

TOWN OF PINETOP-LAKESIDE

RESOLUTION NO. 16-1390

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, DECLARING AS A PUBLIC RECORD A CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED "TOWN CODE CHAPTER 17.116 PLANNING AND ZONING ORGANIZATION AND PROCEDURE.

WHEREAS, that certain document entitled "Town Code Chapter 17.116 Planning and Zoning Organization and Procedure," attached hereto as Exhibit A, three copies of which shall be filed in the Office of the Town Clerk pursuant to this Resolution and have been ordered to remain on file with the Town Clerk; and

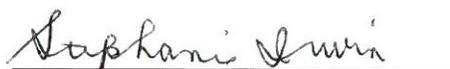
WHEREAS, A.R.S. §9-802 permits the enactment and publication by reference of a code or public record, including statute, rule or regulation of the municipality, in the interest of economy; and

WHEREAS, the document entitled "Town Code Chapter 17.116 Planning and Zoning Organization and Procedure," is a lengthy ordinance to be adopted by Ordinance No. 16-400, and which would qualify for enactment by reference.

NOW, THEREFORE, the Mayor and Town Council of the Town of Pinetop-Lakeside hereby declare that the document entitled "Town Code Chapter 17.116 Planning and Zoning Organization and Procedure" is hereby declared a public record for the purpose of adoption by reference pursuant to Ordinance No. 16-401, and order that three (3) copies of the document entitled "Town Code Chapter 17.116 Planning and Zoning Organization and Procedure" Amendment to Section 17.116.010 (A)" be permanently filed in the Office of Town Clerk and available for public inspection.

PASSED AND ADOPTED by the Mayor and Town Council of the Town of Pinetop-Lakeside this 15th day of December 2016.

TOWN OF PINETOP-LAKESIDE

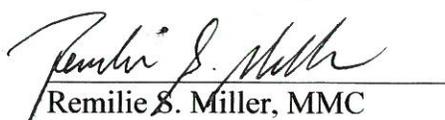


Stephanie Irwin

Mayor

ATTEST:

APPROVED AS TO FORM:



Remilie S. Miller, MMC

Town Clerk



William J. Sims, III

Town Attorney

EXHIBIT "A"

Chapter 17.116

PLANNING AND ZONING COMMISSION

ORGANIZATION AND PROCEDURE

Sections:

- [17.116.010 Establishment – Composition – Terms of members – Vacancies – Compensation of members.](#)
- [17.116.020 Procedure for appointments to the Planning and Zoning Commission.](#)
- [17.116.030 Powers and duties.](#)
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17.116.010 Establishment – Composition – Terms of members – Vacancies – Compensation of members.*

A. There is established a Planning and Zoning Commission of the Town to consist of seven (7) members, ~~five (5)~~ **four (4)** of whom shall be residents of the incorporated boundaries of the Town and ~~up to two (2)~~ **three (3)** of whom may reside within the unincorporated areas of the Town as defined by the boundaries of the Blue Ridge School District No. 32, but not residing in another incorporated municipality, each of whom shall be appointed by the Town Council. The members of the Commission shall serve three (3) years except as hereinafter provided. The members of the first Commission appointed hereunder shall serve for the following terms: two (2) members shall be appointed for a term of one (1) year; two (2) members shall be appointed for a term of two (2) years; three (3) members shall be appointed for a term of three (3) years. In the event of a death, resignation, or removal from the Commission, the vacancy shall be filled by

the Council for the unexpired term. Members of the Commission may, after public hearing, be removed by the Council for inefficiency, neglect of duty, or malfeasance in office. The Council shall file a written statement of the reasons for removal.

B. Because the participation of all Planning and Zoning Commissioners is necessary and helpful to carry out the duties of the Commission in the best interest of the citizens of the Town, consistent attendance by Commissioners is of the utmost importance. For this reason, the following attendance guidelines are applicable to the Commissioners:

1. Inadequate attendance is three (3) consecutive meetings or a total of six (6) meetings in one (1) year, calculating a year from the date of appointment and each anniversary date thereof.
2. If the above-described absences occur without notification to the Commission or staff, such absences will be deemed to be a resignation from the Commission and the Town Council will be notified of the vacancy.
3. If the above-described absences occur with notification to the Commission or staff, the Commissioner in violation of the attendance policy may meet with the rest of the Commissioners to discuss the problem in a regular agendaed meeting. If it is then agreed that such absences are not likely to reoccur and that the absences have not caused undue hardship to the Commission's duties, the Commissioner may remain on the Commission to fulfill his or her term. If the Commission determines to the contrary, the Town Council shall be notified of the vacancy.

