

STATE OF ALABAMA)
CITY OF HAMILTON)

ORDINANCE NO. 2009-10

CITY OF HAMILTON PLANNING COMMISSION

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HAMILTON, ALABAMA, AS FOLLOWS:

SECTION 1. DEFINITIONS. Unless the context clearly indicates a different meaning, the following words and phrases, wherever used in this article, shall have the meanings respectively ascribed to them in this section:

Generally. Any words or phrases used in this article and not herein defined which are defined in Code of Ala. 1975, § 11-52-1, shall have the meanings ascribed to them by such section of the Code of Alabama.

City means the City of Hamilton, Alabama, a municipal corporation.

Corporate Limits means the corporate limits of the City of Hamilton.

Mayor means the chief executive of the City, whether the official designation of his/her office be mayor, city manager or otherwise.

Council means the chief legislative body of the City.

SECTION 2. CREATION OF PLANNING COMMISSION. There is hereby created a municipal planning commission which is hereby authorized and empowered to make, adopt, amend, extend, add to, or carry out a municipal plan as provided for by Code of Ala. 1975, § 11-52-1, et seq., which shall hereafter be known as the "Hamilton Planning Commission".

SECTION 3. COMPOSITION, QUALIFICATIONS, APPOINTMENT, TERMS OF OFFICE, COMPENSATION AND REMOVAL OF MEMBERS, VACANCIES. The commission shall consist of nine members: The mayor, or his or her designee, one of the administrative officials of the municipality selected by the mayor, a member of the council to be selected by it as a member ex officio and six persons who shall be appointed by the mayor, if the mayor is an elective officer. In the event the mayor designates a person to sit in his or her place on the municipal planning commission, the person so appointed shall serve during the

term of the mayor, unless the original appointment shall be limited to a term certain of not less than 12 months at time of appointment.

All members of the commission shall serve without compensation, and the appointed members shall hold no other municipal office, except, that one of the appointed members may be a member of the zoning board of adjustment or appeals.

The terms of ex officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the mayor shall terminate with the term of the mayor selecting the member. The term of each appointed member shall be six years or until the successor takes office, except that the respective terms of five of the members first appointed shall be one, two, three, four, and five years.

Members other than the member selected by the council may, after a public hearing, be removed by the mayor for inefficiency, neglect of duty or malfeasance in office. The council may for like cause remove the member or members selected by it. The mayor or council, as the case may be, shall file a written statement of reasons for such removal.

Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor in the case of members selected or appointed by him or her, by the council in the case of the member, or other members selected by it and by the appointing power designated by the council in municipalities in which the mayor is not an elective officer.

SECTION 4. CHAIRMAN AND OTHER OFFICERS, MEETINGS, ADOPTION OF RULES OF PROCEDURE, MAINTENANCE OF RECORD OF RESOLUTIONS, TRANSACTIONS. The commission shall elect its chairman from among the appointed members and create and fill such other of its offices as it may determine. The term of office of the chairman shall be one year, with eligibility for reelection. The commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

SECTION 5. APPOINTMENT OF EMPLOYEES, CONTRACTS AND EXPENDITURE OF FUNDS. The commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the municipality. The commission may also contract with city planners, engineers, architects, and other consultants for such services as it may require.

The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the council, which shall provide the funds, equipment and accommodations necessary for the commission's work.

SECTION 6. POWERS AND DUTIES GENERALLY. In general, the commission shall have such powers as may be necessary to enable it to fulfill its functions, promote municipal planning or carry out the purposes of Code of Ala. 1975, § 11-52-1, et seq. The commission shall have power to promote public interest in and understanding of the master plan and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may determine.

Members of the commission, when duly authorized by the commission, may attend municipal planning conferences or meetings of municipal planning institutes or hearings upon pending municipal planning legislation, and the commission may, by resolution, spread upon its minutes, pay the reasonable traveling expenses incident to such attendance. The commission shall, from time to time, recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof.

It shall be part of the duties of the commission to consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations and with citizens with relation to the protecting or carrying out of the plan. The commission shall have the right to accept and use gifts for the exercise of its functions.

All public officials shall, upon request, furnish to the commission within a reasonable time such available information as it may require for its work. The commission, its members, officers and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon.

