

BARGERSVILLE PLAN COMMISSION RULES OF PROCEDURE

ARTICLE I: AUTHORITY AND DUTIES

SECTION 1 – AUTHORITY

The Town of Bargersville Plan Commission (hereinafter called “Commission”) exists as an advisory plan commission under authority of Indiana Code 36-7-4-202 and any amendments thereto. These rules are adopted in accordance with the requirements of I.C. 36-7-4-401.

SECTION 2 – DUTIES

The duties of the Commission shall be those set forth in I.C. 36-7-4-400, et. seq. – COMMISSION DUTIES AND POWERS (“the 400 series”), and such other responsibilities as may be assigned to it by the Town Council of the Town of Bargersville.

SECTION 3 – MEMBERSHIP

The Commission shall consist of seven (7) voting members, appointed in accordance with I.C. 36-7-4-207.

Recognizing that the Commission is charged with certain duties and responsibilities to the public and that the full discharge of those responsibilities requires participation in the discussion and voting on the matters before the Commission, it is the Commission’s policy that regular attendance is expected. If a member is absent for more than three (3) regular meetings in any 12-month period, the Plan Commission President shall notify the appointing authority of such absences and ask the appointing authority to review the appointment.

SECTION 4 – MEETINGS

All meetings of the Commission shall be conducted in accordance with I.C. 5-14-1.5, the Indiana Open Door Law, and any amendments hereto. On-site inspections of property involved in petitions before the Commission shall not be considered meetings.

- A. Regular meetings** – The Commission shall hold a regular meeting on the third Monday of each month at 6:30pm. Whenever the regular meeting date falls on an official holiday of the Town of Bargersville, another date shall be selected. A schedule of all regular meetings shall be published each year by the staff of the Commission. All regular meetings will be held at the Bargersville Town Hall, unless another location is published.
- B. Special meetings** – In accordance with the provisions of I.C. 36-7-4-307, special meetings of the Commission may be called at any time by the President or by two members upon written or electronic request to the Commission’s staff. The staff shall notify Commission members of such special meeting at least three (3) days in advance of such meeting. Written or electronic notice of a special meeting shall not be required if the time and place of the special meeting has been fixed in a regular meeting of the Commission, provided that all members of the Commission are present at that regular meeting.

C. Cancellation

1. Whenever there is a lack of business for Commission consideration, the President may dispense with a regular meeting. In such cases, the staff of the Commission shall give written or electronic notice to all members, and the news media shall be notified of such cancellation.
2. Whenever it is determined that a quorum is not available for a regular or special meeting, the President of the Commission may dispense with such meeting, and all business scheduled for such meeting will be automatically continued to the next regular or special meeting. In such cases, the staff of the Commission shall give written, electronic, or oral notice to the Commission members, those having business before the Commission, and to the news media.
3. The President of the Commission also may dispense with a scheduled regular or special meeting in the event of natural disaster, snow emergency, or similar causes. In such cases, the staff of the Commission shall give written, electronic, or oral notice to the Commission members and to those having business before the Commission if possible, and the staff shall notify the news media of the cancellation. In the event of cancellation for any reason, the President may require re-notification to Interested Parties, with such notice to be paid for by the petition or by the Commission as the President deems appropriate.

ARTICLE II: OFFICERS AND STAFF

SECTION 1 – COMMISSION OFFICERS

- A. At its first regular meeting in each year, the Commission shall elect from its members a President and Vice President.
- B. The Town Council shall employ a Secretary for the Commission. The Secretary is not required to be a member of the Commission. The Secretary shall be charged with such duties as required or customary under state statutes, town ordinances, and these rules.
- C. The Council may appoint such other employees as are necessary for the discharge of these Commission's duties.

SECTION 2 – DUTIES OF COMMISSION OFFICERS

- A. **President** – The President shall preside over Commission meetings and on behalf of the Commission shall exercise general supervision over the affairs of the Commission, including the appointment of committees and representatives (except as otherwise provided by statute, ordinance, or these rules), the determination of points of order and procedure, and the signing of all official documents.
- B. **Vice President** – The Vice President shall have authority to act as President of the Commission during the absence or disability of the President.
- C. **Secretary** – The Secretary shall certify all official acts of the Commission, including the written votes of the Commission on all matters for which such vote is required.

ARTICLE III: CONDUCT OF MEETINGS

SECTION 1 – QUORUM

Pursuant to I.C. 36-7-4-301, four (4) voting members of the Commission shall constitute a quorum. No business may be transacted and no public hearing may be opened at any meeting of the Commission unless a quorum is present.