C. All Commission members shall serve without pay; however, members of the Commission may be reimbursed for actual expenses incurred in connection with their duties upon authorization and approval of such expenditures by the Town Manager. A budget for the Planning and Zoning Commission shall be approved by the Town Council. Any out-of-state travel shall be approved by the Town Manager. (Ord. 15-393 § 1 (part); Ord. 15-389 § 1 (part); Ord. 11-353 § 2 (Exh. A)(part))

* Code reviser's note: Ord. 15-393 amended this section without taking into account the amendments of Ord. 15-389. Those amendments have been retained.

17.116.020 Procedure for appointments to the Planning and Zoning Commission.

Any individual interested in serving on the Planning and Zoning Commission shall submit a letter of interest addressed to the Town Council. Such letter shall include a statement of qualifications and any personal information the individual wishes to provide. The Town Council shall select and appoint individuals to the Planning and Zoning Commission by resolution. In filling vacancies to unexpired terms or expired terms, the established Planning and Zoning Commission shall act as the screening committee for the Town Council. The Planning and Zoning Commission shall review submittals for membership to the Commission and may recommend a ranking of applicants to the Town Council for their consideration and appointment by resolution. (Ord. 15-393 § 1 (part); Ord. 11-353 § 2 (Exh. A)(part))

17.116.030 Powers and duties.

A. Purpose. The Planning and Zoning Commission is established to advise the Town Council on the adoption of long-range plans, policies, specific plans, and regulations that affect development and the use of land and buildings for any purpose.

B. Duties. It shall be the duty of the Commission to:

1. Hold public hearings when necessary.
2. Make recommendations to the Town Council on all matters concerning or related to zoning districts, the boundaries thereof, the appropriate regulations to be enforced therein and amendments of this title, the official Town Zoning Map for Pinetop-Lakeside, and the General Plan.
3. Other duties prescribed by Arizona law; to carry out the specific duties as prescribed by the ordinance; and to undertake all activities usually associated therewith (see Arizona Revised Statutes Title [9](#), Chapter 4, Article 6, Municipal Planning, and Article 6.1, Municipal Zoning, as they may be amended).
4. The Planning and Zoning Commission shall also sit as the Design Review Board as established and set forth in Chapter [17.88](#) until such time as the Town Council appoints a separate Design Review Board.

C. Powers. The Planning and Zoning Commission shall have the authority to:

1. Grant conditional use permits in accordance with Chapter [17.80](#) (see Section [17.80.070](#) regarding appeals).
2. Grant site plan approvals in accordance with Chapter [17.84](#). (Ord. 15-393 § 1 (part): Ord. 13-366 § 1: Ord. 11-353 § 2 (Exh. A)(part))

17.116.040 Selection of officers.

The Commission will elect a Chairman and Vice Chairman at the first meeting held after July 31st each year from among its own members who shall serve for one (1) year and until their successors are elected and qualified. The presiding officer of the Planning and Zoning Commission shall be the Chair or Chairperson, who shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization. The Chair shall have the power to administer oaths, to compel attendance of witnesses and to take evidence. The Chair shall have the right to vote on all matters before the Commission, and shall also have the right to make or second motions in the absence of a motion, or a second, made by a member. The Vice Chairman shall perform the duties of the Chairman in the event of absence or disability of the Chairman. In the absence of the Chair and Vice Chair, the senior member, based upon years of membership, shall act as Chair. The Chair or Vice Chair may be removed from office at any time by a three-fourths (3/4) majority vote of the full Commission members. Vacancies in the Chair or Vice Chair created by any cause shall be filled for the unexpired term by a new election. (Ord. 15-393 § 1 (part): Ord. 11-353 § 2 (Exh. A)(part))

