

**SUMPTER TOWNSHIP, WAYNE COUNTY, MICHIGAN
PLANNING COMMISSION ORDINANCE
ARTICLE II, Sec. 18, No. _____**

AN ORDINANCE TO AMEND, RESTATE AND CONFIRM THE ESTABLISHMENT OF THE SUMPTER TOWNSHIP PLANNING COMMISSION UNDER THE MICHIGAN PLANNING ENABLING ACT, PUBLIC ACT 33 OF 2008, MCL 125.3801, et seq.; PROVIDE FOR THE COMPOSITION OF THE PLANNING COMMISSION; PROVIDE FOR POWERS, DUTIES, AND LIMITATIONS OF THE COMMISSION; AND REPEAL ANY ORDINANCE, RESOLUTIONS OR PARTS THEREOF IN CONFLICT WITH THIS ORDINANCE

THE TOWNSHIP OF SUMPTER, WAYNE COUNTY, MICHIGAN, HEREBY ORDAINS:

Section 1: 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 power, duties and limitations provided by those Acts and subject to the terms and conditions of this ordinance and any future amendments to this ordinance.

The purpose of this ordinance is to provide and restated that the Sumpter Township Board hereby confirms the prior establishment of the Sumpter Township Planning Commission under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., 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 the minimum number of meetings per year of the Planning Commission; and to prescribe the authority, powers and duties of the Planning Commission.

Section 2: Establishment

The Sumpter Township Board hereby confirms the establishment of the Sumpter Township Planning Commission under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 25.3801, et seq., formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321 et seq. The Sumpter Township Planning Commission shall consist of nine (9) members. Members of the Sumpter Township Planning Commission as of the effective date of this Ordinance Amendment and Restatement shall, except for an ex officio member whose remaining term of 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 membership eligibility requirements as set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

Section 3: Appointments 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 members. The Planning Commission members, other than an ex officio member, shall serve for terms of three (3) years each and the terms shall be staggered as currently exists. 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. Planning Commission members shall be qualified electors of the Township (i.e. U.S. citizen, 18-years old, who have been a resident of the state for six months and a resident of the Township for at least thirty days), 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, educational, 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 to the extent practicable.

One member of the Township Board shall be appointed to the Planning Commission as an ex officio member. 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 of the Township Board. No other elected officer or employee of the Township is eligible to be a member of the Planning Commission.

Section 4: 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.

Section 5: 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.

For the purposes of this section, "conflict of interest" is defined as, and a Planning Commission member shall declare a conflict of interest and abstain from participating in Planning Commission deliberations and voting on a request when:

- a. An immediate family member is involved in a request which the Planning Commission is asked to decide. "Immediate family member" is defined as an individual's father, mother, son, daughter, including an adopted child, brother, sister, and spouse and a relative of any degree residing in the same household as that individual.
- b. The Planning Commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency, or association.
- c. The Planning Commission member owns or has a financial interest in neighboring property. For purposes of this section, a "neighboring property" shall include any property falling within the notification radius for the application or proposed development, as required by the zoning ordinance or other applicable ordinance.
- d. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the Planning Commission.

Section 6: Compensation

The Planning Commission members may be compensated for their services as provided by Township Board resolution or be township approval reflected in the approved Township Board meeting minutes. The Planning Commission may adopt bylaws relative to the compensation and expenses of its members for travel when engaged in the performance of activities authorized by the Township Board, including but not limited to, attendance at conferences, workshops, educational and training programs, and meetings.

Section 7: Officers and Committees

The Planning Commission shall elect a 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 one (1) year, with opportunity for re-election as specified in the Planning Commission bylaws. The Planning Commission may also appoint advisory committees whose members are not members of the Planning Commission.

Section 8: Bylaws, Meetings and Records

The Planning Commission shall hold a least four (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 bylaws, a special meeting of the Planning Commission may be called by the chairperson or by two other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to Planning Commission members at least 48 hours before the 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., except that the notice of a special meeting to Planning Commission members shall be at least 48 hours before the meeting. 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 a Planning Commission in the performance of an official function 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.

Section 9: Annual Report

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

Section 10: Authority to Make A 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 consider and adopt a master plan as a guide for development within the Township's planning jurisdiction. Final authority to approve a master plan or any amendments thereto shall rest with the Planning Commission unless the Township Board passes a resolution asserting the right to approve or reject the master plan.

Unless rescinded by the Township, any plan adopted or amended under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., need not be re-adopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

Section 11: Zoning Powers

The Township Board hereby confirms the transfer of all power, duties, and responsibilities provided for zoning boards or zoning commissions by the former Township Zoning Act., Public Act 184 of 1943, MCL 125.2761, et seq.; the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq.; or other applicable zoning statutes to the Sumpter Township Planning Commission formerly established under 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 except as otherwise amended or repealed by the Township Board.

Section 12: Capital Improvements Program

To further the desirable future development under the master plan, the Township Board, after the master plan is adopted, may prepare, or cause to be prepared a capital improvement program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following 6-year period. The prepared capital improvements program, if prepared by someone other than the Township Board, shall be subject to final approval by the Township Board. The Planning Commission is hereby exempted from preparing a capital improvements plan.

Section 13: Subdivision and Land Division Recommendations

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.

The Planning Commission shall review and make recommendation on a 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.

Section 14: Severability

Should any word, sentence, or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holding shall be construed and limited to such word, sentence, phrase or any portion of this Ordinance held to be so invalid and shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 15: Conflicting Ordinances

All prior existing ordinances adopted by the Township of Sumpter inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed. All prior ordinances adopted by the Township of Sumpter that are not inconsistent or do not conflict with the provisions of this Ordinance shall continue in full force and effect and without modification thereto.

Section 16: Effective Date

This ordinance shall become effective thirty (30) days immediately after publication.

Section 17. Publication

This Ordinance shall be recorded by the Clerk in the Township Code of Ordinances upon adoption. This Ordinance shall be signed by the Supervisor and Clerk. A true copy of the Ordinance can be inspected at the Sumpter Township Hall, 23480 Sumpter Road, Belleville, Michigan 48111.

This Ordinance was approved and adopted by the Township of Sumpter, County of Wayne, State of Michigan, at a regular Board meeting held on February 23, 2021.

I hereby certify that the foregoing is a true copy of the Ordinance exactly as passed and adopted by the Township Board of Trustees of the Township of Sumpter at a regular Township Board Meeting held in the Township of Sumpter on February 23, 2021.

Esther Hurst, Township Clerk

I further certify that the foregoing was published in Associated Papers/The Eagle, a newspaper of general circulation in the Township of Sumpter, on the 11th day of March, 2021.

Esther Hurst, Township Clerk