



## TOQUERVILLE CITY ORDINANCE 2024.01



AN ORDINANCE AMENDING AND RESTATING SECTION 10-13-1 OF THE TOQUERVILLE CITY CODE TO REQUIRE PLANNING COMMISSION MEMBERS TO BE CURRENT RESIDENTS OF THE CITY DURING THEIR TERMS, FURTHER DEFINING THE TERM “ABSENCE” OF PLANNING COMMISSION MEMBERS FOR PURPOSE OF DEEMING A MEMBER HAS HAVING RESIGNED AND TO ELIMINATE COMPENSATION FOR PLANNING COMMISSION MEMBERS

### RECITALS

WHEREAS Toquerville City (“the City”) is a Utah municipal corporation and political subdivision of the State of Utah and as such, holds the delegated police powers under the Utah Constitution to act as the Land Use Authority within its municipal boundaries - with the power to regulate those items set forth in Utah Code Ann. §10-9a-102(2).

WHEREAS the City, by and through its legislative body, the Toquerville City Council (“City Council”), is required to enact all necessary land use regulations as required by Utah Code Ann. § 10-9a-501.

WHEREAS Section 10-3-1 of the Toquerville City Code defines and regulates the makeup and powers of the City’s Planning Commission (“Planning Commission”) as well as other procedural matters concerning the Planning Commission.

WHEREAS the City Council acting upon recommendation of both the Planning Commission and the City’s staff has determined that it is in the best interests of the health, safety and general welfare of the City that Section 10-3-1 of the Toquerville City Code should be amended to a) require all members of the Planning Commission to be current residents of the City during their term, b) further define the term “absence” in the context of when a member of the Planning Commission is deemed to have resigned, and c) revoke any prior rights to compensation for Planning Commission members.

### ORDINANCE

NOW THEREFORE, be it ordained by the City Council of Toquerville City, State of Utah as follows:

1. AMENDMENT AND RESTATEMENT OF SECTION 1, CHAPTER 3, TITLE 10 OF THE TOQUERVILLE CITY CODE. Section 1 (Planning Commission) of Chapter 3 (Administrative and Decision Making Bodies) of Title 10 (Land Use Regulations) of the Toquerville City Code 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 (2) 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. The members of the Planning Commission shall be current residents of the City throughout the duration of their service terms.*

*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 (1) 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 or twenty-five percent (25%) of the 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.*

*I. Compensation: The Chairperson and the members of the Planning Commission shall serve without compensation.*

2. **REPEALER.** All ordinances, resolutions and policies of the City, or parts thereof, inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency and only for the period of time this Ordinance remains effective. This Repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

3. **SEVERABILITY.** Should any provision, clause or paragraph of this Ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this Ordinance or the Toquerville City Code to which these amendments apply. The valid part of any provision, clause or paragraph of this Ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections and subsections of this

Ordinance, together with the regulations contained therein, are hereby declared to be severable.

4. **EFFECTIVENESS.** This Ordinance shall become effective immediately upon approval by the City Council.

**ADOPTED AND APPROVED BY THE TOQUERVILLE CITY COUNCIL** this 3<sup>rd</sup> day of January 2024, based upon the following vote:

**Councilmember:**

Gary Chaves	AYE	<u>✓</u>	NAE	<u>      </u>	ABSTAIN	<u>      </u>	ABSENT	<u>      </u>
John 'Chuck' Williams	AYE	<u>✓</u>	NAE	<u>      </u>	ABSTAIN	<u>      </u>	ABSENT	<u>      </u>
Joey Campbell	AYE	<u>✓</u>	NAE	<u>      </u>	ABSTAIN	<u>      </u>	ABSENT	<u>      </u>
Todd Sands	AYE	<u>✓</u>	NAE	<u>      </u>	ABSTAIN	<u>      </u>	ABSENT	<u>      </u>
Wayne Olsen	AYE	<u>✓</u>	NAE	<u>      </u>	ABSTAIN	<u>      </u>	ABSENT	<u>      </u>

**TOQUERVILLE CITY**  
a Utah Municipal Corporation

  
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Justin Sip, Toquerville City Mayor

Attest:

  
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Daisy Fuentes, Toquerville City Recorder

