

**West Traverse Township  
Emmet County, Michigan**

**ORDINANCE No. 1 of 2010**

Effective Oct. 27, 2010

WHEREAS, The People of West Traverse Township did establish the West Traverse Township Planning Commission Ordinance in 1969, and it is now desired to repeal the existing ordinance and adopt this ordinance to insure proper record of the action is created, NOW THEREFORE, THE PEOPLE OF West Traverse Township DO ORDAIN THAT SAID ORDINANCE SHALL READ AS FOLLOWS:

West Traverse Township PLANNING COMMISSION ORDINANCE

Sept. 14, 2010

An Ordinance to create a Planning Commission for West Traverse Township.

**Section 1: Scope, Purpose and Intent**

This Ordinance to create a Planning Commission for West Traverse Township is adopted pursuant to the authority granted the Township Board under the Michigan Planning Enabling Act, Public Act 33 of 2008, M.C.L. 125.3801 *et. seq.* and the Michigan Zoning Enabling Act, Public Act 110 of 2006, M.C.L. 125.3101, *et. seq.* to establish a Planning Commission, hereinafter referred to as the 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 the Commission is to have planning and zoning in West Traverse Township, to create, organize, enumerate powers and duties, and to provide for the regulation and subdivision of land, and coordinated and harmonious development of West Traverse Township.

**Section 2: Membership, Appointments and Terms**

The Commission shall consist of 7 members. The Township Supervisor, with the approval of the township board by a majority vote of the members elected and serving, shall appoint all Commission members, including the ex officio member.

When the planning commission is first established, the members appointed, other than the ex officio member, shall be appointed to 1-year, 2-year or 3-year terms such that, as nearly as possible, the terms of one-third of all the planning commission members will expire each year. After that, all planning commission members, other than the ex officio member, shall serve for terms of 3 years each.

A planning commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

Planning commission members shall be qualified electors of the township (**NOTE: U.S. citizen, 18-years old, who has been a resident of the state for 6 months and a resident of the township for at least 30 days**), except that one planning commission member may be an individual who is not a qualified elector of the township. The membership of the planning commission shall be representative of 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, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the township to the extent practicable.

One member of the township board shall be appointed to the planning commission as an ex officio member. An ex officio member has full voting rights. The ex officio member's term on the planning commission shall expire with his or her term on the township board.

No other elected officer or employee of the township is eligible to be a member of the planning commission. [M.C.L. 125.3815]

**Section 3: 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. Repeated failure to attend Commission meetings shall be considered nonfeasance in office. The secretary of the Planning Commission shall report any member who has missed three regular meetings in a row to the Township Board.

**Section 4: 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.

**Section 5: Membership; Transition**

The transition from the previous West Traverse Township Planning Commission and the Commission established in this ordinance shall be gradual and shall take place over the next three years. The Township Board shall continue to make annual appointments, appointing approximately 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: Compensation**

The Commission members may be compensated for their services as provided by Township Board Resolution. The planning commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the township board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

**Section 7: 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 officer shall be 1 year, with opportunity for reelection as specified in the planning commission bylaws.

The planning commission may also appoint advisory committees whose members are not members of the planning commission.

**Section 8: Bylaws, Meetings and Records**

The planning commission shall adopt bylaws for the transaction of business.

The planning commission shall hold at least 4 regular meetings each year, and shall by resolution determine the time and place of the 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 2 other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to planning commission members at least 48 hours before the meeting.

The business that the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, M.C.L. 15.261, et seq.

The planning commission shall keep a public record of its resolutions, transactions, findings, and determinations, which records shall be a public record. A writing prepared, owned, used, in the possession of, or retained by a 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 1976, M.C.L. 15.231, et seq.

#### **Section 9: Annual Report**

The planning commission shall make an annual written report to the township board concerning its operations and the status of the planning activities, including recommendations regarding actions by the township board related to planning and development.

#### **Section 10: Authority to Make Master Plan**

Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, M.C.L. 125.3801, et seq., and other applicable planning statutes, the planning commission shall make a master plan as a guide for development within the township's planning jurisdiction.

Final authority to approve a master plan or any amendments thereto shall rest with the planning commission unless the township board passes a resolution asserting the right to approve or reject the master plan.

Unless rescinded by the township, any plan adopted or amended under the Township Planning Act, Public Act 168 of 1959, M.C.L. 125.321, et seq., need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, M.C.L. 125.3801, et seq.

The affirmative vote of 5 Commissioners ( $\frac{2}{3}$  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 Master Plan or amendment to a Master Plan.

#### **Section 11: 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.*).

Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the township board.

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

#### **Section 12: Approval, Ratification, and Reconfirmation**

All official actions taken by all West Traverse Township County 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 West Traverse Township Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.

#### **Section 14: Severability**

The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

**Section 15: Repeal**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**Section 16: Effective Date**

This ordinance shall take effect 30 days after the ordinance is published by the Township Board in a newspaper of general circulation in the township.

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Ordinance No. 1 of 2010 was adopted on the 14<sup>th</sup> day of September, by the West Traverse Township Board of Trustees as follows:

Motion by: Bartlett

Seconded by: Fisher

Yeas: 5  
Nays: 0

Absent:

\_\_\_\_\_  
Cynthia Fisher, Clerk

\_\_\_\_\_  
Robert Sandford, Supervisor

Adopted:

**CLERK'S CERTIFICATION**

I hereby certify that this Ordinance was adopted by the West Traverse Township Board at a regular meeting held on September 14, 2010, and that the vote was as follows:

FOR: 5

AGAINST: 0

I further certify that this Ordinance, or a summary thereof, was published in the Harbor Light newspaper on September 22, 2010.

I further certify that a copy of this Ordinance was filed with the Emmet County Clerk on \_\_\_\_\_, 2010.

Cindy J. Baiardi  
Cindy Baiardi, Clerk  
West Traverse Township

