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ARTICLE I. AIRPORT AND AIRPORT MANAGEMENT

Sec. 5-101 Airport Manager.

The City Manager shall appoint a Manager of the Municipal Airport of the City. He shall be charged with the enforcement of this article and with the proper operations of the airport.

(Code 1982)

Cross reference-Offices and employees, § 2-109 et seq.

Sec. 5-102 Conformance with air traffic rules.

It shall be unlawful for any person to navigate any aircraft from, to or over the Municipal Airport otherwise than in conformity with current air traffic rules established by any agency of the State of Kansas and/or the United States government having jurisdiction.

(Code 1982)

Sec. 5-103 Permit to use for commercial purposes.

No person shall use the Municipal Airport as a base or terminal for the transportation of passengers, freight, express or mail for hire or for commercial flight instruction or for communications without first having secured permission therefore from the Airport Manager. All other commercial activities may be conducted only after first obtaining a written consent of the Board of Commissioners.

(Code 1982)

Sec. 5-104 Permit to sell food or refreshments.

No person shall engage in the sale of refreshments, food or any other commodity within the confines of the Municipal Airport without first having secured permission therefore from the Airport Manager.

(Code 1982)

Cross reference-Businesses, Ch 11.

Sec. 5-105 Disposal of damaged aircraft.

Upon authorization from the Federal Aviation Administration, the owner of any aircraft, his pilot or agent shall be responsible for the prompt removal and disposal of wrecked or damaged aircraft and the parts thereof from the traveled portion of the airport so as to avoid interference with field operations.

(Code 1982)

Cross reference-Junked, wrecked or abandoned property, § 10-201 et seq.

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Sec. 5-106 Repair to aircraft.

All repairs and maintenance to aircraft and aircraft engines shall be made in the spaces designated for that purpose by the Airport Manager and shall not be made on the area reserved for landings, takeoffs or tie-down parking areas.

(Code 1982)

Sec. 5-107 Area for landing or takeoffs.

All aircraft shall land and take off on areas designated as runways by the Airport Manager and as recognized and/or as authorized by the Federal Aviation Administration, and no person shall take off or land in an aircraft, except helicopters, on or from taxiways or parking ramps.

(Code 1982)

Sec. 5-108 Taxiing after landing.

Every pilot landing in an aircraft at the Municipal Airport shall first assure himself that there is no danger of collision with other aircraft taking off, landing or taxiing before and while taxiing to the line on, or other part of, the airport. All aircraft shall be taxied at a slow and reasonable speed, particularly in the vicinity of hangars and other buildings and other taxiing aircraft.

(Code 1982)

Sec. 5-109 Taxiing about hangars prohibited.

No aircraft shall be taxied into or out of hangars.

(Code 1982)

Sec. 5-110 Starting aircraft engines without attendant prohibited.

No aircraft engine shall be started or operated unless a competent person is in the cockpit attending to the controls.

(Code 1982)

Sec. 5-111 Operation of aircraft engines in hangar.

No aircraft engines shall be operated in any hangar except upon express permission of the Airport Manager.

(Code 1982)

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Sec. 5-112 Fueling of engine while operating.

No aircraft shall be fueled while the engine is operating except upon express permission of the Airport Manager.

(Code 1982)

Sec. 5-113 Starting and warm-up of aircraft engines.

Aircraft shall be started and warmed up only in the places designated for such purposes by the Airport Manager. At no time shall engines be tuned up in such positions that hangars, shops or other buildings or any person shall be in the path of the propeller stream.

(Code 1982)

Sec. 5-114 Parking and securing of aircraft.

All unhused aircraft shall be parked in the space designated for that purpose by the Airport Manager and shall be firmly secured to the ground when left unattended.

(Code 1982)

Sec. 5-115 Operation of automotive equipment on airport.

The operators of automobiles and other vehicles, excepting only the drivers of vehicles regularly employed and servicing the airport, shall use no portion of the airport other than designated automotive driveways and parking areas. This automotive traffic prohibition includes runways, taxiways, aprons and grassy areas.

(Code 1982)

Cross reference-Parking, § 13-301 et seq.

