

BURT TOWNSHIP PLANNING COMMISSION ORDINANCE

Of May 10, 2011

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Effective 63 days after publication: August 4, 2011

WHEREAS, The People of BURT TOWNSHIP did establish the Burt Township Planning Commission by resolution, and it is now desired to repeal the existing resolution and adopt this ordinance to insure proper record of the action is created, NOW THEREFORE, THE PEOPLE OF BURT TOWNSHIP DO ORDAIN THAT SAID ORDINANCE SHALL READ AS FOLLOWS:

BURT TOWNSHIP PLANNING COMMISSION ORDINANCE

AN ORDINANCE to create a Planning Commission for Burt Township as authorized by P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et. seq.* for the purpose of having planning and zoning in the Township, to create, organize, enumerate powers and duties, and to provide for the regulation and subdivision of land, coordinated and harmonious development of the Township; and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the state where the Township exists.

THE PEOPLE OF BURT TOWNSHIP DO ORDAIN:

101. Creation: There shall be a Burt Township Planning Commission pursuant to P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et. seq.*, hereinafter referred to as the Commission with the powers and duties as therein set forth and as hereinafter provided. This ordinance shall be officially known and described as the “Burt Township Planning Commission Ordinance.”
102. Membership:
 - A. The Commission shall consist of seven (7) members appointed by the Burt Township Supervisor and approved by the Burt Township Board. To be qualified to be a member and remain a member of the Planning Commission, the individual shall meet the following qualifications:
 1. Shall be a qualified elector of the Township except that one member may be a non-qualified elector;
 2. Shall not be a declared candidate for any political office, except this condition shall not apply to the Township Board representative to the Commission;
 3. Shall meet the conditions provided for each individual member in sections 102.B, 102.D and 102.E of this Ordinance, except the

geographical location of the individual's residency may be considered optional.

- B. Members shall be appointed for three-year terms. However when first appointed a number of members shall be appointed to one-year, two-year, or three-year terms such that, as nearly as possible, the terms of $\frac{1}{3}$ of all commission members will expire each year. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of $\frac{1}{3}$ of all commission members continue to expire each year.
 - C. Ex officio members shall include one member of the Township Board of Trustees, whose term of office shall coincide with his or her elected term of office on the Township Board of Trustees.
 - D. The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of the Township, in accordance with the major interests as they exist in the Township, as follows:
 - 1. Agriculture;
 - 2. Natural resources;
 - 3. Recreation;
 - 4. Education;
 - 5. Public health;
 - 6. Government;
 - 7. Transportation;
 - 8. Industry;
 - 9. Commerce.
 - E. The membership shall also 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.
 - F. Except as provided in this subsection, an elected officer or employee of the local unit of government is not eligible to be a member of the Planning Commission.
103. Liaisons: The Commission, in its Bylaws, may name "liaisons" to the Commission. The purpose of liaisons is to provide certain Burt Township and quasi-Burt Township officials' ability to participate in discussion with the Commission in addition to speaking in public participation, and nothing else.
104. Training: Appointed members of the Commission may attend educational programs designed for training members of Michigan planning commissions if the adopted Township 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 by action of the Township Board.

105. Members, Appointment and Terms: In January of each year the Township shall consider the applications and nominations received for vacant Planning Commission terms and appoint members to the Commission by a majority vote for a three year term of office which shall end December 31 at 9:00 a.m. of the designated year.
106. Removal from Office:
 - A. The Township Board may remove a member of the Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to repeatedly attend Commission meetings shall be considered nonfeasance in office.
 - B. The secretary of the Planning Commission shall report any member who has missed three regular meetings in a row to the Township Board.
107. Membership; Vacancies: The Township Board shall fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.
108. Membership; Compensation: All members of the Planning Commission may serve as such with compensation equal to, or less than, the per diem of the Township Board per meeting.
109. Meetings:
 - A. The Commission shall meet at least four times per year and a majority of the Commission shall constitute a quorum for the transaction of the ordinary business of said Commission and all questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the Planning Commission.
 - B. The affirmative vote of a majority of a quorum shall be necessary for the adoption of motions.
110. Powers and Duties:
 - A. The Commission shall have their powers and duties as set forth in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.*; and P.A. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 *et seq.*).
 - B. The Commission shall have authority to apply for and receive grants from any government agency or the federal government and to receive gifts.
111. Meetings; Records: The Commission shall adopt Bylaws for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.

112. Approval, Ratification, and Reconfirmation.

All official actions taken by all Burt Township Planning Commissions preceding the 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 Commission created by this ordinance, subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous Burt Township Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.

Passed by the Township Board of Burt Township, Alger County, Michigan, on May 10, 2011, at its regular meeting with 4 board members in attendance, 4 voting aye, and 0 nay.

Signed: _____, Township Supervisor.

I hereby certify that the foregoing was duly adopted by the Township of Burt, Alger County, Michigan, at its regular meeting on May 10, 2011 that of 5 members of the Township Board, 4 were in attendance and 4 voted for the adoption of the Ordinance.

Signed _____, Clerk
[May 10, 2011]