17.116.050 Regular meetings.*

- A. All regular meetings of the Commission shall be open to the public in accordance with Arizona law.
- B. Regular meetings of the Commission should be held on the second and fourth Thursday of each month if there is business to be conducted, with the regular meeting commencing at 6:00 p.m. at the Town Council Chambers, located at 1360 N. Niels Hansen Lane, Pinetop-Lakeside, Arizona. The Planning and Zoning Commission may hold regular and special meetings at other times and places with proper legal notice.
- C. Any meeting of the Commission may be adjourned to a later date and time in accordance with Arizona law.
- D. Agendas for all meetings of the Commission shall be prepared and posted in accordance with Arizona law. Notice that a regular meeting will not be held will be given to the Commission as soon as possible and posted by the Town Clerk as a canceled meeting no later than notice of a regular meeting would have been posted. (Ord. 15-393 § 1 (part); Ord. 15-389 § 1 (part); Ord. 13-366 § 2; Ord. 11-353 § 2 (Exh. A)(part))

* Code reviser's note: Ord. 15-393 amended this section without taking into account the amendments of Ord. 15-389. Those amendments have been retained.

17.116.060 Work sessions.

- A. The Commission may meet informally in work sessions which shall be open to the general public, at the call of the Chair or of any three (3) members of the Commission or by staff giving notice to all members by phone or personal delivery, or by verbal comment during a regular meeting, to review forthcoming programs of the Town, receive progress reports on current programs or projects, review items on the same or upcoming agendas, hear the Director staff reports, or receive other similar information from the Director; provided, that no Commission action may be taken and that all discussions and conclusions thereon shall be informal.
- B. Work sessions may only be held after proper legal notice has been given and posted.
- C. Work sessions shall not continue past one (1) hour of their starting time unless the majority of those Commission members present choose to continue. No call to the public shall be scheduled during work sessions unless ordered by majority vote of the Commission and placed on the agenda.
- D. Agendas for all work sessions of the Commission shall be prepared and posted in accordance with Arizona law. (Ord. 15-393 § 1 (part); Ord. 11-353 § 2 (Exh. A)(part))

17.116.070 Field trips.

The Commission may take field trips to view property or for other purposes relevant to a public hearing or other matter under consideration. All Commission field trips shall be taken as part of a regular or special meeting, and all interested persons shall be afforded the opportunity to be present to view the property and hear any reports or comments. A record of the field trips shall be entered into the minutes, so that the record shall indicate that the field trip was taken into consideration as evidence. Nothing herein shall prevent less than a quorum of the Commission, or Commission members individually at their own convenience and expense, from taking field trips to view property which is the subject of an application or other matter being considered. Agendas for all field trips of the Commission shall be prepared and posted in accordance with Arizona law. (Ord. 15-393 § 1 (part); Ord. 11-353 § 2 (Exh. A)(part))

17.116.080 Executive sessions.

Executive sessions or closed meetings may be held in accordance with the provisions of Arizona's Open Meeting Law. (Ord. 15-393 § 1 (part); Ord. 11-353 § 2 (Exh. A)(part))

17.116.090 Commission packet preparation.

In order to provide the Planning and Zoning Commission with information packets for adequate review prior to Commission meetings, it is required that any item being requested to be placed on the Commission agenda, including the supporting information, be submitted to the Community Development Department by 5:00 p.m. eight (8) calendar days prior to the Commission meeting. The Community Development Department will prepare the agenda and packets with the information provided. The packets will be available for pick-up by the Commission members by 12:00 p.m.; if not picked up, the Town will attempt to deliver the packets to the Commission members by 5:00 p.m. on the last work day of the week preceding the Commission meeting. (Ord. 15-393 § 1 (part); Ord. 11-353 § 2 (Exh. A)(part))

17.116.100 Public notice – Agendas – Posting.

A. Public notice of all meetings, work sessions, field trips, and other gatherings of the Planning and Zoning Commission shall be accomplished by posting an agenda of the matters to be discussed or decided at the meeting, in accordance with Arizona's Open Meeting Law.

