

CENTERVILLE TOWNSHIP PLANNING COMMISSION ORDINANCE

OF October 13, 2010

Effective November 15, 2010

1. Creation and Purpose:  
By enacting this ordinance, the Township re-establishes and continues its Planning Commission with all the powers and duties provided for in the Michigan Planning Enabling Act of 2008 and the Michigan Zoning Enabling Act of 2006. This ordinance fully replaces the Centerville Township Planning Commission Ordinance of May 7, 1997.
2. Membership:
  - A. The Commission shall consist of 5 members appointed by the Centerville Township Board. 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 Centerville Township, except that one member may be a non-qualified elector;
    2. shall not be a declared candidate for any political office, except this condition shall not apply to the Centerville Township Board representative to the Commission (section 2.C of this ordinance);
    3. shall meet the conditions provided for each individual member in sections 2.B and 2.D, of this ordinance, except the geographical location of the individual's residency may be considered optional (section 2.E of this ordinance).
  - B. Members shall be appointed for staggered three-year terms that end on December 31. 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 the original appointment so that, as nearly as possible, the terms of  $\frac{1}{3}$  of all commission members continue to expire each year.
  - C. 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.
  - D. The membership shall be as representative as possible of the important segments of the community, such as the economic, governmental, educational, and social development of Centerville Township in accordance with the major interests as they exist in Centerville Township, as follows:
    1. Agriculture;
    2. Natural resources;
    3. Recreation;
    4. Education;
    5. Energy;
    6. Public Health;
    7. Technology;
    8. Tourism;
    9. Business
  - E. The membership shall also be representative of the entire geography of Centerville Township to the extent practicable, and as a secondary consideration to the representation of the major interests.

3. Removal from Office:
  - A. The Centerville 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.
  - B. The secretary of the Planning Commission shall report any member who has missed three regular meetings in a row to the Centerville Township Board.
  - C. A conflict of interest exists in any decision making process when there is a possible temptation to the average person to favor one side over the other. In quasi-judicial decisions, such as permit approvals, variances and re-zonings, a conflict of interest may be shown by a personal or financial interest that may be directly or indirectly affected by the decision. In general zoning matters, such as the enactment of or amendment of ordinances of general application, a conflict only exists if there is a direct financial interest in the outcome.
  
4. Membership; Transition:
  - A. The transition from the previous Centerville Township Planning Commission and the Commission established in this ordinance shall be gradual and shall take place over the next three years. The Centerville Township Board 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.
  
5. Membership; Compensation:

All members of the Planning Commission shall be compensated per meeting and for mileage as determined and approved by the Centerville Township board.
  
6. Meetings:
  - A. The Commission shall meet at least four times a year 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  $\frac{2}{3}$  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 plan or amendment to a plan.

7. 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.*), including the powers and duties of a zoning commission under the latter act.
  - B. The authority to approve or reject a master plan or any amendments thereto shall remain with the Centerville Township Board as was asserted in a resolution approved prior to this ordinance.
  - C. The Commission may apply for and receive grants from any government agency or the federal government and receive gifts when authorized to do so by the Centerville Township Board.
8. Meetings; Records:  
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.
9. Approval, Ratification, and Reconfirmation.  
All official actions taken by all Centerville 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 activity by the Centerville Township Planning Commission. This Ordinance shall be in full force and in effect from and after its adoption and its publication.

Passed by the Board of the Centerville Township on October 13, 2010, at its regular meeting with 5 board members in attendance, 5 voting aye, 0 nay.

Signed: Leonard Kelenski, Leonard Kelenski, Supervisor  
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I hereby certify that the foregoing was duly adopted by the Board of Centerville Township, Leelanau County, Michigan, at its regular meeting on October 13, 2010, that of 5 members of the Township Board, 5 were in attendance and 5 voted for the adoption of the Ordinance.

Signed: David Wurm, David Wurm, Clerk

