

SOUTH HAVEN CHARTER TOWNSHIP

RESOLUTION ADOPTING THE SOUTH HAVEN PLANNING COMMISSION
ORDINANCE

Resolution No. ____

At a regular meeting of the Township Board of Trustees (the "Township Board") of the Charter Township of South Haven, Van Buren County, Michigan (the "Township") held at the Township Offices on the ____ day of _____, 2011, at _____ p.m.

PRESENT: _____

ABSENT: _____

The following preamble and resolution was offered by _____ and seconded by _____.

WHEREAS, pursuant to MCL 42.15 and 42.20, the Township may adopt legislation by resolution and ordinance as may be deemed necessary to provide for the public peace and health and for the safety of persons and property in the Township and limited to matters required or permitted to be done by state or federal law and to matters pertaining to the internal affairs or concerns of the Township; and

WHEREAS, the Township Board established the South Haven Township Planning Commission by resolution on May 14, 1986 (the "Resolution"); and

WHEREAS, the Township desires to repeal the Resolution and adopt the South Haven Planning Commission Ordinance, attached to this Resolution as Exhibit A, to ensure proper record of the action is created and to comply with the Michigan Planning Enabling Act, 2008 PA 33, which became effective on September 1, 2008.

NOW THEREFORE, be it resolved by the Township Board as follows:

1. Ordinance No. _____, the South Haven Planning Commission Ordinance, attached as Exhibit A to this Resolution, is hereby adopted.

2. Ordinance No. _____, attached as Exhibit A, shall be filed with the Township Clerk.
3. The Township Clerk shall publish Ordinance No. _____, attached as Exhibit A, in a newspaper of general circulation in the Township within 30 days after adoption.
4. Any and all resolutions that are in conflict with this Resolution are hereby repealed upon the effective date of Ordinance No. _____, attached as Exhibit A, but only to the extent necessary to give this Resolution and Ordinance No. _____ full force and effect.

ADOPTED:

YEAS: _____

NAYS: _____

STATE OF MICHIGAN)
)
 COUNTY OF VAN BUREN)

I, the undersigned, the duly qualified and acting Township Clerk of the Charter Township of South Haven, Van Buren County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Township Board of said Township at a regular meeting held on the ___ day of _____, 2011.

 Brenda Bertorelli, South Haven Township Clerk

EXHIBIT A

SOUTH HAVEN TOWNSHIP PLANNING COMMISSION ORDINANCE

Ordinance No. ____: of 2011

AN ORDINANCE creating a Planning Commission for the Charter Township of South Haven with powers and duties as provided and authorized by P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act (the "Act"), M.C.L. 125.3801 *et seq.*

THE CHARTER TOWNSHIP OF SOUTH HAVEN ORDAINS:

101. Creation, Title, and Definitions:

102.

- A. There shall be a South Haven Township Planning Commission created pursuant to the Act, as amended, with the powers and duties as set forth here and in the Act.
- B. This Ordinance shall be officially known and described as the "South Haven Township Planning Commission Ordinance."
- C. "Township" shall mean the Charter Township of South Haven, Van Buren County, Michigan.
- D. "Planning Commission" shall mean the Planning Commission of the Charter Township of South Haven.
- E. "Township Board" shall mean the Charter Township of South Haven Board of Trustees.

102. Membership and Term:

- A. The Planning Commission shall consist of seven (7) members appointed by the Township Supervisor, subject to approval by a majority vote of the members of the Township Board elected and serving. To be qualified to be a member and remain a member of the Planning Commission, a member shall:
 - 1. be a qualified elector of the Township, except that one member may be a non-qualified elector; and

2. not be a declared candidate for any political office, except this condition shall not apply to the Township Board representative to the Planning Commission, pursuant to section 102.C of this Ordinance; and
 3. attend educational training for Planning Commission members after the member is first appointed and before the member is reappointed, pursuant to section 104 of this Ordinance; and
 4. meet the conditions provided for each member in sections 102.B, 102.C, 102.D, and 102.E of this Ordinance.
- B. Members, other than ex officio members appointed pursuant to section 102.C, shall be appointed for a term of three (3) years. However, when first appointed, members shall be appointed to terms of one (1), two (2) or three (3) years such that, as nearly as possible, the terms of $\frac{1}{3}$ of all 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. Members of the Planning Commission at the time of the enactment of this Ordinance shall complete the term to which they were elected.
- C. One member of the Township Board shall be appointed to the Planning Commission as an ex officio member, pursuant to Section 15(5) of the Act. The ex officio member's term on the Planning Commission shall expire at the end of the member's term on the Township Board.
- D. An elected officer, except as provided in section 102.C, or an employee of the Township is not eligible to be a member of the Planning Commission.
- E. The members of the Planning Commission shall be representative of the 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, as follows:
1. Agriculture;
 2. Natural resources;
 3. Recreation;
 4. Education;
 5. Public health;
 6. Government;
 7. Transportation;
 8. Industry; and
 9. Commerce.

