

Sidney Township Planning Commission Ordinance

Ordinance # 5-2011

5/2/11 Date

WHEREAS, The People of Sidney Township did establish the Sidney Township Planning Commission Resolution of # 2001-7, and it is now desired to repeal all prior resolutions and Ordinances pre-dating this existing resolution and adopt this ordinance to insure proper record of the action is created, NOW THEREFORE, THE PEOPLE OF SIDNEY TOWNSHIP DO ORDAIN THAT SAID ORDINANCE SHALL READ AS FOLLOWS:

SIDNEY TOWNSHIP PLANNING COMMISSION ORDINANCE

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

THE PEOPLE OF SIDNEY TOWNSHIP DO ORDAIN:

101. Creation:

There shall be a Sidney 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 and as hereinafter provided and staffed Planning Department. This ordinance shall be officially known and described as the "Sidney Township Planning Commission Ordinance."

102. Membership:

- A. The Commission shall consist of 5 (five) plus at least 1 (one) alternate members appointed by the Sidney Township Board of Trustees. 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 Sidney Township, except that one member may be a non-qualified elector;
 2. shall not be a declared candidate for any political office, elected officer or employee of the Township, except this condition shall not apply to the Sidney Township Board of Trustees representative to the Commission (section 102.D.10, of this ordinance);
 3. after an individual's first appointment and before reappointment shall have attended training for Commission members, pursuant to section 103 of this ordinance;
 4. shall meet the conditions provided for each individual member in sections 102.B, 102.D, and 102.E of this Ordinance, except the geographical location of the individual's residency may be considered optional.
- B. One member shall also be a member of the township board of trustees, whose term of office shall coincide with his or her elected term of office on the township board of trustees.
- C. The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of Sidney Township, in accordance with the major interests as they exist in Sidney Township, as follows:

1. Agriculture;
2. Natural resources;
3. Recreation;
4. Education;
5. Public health;
6. Government;
7. Transportation;

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

103. Training

A. Appointed members of the Commission shall attend educational programs designed for training members of Michigan planning commissions if the adopted Sidney Township budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Nothing in this paragraph shall prevent a member who has not had training from finishing his term of office unless the member resigns or is removed by action of the Sidney 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.

104. Members, Appointment and Terms:

- A. In November of each year the Sidney Township Clerk shall place an advertisement(s) in a newspaper with paid circulation in Sidney Township to seek applications for Commission members.
- B. In December of each year the Sidney Township Board of Trustees Supervisor shall consider the applications and nominations received, and appoint members to the Commission subject to approval by a majority vote for a three year term of office which shall end December 30, at 9:00 a.m. of the respective year.

105. Removal from Office:

- A. The Sidney Township Board of Trustees 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 Sidney Township Board of Trustees.
- C. What is determined to be 'Conflict of Interest' is found in the Bylaws under sec. 19-E.

106. Membership; Vacancies:

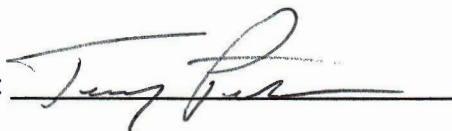
- A. The Sidney Township Board of Trustees shall fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.

107. Membership; Transition:

- A. The transition from the previous Sidney Township Planning Commission and the Commission established in this ordinance shall be gradual and shall take place over the next three years. The Sidney Township Board of Trustees shall continue to make annual appointments, appointing approximately $\frac{1}{3}$ 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.
- B. All other aspects of this ordinance shall have immediate effect.

108. Membership; Compensation:
 A. All members of the Planning Commission shall serve as such with compensation as approved by Township Board resolution.
109. Meetings:
 A. The Commission shall meet at least once every quarter 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 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 plan or amendment to a plan.
 C. The Master Plan consists of several elements, including Public Input, Community Profile, Community Vision, Vision Statements, Action Strategies, and Future Development 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 Sidney 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 Sidney Township Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and 63 days after the Ordinance has been published in a local newspaper having general circulation.
 B. Severability: Should any part or parts of this Ordinance be stricken by a court of law and declared void, all other parts of this Ordinance shall remain in full force and effect.

Adopted by the Sidney Township Board of Trustees of Sidney Township on 5/2/11 [date], at its regular meeting with 5 commissioners in attendance, 5 voting aye, 0 nay.

Signed: , Supervisor.
