

INGALLSTON TOWNSHIP PLANNING COMMISSION ORDINANCE

Of December --, 2010

Effective ____, 2011

WHEREAS, The People of INGALLSTON TOWNSHIP did establish the INGALLSTON TOWNSHIP Zoning Board 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 INGALLSTON TOWNSHIP DO ORDAIN THAT SAID ORDINANCE SHALL READ AS FOLLOWS:

INGALLSTON TOWNSHIP PLANNING COMMISSION ORDINANCE

AN ORDINANCE to create a Planning Commission for Ingallston 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 INGALLSTON TOWNSHIP DO ORDAIN:

- 101. Creation:** There shall be an Ingallston 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 "Planning Commission" with the powers and duties as therein set forth and as hereinafter provided. This ordinance shall be officially known and described as the "Ingallston Township Planning Commission Ordinance."
- 102. Membership:**
- A. The Commission shall consist of 5 members appointed by the Ingallston Township Supervisor and approved by the Ingallston 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, 102.E and 102.F 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, whose term of office shall coincide with his or her elected term of office on the Township Board. The Township Supervisor shall not serve on the Planning Commission.
- 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.
- 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. Members, Appointment and Terms:

- A. In October of each year the Township Clerk shall determine which members' terms of office expire, and shall post notice in the Township to solicit nominations.
- B. In December of each year the Township Board shall consider the applications and nominations received, and appoint members to the Planning Commission by a majority vote for a three year term of office which shall end December 31 of the respective year.

104. Removal from Office: 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.

105. Membership; Vacancies: The Township Board shall fill any vacancy in the membership of the Planning Commission for the unexpired terms in the same manner as the initial appointment.

106. **Membership; Compensation:** All members of the Planning Commission shall serve as such with compensation equal to, or less than, the per diem of the Township Board per meeting. Mileage may be paid for special training or meetings out of the Township.
107. **Meetings:**
- A. The Commission shall meet no less than 4 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 the majority of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any plan or amendment to a plan.
108. **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.). Duties shall include, but are not limited to the following:
 - 1. Make, adopt, amend, extend, or add to a Plan for the Township of Ingallston;
 - 2. Review public improvements proposed for development in Ingallston Township, including streets, squares, parks, grounds, open space, public buildings or structures, etc., to determine if the location, character and extent thereof is consistent with the goals of the adopted Plan;
 - 3. Review plats and other matters relating to land development and present recommendations to the township board;
 - 4. Prepare the text of a zoning ordinance for the Township of Ingallston, and subsequent amendments to such ordinance, for submittal to the Township Board for action;
 - 5. Carry out the administrative duties authorized by the Zoning Ordinance;
 - 6. Make studies, investigations and surveys relative to short- and long-term issues concerning Ingallston Township;
 - 7. Prepare and submit a detailed budget to the Township Board for approval;
 - 8. Develop, at a conceptual level, specific projects recommended to help implement township plans and policies; and,
 - 9. Adopt bylaws and such standing rules as it feels necessary for the effective and efficient functioning of the Planning Commission.

B. The Commission shall have authority to apply for and receive grants from any government agency or the federal government and to receive gifts.

109. **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.

110. **Approval, Ratification, and Reconfirmation:** All official actions taken by all Ingallston Township Zoning Boards 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 Ingallston Township Zoning Board. This Ordinance shall be in full force and effect from and after its adoption and publication.

Passed by the Township Board of Ingallston Township, Menominee County, Michigan, on 13 Dec, 2010, at its regular meeting with 5 members in attendance, 5 voting aye, 0 nay.

Signed: Paul P. Amelun, Chair.

I hereby certify that the foregoing was duly adopted by the Township of Ingallston, Menominee County, Michigan, at its regular meeting on the 13 Dec 2010, that of 5 members of the Township Board, 5 were in attendance and 5 voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is identical in form with that recorded on the 13 Dec 2010, at page in the Book of Ordinances for the Township.

Signed Ray Kefer - Bronckhorst Clerk
[13 Dec 2010]