay __ Absent/Abstain ____

TOQUERVILLE CITY  
a Utah Municipal Corporation

  
\_\_\_\_\_  
Lynn Chamberlain, Mayor

12-15-21  
\_\_\_\_\_  
Date

Attest:

  
\_\_\_\_\_  
Dana M. McKim, City Recorder

