

ORDINANCE No. 2023-4A

**AN ORDINANCE AMENDING TITLE XV, CHAPTER 156, §156.006
PLAN COMMISSION MEMBERSHIP AND REPEALING §156.014 AND §156.015**

WHEREAS, the Hancock County Commissioners (“Commissioners”) have heretofore adopted an ordinance creating the Hancock County Area Wide Plan Commission (“Plan Commission”) pursuant to Indiana Code 36-7-4-200 et seq.; and

WHEREAS, Indiana Code 36-7-4-211 permits the representation on any area plan commission to be changed by a similar ordinance adopted by the legislative body of each unit that is a participant in a planning department; the ordinance must provide for at least one (1) representative from each unit that is a participant in the planning department; and

WHEREAS, on December 17, 2019, the Commissioners adopted Ordinance No. 2019-12A, establishing the Plan Commission make-up pursuant to Indiana Code 36-7-4-211; and

WHEREAS, it has come to the Commissioners attention for the need to expand the membership of the Plan Commission, make clarifications to the existing Plan Commission membership, establish or re-establish the terms of office for the Plan Commission members, and repeal certain sections of Chapter 156 of the Hancock County Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners Hancock County, Indiana, as follows:

SECTION I

§156.006 shall be restated in its entirety as follows:

- (A) Pursuant to Indiana Code 36-7-4-211, the membership of the Hancock County Area Wide Plan Commission shall consist of nine (9) members as follows:
- (1) One (1) member appointed by the county executive from its membership.
 - (2) Three (3) members appointed by the county executive who are:
 - (a) either:
 - (i) a resident of the unincorporated area of the county; or
 - (ii) a resident of the county who owns land in the unincorporated area of the county.
 - (b) not otherwise an elected or appointed office holder in a municipal, county or state government, except for appointment to the Board of Zoning Appeals as required under Indiana Code 36-7-4-902.
 - (3) One (1) member appointed by the county fiscal body from its membership.
 - (4) One (1) member appointed by the Town of Spring Lake who is a resident of the municipality.
 - (5) One (1) member appointed by the Town of Shirley who is a resident of the municipality.

- (6) One (1) member appointed by the superintendents of the four county school corporations who is a resident of the county.
- (7) One (1) member appointed by the county surveyor who is a resident of the county.

(B) The term of office for the membership shall be established (retroactively if applicable) as of January 1, 2023 as follows:

- (1) Member referenced in (A)(1) – one (1) year initially, and annually thereafter.
- (2) First of three members referenced in (A)(2) – three (3) years initially, and four (4) years thereafter.
- (3) Second of three members referenced in (A)(2) – four (4) years initially, and four (4) years thereafter.
- (4) Third of three members referenced in (A)(2) – one (1) year initially, and four (4) years thereafter.
- (5) Member referenced in (A)(3) – one (1) year initially, and one (1) year thereafter.
- (6) Member referenced in (A)(4) – two (2) year initially, and four (4) years thereafter.
- (7) Member referenced in (A)(5) – two (2) years initially, and four (4) years thereafter.
- (8) Member referenced in (A)(6) – four (4) years initially, and four (4) years thereafter.
- (9) Member referenced in (A)(7) – three (3) years initially, and four (4) years thereafter.

(C) A member serves until his or her successor is appointed and qualifies. A member vacates his or her position when he or she fails to meet the requirements of this section. A vacancy shall be filled by the appointing authority for the balance of the term.

SECTION II

All previous actions taken by the Plan Commission under a different membership composition than provided in this ordinance are hereby ratified and approved.

SECTION III

Exhibit A, attached hereto, illustrates the appointments and terms of office required by this ordinance.

SECTION IV

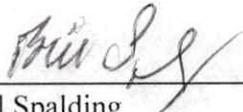
§156.014 and §156.015 of the Hancock County Code of Ordinances is hereby repealed.

SECTION V

This ordinance is effective upon passage by the Hancock County Commissioners and upon passage of a similar ordinance, which addresses Plan Commission membership, by the Town of Spring Lake and the Town of Shirley.

Adopted this 4 day of April, 2023.

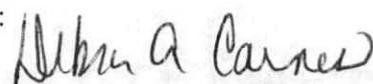
**BOARD OF COMMISSIONERS
HANCOCK COUNTY, INDIANA**



Bill Spalding

John Jessup


Gary McDaniel

Attest: 

Debra Carnes, Hancock County Auditor

This instrument was prepared by Gregg H. Morelock, BRAND & MORELOCK, 6 West South Street, Greenfield, IN 46140.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Gregg H. Morelock.

EXHIBIT A
Plan Commission Appointments

Criteria for Appointee	Appointing Body	Initial Term of Office	Subsequent Term of Office
(A)(1) One member appointed by the county executive from its membership. One year term.	Commissioners	One year. Jan. 1, 2023 - Dec. 31, 2023	One year. Jan. 1, 2024 - Dec. 31, 2024
(A)(2)(first) First of three members appointed by the county executive. Must be a county resident; Must live in or own property in the unincorporated area. Cannot be an elected or appointed office holder in municipal, county or state government except for BZA. Four year term after initial term.	Commissioners	Three years. Jan. 1, 2023 - Dec. 31, 2025	Four years. Jan. 1, 2026 - Dec. 31, 2029
(A)(2)(second) Second of three members appointed by the county executive. Must be a county resident; Must live in or own property in the unincorporated area. Cannot be an elected or appointed office holder in municipal, county or state government except for BZA. Four year term after initial term.	Commissioners	Four years. Jan. 1, 2023 - Dec. 31, 2026	Four years. Jan. 1, 2027 - Dec. 31, 2030
(A)(2)(third) Third of three members appointed by the county executive. Must be a county resident; Must live in or own property in the unincorporated area. Cannot be an elected or appointed office holder in municipal, county or state government except for BZA. Four year term after initial term.	Commissioners	One year. Jan. 1, 2023 - Dec. 31, 2023	Four years. Jan. 1, 2024 - Dec. 31, 2027

(A)(3) One member appointed by the county fiscal body from its membership. One year term.	Council	One year. Jan. 1, 2023 - Dec. 31, 2023	One year. Jan. 1, 2024 - Dec. 31, 2024
(A)(4) One member appointed by the Town of Spring Lake. Must be a resident of the Town. Four year term after initial term.	Spring Lake Town Board	Two years. Jan. 1, 2023 - Dec. 31, 2024	Four years. Jan. 1, 2025 - Dec. 31, 2028
(A)(5) One member appointed by the Town of Shirley. Must be a resident of the Town. Four year term after initial term.	Shirley Town Board	Two years. Jan. 1, 2023 - Dec. 31, 2024	Four years. Jan. 1, 2025 - Dec. 31, 2028
(A)(6) One member appointed by the superintendents of the four county school corporations. Must be a county resident. Four year term after initial term.	Four School Corporation Superintendents	Four years. Jan. 1, 2023 - Dec. 31, 2026	Four years. Jan. 1, 2027 - Dec. 31, 2030
(A)(7) One member appointed by the county surveyor. Must be a county resident. Four year term after the initial term.	County Surveyor	Three years. Jan. 1, 2023 - Dec. 31, 2025	Four years. Jan. 1, 2026 - Dec. 31, 2029