Sec. 5-116 Smoking restricted.

No person shall smoke in any hangar or any room or building at the airport except in areas where smoking is specifically authorized.

(Code 1982)

Cross reference-Public health and safety and environmental hazards, § 10-101 et seq.

Sec. 5-117 Mechanical work to be performed in repair shop.

All mechanical work except inspection, removal and replacement of parts shall be performed only in the repair shop and shall not be performed in the storage areas of hangars.

(Code 1982)

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Sec. 5-118 Federal rules to apply.

If there shall be any conflict between the provisions of this article and the rules and regulations established by any federal agency having jurisdiction, the federal rules shall apply. All persons using the airport must conform to such federal rules and regulations.

(Code 1982)

Sec. 5-119 Parachuting.

Parachuting onto the Municipal Airport shall be prohibited except when necessary in the interest of national defense or when specifically approved by the Board of Commissioners.

(Code 1982)

Sec. 5-120 Penalty for violation of article.

Any person violating any of the provisions of this article shall be guilty of a Class A Misdemeanor.

(Code 1982)

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ARTICLE II. MUNICIPAL AUDITORIUM

Sec. 5-201 Name.

The City Commission hereby creates an unincorporated association called "The Friends of the Ottawa Municipal Auditorium", referred to as "the Friends".

Sec. 5-202 Purpose.

Section 1. The Friends is a non-profit association, established and sanctioned by the Ottawa City Commission, to allow supporters a venue and vehicle for enhancing the Ottawa Municipal Auditorium (OMA) and assisting it in the following areas:

1. Raising funds to help pay for identified needs of the OMA including capital projects, equipment and supplies, specific performances, contractual work including professional consultations, and other projects or programs agreed upon by the City and Friends.
2. Building support for the OMA, increasing its influence in the community and increasing its overall attendance and use.
3. Soliciting public input and feedback about the facility and operations and providing such information to the City Manager and OMA staff for their use in correcting problems, deficiencies, errors or obstacles.
4. Developing and disseminating information about the facility, the activities and needs of the OMA.
5. Actively seeking volunteers to help with events or projects, and recruiting members in the Friends.

Section 2. No part of the net earnings of the Friends shall be used for the benefit of any member, trustee, official or individual. The Friends shall not give financial assistance or intervene in any political campaign of any candidate for local public office.

Section 3. In the event of the dissolution of the Friends, all liabilities and obligations shall be paid, satisfied and discharged. All remaining assets, property and income owned or held shall be transferred to the City of Ottawa, which will transfer such to the OMA fund. No part of such remaining assets, property or income shall be distributed to members or to any other persons, whatsoever.

Section 5-203 Officers.

Section 1. Officers of the Friends shall be President, Vice-President, Secretary, and Treasurer.

Section 2. Duties of the officers shall be as follows:

1. The President shall call and preside over the meetings of the general membership and of the Friends of the Ottawa Municipal Auditorium Board, and shall see that those who should be present are notified of the meeting. The President shall appoint committees consistent with the purposes of this organization, and shall supervise activities of the Friends.
2. The Vice-President shall, in the absence of the President, perform all of the duties of the President; become President for the unexpired term in case of death, resignation or incapacity of the President; and serve in such other capacities as assigned by the President.
3. The Secretary shall see that a record is kept of all meeting, reports and special papers considered to be of continued value to the Friends, as well as a list of names and addresses of the membership.

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4. The Treasurer shall be responsible for the receipt and expenditures of all funds authorized by the Friends of the Ottawa Municipal Auditorium; keep and maintain the financial records; make an accounting of all receipts, expenditures and transfers for the year at the Annual Meeting; and see that a yearly audit is conducted.

Section 3. All officers shall be elected by a majority vote of the Friends Board at their first meeting of each year and shall serve for a term of one year or until their respective successors are elected. No person shall hold the same office for more than four successive terms except the Treasurer, who may serve five successive terms.

Section 5-204 Place of Business.

The place within the State of Kansas where the principal office of the Friends is located in the City of Ottawa, Franklin County, Kansas.

Section 5-205 Membership and Dues.