SECTION 7. POWERS AS TO ZONING. The commission shall have all powers heretofore granted by law to the zoning commission of the municipality and, from and after the creation of a planning commission in such municipality, all powers and records of the zoning commission shall be transferred to the planning commission; provided, that, in the event that the existing zoning commission shall be nearing the completion of its zoning plan, the council may, by resolution, postpone the said transfer of the zoning commission's powers until the completion of such zoning plan, but such postponement shall not exceed a period of six months.

SECTION 8. ADOPTION OF MASTER PLAN FOR DEVELOPMENT. It shall be the function and duty of the commission to make and adopt a master

plan for the physical development of the municipality, including any areas outside of its boundaries which, in the commission's judgment, bear relation to the planning of such municipality. Such plan, with the accompanying maps, plats, charts and descriptive matter shall show the commission's recommendations for the development of said territory, including, among other things, the general location, character and extent of streets, viaducts, subways, bridges, waterways, waterfronts, boulevards, parkways, playgrounds, square, parks, aviation fields and other public ways, grounds and open spaces, the general location of public buildings and other public property, the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power and other purposes, the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities or terminals; as well as a zoning plan for the control of the height area, bulk, location, and use of buildings and premises.

As the work of making the whole master plan progresses, the commission may from time to time adopt and publish a part or parts thereof, any such part to cover one or more major sections or divisions of the municipality or one or more of the aforesaid or other functional matters to be included in the plan. The commission may from time to time amend, extend or add to the plan.

SECTION 9. CONDUCTING SURVEYS AND STUDIES FOR THE PURPOSE OF MASTER PLAN. In the preparation of such plans the commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality and with due regard to its relation to neighboring territory.

The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds and the adequate provision of public utilities and other public requirements.

SECTION 10. PROCEDURE FOR ADOPTION. The commission may adopt the plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding with major geographical sections or divisions of the municipality or with functional subdivisions of the subject matter of

the plan and may adopt any amendment or extension thereof of addition thereto.

Before the adoption of the plan or any such part, amendment, extension or addition, the commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the municipality and in the official gazette, if any, of the municipality; provided, that the planning commission may dispense with such public hearing prior to the approval or disapproval of a plan when the municipal governing body to whom the plan will be submitted will be required to hold a public hearing, and give notice thereof before the plan can be adopted by such municipality.

The adoption of the plan or of any such part or amendment or extension or addition shall be by resolution of the commission carried by the affirmative votes of not less than six members of the commission. The resolution shall refer expressly to the maps and descriptive and other matters intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the chairman or secretary of the commission. An attested copy of the plan or part thereof shall be certified to the governing body and to the county probate judge.

SECTION 11. PROPOSED CONSTRUCTION OF STREETS, PUBLIC BUILDINGS AND UTILITIES. Whenever the commission shall have adopted the master plan of the municipality or of one or more major sections or districts thereof, no street, square, park or other public way, ground or open space or public building or structure of public utility, whether publicly or privately owned, shall be constructed or authorized in the municipality or in such planned section and district until the location, character and extent thereof shall have been submitted to and approved by the commission; provided that in case of disapproval the commission shall communicate its reasons to the council, which shall have the power to overrule such disapproval by a recorded vote of not less than two thirds of its entire membership; provided further, that if the public way, ground, space, building, structure or utility is one the charter provisions governing same, fall within the province of the municipal council, then the submission by the planning commission shall be to the board, commission or body having such jurisdiction and the planning commission's disapproval may be overruled by said board, commission or body by a vote of not less than two thirds of its membership. The failure of the commission to act within 60 days from and after the date of official submission to the commission shall be deemed approval.

SECTION 12. SEVERABILITY. Each and every provision of this ordinance is hereby declared to be an independent provision, and the holding of any provision hereof to be void or invalid, shall not

affect any other provision hereof, and it is hereby declared that the other provisions of this ordinance would have been enacted regardless of any provisions which might be held invalid.

ADOPTED AND APPROVED, this the ____ day of _____, 2009.

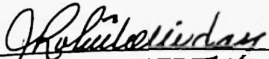
JOSEPH ROBERT HOLLIDAY, JR - MAYOR

ATTEST:

JAN WILLIAMS - CITY CLERK

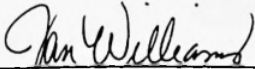
SEAL

ADOPTED AND APPROVED, this the 7th day of July,
2009.



JOSEPH ROBERT HOLLIDAY, JR., MAYOR

ATTEST:



JAN WILLIAMS - CITY CLERK