

ORDINANCE 94-2

AN ORDINANCE CREATING A CITY PLANNING COMMISSION; SETTING TERMS OF MEMBERS; ELECTION OF OFFICERS; RULES; EMPLOYMENT OF ASSISTANCE; EXPENDITURES; POWERS AND DUTIES; TEMPORARY APPOINTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF POTTSVILLE, ARKANSAS:

SECTION 1. There is hereby created a Planning Commission to consist of five members, at least two-thirds (2/3) of said commission shall not hold any other elected or appointed Municipal office or appointment except membership in the Board of Adjustments or a joint planning agency: (However the City Council shall serve in the interim until the establishment of said Planning Commission for a period of time not to exceed three months) However, one member of the Planning Commission shall consist of and be a member of the current City Council to be nominated by the Mayor and/or any City Council member and confirmed by a majority vote by the City Council; That the Planning Commission shall designate one of its members as a Chairman, preferably that member of the City Council and elect a Vice Chairman and other such offices as it may require. (The position of Secretary shall not constitute a member of the Commission.) The remainder of membership of the Commission may be nominated by the Mayor or any member of the City Council and confirmed by a majority quorum vote of the then existing City Council. (The Temporary functioning by the City Council as the Planning Commission shall be self terminating and existing without further actions.) Members shall serve without compensation unless otherwise approved by a majority vote of the City Council.

SECTION 2. The original members of the Planning Commission shall be appointed to a term of: one, two, three, four, or five years. When the term of any member shall expire, the Mayor shall make a nomination to fill the vacancy for a period of five years. When a vacancy shall otherwise occur, the Mayor shall nominate a person to serve the remainder of that term.

SECTION 3. At a time and a place to be designated by the Mayor, the Planning Commission shall meet and organize by electing from its members a Chairman, Vice Chairman, and a Secretary unless otherwise herein set forth.

SECTION 4. The Planning Commission shall make and adopt such rules and regulations as to govern its proceedings, which shall provide for a regular meeting date at least once each three months and more often if prescribed by the commission.

SECTION 5. The Planning Commission is authorized to employ such assistance as is deemed necessary in carrying out its duties and responsibilities. It cannot expand or encumber city funds without prior appropriation and approval by the City Council.

SECTION 6. The Commission is vested with all powers and duties as prescribed and set forth in Arkansas Code Annotated, Sections 14-56-401 et seq.

SECTION 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8. It is hereby declared to be the intention of the City Council that the sections of this ordinance are severable and if any section of this ordinance shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any remaining portion or sections of this ordinance.

SECTION 9. Whereas, the citizenry of Pottsville, Arkansas are in need of adequate city planning, an emergency is hereby declared in this ordinance being necessary for the immediate protection of the public peace, health, and safety shall be in full force and effect from and after its passage and approval.

APPROVED:



Jerry Duvall,
Mayor

PASSED: 8-26-94

ATTESTATION:



Carless Teeter,
Recorder, Treasurer