Section 1. Membership in this Association shall be open to all interested persons. Each member shall be entitled to one vote on all questions submitted to the general membership.

Section 2. Dues shall be payable at the beginning of each year. The Friends shall set the types of memberships and amount of dues.

Section 5-206 Board.

Section 1. The Board members of the Friends shall conduct the business of the association between meetings of the membership under the guidelines established by the membership.

Section 2. The Board shall consist of a minimum of five (5) members, appointed on a staggered basis to four-year terms, with the initial Board to be selected as follows; two (2) members to serve four-year terms, two (2) members to serve three-year terms, and one member to serve a one-year term. Subsequently, when these terms expire they shall be filled for four (4) year terms.

Section 3. If a Board member fails to complete their term, the remaining board members shall select a replacement to fill the position for the remainder of the unexpired term. If the unexpired term is for less than two (2) years, the member shall be eligible to serve two (2) more complete terms.

Section 4. A nominating committee shall be appointed by the Board prior to the annual meeting to prepare a slate of nominees for election to the board. Additional nominations may be made from the floor with the advance consent of the nominee.

Section 5. Meetings of the Board shall be held monthly. Meetings may be held more or less frequently as needed or on the call on the President or any two (2) officers other than the President.

Section 6. The Board shall provide a copy of all agendas, minutes and supporting material prior to its meetings to the City Clerk and City Manager, and shall keep the City Manager informed of its activities.

Section 5-207 Meetings

Section 1. All meetings of The Friends shall be open to the public.

Section 2. The Board's November meeting shall constitute the Annual Meeting of the membership, and any member attending this meeting is eligible to vote on business presented for transaction.

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Section 3. Any two (2) officers may call a meeting of the membership. The Secretary shall see that the membership is notified of such a meeting.

Section 4. The members, who attend a meeting of the general membership, after proper notice of such meeting has been given, shall constitute a quorum.

Section 5. A majority of the members of the Board shall constitute a quorum.

REVISED: (*Ord. No. 3449-03, 7/2/03*)

Changed 10/30/03

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ARTICLE III. LIBRARY AND LIBRARY BOARD

Sec. 5-301 Board; Appointment; terms; eligible; vacancies; expenses.

The Mayor shall appoint, with the approval of the Commission, a Library Board for the Municipal Library. The Library Board shall consist of seven (7) members. Upon the expiration of the terms of members first appointed, succeeding members shall be appointed in like manner for terms of four (4) years. All members appointed to the Library Board shall be residents of the City. Vacancies occasioned by removal from the City, resignation or otherwise, shall be filled by appointment for the unexpired term. No person who has been appointed for two (2) consecutive four-year terms to the Library Board shall be eligible for further appointment to such board until two (2) years after the expiration of the second term. Members of the Library Board shall receive no compensation for their services as such, but shall be allowed their actual and necessary expenses in attending meetings and in carrying out their duties as members.

(Code 1982)

Sec. 5-302 Corporate status of board; powers.

In accordance with State Statute, the Library Board shall constitute a body corporate and politic, possessing the usual powers of a corporation for public purposes, under the name and style of "the Board of Directors of the Ottawa Municipal Library", and under such name may contract, sue and be sued, and acquire, hold and convey real and personal property. The acquisition or disposition of real property shall be subject to the approval of the City Commission.

(Code 1982)

Sec. 5-303 Officers of board; meetings; notice.

The members of the Library Board shall, immediately after their appointment and annually thereafter, meet and organize by the election of a Chairman, a Secretary and a Treasurer and such other officers as they may deem necessary. The board shall fix the date and place of its regular meetings, and special meetings may be called by the Chairman or upon written request of a majority of the members. Written notice stating the time and place of any special meeting and the purpose for which called, shall, unless waived, be given each member of the board at least two (2) days in advance of such meeting, and no business other than that stated in the notice shall be transacted at such meeting.

(Code 1982)

Sec. 5-304 Powers and duties of board.

The Library Board shall have the following powers and duties.