SECTION 2 – VOTING

- A. Majority** – In accordance with I.C. 36-7-4-302, no action of the Commission is official unless it is authorized at a regular or special meeting by a majority of the entire membership of the Commission.
- B. Method** – All votes of the Commission on matters requiring a public hearing shall be by voice vote.
- C. Conflict of Interest** – In accordance with I.C. 36-7-4-223, a Commission member may not participate in a hearing or decision concerning a matter in which he/she has a direct or indirect financial interest. For the purposes of these Rules, a direct or indirect financial interest shall mean any economic interest. A member shall declare his/her potential conflict of interest, whether economic in nature or not. Such member may disqualify himself/herself or may be disqualified by a majority vote of the remaining Commissioners.
 - 1. A member may not participate if he/she has a disqualifying non-economic conflict of interest. A disqualifying non-economic conflict of interest is any interest in the property or relationship with the parties involved in the matter which would prevent the member from participating in the hearing or decision in a fair and impartial manner.
 - 2. A Commission member who is an Interested Party as defined in Article VII shall be declared to have a conflict of interest on that matter. The Commission shall enter in its records the name of a member who has a disqualification.
 - 3. A member who determines that he/she has or is determined by the Commission to have a conflict of interest may remove himself/herself from the Commission proceedings and leave the chamber during the deliberation of the subject of such conflict. Such abstention shall not be considered a negative vote.
 - 4. Nothing in this section shall prevent a member of the Commission from presenting a petition on his/her own behalf, but member shall not appear before the Commission on behalf of others.
- D. Required** – Except as provided in subsection C above, all Commission members present shall vote on each matter for which a public hearing is held. An abstention for any other reason shall have the same effect as a negative vote.
- E. Absentee** – Absentee or proxy voting shall not be permitted.
- F. Electronic Participation** – Members may electronically participate in meetings pursuant to the virtual meeting attendance policy provided by Town Resolution 2021-09, and as may be amended.

SECTION 3 – ORDER OF BUSINESS

- A.** The order of business for regular meetings of the Commission shall be as set forth below, except that the President of the Commission, after consultation with the staff and/or other members of the

Commission, may alter the order of business for regular meetings if such alteration is construed to promote efficiency and convenience for the Commission, petitioners, and the public. The order of business for a regular or special meeting may be otherwise altered and changed after the President has announced the agenda only upon a consenting vote of a majority of the Commissioners present.

1. Pledge of Allegiance
 2. Roll Call of members
 3. Minutes
 4. Reports and Recommendations
 5. Old Business
 6. New Business
 7. Discussion Items
 8. Adjournment
- B. Any docket items that must be automatically continued in accordance with these Rules shall be the first business items considered after Reports and Recommendations.
- C. The President may swear all witnesses and speakers for all public hearings on the docket at the beginning of the meeting.

ARTICLE IV: PUBLIC HEARINGS

SECTION 1 – PROCEDURE

- A. **Docket** – The President shall call the docket number of the item scheduled for public hearing.
- B. **Order of Events** – The order of events shall be as follows:
1. Background and comments by the Commission’s staff
 2. Swearing in witnesses
 3. Presentation of request by petitioner
 4. Comments and questions by members of the Commission
 5. Opening of public hearing
 6. Comments and questions by members of the audience
 7. Closing of public hearing
 8. Closing comments by petitioner
 9. Discussion and questions by members of the Commission
 10. Motion
 11. Vote
- C. **Limitation on Comments** – After all public comments have been heard under the rules of this section, the presiding officer shall declare the public hearing closed. Additional public comment shall not be permitted after the close of the public hearing. Any motion which has been made and seconded is open for discussion by the Commission members, but such motion is closed to discussion by the public unless the presiding officer specifically allows such discussion. Commission members may ask questions of the petitioner and/or members of the audience during this discussion period. The presiding officer shall have the authority to limit discussion by the public or the Commission members.
- D. **Time Guidelines** – The petitioner and any representatives may present the petition or application collectively for up to 15 minutes. Members of the public wishing to speak regarding the petition or application may present collectively up to 15 minutes as part of the public hearing. The petitioner may

then respond to public comments and questions from the Commission for a 10-minute period. The presiding officer may also monitor comments under Section 2.E of this article.