- F. The members of the Planning Commission shall represent the entire geography of the Township to the extent practicable, and as a secondary consideration to the representation of the Township's major interests.

103. Liaisons:

The Planning Commission, in its bylaws, may name "liaisons" to the Planning Commission. The purpose of the liaisons is to provide certain Township officials and quasi-officials with the opportunity to participate in discussions with the Planning Commission. At a minimum, liaisons shall include:

- A. Zoning Administration and Building Official staff, their agents, and their consultants;
- B. South Haven Sewer & Water Authority staff and consultant engineers; and
- C. The Township's Attorney.

104. Training:

Appointed members of the Planning Commission shall attend educational programs designed to train members of Michigan planning commissions if the Township's adopted budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Nothing in this paragraph shall prohibit a member who has not had educational training from finishing his term of office unless the member resigns or is removed by action of the Township Board. Any member who does not attend educational training shall be ineligible for reappointment at the conclusion of the term of office. The Planning Commission shall include in its bylaws what training programs qualify to meet this requirement.

105. Appointment and Terms of Members:

- A. In October of each year, the Township Clerk shall determine which members' terms of office expire and shall inform the Township Board.
- B. In December of each year, the Township Supervisor shall appoint members of the Planning Commission, subject to approval by a majority vote of the members of the Township Board elected and serving.
- C. Except for an ex officio member, each member shall serve a three (3) year term of office, which shall end at 9:00 A.M. on December 31 of the respective year.

- D. A member shall hold office until his or her successor is appointed.
- E. Members of the Planning Commission at the time of the enactment of this Ordinance shall continue to serve and complete the term for which they were appointed.

106. Removal from Office:

- A. 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.
- B. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. The Planning Commission shall define "conflict of interest" in its bylaws, pursuant to Section 15(9) of the Act.
- C. Repeated failure to attend Planning Commission meetings shall be considered nonfeasance in office. The secretary of the Planning Commission shall report any member who has missed three consecutive regular meetings to the Township Board.

107. Membership; Vacancies:

F.

The Township Board shall fill any vacancy in the Planning Commission for the unexpired terms in the same manner as the initial appointment.

108. Membership; Compensation:

G.

All members of the Planning Commission shall be compensated for each meeting attended and for their mileage at a rate set by the Township Board.

109. Meetings:

H.

- A. The Planning Commission shall meet at least four times per year, as required by the Act.
- B. A majority of the Planning Commission shall constitute a quorum for the transaction of the Planning Commission's ordinary business, and any official action shall be determined by a majority of the Planning Commission members present, unless otherwise required by law.

111. Powers and Duties:
I.

The Planning Commission shall have the powers and duties set forth in the Act 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.*

113. Bylaws; Records:

The Planning Commission shall adopt bylaws for the transaction of business and shall keep records of its resolutions, transactions, findings, and determinations, which shall be public records, as required by law.

114. Approval, Ratification, and Reconfirmation:

The planning commission that was constituted before the effective date of this Ordinance continues in effect, subject to the requirements of this Ordinance and the requirements of the Act. All official actions, projects, reviews, and processes existing before or on the effective date of this Ordinance are hereby approved, ratified, and reconfirmed.

115. Effective Date; Referendum:

This Ordinance shall take effect 63 days after it is published and shall not be subject to referendum as provided by the Act.

Signed: _____, Supervisor.

I hereby certify that the foregoing was duly adopted by the Charter Township of South Haven, Van Buren County, Michigan, at its regular meeting on the _____. I further certify that the above and foregoing ordinance is identical in form with that recorded on the _____, at page ___ in the Book of Ordinances for the Charter Township of South Haven.

Signed _____, Clerk

Dated: _____

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