- A. To make and adopt rules and regulations for the administration of the Library.
- B. With the approval of the Governing Body of the City, to purchase or lease a site or sites and to lease or erect a building or buildings for the use of the Library.
- C. To acquire by purchase, gift or exchange, books, magazines, papers, printed materials, slides, pictures, films, projection equipment, phonograph records and other material and

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equipment deemed necessary by the Board for the maintenance and extension of modern library service.

- D. To employ a librarian and such other employees as the board shall deem necessary and the authority to remove them and to fix their compensation.
- E. To establish and maintain a library or libraries and traveling library service with the City or within any other City with which service contract arrangements have been made.
- F. To contract with other libraries established under the provisions of Chapter 12, Article 12 of Kansas Statutes Annotated or with the Governing Body of a City not maintaining a public library for the furnishing of library service to the inhabitants of such City to the extent and upon such terms as may be agreed upon, and to contract to furnish library service to any school library.
- G. To receive, accept and administer any money appropriated or granted to it by the State or the Federal Government or any agency thereof for the purpose of aiding or providing library service.
- H. To receive and accept any gift or donation to the library and administer the same in accordance with any provisions thereof.
- I. To make annual reports to the State Librarian and the Governing Body of the City on or before January 31st of each year for the preceding calendar year, showing receipts and disbursements from all funds under its control, and showing such statistical information relating to library materials acquired and on hand, number of library users, library services available, and other information of general interest as said Governing Body may require.
- J. To place money received from sources other than a tax levy for library purposes, in its discretion, in a separate fund or funds, or to place the money in the fund to which the tax levy money is credited unless the grantor or donor shall direct how and for what purpose the money shall be handled and spent.

(Code 1982)

Sec. 5-305 Treasurer of board; duties.

The Treasurer of the Library Board shall give bond in an amount fixed by said board and approved by the Governing Body of the City for the safekeeping and due disbursement of all funds that may come into the hands of the Treasurer. Such bonds shall be filed with the Clerk of the City. Except where otherwise provided by law, the Treasurer of the City shall pay over to the Treasurer of the Library Board all funds collected for the maintenance of the library and the Treasurer of the Library Board shall pay out said funds on orders of the Board signed by the Secretary and Chairman thereof. Such Treasurer shall keep an accurate record of all moneys received and disbursed by him and make a report thereof to the Library Board monthly, or as often as said Board shall require.

(Code 1982)

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Sec. 5-306 Use of library; rules and regulations.

The Library established under, or governed by the provisions of this ordinance, shall be free to the use of the residents of the City, subject always to such reasonable rules and regulations as the Library Board may adopt, and said Board may exclude from the use of said Library any and all persons who shall willfully violate such rules. The Library Board may extend the use and privilege to such Library to nonresidents of the City and may make exchanges of books with any other library upon such terms and conditions as said Board may from time to time by its regulations prescribe.

(Code 1982)

Sec. 5-307 Damaging books; penalty.

- A. It shall be unlawful for any person to destroy or damage any book, page of any book, map, chart, magazine, record, and statuary or other personal property of, or used in connection with, the Public Library.
- B. A violation of this section is a Class B Misdemeanor.

(Code 1982)

Sec. 5-308 Taking books without permission; penalty.

- A. It shall be unlawful for any person to take from the Public Library of the City any book, page of any book, map, plat, chart, picture, magazine or record or other property of, or used in connection with, said Public Library except with the permission of the librarian or person in charge thereof, and under the rules of the Library Board of said Public Library.
- B. A violation of this section is a Class B Misdemeanor.

(Code 1982)

Sec. 5-309 Library Location-Deleted.

(Ord. No. 3357-00, 12-20-00)

State law reference-Library, K.S.A. 12-1222 et seq.

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Sec. 5-310 Tax levied for library.

- A. The City, by the power vested in it by Article 12, Section 5, of the State Constitution, hereby elects to make inapplicable to it and exempts itself from K.S.A. 79-1952, which applies to this City but not uniformly to all cities and provides substitute provisions on the same subject as provided in Subsection (B) of this section.

- B. The Board of Commissioners is hereby authorized and empowered to levy taxes in each year at a rate of levy in any one year on each dollar of assessed tangible valuation of the City for the following named purposes and not to exceed the following named rate:

- C. Library: Ten (10) mills.