- E. **Method of Voting** – Each motion on a matter requiring a public hearing shall be in accordance with the provisions of Article III, Section 2 of these Rules. At the conclusion of the vote, the Secretary shall report the vote and it shall be so recorded. The vote of each member shall become a part of the record on the petition, and the Secretary shall identify the members casting minority ballots. The vote of each member shall be disclosed by any Commission officer or the staff to anyone requesting such information.

SECTION 2 – CONDUCT

- A. **Representation** – The petitioner may appear in person, by agent, or attorney, and present any supporting witnesses, evidence, statements, and arguments in favor of the request. Failure of the petitioner to appear may result in dismissal of the petition pursuant to Article V, Section 2 hereof. Remonstrators and persons in favor of the request may appear in person, by agent, or by attorney, and present witnesses, evidence, statements, and arguments. Any person interested in any petition shall have the right but shall not be required to enter a written statement or other presentation in the public hearing.
- B. **Commission Participation** – The Commission members shall be provided adequate opportunity to examine witnesses and question any evidence, statements, and arguments in the interest of a fair public hearing.
- C. **Identification** – All persons wishing to be heard on any matter in a public hearing must stand before the Commission and provide their names and addresses for the record.
- D. **Commentary Addressed to Commission** – All commentary at a public hearing shall be addressed to the Commission through its presiding officer. Such commentary shall not be permitted between opposing parties without the consent of the presiding officer.
- E. **Authority of Presiding Officer** – The presiding officer shall have the authority to prohibit repetitious, irrelevant, or immaterial testimony and shall have authority to limit the length of testimony by each speaker deemed appropriate to a fair public hearing.
- F. **Orderly Conduct** – Every person appearing before the Commission shall abide by the order and direction of the presiding officer. Discourteous, disorderly, or contemptuous conduct shall not be tolerated, and the presiding officer may take such action as is deemed necessary to prevent such conduct, specifically including but not limited to requiring the offensive person(s) to depart the meeting, summoning law enforcement personnel, or adjourning the meeting.

ARTICLE V: DISPOSITION OF PETITIONS

SECTION 1 – MOTIONS

The final disposition of any petition duly filed and brought before the Commission shall be in the form of a motion, properly adopted, specifically setting forth such disposition.

SECTION 2 – DISMISSAL

- A. **Want of Prosecution** – The Commission may dismiss a petition if the petitioner or authorized representative does not appear to present and speak in favor of such petition or if such petition has been improperly filed as required by these Rules.
- B. **Lack of Jurisdiction** – The Commission shall dismiss a petition if it finds it has no jurisdiction over the subject matter thereof.

SECTION 3 – WITHDRAWAL

- A. **Without Prejudice** – Any petition may be withdrawn without prejudice provided a written request for withdrawal signed by the petitioner or an authorized representative is received by the Commission's staff at least 14 days before the scheduled public hearing or otherwise at the discretion of the Commission.
- B. **With Prejudice** – Any request for withdrawal made less than 14 days before the scheduled public hearing may be granted or denied by the Commission. Such request may be made in writing or orally at the Commission meeting and must state the reasons for the request. If the Commission votes to permit withdrawal, the petition shall not again be placed on the docket for public hearing within a period of three (3) months from the date of the originally scheduled public hearing, except upon a motion duly adopted by a majority of the members of the Commission to permit such re-docketing.
- C. **Not Permitted** – No petition may be withdrawn after a motion has been made and seconded and a vote has been ordered by the presiding officer.

SECTION 4 – AMENDMENT

- A. **Increased Density or Intensity** – No petition can be amended in a manner which increased the intensity of use (e.g., adds additional lots or land, changes to a zoning district permitting more uses or intensive uses) after the filing deadline. Any such amendment request will result in postponing consideration of the petition for one month. If notice in accordance with Article VII already has been given, the petition as amended shall be re-advertised and new notice given to Interested Parties. The petitioner shall be required to pay the costs of such re-advertising and re-notification.
- B. **Decreased Density or Intensity** – It shall be within the discretion of the Commission to approve a petitioner's request to amend the petition in a manner which decreases the intensity of use (e.g., removes lots or land, changes to a zoning district which is more restrictive). The Commission shall require an amended petition which decreases the intensity of use (e.g., removes lots or land, changes to a zoning district which is more restrictive) to be continued and may require re-advertising and re-notification of Interested Parties in the interest of providing a fair and adequate public hearing. Any Interested Parties may be heard about such amendment.

SECTION 5 – CONTINUANCE

- A. **Requests** – Any person may request a continuance in writing prior to the public hearing and/or orally at the beginning of the public hearing. The person requesting such continuance shall be required to show good and sufficient cause for such continuance, and it shall be within the discretion of the Commission to grant or deny such request.

