

TOWNSHIP OF ALAMO
KALAMAZOO COUNTY, MICHIGAN
ORDINANCE NO. 57-M

AN ORDINANCE TO PROVIDE THAT THE ALAMO TOWNSHIP BOARD CONFIRMS THE ESTABLISHMENT OF THE ALAMO TOWNSHIP PLANNING COMMISSION UNDER THE MICHIGAN PLANNING ENABLING ACT, PUBLIC ACT 33 OF 2008, MCL 125.3801, ET SEQ., AS SUCCESSOR TO THE ALAMO TOWNSHIP PLANNING COMMISSION, FORMERLY ESTABLISHED UNDER THE TOWNSHIP PLANNING ACT, PUBLIC ACT 168 OF 1959; MCL 125.321, ET SEQ.; TO ESTABLISH THE APPOINTMENTS, TERMS AND MEMBERSHIP OF THE PLANNING COMMISSION; TO IDENTIFY THE OFFICERS AND MINIMUM NUMBER OF MEETINGS PER YEAR OF THE PLANNING COMMISSION; TO PRESCRIBE THE AUTHORITY, POWERS AND DUTIES OF THE PLANNING COMMISSION; TO REPEAL ALL OTHER ORDINANCES AND PARTS THEREIN INCONSISTENT OR CONTRARY TO THIS ORDINANCE; AND TO ESTABLISH AN EFFECTIVE DATE.

THE TOWNSHIP OF ALAMO ORDAINS:

ARTICLE I
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 any future amendments to this Ordinance (MCL 125.3811 and MCL 125.3883).

ARTICLE II
ESTABLISHMENT

The Township Board hereby confirms the establishment of the Alamo Township Planning Commission under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., as successor to the Alamo Township Planning Commission with zoning authority, formerly established under the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 et seq., and the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq. The Alamo Township Planning Commission shall have 7 members. Members of the Alamo Township Planning Commission, as of the effective date of this Ordinance, shall, except for an ex officio member whose 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 (MCL 125.3811, MCL 125.3815 and MCL 125.3881).

ARTICLE III
APPOINTMENT AND TERMS

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 (MCL 125.3815).

The Planning Commission members, other than an ex officio member, shall serve for terms of 3 years each (MCL 125.3815).

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 (MCL 125.3815).

Planning Commission members shall be qualified electors of the Township, 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, educations, 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 (MCL 125.3815).

One member of the Township Board shall be appointed to the Planning Commission as an ex officio member (MCL 125.3815).

An ex officio member has full voting rights. An ex officio member's term on the Planning Commission shall expire with his or her term on the Township Board (MCL 125.3803 and MCL 125.3815).

No other elected Officer or employee of the Township is eligible to be a member of the Planning Commission (MCL 125.3815).

Except for the ex officio member, all members shall continue to serve as a member until their successor is appointed and qualified to serve. Subsequently, members shall be appointed to fill vacancies or upon the termination of their term by the Township Supervisor, subject to approval by a majority vote of the members of the Township Board elected and serving.

ARTICLE IV
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 (MCL 125.3815).

ARTICLE V
CONFLICT OF INTEREST

Before casting a vote on a matter on which a Planning Commission member may reasonably be considered to have 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 (MCL 125.3815).

For the purposes of this Section, the Planning Commission shall define "conflict of interest" in its By-Laws.

ARTICLE VI
COMPENSATION

The Planning Commission members may be compensated for their services as provided by Township Board Resolution. The Planning Commission may request from the Township Board compensation and expenses of its members for travel and registration when engaged in the performance of official activities authorized by the Township Board, including, but not limited to, attendance at conferences, workshops, educational and training programs, meetings and inspections (MCL 125.3823).

ARTICLE VII
OFFICERS AND COMMITTEES

The Planning Commission shall elect a Chairperson, Vice 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 office shall be 1 year, with opportunity for re-election as specified in the Planning Commission By-Laws (MCL 125.3817).