REVISED: (*Ch. Ord. No. 12, 09-06-95*)

State law reference- Limitation on certain tax levies, K.S.A. 79-1952.

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ARTICLE IV. PLANNING COMMISSION

Sec. 5-401 Membership; terms.

The City Planning Commission shall consist of seven (7) members who are electors. Two members shall reside outside, but within three (3) miles of, the city limits. All members shall be appointed by the Commission. Members shall be appointed for terms of three (3) years. Vacancies shall be filled by the appointment for the unexpired term. Members of the Planning Commission shall serve without compensation for their services.

(Code 1982)

State law reference-Similar provisions, K.S.A. 12-722 (a), (b).

Sec. 5-402 Organization; meetings.

The members of the City Planning Commission shall meet within two (2) weeks following their appointment and organize by the selection of one (1) of their members as Chairperson, one (1) as Vice-chairperson and one (1) as Secretary, each of whom shall serve for one (1) year and until his successor has been selected. The City Planning Commission shall meet at least once each month at such time and place as it may fix by resolution, and special meetings may be called by the Chairperson. A majority of the Planning Commission shall constitute a quorum for the transaction of business. The Planning Commission shall cause a record to be kept of all its proceedings.

(Code 1982)

State law reference-Planning Commission meetings, officers, powers, K.S.A. 12-745.

Sec. 5-403 Powers and duties.

- A. The powers and duties of the Planning Commission shall be to make comprehensive plans and maps of the whole or any portion of the City, which in its opinion bears relation to the planning of the City, and to make changes in such plans or maps when it deems such changes advisable. Such plans or maps shall show the Planning Commission's recommendations for new streets, alleys, ways, viaducts, bridges, parks, parkways, playgrounds or any other public grounds or public improvement and the removal, relocation, widening or extension of such public works then existing with a view to the systematic planning of the City. The Commission may make recommendations to the Governing Body concerning the location of the streets, transportation and communication facilities, public buildings and grounds.
- B. The Board of Commissioners shall require the City Planning Commission to recommend the boundaries of zoning districts and appropriate regulations to be enforced therein.
- C. Whenever the Planning Commission shall have made and agreed upon a plan for the development of the City or any portion thereof, such plan or plans shall be submitted to the Board of Commissioners for their consideration and action pursuant to K.S.A. 12-747.

(Code 1982)

State law reference-Comprehensive plan, procedure for adoption, K.S.A. 12-747.

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Sec. 5-404 Plans and plats; regulations.

- A. All plans, plats or replats of land laid out in building lots and the streets, alleys or other portions of land intended to be dedicated for public use or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto and plans and descriptions of all streets, alleys or public ways intended to be deeded or dedicated for public use or for the use of purchasers or owners of the land fronting thereon or adjacent thereof which is not intended to be platted into lots, other designated tracts, and located within the City Limits of the City, shall be submitted to the Board of Commissioners for official consideration and action.

- B. No plat or replat or dedication or deed of any street or public way shall be filed with the Register of Deeds as provided by law until such plat or replat or dedication or deed shall have endorsed on it the fact that it has first been submitted to the City Planning Commission and by the City Planning Commission to the Board of Commissioners and by such Board of Commissioners duly approved. Before exercising the powers referred to above, the City Planning Commission shall adopt regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the proper area of streets in relation to other existing or planned streets and to the mapped plan for adequate and convenient open spaces for traffic, utilities, access of firefighting apparatus, recreation, light and air, and for the avoidance of congestion of population, including minimum width and area of lots.

(Code 1982)

State law reference-Plats, K.S.A. 12-752

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ARTICLE V. TREE ADVISORY BOARD

Sec. 5-501 Tree Advisory Board Established; Composition.

A Citizens' Tree Advisory Board (hereinafter referred to as the "Board") shall be established for the purpose of advising the City Commission related to the matter of trees within the City of Ottawa (hereinafter referred to as the "City"). The Board shall be composed of five (5) members, three (3) of whom shall be residents of the City. Two (2) members may reside outside of the city limits but must be residents of Franklin County. Board members will be appointed based on willingness to serve and City Commission evaluation of the expertise an individual may bring to the Board. The Public Works Director and the Parks Superintendent shall serve in addition to the citizen members as ex-officio members in an advisory (i.e. non-voting) capacity.