- B. Motion by Commission** – Any member of the Commission may at any time move to continue any petition. Such a motion duly seconded and adopted shall continue the petition to the time specified in the motion. In the case of petitions involving a public hearing, the Commission may include in the motion specific instruction for re-advertising and/or re-notification of Interested Parties. If such re-notification is required, the petitioner may be required to pay the costs associated therewith.
- C. Automatic** – In the event that the Commission does not achieve the required four (4) votes to approve or deny a petition, such vote shall be declared indecisive, and the petition shall be continued automatically. Before declaring a petition continued on this basis, the presiding officer shall call for another motion. No petition for rezoning shall be continued more than two successive times under the provisions of this paragraph. If upon the third successive consideration of a rezoning petition resulting from continuances under the provisions of this paragraph the Commission does not arrive at a recommendation with the necessary majority of four (4) votes, it shall forward the petition to the Town Council with a report stating the Commission's inability to arrive at a recommendation within a reasonable time, and the Town Council may decide the petition without a recommendation to approve or deny from the Commission.
- D. Improper notice** – If proper notice under applicable laws and Section VII of these Rules has not been given, the Commission shall continue the petition to allow time for proper notice to be given.

SECTION 6 – APPROVAL

- A. Subdivisions, detailed planned unit developments (PUDs), and waivers** – The Commission has the authority to approve subdivisions of land under the terms of the Unified Development Code (UDC). It also has the authority to approve detailed PUDs under the terms of the UDC. Such approval may be conditional or unconditional. The President and Secretary shall sign the approved secondary plat and direct staff to affix the Commission's seal thereon.
 - 1. Conditional approval** – A motion to approve a petition may be conditional upon a petitioner's compliance with a requirement or requirements imposed by the Commission. Such condition(s) of approval shall be specifically stated and recited to the petitioner. The Commission may impose a time limit upon the fulfillment of any such requirement(s). The petitioner shall be required to notify the Commission's staff of the fulfillment of such requirement. In the event any condition of the decision has not been fulfilled or the time for compliance has expired, the staff shall issue a request to the petitioner to show cause why the decision should not be revoked and rescinded. The Commission may investigate the matter and take such remedy as it deems appropriate.
- B. Zoning Map amendments** – As provided in the UDC, the Commission may recommend favorably upon a proposed amendment, and it may recommend approval subject to written commitments. The Commission shall include with its favorable recommendation a deadline of 30 days for the petitioner to submit signed zoning commitments upon passage of a rezoning ordinance by the Town Council.
- C. Commitment text amendments** – As provided in the UDC, the Commission may recommend favorably upon a proposed amendment to existing zoning commitments. The Commission shall include with its favorable recommendation a deadline of 30 days for the petitioner to submit signed zoning commitments upon passage of an ordinance by the Town Council.
- D. Unified Development Code amendments** – If the Commission recommends favorably upon a petition for amendment to the UDC, the President and Secretary shall sign the resolution recommending such

amendment. Within ten (10) days after the Commission's action, the President shall certify the recommendation and direct the staff to forward it together with a report describing the Commission's action to the Town Council.

- E. **Vacation of plats** – Vacation of plats shall be considered by the Plan Commission in accordance with I.C. 36-7-4-711. Interested parties shall be notified of the public hearing in accordance with Article VII of these Rules. These parties are defined in I.C. 36-7-4-711(e).

SECTION 7 – DENIAL

- A. **Subdivisions, detailed PUDs, and waivers** – If the Commission finds that a petition does not meet the criteria established by ordinance(s) for approval, it shall deny the request.
- B. **Zoning Map amendments** – As provided in the UDC, the Commission may recommend unfavorably upon a proposed amendment. Within ten (10) days after the Commission's action, the Commission President shall certify the recommendation and direct the staff to forward it together with a report describing the Commission's action to the Town Council.
- C. **Commitment text amendments** – As provided in the UDC, the Commission may recommend unfavorably upon a proposed amendment to existing zoning commitments. Within ten (10) days after the Commission's action, the Commission President shall certify the recommendation and direct the staff to forward it together with a report describing the Commission's action to the Town Council.
- D. **Unified Development Code amendments** – If the Commission disapproves of a UDC amendment which has been referred to it for recommendation, within ten (10) days after the Commission's action, the Commission President shall certify the recommendation and direct the staff to forward it together with a report describing the Commission's action to the Town Council.
- E. **Refiling** – No petition denied by the Commission and no petition for amendment to the UDC, Zoning Map, or commitment text denied by the Town Council shall again be placed on the docket for public hearing within a period of one year from the date of such denial, unless the Commission finds that there is a substantial change in the petition or circumstances affecting the petition, in which case the matter may again be placed on the docket only if a motion to permit re-docketing is duly adopted by the Commission.