The Planning Commission may also appoint advisory committees from its membership or who are not members of the Planning Commission (MCL 125.3817).

ARTICLE VIII
BY-LAWS, MEETINGS AND RECORDS

The Planning Commission shall adopt By-Laws for the transaction of business (MCL 125.3819).

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 By-Laws, 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 By-Laws otherwise provide, the Secretary shall send written notice of a special meeting to Planning Commission members at least 48 hours before the meeting (MCL 125.3821). The foregoing notice is not required where the special meeting is

determined and scheduled at a regular meeting of the Commission, except for notice to members absent from the regular 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, MCL 15.261, et seq (MCL 125.3821).

The Planning Commission shall keep a public record of its Resolutions, transactions, findings and determinations. A writing prepared, owned, used, in the possession of or retained by the Planning Commission in the performance of its official functions shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq (MCL 125.3819 and MCL 125.3821).

ARTICLE IX
ANNUAL REPORT

The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of its planning activities, including recommendations regarding actions by the Township Board related to planning and development (MCL 125.3819).

ARTICLE X
AUTHORITY TO MAKE MASTER PLAN

Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 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 (MCL 125.3807 and MCL 125.3831) and submit its proposed plan to the Township Board for adoption (MCL 125.3843).

Final authority to approve a Master Plan or any amendments thereto shall rest with the Township Board. The existing Master Plan for the Township shall be the Township's Master Plan until amended by Planning Commission recommendation and adoption by the Township Board (MCL 125.3843).

ARTICLE XI
ZONING POWERS

The Township Board hereby confirms the transfer of all powers, duties and responsibilities provided for Zoning Boards or Zoning Commissions by the former Township Zoning Act, Public Act 184 of 1943, MCL 125.271, et seq.; the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq.; or other applicable zoning statutes, to the Alamo Township Planning Commission with zoning authority, formerly established under the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101 et seq., and the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.

Any existing Zoning Ordinance shall remain in full force and effect until otherwise amended or repealed by the Township Board.

ARTICLE XII
CAPITAL IMPROVEMENTS PROGRAM

To further the desirable future development of the Township under the Master Plan, the Planning Commission shall annually prepare recommendations to the Township Board of public structures and improvements, in general order of their priority, for the following 6 year period. The Commission shall, at least every 5 years after adoption of the Township Master Plan, review the Plan to determine whether it is advisable to commence procedures to amend the Plan or adopt a new Plan (MCL 125.3845).

ARTICLE XIII
RECOMMENDATIONS AS TO SUBDIVISION RULES AND PLATS;
APPROVAL OF EXEMPT DIVISIONS

The Planning Commission may recommend to the Township Board provisions of an Ordinance or rules governing the subdivision of land. Before recommending such an Ordinance or rule, the Planning Commission shall hold a public hearing on the proposed Ordinance or rule. The Planning Commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the Township (MCL 125.3871).

The Planning Commission shall review and make recommendations on any proposed plat before action thereon by the Township Board under the Land Division Act, Public Act 288 of 1967, MCL 560.101, et seq. Before making its recommendation, the Planning Commission shall hold a public hearing on the proposed plat. A plat submitted to the Planning Commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land (MCL 125.3871). The Planning Commission shall have 63 days from receipt of the plat to issue its recommendation of approval, approval with conditions or disapproval; in default of which it shall be considered approval.

Approval or disapproval of a proposed division, other than a plat, shall be made by the Township Assessor in accordance with the Land Division Act, Public Act 288 of 1967, MCL 560.101, et seq.

ARTICLE XIV
REPEALER

All other Ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

ARTICLE XV
SEVERABILITY

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any court of competent jurisdiction hold any section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

ARTICLE XVI
EFFECTIVE DATE

This Ordinance shall take effect on the date of its publication following its adoption by the Township Board (MCL 42.22).

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