

D R A F T R E V I S I O N --- November 9, 2017
TOWNSHIP OF CALEDONIA
ALCONA COUNTY, MICHIGAN

ORDINANCE No. 1 of 2017

AN ORDINANCE TO AMEND THE CALEDONIA TOWNSHIP PLANNING COMMISSION ORDINANCE #09-02 TO REDUCE MEMBERSHIP ON THE PLANNING COMMISSION FROM 7 TO 5 MEMBERS AS WELL AS TO UPDATE THE ORDINANCE.

As required by the Michigan Planning Enabling Act, MCL 235.3801, *et. seq.*, also known as Public Act 33 of 2008, as amended, the Planning Commission for the Township of Caledonia, Alcona County, Michigan, was created by the Planning Commission Ordinance No. 09-02, with an effective date of July 22, 2009, for the purpose of having planning and zoning in the Township of Caledonia, to create, organize, enumerate powers and duties, and to provide for the regulation and subdivision of land, coordinate and harmonious development of the Township of Caledonia, and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the State where the Township of Caledonia exists.

THE TOWNSHIP OF CALEDONIA DOES ORDAIN THAT THE PLANNING COMMISSION ORDINANCE IS HEREBY AMENDED TO READ AS FOLLOWS:

1. CREATION:

There shall be a Caledonia 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 as as hereinafter provided. This Ordinance shall be officially known and described as the “Caledonia Township Planning Commission Amending Ordinance #1.”

2. MEMBERSHIP:

A. The Commission shall consist of five (5) members appointed by the Caledonia Township Board of Trustees. To be qualified as a member and remain a member of the Planning Commission, the individual shall meet the following qualifications:

- (1) Shall be a qualified elector of Caledonia Township, except that one member may be a non-qualified elector;
- (2) At time of appointment shall not be a declared candidate for any political office, except this condition shall not apply to the Township Board of Trustees’ representative to the Commission (Section 2C of this Ordinance);
- (3) After an individual’s first appointment and before reappointment, shall have attended a minimum of 4 hours annually of training for Commission members (Section 6 of this Ordinance);

(4) Shall meet the conditions provided for each individual member in Section 2D 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. The terms of two (2) Commission members shall expire each year on December 31st at 9:00 a.m. of the respective year.

C. One member shall also be a member of the Township Board of Trustees, whose term of office shall coincide with his/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 of Caledonia, in accordance with the major interests as they exist in the Township of Caledonia, as follows:

Agriculture;
Natura; Resources
Recreation/Tourism;
Education;
Public Health;
Government;
Transportation;
Industry; and
Commerce.

E. The membership shall also be representative of the entire geography of the Township of Caledonia to the extent practicable, and as a secondary consideration to the representation of the major interests.

F. No member of the Caledonia Township Board of Trustees shall be chair of the Commission. The members of the Commission shall elect a chair from amongst its members.

3. APPOINTMENT AND TERMS:

A. In October of each year, the Caledonia Township Clerk shall determine which members' terms of office expire and will contact that member to determine if he/she would like to be reappointed for another term.

B. If a member does not want to be reappointed, in November of each year, the Caledonia Township Clerk shall place an advertisement in a newspaper with paid circulation in Caledonia Township to seek applications.

C. In December of each year, the Township Board shall consider the applications received and the Township Supervisor shall appoint members to the Planning Commission, subject to approval by a majority vote of the members of the Township Board of Trustees, for a three-year term of office which shall end December 31st, at 9:00 a.m., of the respective year.

4. **VACANCIES:**

The Township Board of Trustees shall fill any vacancy in the membership of the Planning Commission for the unexpired term in the same manner as the initial appointment.

5. **REMOVAL FROM OFFICE:**

A. The Township Board of Trustees may remove a member of the Planning Commission for malfeasance, misfeasance, 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. Committing a wrong or error by mistake, negligence or inadvertence, but not by intentional wrongdoing shall be considered misfeasance in office. Failure to repeatedly attend Planning Commission meetings shall be considered nonfeasance in office.

B. The Secretary of the Planning Commission shall report any member who has missed three (3) consecutive regular meetings, without providing an acceptable excuse, to the Planning Commission Chair. The Planning Commission Chair will present the issue to the Planning Commission members for discussion and then, if deemed necessary, will report the nonfeasance to the Township Board of Trustees for action.

6. **TRAINING:**

Appointed members of the Commission shall attend educational programs (a minimum of 4 hours annually) designed for training members of the Michigan planning commissions if the adopted Caledonia 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/her term of office unless the member resigns or is removed by action of the Caledonia Township Board of Trustees. The member shall be ineligible for reappointment at the conclusion of the term of office if they did not attend training. The Commission shall include in its Bylaws what training programs qualify to meet this requirement.

7. **COMPENSATION:**

All members of the Planning Commission shall serve as such with compensation as determined by the Township Board of Trustees.

8. **MEETINGS:**

The Planning Commission shall meet at least once every month.

9. **QUORUM:**

A majority of the Planning Commission members 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 Commission. To adopt or recommend for adoption any plan or amendment to a plan, the affirmative vote of three (3) members of the Planning Commission, regardless if vacancies or absences exist or not, shall be needed.

10. **POWERS AND DUTIES:**

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.*

- A. The Commission shall have the duties and responsibilities of administering a zoning ordinance (Section 83, P.A. 33 and M.C.L. 125.3301).
- B. The Commission shall have authority to apply for and receive grants on behalf of Township Government.
- C. The Commission shall have the authority to prepare, recommend and administer a subdivision ordinance (Section 71, P.A. 33).
- D. The Commission shall study and recommend programs for public infrastructure improvements and other capital improvement programs (P.A. 33, Section 67).
- E. The Commission shall prepare a master plan and other such plans (P.A. 33, Section 32(1)).
- F. The Commission promotes interest in understanding of the master plan (P.A. 33, Section 51).
- G. The Commission shall make surveys and studies (fact books) of the community (P.A. 33, Section 32(2)(a)).
- H. The Commission shall consult with adjacent local units of governments (P.A. 33, Section 31(2)(b)).
- I. The Commission shall cooperate with all departments of the Township Board and Federal and State Government (P.A. 33, Section 31(2)(c)).

11. **BYLAWS/RECORDS:**

The Planning Commission shall adopt Bylaws for the transaction of business and shall keep a record of its resolutions, motions, transactions, findings and determinations. These records shall be a public record.

12. APPROVAL:

All official actions taken by all Caledonia 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 Caledonia Township Planning Commission.

13. EFFECTIVE DATE:

This Ordinance shall be in full force and effect from and after its adoption and publication.

The above Ordinance was duly adopted by the Caledonia Township Board of Trustees at its regular meeting on _____. Motion to adopt was made by _____ and seconded by _____. Members in attendance _____; _____ Voting Aye and _____ Voting Nay.

Signed: _____ Date: _____
Township Supervisor

I hereby certify that the foregoing was duly adopted by the Township Board of Trustees of Caledonia Township, Alcona County, Michigan, at its regular meeting on the _____, 2009, that of five (5) members of the Board, _____ were in attendance and _____ voted to approve the adoption of this Ordinance.

Signed: _____ Date: _____
Township Clerk

Ordinance was published in the ALCONA COUNTY REVIEW on _____ is effective on _____ (63 days after publication).