

BANKS TOWNSHIP
Ordinance No. 3 of 2011

AN ORDINANCE TO CREATE A TOWNSHIP PLANNING
COMMISSION PURSUANT TO ACT 33 OF THE PUBLIC ACTS
OF 2008, AS AMENDED, TO PROVIDE FOR ITS
ORGANIZATION, AND TO DEFINE ITS POWERS AND DUTIES

THE TOWNSHIP OF BANKS ORDAINS:

Section 1. Creation of Township Planning Commission; Name of Planning Commission

A township planning commission is hereby created for Banks Township pursuant to the Michigan Planning Enabling Act, Act 33 of the Public Acts of 2008, as amended. This planning commission shall be known as the "Banks Township Planning Commission."

Section 2. Membership; Appointment; Compensation; Terms; Removal; Vacancy.

- (a). The township planning commission shall consist of five (5) members. One (1) member shall be a member of the township board as an *ex officio* member with full voting rights on the planning commission. An employee of the township, however, shall not be eligible to be a member of the township planning commission. Members of the township planning commission shall be qualified electors of the township, except one (1) member may be an individual who is not a qualified elector of the township. In addition, members of the township planning commission shall be representative of the entire geography of the township to the extent practicable and shall be representative of important segments of the township, such as the economic, governmental, educational, and social development of the township, in accordance with the major interests as they exist in the township, such as agricultural, natural resources, recreation, education, public health, government, transportation, industry, and commerce.
- (b). All members of the township planning commission shall be appointed by the township supervisor, subject to the approval by a majority vote of the entire township board.
- (c). All appointed members of the township planning commission may be compensated at a rate to be determined by the township board.
- (d). Except for the *ex officio* member, the term of each appointed member shall be three (3) years or until his or her successor is appointed, except that the respective term of one (1) of the members first appointed shall be for one (1) year and the respective term of one (1) of the members first appointed shall be for two (2) years. The term of the *ex officio* member shall expire with his or her term of office on the township board.
- (e). After written charges and a public hearing before the township board, a member of the township planning commission, including the *ex officio* member, may be removed from office for misfeasance, malfeasance, or nonfeasance in office by the township board. The failure of a planning commission member to disclose to the planning commission a potential conflict of interest, as defined in Section 5 of this Ordinance, shall constitute malfeasance in office. The failure of a planning commission member to regularly attend scheduled meetings of the planning commission shall constitute nonfeasance in office.

The planning commission secretary shall report to the township board when a planning commission member has failed to attend three (3) consecutive planning commission meetings.

- (f). A vacancy on the township planning commission occurring otherwise than through the expiration of a member's term shall be filled for the unexpired term in the same manner as the original appointment.

Section 3. Organization; Chairperson, Secretary, and Other Officers; Committees; Meetings; Rules; Records.

- (a). The township planning commission shall elect a chairperson, vice chairperson, and secretary from its members; provided, however, the *ex officio* member shall not be eligible to serve as the chairperson or vice chairperson of the planning commission. The planning commission may create and fill by election such other offices as it considers advisable. The term of chairperson and any other officers shall be one (1) year, with eligibility for reelection as specified in the planning commission bylaws.
- (b). The planning commission may appoint advisory committees, whose members are not required to be members of the planning commission.
- (c). The township planning commission shall hold not less than four (4) regular meetings each year and shall by resolution determine the time and place of the meetings.
- (d). The township planning commission shall adopt bylaws for the transaction of its business.
- (e). The township planning commission shall keep a public record of its resolutions, transactions, findings, and determinations.

Section 4. Powers and duties.

- (a). The township planning commission shall have all powers authorized by, and shall perform all duties specified in, the Michigan Planning Enabling Act, being Act 33 of the Public Acts of 2008, as amended.
- (b). The township planning commission shall have all the powers and duties conferred on zoning commissions under the Michigan Zoning Enabling Act, being Act 110 of the Public Acts of 2006, as amended, and any other powers and duties conferred on planning commissions by other provisions of law. Any and all such powers and duties are hereby conferred and incorporated as if fully set forth herein.

