

ERIE TOWNSHIP ORDINANCE NO. 116
ERIE TOWNSHIP PLANNING COMMISSION ENABLING ORDINANCE

Preamble

An Ordinance to confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Erie Township Planning Commission; provide for the composition of the planning commission; provide for the powers, duties and limitations of the planning commission; and repeal any ordinance or parts of ordinances or resolutions in conflict with this Ordinance.

THE TOWNSHIP OF ERIE, MONROE COUNTY, MICHIGAN
ORDAINS:

Section 1: TITLE

This Ordinance shall be known and cited as the Erie Township Planning Commission Ordinance.

Section 2: SCOPE, PURPOSE and INTENT

This Ordinance is adopted pursuant to the authority granted the Erie Township Board under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., to establish a planning commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this Ordinance and any future amendments to this Ordinance. The purpose of this Ordinance is to confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Erie Township Planning Commission (hereinafter referred to as the "Planning Commission") formerly established under the Michigan Township Planning Act, Act 168 of 1959, MCL 125.321, et seq. and to establish the appointments, terms and membership of the Planning Commission; to prescribe the authority, powers and duties of the Planning Commission, and to establish requirements regarding the Planning Commission's affairs including, but not limited to, officers, meetings, bylaws, and conflicts of interest.

Section 3: ESTABLISHMENT

The Erie Township Board hereby confirms the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Erie Township Planning Commission formerly established under the Michigan Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.

Section 4: MEMBERSHIP

A. Number and Qualifications: The Planning Commission shall consist of seven (7) members. To be qualified as a member and to remain a member of the Planning Commission, each individual shall meet the following criteria:

1. The individual must be a qualified elector of the Township, except that one member may be a non-qualified elector;
2. The individual shall not be a declared candidate for any political office (this condition shall not apply to the Township Board representative to the Planning Commission);
3. The individual shall complete all training as required by Section 8 of this Ordinance;
4. After an individual's first appointment and before reappointment following a full term on the Planning Commission, the member shall have attended planning commission training pursuant to Section 8 of this Ordinance if the Township Board's adopted budgets for the previous fiscal year(s) included funds to pay for tuition, registration, and travel expenses for the training;
5. The individual shall meet the conditions provided for each individual member in subsections 4(B), (C), and (D) of this Ordinance.

B. Township Board Representative: One (1) member of the Planning Commission shall be a member of the Township Board, whose term of office shall coincide with his or her elected term of office on the Township Board.

C. Major Interest Representation: The membership of the Planning Commission shall be representative of the important segments of the community, including, but not limited to, commerce, housing, agriculture and natural resources, government, education, transportation, and/or social development.

D. Geographic Representation: The membership of the Planning Commission shall be representative of the entire geography of the Township to the extent practicable, and as a secondary consideration to the representation of the major interests referenced above in (C).

Section 5: APPOINTMENT of MEMBERS and TERMS

A. Appointments by Supervisor: The Township Supervisor shall appoint members of the Planning Commission, subject to approval by a majority vote of the members of the Township Board.

B. Length of Terms: Members shall be appointed for three-year terms. Terms shall be staggered such that, as nearly as possible, the terms of one-third (1/3) of all Planning Commission members will expire each year.

C. Beginning/Expiration of Terms: Terms shall begin on January 15 and expire after January 14 of the respective year. A Planning Commission member shall hold office until his or her successor is appointed.

D. Vacancies: The Township Board shall fill any vacancy in the membership of the Planning Commission for the unexpired term, as specified in subsection (B) above. The Clerk shall place an advertisement(s) in a newspaper with paid circulation in the Township to seek applications to fill the vacancy.

E. Solicitation of Members: Prior to November of each year, the Township Clerk shall determine which members' terms of office expire during the year. The Clerk shall place an advertisement(s) in a newspaper with paid circulation in the Township to seek applications for terms that will expire during such year. New appointments shall be made as provided in subsection (A) and (B) above. Nothing in this Section 5 shall prohibit the appointment of a member for another term following the expiration of the member's current term.

F. Transitional Membership: The transition from the previous planning Commission and the Planning Commission established in this Ordinance shall be gradual and shall take place over the three years following the adoption of this Ordinance. The Township Board shall continue to make annual appointments, appointing approximately one-third (1/3) of the membership of the Commission as specified in this Ordinance, so that three years from the effective date of this Ordinance, the membership, membership representation, and number of members have completed the transition to fully comply with this Ordinance. All other aspects of this Ordinance shall have immediate effect.

