

ORDINANCE NO. 2015-24^{CM}
AMENDING TIPPECANOE COUNTY CODE
SECTION 31.016
AREA PLAN COMMISSION REPRESENTATION

WHEREAS, the City of West Lafayette, Indiana, did on October 15, 2014, become a second class city as designated in Indiana Code chapter 36-4-1;

WHEREAS, the designation of the City of West Lafayette, Indiana, warrants a change in the membership structure of the Area Plan Commission of Tippecanoe County, Indiana;

WHEREAS, each participating municipality within the Area Plan Commission of Tippecanoe County must each adopt a similar ordinance when the membership is provided for under Indiana Code 36-7-4-211;

WHEREAS, Section 31.016 of the Tippecanoe County Code contains membership provisions that are similar to those contained in Chapter 2.04, Section 2.04.010 of the Lafayette City Code; Chapter 24, Section 24.22 of the West Lafayette City Code; Chapter 32, Section 32.035 of the Town of Dayton Code; Ordinance No. 329 of the Town of Battle Ground; and Ordinance No. 95-4 of the Town of Clarks Hill; and

WHEREAS, those municipalities have or are expected to soon adopt changes reflecting West Lafayette, Indiana's change in status as a second class city, increasing the Area Plan Commission's membership to seventeen (17) members, and providing for equal representation as between the City of Lafayette and the City of West Lafayette;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Tippecanoe County, Indiana, that the Tippecanoe County Code be amended to amend Section 31.016 of the Tippecanoe County Code to read as follows:

(A) The representation, both as to the number of members and the qualification of members of the Area Plan Commission of Tippecanoe County, pursuant to I.C. 36-7-4-211, is fixed at a total of seventeen (17) members to be determined as follows:

- (1) Two representatives who shall be members of the Tippecanoe County Board of Commissioners, and who shall be chosen by the Board of Commissioners and whose term shall be fixed by the Board, but shall not exceed their term as such Commissioner.
- (2) Two representatives who shall be members of the County Council, and who shall be chosen by the County Council and whose term shall be fixed by the Council, but shall not exceed their term on the Council.
- (3) A representative who shall be an elected official who shall be appointed by the Mayor of the City of Lafayette, Indiana, and whose term shall correspond to his office as

such elected official.

(4) One representative who shall be a member of the City Council of the City of Lafayette, Indiana, and who shall be chosen by the City Council, and whose term shall be fixed by the Council, but shall not exceed his term on the Council.

(5) A representative who shall be an elected official, who shall be appointed by the Mayor of the City of West Lafayette and whose term shall correspond to such elected official's term.

(6) One representative who shall be a member of the City Council of the City of West Lafayette, and who shall be chosen by such City Council and whose term shall be fixed by such Council, but shall not exceed such Council member's term on such Council.

(7) One representative who shall be a member of the Town Board of the Town of Battle Ground, Indiana, and who shall be chosen by such Town Board, and whose term shall be fixed by such Town Board, but shall not exceed his term on the Town Board.

(8) One representative who shall be a member of the Town Council of the Town of Clarks Hill, Indiana, and who shall be chosen by such Town Council, but shall not exceed his or her term on such Town Council.

(9) One representative who shall be a member of the Town Board of the Town of Dayton, Indiana, and who shall be chosen by such Town Board, and whose term shall be fixed by such Town Board, but shall not exceed his term on such Town Board.

(10) Two representatives who shall be citizen members holding no other elected or appointed municipal, county or state office, who shall be appointed by the County Board of Commissioners for a term of two years.

(11) Two representatives who shall be a citizen member holding no other elected or appointed municipal, county or state office who shall be appointed by the Mayor of the City of West Lafayette, Indiana, for a term of two years.

(12) Two representatives who shall be citizen members holding no other elected or appointed municipal, county or state office who shall be appointed by the Mayor of the City of Lafayette, Indiana, for a term of two years.

(B) In the event any city or town named herein is not, on the effective date of this section, a participant by ordinance in the Area Plan Commission, or subsequently withdraws from participation, then the representative or representatives, be they Mayor, City Councilmember, Town Board member, or citizen appointment, shall not be entitled to membership on the Plan Commission and the total membership of the Commission shall be reduced thereby.

(C) In the event any governmental unit who has made an appointment to the Area Plan

Commission of Tippecanoe County under this subchapter should amend this subchapter so as to eliminate or alter their particular representation on the Area Plan Commission, without the adoption of a similar ordinance by all other participating governmental units, the representation by such governmental unit shall terminate, and for failure to then be in compliance with I.C. 36-7-4-211(b), the membership of such governmental unit in the Area Plan Commission shall be considered terminated. Thereafter the Area Plan Commission shall provide no further services of any nature, including but not limited to services in zoning, subdivision, board of zoning appeal functions, hearing, recommendations, and enforcement to such governmental unit.

NOW THEREFORE BE IT FURTHER ORDAINED that, notwithstanding the amendment of Section 31.016(A)(11) (Section 31.016(A)(10) prior to amendment by this ordinance) increasing the number of appointments of non-office holders by the mayor of the City of West Lafayette from one appointment to two appointments, the appointee serving as of the date of this ordinance shall continue as a representative until the expiration of the appointee's current term any successors appointed thereafter shall serve for two year terms. The initial term of the new appointee created by Section 31.016(A)(11) shall begin on January 1, 2016, and shall be for a period of two years.

This Ordinance shall be in full force and effect immediately upon passage.

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on first reading this 2nd day of November, 2015, by the following vote:

BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

VOTE


Thomas P. Murtaugh, President


David S. Byers, Vice President


Tracy A. Brown, Member

ATTEST:


Robert Plantenga, Auditor of Tippecanoe County

Presented to the Board of Commissioners of Tippecanoe County, Indiana, and approved on second reading this 2nd day of November, 2015, by the following vote:

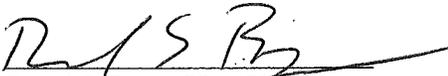
BOARD OF COMMISSIONERS OF
TIPPECANOE COUNTY

VOTE

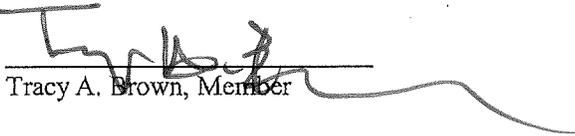
y


Thomas P. Murtaugh, President

y


David S. Byers, Vice President

y


Tracy A. Brown, Member

ATTEST:


Robert Plantenga, Auditor of Tippecanoe County

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CHANGES:

1. For non-substantive language differences, left wording from original Tippecanoe County ordinance in place.
2. (A) Increases from 15 to 17.
3. (A)(5) Removes council approval from Mayor of WL appointment.
4. (A)(6) Adds a new (A)(6) that provides a new WL City Council appointment. Renumbers remaining subdivisions.
5. (A)(11) (formerly (A)(10)) Increases WL mayor appointment of non-office holders from 1 to 2.
6. Non-Code ordinance that specifies existing officeholder under (A)(10) (formerly (A)(11)) serves existing term and new officeholder begins term on 1/1/2016.

Per IC 36-2-4-7(a)(2) the requirement to adopt a zoning ordinance under IC 36-7 doesn't require two readings.

To do: Proof language and formatting. Check re: two readings.