SECTION 8 – NO RECOMMENDATION

In accordance with I.C. 36-7-4-608, the Commission may elect to forward a petition for a zoning map amendment or commitment text amendment to the Town Council with no recommendation.

ARTICLE VI: FILING PROCEDURES

SECTION 1 – APPLICATION

Each petition to the Commission shall be on application forms prescribed by the staff and shall be accompanied by such information and exhibits as specified on such forms required by applicable ordinances and/or as requested by staff. Any communication purporting to a petition not on the prescribed forms or not containing the information required shall be considered incomplete and shall not be docketed. Petitions which are deemed complete by staff will be added to the Plan Commission agenda. Any supplemental materials

submitted by Petitioner after the filing deadline may be provided to the Commission at staff's discretion. Such submissions may result in a staff recommendation for a continuance.

SECTION 2 – FILING DEADLINES

The staff shall prepare, no later than the first day of December of each year, a schedule of the filing deadlines for the ensuing year. Such schedule shall provide for adequate time for the staff to review the proposal and offer technical advice to the Commission and shall provide adequate time for issuances of required notices. Any application which is not complete at the time of the filing deadline shall not be docketed.

SECTION 3 – ELIGIBLE APPLICANTS

The owner(s) of property included in any petition before the Commission must consent to the filing of the application. Such consent may be evidenced by the owner's signature on the application or by signature of a person having power of attorney authorizing such signature, including a copy of the power of attorney. In the case of property which is being purchased under a land contract, the signatures of both the contract purchasers and the contract sellers or their duly authorized agents shall be required.

SECTION 4 – MAILING LIST AT TIME OF APPLICATION

A list of the names and addresses of Interested Parties to receive mailed notice shall be submitted with the application.

ARTICLE VII: NOTICE REQUIREMENTS

SECTION 1 – CONTENTS

Any notice of public hearing required by state or local law shall contain the information required by applicable law. Notice must reflect the most recent application filed, including any supplemental information filed pursuant to Article VI, Section 1 above which changes the original application.

SECTION 2 – PUBLICATION

When the Commission is required by law to publish in a newspaper of general circulation a notice prior to any public hearing of the Commission, the petitioner shall cause such notice to be published one time at least fifteen (15) days prior to the date of the hearing. Proof of such publication shall be submitted by the petitioner and kept with the records of such public hearing.

SECTION 3 – MAILED NOTICE

The petitioner shall provide mailed notice to Interested Parties in accordance with this section.

- A. Method of Notice** – The petitioner shall give notice of any matter requiring public hearing or action by the Commission to all Interested Parties, as defined in Article VII, Section 3.B, by letter verified by a certificate of mail from the U.S. Postal Service sent at least fifteen (15) calendar days before the

Commission meeting. In addition, the staff shall place a public notice sign on the subject property at least ten (10) days before the public hearing.

B. Interested Parties – In accordance with I.C. 36-7-4, Interested Parties are hereby determined to be the following:

1. Owners of property within 300 feet from the perimeter of the subject property or two (2) owners, whichever is greater, and the owners of any subject property who are not petitioners.
2. For all property with an Agricultural designation to be rezoned, owners of property within 600 feet from the perimeter of the subject property or two (2) owners, whichever is greater, and the owners of any subject property who are not petitioners.
3. The Town of Bargersville Department of Development is an interested party for all petitions requiring a public notice.

C. Subject Property – For the purposes of this Article, *subject property* is defined as follows:

1. The entire lot or parcel involved in the request; and
2. All adjoining property which is in the same ownership as the parcel involved in the request.

D. Adjoining Property – For the purposes of this Article, *adjoining property* is defined as follows:

1. All property which has any contiguous boundary with the subject property; and
2. All property which would be contiguous if it were not separated from the subject property by a street, railroad right-of-way, easement, alley, runway, or similar feature.

E. Property Owners – For the purposes of this Article, *property owners* shall be defined as follows:

1. The names and addresses of owners of record of real property as listed on the record of the Mapping Department of the Auditor of Johnson County.
2. If property is subject to the Horizontal Property Law (I.C. 32-1-6), the owner of each condominium unit within the area defined in subsection B shall be entitled to notice.
3. If the area defined in subsection B is common open space associated with a Horizontal Property Regime, subdivision, PUD, or similar entity, notice may be given to the association of owners as set forth in the recorded covenants or condominium documents.

