

**STATE OF INDIANA
CITY OF CHARLESTOWN
CHARLESTOWN CITY COUNCIL
ORDINANCE**

ORDINANCE NO. 2004-02-07

**ABOLISHMENT OF THE CITY OF CHARLESTOWN'S CURRENT
BOARD OF ZONING APPEALS AND ESTABLISHMENT OF A
NEW CHARLESTOWN ADVISORY BOARD OF ZONING APPEALS**

WHEREAS, it is impossible to legally or factually determine the beginning and ending terms of office of the existing Charlestown Board of Zoning Appeals members, and

WHEREAS, Indiana Code 36-7-4-901, 36-7-4-902 et seq. provides for the proper procedure for the appointment of Advisory Board of Zoning Appeals members and their respective terms of office;

NOW THEREFORE, BE IT ORDAINED by the City Council of Charlestown that:

Pursuant to Indiana Code 36-7-4-901 et seq. the existing Charlestown Board of Zoning Appeals is abolished and a new Charlestown Advisory Board of Zoning Appeals is established effective June 1, 2004 under the following statutory guidelines:

- 1) The Charlestown Advisory Board of Zoning Appeals shall consist of five (5) members as follows:
 - a) The municipal fiscal body (City Council) shall appoint one (1) citizen member who must not be a member of the Plan Commission and may not hold other elective or appointive office in municipal, county or state government.
 - b) The municipal executive (Mayor) shall appoint three (3) citizen members, of whom one (1) must be a member of the Plan Commission and two (2) must not be members of the Plan Commission and none of them may hold other elective or appointive office in municipal, county, or state government.
 - c) The Plan Commission shall appoint one (1) citizen member of the Plan Commission other than the same citizen member of the Plan Commission appointed to the Advisory Board of Zoning Appeals by the Mayor under section (b) above.
- 2) ~~The Clerk-Treasurer shall certify, in writing, the members and their terms of office for the Advisory Board of Zoning Appeals members appointed by the City Council to the City Council and the Advisory Board of Zoning Appeals.~~
- 3) The Mayor shall certify, in writing, the Mayor's appointments and terms of office for the Advisory Board of Zoning Appeals members appointed by the Mayor to the City Council and the Advisory Board of Zoning Appeals.
- 4) The Advisory Plan Commission shall certify its appointment and term of office to the Mayor, the City Council and the Advisory Board of Zoning Appeals.

5) The new members of the Charlestown Advisory Board of Zoning Appeals shall be appointed to the following Advisory Board of Zoning Appeals slots designated as member positions one through five (1-5) for the initial terms as noted. Thereafter their appointments and terms shall comply with Indiana Code 36-7-4-906 et seq.

- a) Charlestown Advisory Board of Zoning Appeals Member No. 1 shall be appointed by the City Council for an initial term from June 1, 2004 through Monday, January 3, 2005.
- b) Charlestown Advisory Board of Zoning Appeals Member No. 2 shall be appointed by the Advisory Plan Commission for an initial term from June 1, 2004 through Monday, January 2, 2006.
- c) Charlestown Advisory Board of Zoning Appeals Member No. 3 shall be appointed by the Mayor for an initial term from June 1, 2004 through Monday, January 1, 2007.
- d) Charlestown Advisory Board of Zoning Appeals Member No. 4 shall be appointed by the Mayor for an initial term from June 1, 2004 through Monday, January 7, 2008.
- e) Charlestown Advisory Board of Zoning Appeals Member No. 5 shall be appointed by the Mayor for an initial term from June 1, 2004 through Monday, January 7, 2008.

ADOPTED by the City Council of Charlestown, Indiana, this 20th day of May, 2004.

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<i>Jeff Aaron</i> JEFF AARON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Bruce M. Bottorff</i> BRUCE BOTTORFF	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
"TONY" JACKSON	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
TERRY PIERCE <i>Terry Pierce</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
BRIAN WALKER <i>Brian Walker</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED: *Michael D. Hall*
MICHAEL D. HALL, Mayor

DATE: 5/20/04

ATTEST: *Donna Coomer*
DONNA COOMER, Clerk-Treasurer

DATE: 5/20/04