B. Community Development staff will develop and review all agendas with the Chairman or in his/her absence the Vice Chairman.

C. The agenda will list the time and place for each meeting, and shall be posted at least twenty-four (24) hours in advance of each Planning and Zoning Commission meeting. The agenda will be posted on the bulletin board in the public hallway at the Town Offices, 1360 N. Niels Hansen Lane, Pinetop-Lakeside, Arizona, in the kiosk outside the Town Offices, and at both the Pinetop Post Office and the Lakeside Post Office. The agendas shall be posted on the Town's Internet website and shall give additional public notice, as is reasonable and practicable, as to all meetings (see Section [17.116.150](#), Order of business). (Ord. 15-393 § 1 (part); Ord. 11-353 § 2 (Exh. A)(part))

17.116.110 Minutes.

Minutes for all meetings of the Commission shall be kept in accordance with Arizona law. (Ord. 15-393 § 1 (part); Ord. 11-353 § 2 (Exh. A)(part))

17.116.120 Call to order.

A. The Chair or Vice Chair, in the Chair's absence, shall take the chair at the hour appointed for the meeting, and shall call the Commission to order.

B. In the absence of the Chair or Vice Chair, the senior member, based upon years of membership, shall act as Chair, and shall call the Commission to order.

C. Upon the arrival of the Chair or Vice Chair, the temporary Chair shall relinquish the position of presiding officer upon the conclusion of the agenda item or business immediately before the Commission. (Ord. 15-393 § 1 (part); Ord. 11-353 § 2 (Exh. A)(part))

17.116.130 Attendance by teleconference.

The Commission may permit members to attend by teleconference in accordance with A.R.S. § [38-431](#) which permits attendance by technological devices, when such members are outside Navajo County, Arizona, on the date and time of the meeting. However, attendance by teleconference shall only be permitted when each and every Commission member is able to hear all of the other members of the Commission, and all of the other information presented by Town staff or the public. (Ord. 15-393 § 1 (part); Ord. 11-353 § 2 (Exh. A)(part))

17.116.140 Quorum.

A majority of the members of the Commission shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance shall be named and shall adjourn to a later time. (Ord. 15-393 § 1 (part); Ord. 11-353 § 2 (Exh. A)(part))

17.116.150 Order of business.

Promptly at the hour set by law on the day of each regular meeting, the members of the Commission shall take their regular stations in the Commission Chambers, and the business of the Commission shall be taken up for consideration and disposition in the following order:

- A. Ascertainment of quorum.
- B. Pledge of allegiance.
- C. Call to the public.
- D. Business before the Commission.

E. Staff and Commission report.

F. Future agenda items.

G. Adjournment. (Ord. 15-393 § 1 (part): Ord. 13-366 § 3: Ord. 11-353 § 2 (Exh. A)(part))

17.116.160 Public hearings.

A. Generally public hearings shall be conducted in the following order:

1. The Chair will announce the agenda item as a public hearing, and ask staff to provide a short summary of the matter.

2. The Chair will then ask the applicant to speak on its/their application if they so desire.

3. At the conclusion of the staff report and/or presentation by the applicant, the Chair may allow comments from the public on nonpublic hearing items, and will hear comments from the public on all "public hearing" items. Name and physical address shall be stated by the speaker.

4. After public comments are heard, the Chair may allow staff or the applicant to respond to the comments.

5. The Chair may then close the public hearing and call for a motion and second (if applicable) and ask if the Commission wishes to discuss the issue. The Commission may discuss the matter before or after a motion has been made as allowed by the Chair.

6. Upon conclusion of the Commission discussion, the Chair will call for action on the motion.

B. Questions or comments from the public shall be limited to the subject under consideration. Depending upon the extent of the agenda, and the number of persons desiring to speak on an issue, the Chair may, at the beginning of the hearing, limit testimony to not more than five (5) minutes per individual. Upon approval of the Planning and Zoning Commission, persons may be allowed to speak longer than five (5) minutes. Commission members may ask the individual speaker questions, and the speaker may respond.