F. The petitioner shall be responsible for notifying Interested Parties set forth in this Article, which shall be reviewed by staff.

SECTION 4 – GENERAL PUBLIC NOTICE SIGN

Planning staff shall cause such notice to be placed on the subject property in accordance with the time periods established by the applicable law. When bound by two street fronts, the sign shall be placed on the street with the highest thoroughfare classification. Proof of such placement of the sign shall be obtained by the staff and kept in the appropriate file. If matters before the Plan Commission are continued, planning staff shall place the notice sign on the subject property.

SECTION 5 – PROOF OF NOTICE

- A.** An affidavit of notice form must be completed in ink or typed. The names and addresses of those sent notice need to be listed on the form, the form must be notarized, and a copy of the notice to interested parties must be attached to or filed with the form.

- B. If the affidavit of notice (including either green cards and receipts or certificate of mailing) and proof of newspaper publication are not filed with the Commission on or before the Monday preceding the Commission meeting, the petition will automatically be continued to the next monthly meeting.

ARTICLE VIII: COMMISSION RECORDS

SECTION 1 – RESPONSIBILITY

It shall be the duty of the staff of the Commission to maintain all Commission files and records, including the official minutes of all meetings.

SECTION 2 – MINUTES

The staff shall prepare an accurate record of all public hearings and official actions of the Commission, and the minutes representing such record shall be made available within a reasonable time after such public hearing or action to all members of the Commission. After approval by the Commission, such minutes shall be made publicly available.

SECTION 3 – RECORDINGS

The recording Secretary may make electronic recordings of the Commission's proceedings. Such recording products shall remain on file in the Commission's office until minutes for the meeting are approved, at which time recordings shall be destroyed. Meetings may also be livestreamed and recorded to online video platforms (e.g., YouTube) on official Town channels for public viewing and participation. These recordings may be accessed at any time via the official Town channel on the operating platform.

SECTION 4 – COMMISSION CASE FILES

The staff shall maintain a file for each petition placed on the docket of the Commission. Such files shall contain, as a minimum, the application form and supporting materials and any exhibits pertinent to the decision, conditions, or other material related to the binding effects of the Commission's action.

SECTION 5 – PUBLIC RECORDS

The records and files of the Commission shall be made available to the public under the provisions of I.C. 5-14-3, the Indiana Access to Public Records Law, and any amendments thereto. The planning director is hereby designated as the officer responsible for determining which documents of the staff and Commission are public records. Any person may file a written objection to a decision of the director under this section. Upon receipt of such objection, the director shall consult the Commission President and Commission attorney who shall decide whether a requested document is a public record.

ARTICLE IX: FEES

SECTION 1 – PAYMENT REQUIRED

In no case shall the Commission act on any petition for which applicable fees have not been paid in full. No part of any fee paid pursuant to this Article shall be returnable to the petitioner, unless the staff determines that the fee was charged in error.

SECTION 2 – WAIVERS

Nothing herein shall be construed to require a fee for actions initiated in the public interest by the Commission. Filing fees shall be waived for petitions filed by any local taxing authority.

ARTICLE X: AMENDMENTS AND SUSPENSION

SECTION 1 – AMENDMENTS

Amendments to the Rules of Procedure may be made by the Commission at any regular or special meeting upon the affirmative vote of five members, provided, however, that the proposed amendment shall have been presented in writing at a previous regular meeting of the Commission.

SECTION 2 – SUSPENSION OF RULES

The suspension of any rule of procedure herein may be authorized by the Commission at any regular or special meeting upon the unanimous vote of those present, provided, however, that no rule which is required to comply with state or local law may be so suspended.

ARTICLE XI: SEVERABILITY

If any section, clause, provision, or portion of these Rules shall be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section, clause, provision, or portion of these Rules.

ARTICLE XII: CERTIFICATE OF ADOPTION

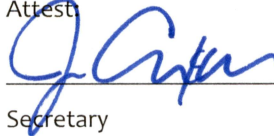
The foregoing Rules of Procedure of the Town of Bargersville Plan Commission specifically repeal the Rules of Procedure adopted by the Commission and any amendments heretofore adopted by the Commission.

These Rules are hereby adopted by the affirmative vote of the Commission this 15th day of August, 2022.



President

Attest



Secretary