

## **CHAPTER 1-11 ESTABLISHING PLANNING & ZONING COMMISSION**

### **1-11-1**

#### **ESTABLISHING PLANNING & ZONING COMMISSION**

A Planning & Zoning Commission is hereby created for the City of Brandon, South Dakota, with all the powers, authorities, jurisdictions and duties as provided in SDCL 11-4 and 11-6, and acts amendatory thereto, relating to City planning and zoning and comprehensive City planning.

**Legislative History:**

Ordinance #4, 3/14/74.  
Ordinance #297, 11-6-00

**Authority:**

SDCL Ch. 11-4 & 11-6.

### **1-11-2**

#### **MEMBERSHIP, APPOINTMENTS, TERMS AND QUALIFICATIONS**

- A. Membership shall consist of seven persons, six to be appointed by the Mayor of the City of Brandon, South Dakota, and confirmed by the City Council of said City. The term of each member of the Planning & Zoning Commission shall be for three years, with two members appointed each year. An appointment to fill a vacancy shall be only for the unexpired portion of the term. All members of the said Commission shall reside within the City of Brandon, South Dakota. Each member shall be entitled to one vote.
- B. The seventh member of the Commission shall be a Brandon City Council person, duly elected to that position and representing the Brandon City Council, who shall be appointed to the Commission by the Mayor and approved by the City Council for a one year term. The Council representative shall act as the Chairman of the Commission and shall only vote in the event of a tie.

**Legislative History:**

Ordinance #4, 3/14/74.  
Ordinance #297, 11-6-00  
Ordinance #320, 7-31-02  
Ordinance #552, 6-13-17

**Authority:**

SDCL Ch. 11-4 & 11-6.

### **1-11-3**

#### **OFFICERS**

- A. The Officers of the Planning & Zoning Commission shall consist of a Chairman, Vice-Chairman, and Secretary. The Secretary need not be a member of the Commission.
- B. The Chairman shall preside at all meetings and hearings of the Planning & Zoning Commission and shall have the duties normally conferred by parliamentary usage on such officers.
- C. The Vice Chairman shall act for the Chairman in his/her absence.
- D. The Secretary shall keep the minutes and records of the Commission, and with the assistance of such staff as is available, shall prepare the agenda of regular and special meetings under the direction of the Chairman, provide notice of all meetings to Commission members, arrange proper and legal notice of hearings, attend to correspondence of the Commission and such other duties as are normally carried out by a Secretary.

**Legislative History:**

Ordinance #4, 3/14/74.  
Ordinance #297, 11-6-00

**Authority:**

SDCL Ch. 11-4 & 11-6.

## 1-11-4

### ELECTION OF OFFICERS

- A. An annual organization meeting shall be held at the first regular meeting in the month of June.
- B. Nominations shall be made from the floor at the annual organization meeting and election of the officers Vice Chair as specified in Brandon Municipal Ordinance 1-11-3 herein, shall follow immediately thereafter.
- C. A candidate receiving a majority vote from those present of the Planning & Zoning Commission shall be declared elected, and shall serve for one year or until his successor shall take office.
- D. Vacancies in office shall be filled immediately by regular election procedure.

**Legislative History:**

Ordinance #4, 3/14/74.  
Ordinance #297, 11-6-00  
Ordinance #552, 6-13-17

**Authority:**

SDCL Ch. 11-4 & 11-6.

## 1-11-5

### MEETINGS

- A. Meetings will be held on the 1st and 3rd Thursday of each month at 6:30 P.M. at the City Hall of the City of Brandon, South Dakota or at such other locations and times as determined by the Commission.
- B. A quorum shall consist of four (4) members of the Commission. The number of votes necessary to transact business shall be four (4) a majority of the quorum present unless specified otherwise.
- C. Special meetings may be called by the Chairman.
- D. All meetings at which official action is taken shall be open to the general public.
- E. Unless otherwise specified, Robert's Rules of Order shall govern the proceedings at the meetings of this Commission.

**Legislative History:**

Ordinance #4, 3/14/74.  
Ordinance #297, 11-6-00  
Ordinance #320, 7-31-02  
Ordinance #552, 6-13-17

**Authority:**

SDCL Ch. 11-4 & 11-6.

## 1-11-6

### ORDER OF BUSINESS

- A. The order of business at regular meetings shall be:
  - 1. Roll Call
  - 2. Reading of minutes of previous meeting and action thereon
  - 3. Communications and bills
  - 4. Reports of Officers and Committees
  - 5. Old Business
  - 6. New Business
  - 7. Adjournment
- A. The matter before the Commission shall be presented in summary by the Chairman, and parties in interest shall have the privilege of the floor.
- B. No record or statement shall be recorded or sworn to as evidence for any Court of law without notice to the parties.
- C. A record shall be kept of those speaking before the Commission at such hearings.

**Legislative History:**  
Ordinance #4, 3/14/74.  
Ordinance #297, 11-6-00  
Ordinance #552, 6-13-17

**Authority:**  
SDCL Ch. 11-4 & 11-6.

## 1-11-7

### **PUBLIC HEARINGS**

- A. In addition to those required by law, the Commission may hold public hearings when it decides that such hearings will be in the public interest.
- B. Notice of the time and place of such hearing, when on matters of widespread interest, shall be published in the legal newspaper of the City of Brandon and shall be published at least five days prior to the hearing. For matters of limited territorial interest, notice shall be given in such manner as is deemed appropriate by the Commission.

**Legislative History:**  
Ordinance #4, 3/14/74.  
Ordinance #297, 11-6-00  
Ordinance #320, 7-31-02  
Ordinance #552, 6-13-17

**Authority:**  
SDCL Ch. 11-4 & 11-6.

## 1-11-8

### **WAIVER OF NOTICE**

Whenever any notice is required to be given to the members of the Planning & Zoning Commission under the provisions of the South Dakota Compiled Laws of 1967 and acts amendatory thereto, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated therein, shall be deemed equivalent to the giving of such notice.

**Legislative History:**  
Ordinance #4, 3/14/74.  
Ordinance #297, 11-6-00  
Ordinance #552, 6-13-17

**Authority:**  
SDCL Ch. 11-4 & 11-6.

## 1-11-9

### **COMPENSATION OF MEMBERS**

All members of the Planning and Zoning Commission shall be paid as determined by Resolution of the Brandon City Council plus such additional cost, fees and per diem as are from time-to-time incurred.

**Legislative History:**  
Ordinance #4, 3/14/74.  
Ordinance #297, 11-6-00  
Ordinance #552, 6-13-17

**Authority:**  
SDCL § 11-4 & 11-6.