C. Exhibits, letters, petitions, and other documentary items presented or shown to the Planning and Zoning Commission at a public hearing item become part of the record of the public hearing. Fifteen (15) collated sets of written or graphic materials should be provided by the speaker twenty-four (24) hours prior to the commencement of the hearing to allow for distribution to the Planning and Zoning Commission and Town staff, and a copy for the Secretary to include in the public record of the hearing. (Ord. 15-393 § 1 (part): Ord. 11-353 § 2 (Exh. A)(part))

17.116.170 Rules of debate.

A. The Chair, or other presiding member, may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed on all members, and shall not be

deprived of any of the rights and privileges of a Commission member by reason of acting as the presiding officer.

B. Every member desiring to speak shall address the Chair, and, upon recognition by the presiding officer, shall confine himself to the agenda item or question under debate, avoiding all personalities and indecorous language.

C. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order is determined, and, if in order, he shall be permitted to proceed.

D. A motion to reconsider any action taken by the Commission may be made only at the meeting such action was taken. Such motion must be made by one (1) of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. This shall not be construed to prevent the Commission from amending or changing action on a similar item or topic at a subsequent meeting of the Commission. (Ord. 15-393 § 1 (part); Ord. 11-353 § 2 (Exh. A)(part))

17.116.180 Addressing the Commission.

Any person desiring to address the Commission by oral communication shall fill out a Request to Address the Commission Form and be recognized and called upon to speak by the Chair. The purpose of all public comments is to provide information and the speaker's views for Commission consideration. It is not appropriate for the speakers to question directly, or debate the matter under consideration, with staff, other speakers, the audience, or members of the Commission. The Commission may question the speakers, any applicant's representatives, or Town staff. Except when answering a direct question from a Commission member, all remarks will be addressed to the Chair and Commission as a body, and not to individual members of the Commission. (Ord. 15-393 § 1 (part); Ord. 11-353 § 2 (Exh. A)(part))

17.116.190 Manner of addressing the Commission – Time limit.

A. Each person addressing the Commission shall step up to the microphone at the podium, shall give his/her name and place of residence in an audible tone of voice for the record, and unless further time is granted by the Chair shall limit his/her address to three (3) minutes for call to the public matters and five (5) minutes for business items on the agenda.

B. All remarks shall be addressed to the Chair and Commission as a body and not to any member thereof.

C. No person, other than the Commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Commission, without the permission of the Chair.

D. No question shall be asked of a Commission member except through the Chair.

E. Time limits may be waived or extended by majority of the Planning and Zoning Commission. (Ord. 15-393 § 1 (part); Ord. 11-353 § 2 (Exh. A)(part))

17.116.200 Voting.

A. After all evidence has been submitted to the Commission, each matter shall be heard, considered, and acted upon in public meeting.

B. In taking action on any application or other matter, the Commission may grant approval, grant approval with conditions, modify the request so as to make more restrictions, or deny the item altogether. In these actions, the provisions of the Town General Plan and elements thereof, the Planning and Zoning Regulations, Subdivision Code, and other development standards and policies shall guide the Commission and area plans as adopted by the Town.

C. The Commission may defer action by majority vote on any matter when it concludes that additional time for further study or input is necessary. If tabled or continued, any public hearing shall be continued to a date certain. If the Commission takes no action or requests that more information be provided or more work be done, matters requiring notice by publication or posting shall be readvertised and renoticed before Commission action at another meeting.

D. A majority vote of those Commission members present and voting shall be required to take official action. When a motion on any matter fails to receive an affirmative majority vote, or when there is a tie vote, it shall be entered into the minutes as a vote to deny the motion. If there is no motion on an agenda item or matter before the Commission, or if the motion dies for lack of a second, it shall be entered into the minutes that the matter was denied because the Commission took no action. Commission members may make motions on agenda items until the Chair or other presiding officer calls the next item on the agenda.

E. Each member attending shall be entitled to one (1) vote. The minutes of the proceedings shall indicate the vote of each member on every matter acted upon, and shall indicate an absence or failure to vote. No member shall be excused from voting except on matters involving the consideration of their own official conduct, or a conflict of interest in the case under consideration.

