

**SAGOLA TOWNSHIP PLANNING COMMISSION
ORDINANCE #120-2021**

Preamble

An ordinance to create a Planning Commission for Sagola Township as authorized by Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., for the purpose of having planning and zoning in Sagola Township, to create, organize, enumerate powers and duties, and to provide for the regulation and subdivision of land, coordinated and harmonious development of Sagola Township; and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the state where Sagola Township exists. This ordinance repeals and replaces any and all ordinances or resolutions created in the past.

THE TOWNSHIP OF SAGOLA, DICKINSON COUNTY MICHIGAN, ORDAINS:

Section 1: Scope, Purpose, and Intent

This ordinance is adopted pursuant to the authority granted the township board under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., to establish a planning 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 this ordinance is to provide that the Sagola Township Board shall hereby confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Sagola Township Planning Commission to establish the appointments, terms, and membership of the planning commission; to identify the officers and the minimum number of meeting per year of the planning commission; and to prescribe the authority, powers, and duties of the planning commission.

Section 2: Membership

The township board hereby confirms the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Sagola Township Planning Commission. The Sagola Township Planning Commission shall have seven (7) members. Members of the Sagola Township Planning Commission as of the effective date of this Ordinance shall, except for an ex officio member whose remaining term on the planning commission shall be limited to his or her term on the township board, continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for planning commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

Section 3: Appointments and Terms

Memberships on the planning commission are appointed by the township supervisor, subject to approval of a majority of the township board. The terms of the members are three years, except when first appointed, they may be for one, two, or three years to affect staggered terms. An elected officer of the township board cannot serve as an employee of the planning commission. The members must be qualified electors of the township, except one may be a non-electors.

Under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., every township planning commission must have an ex officio member. This member is the one –and only one– township board member that will serve on the planning commission. This member cannot be the chair and their term is not one of the three-year staggered terms. The ex officio member serves a term that “shall expire with his or her four-year board term”. That position must then be filled for the new township term. The supervisor, with board approval, must appoint a board member to be the ex officio member for the new township term. If the current ex officio is reelected to the township board, they may be reappointed to the ex officio position. This applies regardless of how many terms the current ex officio may have served but the supervisor is free to nominate another board member to serve as ex officio in the new term.

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.

Section 4: Removal

The township board may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

Section 5: Conflict of Interest

Before casting a vote on a matter on which a planning commission member may reasonably be considered having a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. Failure of a member to disclose a potential conflict of interest as required by this ordinance constitutes malfeasance in office.

For the purposes of this section, conflict of interest is defined as, and a planning commission member shall declare a conflict of interest and abstain from participating in planning commission deliberations and voting on a request, when:

- (a) An immediate family member is involved in any request for which the planning commission is asked to make a decision. “Immediate family member” is defined as: An individual’s father, mother, son, daughter, brother, sister, and spouse and a relative of any degree residing in the same household as that individual.
- (b) The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant’s company, agency, or association;
- (c) The planning commission member owns or has a financial interest in neighboring property; for the purposes of hit section, a neighboring property shall include any property immediately adjoining the property involved in the request.
- (d) There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the planning commission.

Section 6: Officers

The planning commission shall elect from its membership a chairperson, a secretary, and other officers as it determines necessary for not less than terms of two years. The members may be reimbursed for expenses and may receive compensation as fixed by the township board. The members serve until their successor is appointed and has been qualified.

Section 7: Bylaws, Meeting, and Records

The planning commission must adopt bylaws for the transaction of business. The planning commission shall hold at least four regular meetings each year, and shall by resolution determine the time and place of each meeting. Special meetings of the planning commission can be called by the chairperson or by two other members upon written request to the secretary of the commission. Any special such meetings must be preceded by written notice to planning commission members not less than 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, MSL 15.261, et seq. The planning commission must keep a public record of its resolutions, transactions, findings, and determinations.

Section 8: 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 9: Authority to Make Master Plan

The planning commission is required to develop and recommend a master plan for the future development of the township and which would guide future zoning ordinance amendment decisions. The master plan can cover anticipated development of the township over the succeeding 20-year period.

The master plan must be adopted according to the steps listed under Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

Section 10: 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 be affect the remainder of the ordinance, which shall continue in full force and effect.

Section 11: Approval, Ratification, and Reconfirmation

All official actions taken by all the Sagola Township Board of Trustees 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. This ordinance shall be in full force and effect from and after its adoption and publication.

Section 12: Effective Date

This ordinance should take effect immediately upon publication as required by law following adoption by the Sagola Township Board.

Clerk: _____

Supervisor: _____

Date: _____