Section 6: REMOVAL FROM OFFICE and CONFLICT of INTEREST

A. Misfeasance, Malfeasance, or Nonfeasance: The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

B. Conflict of Interest: Failure to disclose a potential conflict of interest shall be considered malfeasance in office. "Conflict of interest" shall be as defined in the bylaws of the Planning Commission.

C. Absenteeism: Failure to repeatedly attend Planning Commission meetings for reasons other than involvement in Commission business as expressly authorized by the Commission shall be considered nonfeasance in office. Members of the Commission who are absent from more than 3 consecutive, regularly rescheduled Commission meetings, or more than one-third of the regularly scheduled Commission meetings in a calendar year, shall be subject to review by the Township Board and possible removal by the Township Board.

Section 7: LIAISONS

A. Authorization and Purpose: The Planning Commission, in its Bylaws, may name "liaisons" to the Commission. The purpose of liaisons is to provide certain Township and quasi-Township officials ability to participate in discussion with the Commission in addition to speaking as part of public participation, and nothing else. At a minimum, liaisons shall include irrespective of the provisions of the Planning Commission Bylaws:

1. Township staff whose job descriptions and duties involve assisting the Commission in matters directly applicable to planning and zoning including zoning administration and enforcement.
2. Consultants hired by the Township Board for the purpose of providing expertise in pertinent areas such as planning, zoning and engineering.
3. Legal counsel for Erie Township.

Section 8: TRAINING

Appointed members of the Planning Commission shall attend educational programs designed for training members of Michigan planning commissions if the Township Board's adopted budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Nothing in this paragraph shall deem a member who has not had training from finishing his term of office unless the member resigns or is removed for other reasons by action of the Township Board. The member shall be ineligible for reappointment at the conclusion of the full term of office if he/she did not attend training. Training programs that qualify to meet this requirement shall be limited to the following organizations except where the Township Board expressly authorizes otherwise by motion: Michigan Association of Planning, Michigan State University Extension, Michigan Townships Association, Michigan Municipal League, and

continuing education programs of Michigan State University, University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University.

Section 9: OFFICERS AND COMMITTEES

The Planning Commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the Planning Commission is not eligible to serve as Chairperson. The term of each office shall be 1 year, with opportunity for reelection as specified in the Planning Commission Bylaws.

Section 10: COMPENSATION

The Planning Commission members may be compensated for their services as provided by resolution of the Township Board.

Section 11: MEETINGS

A. Number of Regular Meetings Required: The Planning Commission shall hold not less than four (4) regular meetings each year and shall, by resolution, determine the time and place of the meetings.

B. Special Meetings: Unless otherwise provided in the Planning Commission's bylaws, a special meeting of the Planning Commission may be called by the Chairperson or by two other members, upon written request to the secretary. Unless the Bylaws provide otherwise, the secretary shall send written notice of a special meeting to Commission members at least 48 hours before the meeting.

C. Quorum Required: A majority of the Planning Commission shall constitute a quorum and shall be necessary for the purpose of opening and closing a Planning Commission meeting.

D. Open Meetings Act: All business performed by the Planning Commission shall be done so as part of a public meeting in compliance with the Open Meetings Act, Public Act 267 of 1976 (as amended).

Section 11: POWERS AND DUTIES

A. P.A. 33 of 2008, Planning Enabling Act: The Planning Commission shall have all powers and duties as set forth in Public Act 33 of 2008, also known as the Michigan Planning Enabling Act (MCL 125.3801 et seq.) including, but not limited to the following:

1. The Commission shall prepare a master plan and amendments there to as necessary.

2. The Commission shall review and make a recommendation to the Township Board on a proposed plat under the Land Division Act, Public Act 288 of 1967, MCL 560.101, et seq., including the holding of a public hearing on such proposed plat in accordance with the notice requirements of the Planning Enabling Act.

3. The Commission shall review proposals for streets, squares, parks, playgrounds, public ways, grounds, or other open space or public building or structure proposed by a legislative body or other body having jurisdiction over the financing of the project. The Commission may recommend to the Township Board provisions of an ordinance or rules governing the subdivision of land, and such recommended ordinance or rules shall be subject to a public hearing according to the notice requirements of the Planning Enabling Act.

4. The Commission shall prepare a capital improvements program, provided the Township Board passes a motion providing for the same. In the absence of such a motion, the Township Board shall be the body responsible for the preparation and adoption of such program.

B. P.A. 110 of 2006, Zoning Enabling Act: The Planning Commission shall also have all powers and duties as set forth for zoning boards and zoning commissions in Public Act 110 of 2006, as amended, also known as the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), including but not limited to, preparation of a new zoning ordinance or amendments to an existing zoning ordinance, the holding of hearings for and submittal of recommendations to the Township Board regarding a proposed zoning ordinance and/or amendment, and the administration of said ordinance or amendment.