F. A motion to adopt approval of staff recommendations or simply to approve the action under consideration shall, unless otherwise particularly specified, be deemed to include adoption of all proposed findings and execution of all actions recommended in the staff report on file in the matter.

G. Commission members shall have the right to have the reasons for his/her "no" vote or dissent from any action of the Commission entered in the minutes during the discussion and vote of any agenda item. (Ord. 15-393 § 1 (part); Ord. 11-353 § 2 (Exh. A)(part))

17.116.210 Conflicts of interest.

A. Commissioners shall disqualify themselves and abstain from voting whenever they may have a conflict of interest in a matter under consideration, as described and provided for by Arizona law and this Town Code. Arizona statute requires the conflict to be stated in writing on a form provided by the Town Clerk and then filed with the Clerk.

B. Commissioners may consult with the Town Attorney on matters concerning conflicts of interest. (Ord. 15-393 § 1 (part); Ord. 11-353 § 2 (Exh. A)(part))

17.116.220 Decorum at meetings.

A. The Chair will maintain decorum at all meetings of the Commission. Proper decorum must be observed by speakers in providing testimony and remarks. In the event of any delay, interruption, or interference, the Chair may have the disruptive person(s) removed from the Council Chambers.

B. During a Commission meeting, no person shall engage in conduct by conversation, laughter, applause, stamping of feet, or other conduct which delays, interrupts, or otherwise interferes with the proceedings or the peace of the Commission. In the event of any such delay, interruption, or interference, the Chair may have the disruptive person(s) removed from the Council Chambers.

C. Any member of the public desiring to address the Commission shall proceed to the podium after having been recognized by the Chair. Once at the podium, the speaker shall clearly state his or her name for the record, and shall remain at the podium unless excused or given permission by the Chair to leave the podium. An accommodation will be made for those individuals whose physical limitations prohibit them from accessing the podium area. Any handouts the speaker wishes to present to the Planning and Zoning Commission which have not been provided in advance of the meeting shall be given to the Community Development staff for review by the Planning and Zoning Commission at a later time unless otherwise directed by the Chair. Fifteen (15) collated sets of written or graphic materials should be provided by the speaker prior to the commencement of the hearing to allow for distribution to the Planning and Zoning Commission and Town staff, and a copy for staff to include in the public record of the hearing.

D. The Chair shall keep control of the meeting, and require that the speakers refrain from abusive or profane remarks, disruptive outbursts, protests, or other conduct which disrupts or interferes with the orderly conduct of the business of the meeting.

E. Personal attacks on the Planning and Zoning Commission, Town staff or members of the public shall not be allowed. Oral communications during the Planning and Zoning Commission meeting may not be used to lodge charges or complaints against any employee of the Town, regardless of whether such employee is identified in the presentation by name or by other reference which tends to identify the employee. Any such charges or complaints against employees shall be submitted during normal business hours to the Town Manager for appropriate action.

F. It is inappropriate to use comment time for any agenda item for the purpose of making political speeches or threats of political action.

G. After a motion has been made, or after a public hearing has been closed, no member of the public shall address the Commission unless permission is granted by the Chair. (Ord. 15-393 § 1 (part): Ord. 11-353 § 2 (Exh. A)(part))

17.116.230 Enforcement of decorum.

A. The Chief of Police or his/her designee, or such other person designated by the Chair if no police officer be present, shall be Sergeant-at-Arms of the Commission meetings. He, or they, shall carry out all orders and instructions given by the Chair for the purpose of maintaining order and decorum at the Commission meeting.

B. Upon instructions of the Chair, it shall be the duty of the Sergeant-at-Arms to remove any person ordered to be removed by the Chair, and when ordered by the Chair to place any person who violates the order and decorum of the meeting under arrest, and cause him to be prosecuted under the provisions of Chapter [1.20](#), the complaint to be signed by the Chair. (Ord. 15-393 § 1 (part): Ord. 11-353 § 2 (Exh. A)(part))

17.116.240 Adjournment.

Unless the Commission votes to adjourn a meeting, the Commission meeting will be adjourned by the Chair when the business of the Planning and Zoning Commission has been completed. (Ord. 15-393 § 1 (part): Ord. 11-353 § 2 (Exh. A)(part))