

CHAPTER 6
BOARDS AND COMMISSIONS
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Article I. General Provisions

Section 6-1.1. Membership

The following general provisions shall apply to all members appointed by the City's Board of Aldermen to serve on any volunteer board:

1. Board members shall be appointed from the City at large, and serve at the pleasure of the Board of Aldermen.
2. No person shall be appointed to the same board or commission for more than two (2) complete consecutive terms, except that a person appointed to fill a vacancy in an un-expired term may serve the remainder of the un-expired term and may also be appointed to two (2) additional full terms. A person may be appointed to a third complete, consecutive term provided the appointment receives two-thirds majority approval of the council, but in no event shall any person be appointed to more than three (3) complete, consecutive terms.
3. Each member of a board or commission shall be a resident of the City of Ashland at the time of their appointment and shall remain City residents for the duration of their service.
4. All persons appointed to any board or commission of the city shall attend at least two-thirds of the regularly scheduled meetings of the board or commission upon which they serve. Should any member of a board or commission fail to attend two-thirds of the meetings occurring in any one year measured from the time of their appointment, their position on such board or commission shall be deemed vacant and a replacement shall be named as provided. In computing attendance, no allowances shall be made for any excuses. The standard shall be in absolute meetings held as a denominator, meetings attended as the numerator.

Section 6-1.2. Ad-Hoc Committees

From time to time, it may be necessary for the Mayor to appoint with approval from the Board of Aldermen ad-hoc committees for various purposes. Ad hoc committees appointed and approved shall be for indefinite period, but shall terminate at the time the Board of Aldermen adjourns sine die. Membership on ad-hoc committees shall not be subject to the provisions of Section 6-1.1 related to term limitations or residency.

Section 6-1.3. Board of Aldermen Liaisons

- A. *Liaisons.* A member of the Board of Aldermen may be appointed to each board and commission as established from time to time by the Board of Aldermen as a liaison. The purpose of the liaison is to provide a conduit between the volunteer board or commission and the Board of Aldermen for information and direction to be exchanged in both directions. Unless otherwise provided by specific language of the Code, each council liaison shall be appointed by the Mayor and confirmed by the council. Alternate liaisons may also be appointed to serve in the absence of a regular liaison.
- B. *Exceptions.* No liaison shall be appointed to the Police Personnel Board.

Article II. Planning and Zoning Commission

Section 6-2.1. Planning and Zoning Commission Designated

Pursuant to an in accordance with Chapter 89, §89.310 of the Missouri Revised Statutes, The City of Ashland Planning and Zoning Commission is designated and established by the Board of Aldermen to serve as the “planning commission” for the City.

Section 6-2.2. Membership

The Planning and Zoning Commission of Ashland shall consist of not more than fifteen nor less than seven members. The Mayor, a Board of Aldermen liaison, the City Engineer or similar city official may serve as members at the discretion of the mayor and Board of Aldermen. However, not more than twelve nor less than four citizens appointed by the Mayor and approved by the Board. All citizen members of the Commission shall serve without compensation. The term of each of the citizen members shall be for four years, except that the terms of the citizen members first appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the un-expired term by appointment as aforesaid. The board may remove any citizen member for cause stated in writing and after public hearing.

Section 6-2.3. Rules and Procedures

The Commission shall elect its chairman and secretary from among the citizen members. The term of chairman and secretary shall be for one year with eligibility for re-election. The Commission shall hold regular meetings and special meetings as provided by rule, and shall adopt rules for the transaction of business and keep a record of its proceedings. These records shall be public records. The Commission shall appoint

the employees and staff necessary for the services that it requires. The expenditures of the Commission, exclusive of grants and gifts, shall be within the amounts appropriated for the purpose by the Board of Aldermen.

Section 6-2.4. Functions and Powers

The Commission may make reports and recommendations relating to the plan and development of the city to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Mayor or Board of Aldermen city programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, all available information it requires for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land to make examinations and surveys. In general, the Commission shall have the power necessary to enable it to perform its functions and promote municipal planning.

Section 6-2.5. Zoning Commission

The Planning and Zoning Commission shall have and perform all of the functions of the Zoning Commission as provided for in Chapter 89, §89.070 of the Missouri Revised Statutes.

Article III. Board of Adjustment

Section 6-3.1. Board of Adjustment Designated

Pursuant to an in accordance with Chapter 89, §89.090 of the Missouri Revised Statutes, The City of Ashland Board of Adjustment is designated and established by the Board of Aldermen.

Section 6-3.2. Membership

The Board of Adjustment shall consist of five members, who shall be residents of the city. Members shall be appointed for terms of five years each. Three alternate members may be appointed to serve in the absence of or the disqualification of the regular members. All members and alternates shall be removable for cause by the Board of Aldermen upon written charges and after public hearing. Vacancies shall be filled for the un-expired term of any member whose term becomes vacant. The Board shall elect its own chairman who shall serve for one year.

Section 6-3.3. Rules and Procedures

Pursuant to an in accordance with Chapter 89, sections 89.010 to 89.140 of the Missouri Revised Statutes, the Board of Adjustment may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules contained therein. The Board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to sections 89.010 to 89.140 of the Missouri Revised Statutes. Such rules shall be filed with the City Clerk upon adoption.

Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All testimony, objections thereto and rulings thereon, shall be taken down by a reporter employed by the Board for the purpose.

Section 6-3.4. Functions and Powers

1. The functions and powers of the Board of Adjustment shall include:
 - a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Chapter 89, sections 89.010 to 89.140 of the Missouri Revised Statutes, or of any ordinance adopted pursuant to such sections;
 - b. To hear and decide all matters referred to it or upon which it is required to pass under such ordinance;
 - c. In passing upon appeals, where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance, to vary or modify the application of any of the regulations or provisions of such ordinance relating to the use, construction or alternation of buildings or structures or the use of land so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.
2. In exercising the above-mentioned powers the Board may, in conformity with the provisions of Chapter 89 of the Missouri Revised Statutes, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to

reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance or to effect any variation in such ordinance.

Section 6-3.5. Appeals

A. Appealing to the Board of Adjustment.

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by a decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause immediate peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

B. Appealing Board of Adjustment Decisions.

Any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment, or any officer, department, board or bureau of the City, may present to the Circuit Court of Boone County a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality, such petition shall be presented to the Court within thirty days after the filing of the decision in the office of the Board.

Upon the presentation of such petition the Court may allow a writ of certiorari directed to the Board of Adjustment to review such decision of the Board of Adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the realtor's attorney which shall not be less than ten days and may be extended by the Court. The allowance of the writ shall not stay

proceedings upon the decision appealed from, but the Court may, on application, on notice to the Board and on due cause shown, grant a restraining order. The Board of Adjustment shall not be required to return certified or sworn copies thereof or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take additional evidence or appoint a referee to take such evidence as it may direct and report the same to the Court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which a determination of the Court shall be made. The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. Costs shall not be allowed against the Board unless it shall appear to the Court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from. All issues in any proceedings under Chapter 89 of the Missouri Revised Statutes shall have preference over all other civil actions or proceedings.