

**ARTICLE XXV
PLANNING COMMISSION**

SECTION 25.01 PURPOSE

The purpose of this ordinance is to confirm the establishment of a Planning Commission for Fruitland Township as authorized by P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, (M.C.L. 125.3801 *et. seq.*) and to organize and enumerate the powers and duties of the Planning Commission as provided by law and repeal any ordinance or parts of ordinance or resolutions in conflict with this ordinance. The powers and duties of the Planning Commission shall include the regulation and subdivision of land, and coordination of development with other constituted authorities and of incorporated and unincorporated areas where Fruitland Township exists.

SECTION 25.02 MEMBERS

- A. The Commission shall consist of seven members. To be qualified to be a member and remain a member of the Planning Commission, the individual shall meet the following qualifications:
1. The member shall be a qualified elector of Fruitland Township, except that one member may be a non-qualified elector who lives outside the boundaries of the Township;
 2. One member shall also be a member of the Fruitland Township Board of Trustees, whose term of office shall coincide with his or her elected term office on the Board of Trustees. This member shall not serve as the chairperson of the Planning Commission.
 3. Except as provided in Section 25.02 A. 2., an employee or elected officer of Fruitland Township shall not serve as a member of the Planning Commission.
 4. The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of Fruitland Township, in accordance with the major interests as they exist in the township as follows:
 - a. Agriculture;
 - b. Natural resources;
 - c. Recreation;
 - d. Education;
 - e. Public health;
 - f. Government;
 - g. Transportation;
 - h. Industry;
 - i. Commerce;

5. The membership shall also be representative of the entire geography of Fruitland Township to the extent practicable.

SECTION 25.03 MEMBERSHIP - APPOINTMENT AND TERMS

- A. The Township Supervisor, with the approval of the Township Board by a Majority vote of the members elected and serving, shall appoint all planning commission members, including the ex officio member.
- 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. For a seven member Planning Commission, $\frac{1}{3}$ of all commission members shall be two commissioners.
- C. At the beginning of each year the Fruitland Township Clerk shall determine which members' terms of office expire, and may seek applications and nominations for Commission members.
- D. The Fruitland Township Board shall consider the applications and nominations received, and members shall be appointed as provided in Section 3A for a three year term of office.
- E. Removal from office. The Fruitland 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.
- F. Absences. The secretary of the Planning Commission shall report any member who has missed three regular meetings in a row to the Fruitland Township Board of Trustees.
- G. Vacancies. The Fruitland 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.
- H. Membership transition. The transition from the previous Fruitland Township Planning Commission and the Commission established in this ordinance shall be gradual and shall take place over the next three years. The Fruitland 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 and PA 33 of 2008, the Michigan Planning Enabling Act.
- I. All other aspects of this ordinance shall have immediate effect.

- J. Membership compensation. All members of the Planning Commission shall serve as such with compensation as established by the Fruitland Township Board of Trustees.

SECTION 25.04 MEETINGS

- A. The Commission shall meet monthly as required and a majority of the Commission shall constitute a quorum for the transaction of the ordinary business of said Commission. All questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the Planning Commission which are present, so long as a quorum is present.
- 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 of the Master Plan, or recommendation for adoption of any amendments to the Master Plan.

SECTION 25.05 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.*). In addition, duties shall include the following:
1. Take such action on petitions, staff proposals and Township Board requests for amendments to the zoning ordinance as required.
 2. Take such action on petitions, staff proposals and Township Board requests for amendments to the master plan as required.
 3. Prepare and adopt bylaws for the transaction of business, and keep a public record of its resolutions, transactions, findings and determinations.
 4. Prepare an annual report to the Township Board concerning operations and the status of planning activities, including recommendations regarding legislative actions related to planning and development.
 5. Prepare an annual work budget, to be included in the annual report.
 6. Take such actions as are required by the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.
 7. Review subdivision and condominium proposals and recommend appropriate actions to the Township Board.
 8. Prepare special studies and plans, as deemed necessary by the Planning Commission or Township Board and for which appropriations of funds have been approved by the Township Board, as needed.

9. Attend training sessions, conferences, or meetings as needed to properly fulfill the duties of Planning Commissioner and for which appropriations of funds have been approved by the Township Board, as needed.
10. Perform other duties and responsibilities or respond as requested by any Township Board or commission.
11. The Planning Commission, assisted by Township Staff, may prepare an annual Capital Improvements Program (CIP) if so directed by the Township Board as part of the Township budget process. The CIP shall show those public structures and improvements in their general order of priority that will be needed or desirable and can be undertaken within the ensuing six year period. The CIP shall be forwarded as a recommendation to the Township Board if prepared by the Planning Commission.

If the Township Board exempts the Planning Commission from preparing the CIP then the Township Board, after the master plan is adopted, shall prepare or cause to be prepared by the Township Supervisor or by a designated non-elected administrative official, a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following 6-year period.

SECTION 25.06 STAFF

- A. The Commission may recommend to the Township Board a planning director, planning consultant, or other planning staff within the budget provided for this purpose.
- B. The appointment of the planning director, planning consultant, and other such employees shall be subject to the same provisions of law, employment policies, employee roster, employee or union contracts, if any, as govern other employees of Fruitland Township.

SECTION 25.07 APPROVAL, RATIFICATION, AND RECONFIRMATION

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

SECTION 25.08 REPEAL

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. The resolution or ordinance establishing the Fruitland Township Planning Commission under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., is hereby repealed