Section 5. Conflict of Interest.

A member of the township planning commission shall declare a conflict of interest in connection with a matter pending before the planning commission and shall disqualify himself or herself from deliberating and voting on the matter when any of the following circumstances exist:

- (a). The applicant is the child, grandchild, great-grandchild, parent, grandparent, great-grandparent, brother, sister, nephew, niece, aunt, or uncle of the planning commission member or the member's spouse.

- (b). The planning commission member or the member's spouse, parent, child, or any relative residing in the member's household has a pecuniary interest in the outcome of the matter.
- (c). The planning commission member or the member's spouse resides on or has an ownership interest in land within 300 feet of the parcel regarding which the decision is to be made.
- (d). While being a member of the planning commission the member has made statements or taken any action outside the formal decision-making process that would suggest that he or she has prejudged the matter before the planning commission or would in any way preclude him or her from affording the applicant and the public a fair hearing.
- (e). If the planning commission member has expressed an opinion concerning a matter before the planning commission prior to becoming a member of the planning commission and cannot in good faith set aside that prior opinion and decide the matter based on the information provided at the public hearing and the zoning ordinance requirements.
- (f). The planning commission member concludes in good faith that because of prior business or personal relationships with the applicant or with other participants in the public hearing process, or for other reasons, he or she cannot afford the applicant and the public a fair hearing.

Section 6. Planning Director and Personnel; Contract for Planning Services and other Technicians.

- (a). The township board may employ a planning director and other personnel as it considers necessary to assist the township planning commission in carrying out its powers and duties.
- (b). The township board may contract for professional planning services and other technical services, such as attorneys and engineers, as it considers necessary to assist the township planning commission in carrying out its powers and duties.

Section 7. Notification to County Planning Commission.

Within fourteen (14) days after the township board adopts this Ordinance the township clerk shall transmit a notice of the adoption of this Ordinance to the county planning commission.

Section 8. Savings Clause.

All official actions taken by the township planning commission prior to the effective date of this Ordinance are hereby approved, ratified, and reconfirmed. Any project, review, or process taking place on the effective date of this Ordinance shall continue with the township planning commission created by this Ordinance, shall be subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous township planning commission action.

Section 9. Severability.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or application.

Section 10. Effective Date.

This Ordinance shall become effective sixty-three (63) days after being published in a newspaper of general circulation within the township.

BANKS TOWNSHIP

By: 
Thomas Mann

Its: Supervisor

By: 
Donna L. Heeres

Its: Clerk

ORDINANCE CERTIFICATION

At a regular meeting of the Banks Township Board, Antrim County, held in the Banks Township Hall, located at 6520 Center Street, Ellsworth, Michigan 49729, on June 20, 2011, at 7:30 P.M.

PRESENT: Mann, Postmus, Heeres, Rubing, DeKorne
ABSENT: None

It was moved by Mann and supported by Heeres that the following Ordinance be adopted:

(See attached BANKS TOWNSHIP ORDINANCE)

YES: Heeres, DeKorne, Mann, Rubing, Postmus
NO: None

ORDINANCE DECLARED ADOPTED.

BANKS TOWNSHIP

By: 
Thomas Mann, Supervisor

I, the undersigned, the Clerk of the Township of Banks, Antrim County, Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Banks Township Board of said County at its regular meeting held on June 20, 2011 relative to adoption of the ordinance therein set forth; that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be made available as required by said Act; this ordinance was published in the *Antrim County News* on July 7, 2011 and was filed with the County Clerk on July 12, 2011.

Dated: July 12, 2011 
Donna L. Heeres, Clerk

Note: The Ordinance and this Ordinance Certification should be filed with the County Clerk within one (1) week of publication and the Ordinance should be placed in the Township Ordinance Book.