

**MELLEN TOWNSHIP PLANNING COMMISSION ORDINANCE**

Adopted April 7, 2011

Effective 63 days after publication (published April 13, 2011)

WHEREAS, the people of Mellen Township did establish the Mellen Township Zoning Board, and it is now desired to adopt this ordinance to insure proper record of the action is created, NOW THEREFORE, THE PEOPLE OF Mellen Township DO ORDAIN THAT SAID ORDINANCE SHALL READ AS FOLLOWS:

**MELLEN TOWNSHIP PLANNING COMMISSION ORDINANCE**

April 7, 2011

AN ORDINANCE to create a Planning Commission for Mellen 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 Mellen Township, to create, organize, enumerate powers and duties, and to provide for the regulation and subdivision of land, coordinated and harmonious development of the Mellen Township; and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the state where Mellen Township exists.

THE PEOPLE OF Mellen Township DO ORDAIN:

101. Creation:

A. There shall be a Mellen 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. This ordinance shall be officially known and described as the "Mellen Township Planning Commission Ordinance."

102. Membership:

- A. The membership of the Planning Commission shall consist of five (5) members appointed by the Mellen Township Supervisor and approved by the Mellen Township Board.
1. Each member shall represent and advocate what is best for Mellen Township as a whole, putting aside personal or special interests.
  2. Each member shall represent insofar as possible, major interests of the Township, such as agriculture, recreation, education, public health, government, commerce, transportation and industry.
  3. All members shall be qualified electors of the Township, except one member may be a non-qualified elector.

- 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. One member shall also 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.
- D. The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of the Mellen Township.
- E. The membership shall also be representative of the entire geography of the Mellen Township to the extent practicable, and as a secondary consideration to the representation of the major interests.

103. Liaisons:

- A. The Commission, in its Bylaws, may name "liaisons" to the Commission. The purpose of liaisons is to provide certain Mellen Township and quasi-Mellen Township officials' ability to participate in discussion with the Commission in addition to speaking in public participation, and nothing else. At minimum liaisons shall include:
  - 1. Mellen Township Supervisor.
  - 2. Mellen Township Attorney.

104. Members, Appointment and Terms:

- A. In January of each year the Mellen Township Clerk shall determine which members' terms of office expire. The Mellen Township Clerk shall advertise in a newspaper of general circulation within the Township that the Township Board is seeking applications for the Planning Commission.
- B. In April of each year the Township Board shall consider the applications received, and appoint members to the Commission by a majority vote for a three year term of office which shall end March 31<sup>st</sup> at 9:00 a.m. of the respective year.

105. 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.

106. Membership; Vacancies:

- A. 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.

107. Membership; Transition:

- A. The transition from the previous Mellen Township Zoning Board and the Commission established in this ordinance shall take place as soon as possible after the effective date of this ordinance. The Township Board shall continue to make annual appointments, appointing approximately  $\frac{1}{3}$  of the membership of the Commission as specified in this Ordinance, so that membership representation and number of members have completed the transition to fully comply with this Ordinance.
- B. All other aspects of this ordinance shall have immediate effect.

108. Membership; Compensation:

- A. Members of the Planning Commission may be compensated for their services as provided by the Township Board. The Planning Commission may develop a policy to establish travel and reimbursement procedures for its members and employees when engaged in performing authorized activities, including attending conferences and meetings.

109. Meetings:

- A. The Commission shall meet no less than four (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 a 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.

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:
- A. 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.
- A. All official actions taken by all Mellen Township Zoning Boards or 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 Mellen Township Zoning Board or Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.

Passed by the Township Board of the Mellen Township on April 7, 2011 at its regular meeting with \_\_\_\_commissioners in attendance, \_\_\_\_voting aye, \_\_\_\_nay.

Signed: \_\_\_\_\_, Township Supervisor.

I hereby certify that the foregoing was duly adopted by the Township Board of Mellen Township, Menominee County, Michigan, at its regular meeting on the 7<sup>th</sup> of April, 2011 and that of 5 members of the Township Board, \_\_\_\_were in attendance and \_\_\_\_voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is identical in form with that recorded on \_\_\_\_\_, 2011 at page \_\_ in the Book of Ordinances for the Mellen Township.

Signed \_\_\_\_\_, Clerk  
\_\_\_\_\_ (date)