C. Grants: The Planning Commission shall have authority to apply for and receive grants from any government agency or the federal government.

D. Gifts: The Planning Commission may not accept gifts for the exercise of its functions. However, the Township Board may accept such gifts on behalf of the Planning Commission.

E. Annual Report: The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

Section 12: STAFF

A. Planning Director: The Township Board may budget for and hire a planning director to assist the Planning Commission and Township Board in planning and zoning matters. The planning director shall be a department head, and shall hire or dismiss other such planning staff for which the Township Board may budget.

B. Conditions of Appointments: The appointment of the planning director and other such employees shall be subject to the same provisions of law, employment policies, employee roster, employee or union contracts, if any, as govern other employees of Erie Township.

C. Planning Commission Directives: Employees that are assigned to work with the Planning Commission, including the planning director, shall follow the directives of the Planning Commission in matters of planning and zoning, but shall not be subject to Commission directives concerning employment provisions of law, employment policies, employee roster, or employee or union contracts, if any.

Section 13: BYLAWS

The Planning Commission shall adopt Bylaws for the transaction of business.

Section 14: RECORDS

The Planning Commission shall keep a record of its resolutions, motions, transactions, findings, and determinations. Such records shall be a public record and available for public inspection. A writing prepared, owned, used, in the possession of, or retained by the Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1776.

Section 15: APPROVAL, RATIFICATION, and RECONFIRMATION

All official actions taken by all Erie Township Planning Commission preceding the Planning Commission created by this Ordinance are hereby approved, ratified and reconfirmed. Any project, review, or process taking place at the effective date of this Ordinance shall continue with the Planning Commission created by this Ordinance, subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous Erie Township Planning Commission.

Section 16: SEVERABILITY

Should any section, clause or provision of this Ordinance be declared unconstitutional, illegal or of no force and effect by a court competent jurisdiction, then and in that event such portion thereof shall not be deemed to affect the validity of any other part or portion of this Ordinance.

Section 17: REPEAL

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed. The resolution establishing the Erie Township Planning Commission under the Township Planning Act, Public Act 168 of 1959 (MCL 125.321, et seq.), is hereby repealed.

Section 18: EFFECTIVE DATE

This Ordinance shall take effect 63 days after publication following adoption.

CERTIFICATION

The undersigned, as the duly elected and acting clerk of Erie Township, hereby certifies that this Ordinance was duly adopted by the Erie Township Board at a regular meeting of the Township Board, at which a quorum was present, held on May 11, 2010.

Jolene Upchurch 5/12/2010
Jolene Upchurch, Township Clerk Date

THE TOWNSHIP BOARD, ERIE
TOWNSHIP, COUNTY OF MONROE,
STATE OF MICHIGAN:

By: Jolene Upchurch
Jolene Upchurch,
Erie Township Clerk

AUTHENTICATED:

By: William Frey
William Frey,
Erie Township Supervisor

I, Jolene Upchurch, do hereby certify that I am the duly elected and acting Clerk of the Township of Erie, and I do hereby certify that this Ordinance was adopted by the Township Board of the Township of Erie, Monroe County, Michigan, at a regular meeting of the Township Board held at the Erie Township Hall, Erie, Michigan, on the 11 th day of May, 2010.

The vote on said Ordinance, 5 members being present and 0 members absent, was as follows:

	Member's Last Name
Voting in Favor:	
<u>Cousino</u>	<u>Frey</u>
<u>Grodi</u>	<u>Baum</u>
	<u>Upchurch</u>
Voting Against:	<u>0</u>
Abstained:	<u>0</u>
Absent:	<u>0</u>

THE TOWNSHIP BOARD, ERIE
TOWNSHIP, COUNTY OF MONROE,
STATE OF MICHIGAN:

By: Jolene Upchurch
Jolene Upchurch,
Erie Township Clerk

AUTHENTICATED:

By: William Frey
William Frey,
Erie Township Supervisor

I, Jolene Upchurch, do hereby certify that I am the duly elected and acting Township Clerk of the Township of Erie, and I do hereby certify that this Ordinance or a summary thereof, was published on the 11 th day of May, 2010, in the Bedford Press, Monroe County, Michigan, a newspaper of general circulation in the Township of Erie, within thirty (30) days after adoption of this Ordinance.

Dated: May 17, 2010

By: Jolene Upchurch
Jolene Upchurch,
Erie Township Clerk

ATTEST:

By: William Frey
William Frey,
Erie Township Supervisor

ADOPTED: 5/11/2010

PUBLISHED: 5/24/2010

EFFECTIVE: 7/13/2010

LJB/blc
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