REVISED: (*Ord. No. 3325-99, 08-18-99; Ord. No. 3626-07, 04-04-07*) Changed: 01-14-08

Sec. 5-502 Term of Appointment; Vacancies; Compensation.

Members shall be appointed for a term of three years, with initial appointments being made for one (1) year (1 position), two (2) years (2 positions) and three (3) years (2 positions) in order to establish a rotation among the membership. Initial appointments shall be effective immediately. The terms applicable to these initial appointments shall begin during the second quarter of calendar year 2000 following re-organization of the City Commission. In the event of an unplanned vacancy on the Board, a successor shall be appointed to fill the unexpired term. Members shall receive no compensation for their services.

REVISED: (*Ord. No. 3325-99, 08-18-99*)

Sec. 5-503 Organization/Operations of Tree Advisory Board.

As soon as possible after initial appointment, members of the Board shall organize and elect a Chairperson and a Vice-chairperson. These positions shall be appointed annually, during the second quarter of each calendar year. Meetings of the Board should be conducted as needed, but no less than twice a year. A majority of the members shall constitute a quorum for the purpose of periodic meetings. A written record of proceedings and actions of the Board shall be maintained. The Public Works Director shall function as Secretary for the Board.

REVISED: (*Ord. No. 3325-99, 08-18-99*)

Sec. 5-504 Contractual Authority.

The Board shall not have authority to enter into any contract or to incur obligations binding on the City.

REVISED: (*Ord. No. 3325-99, 08-18-99*)

Sec. 5-505 Responsibilities.

The Board shall be responsible to propose tree planting and maintenance regulations, programs and activities to the City Commission, and to advise the City Commission concerning issues related to trees.

REVISED: (*Ord. No. 3325-99, 08-18-99*)

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ARTICLE VI. BOARD OF ZONING APPEALS

Sec. 5-601 Membership; terms.

A Board of Zoning Appeals is hereby established. Such Board shall consist of not less than three (3) and no more than five (5) members, one of whom shall be a member of the Planning Commission and if the City enacts zoning regulations which affect land outside the corporate limits, one (1) member of the board shall be a resident outside the city limits and all members shall be appointed by the City Governing Body. The members first appointed shall serve respectively for terms of one, two and three years, divided as nearly equally as possible between the members. Thereafter members shall be appointed for terms of three (3) years each. Vacancies shall be filled by appointment for the unexpired term. All members of said board shall serve without compensation.

Sec. 5-602 Organization; meetings.

The Board shall annually elect one of its members as chairperson and shall appoint a secretary who may be a board member or an employee of the City. The Board shall adopt bylaws and rules or procedure for the conduct of business. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine. The Board shall keep minutes of its proceedings, showing evidence presented, findings of fact by the Board, decisions of the Board and voting upon each question. Records of all official actions of the Board shall be kept.

Sec. 5-603 Powers and Jurisdiction.

The Board of Zoning Appeals shall administer the details of appeals or other matters referred to it regarding the application of the Zoning Ordinance. The Board shall have the following specific powers:

- A. To hear and decide on appeals where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance.
- B. To interpret the provisions of this Ordinance in such a way as to carry out the intent and purposes of the adopted comprehensive plan, and as shown upon the zoning district maps fixing the several districts accompanying, and made a part of this Ordinance, where the street layout actually on the ground varies from the street layout as shown on the zoning district map.
- C. To permit a variance in the yard requirements of any district where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, or topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare or where variance may be permitted which allow unusual arrangement on the lot and still clearly and unmistakable accomplish the intent of this Ordinance. The Board must find that the granting of such variance will not merely serve as a convenience to the applicant, but will alleviate some demonstrable or unusual hardship or difficulty.
- D. To hear and grant exceptions to district zoning regulations.

NEW ARTICLE CREATED: (Ord. No. 3436-03, 2-19-03)

