

**LAKE TOWNSHIP  
ORDINANCE CONFIRMING ESTABLISHMENT  
OF PLANNING COMMISSION**

**ORDINANCE NO. 57**

At a regular meeting of the Township Board of Lake Township, Roscommon County, Michigan, held at the Lake Township Hall on June 11, 2019 at 7:00 p.m., Township Board Member Emmons moved to adopt the following ordinance, which motion was seconded by Township Board Member Trier.

*An ordinance to confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Lake Township Planning Commission; provide for the composition of that planning commission; provide for the powers, duties and limitations of that planning commission; and repeal any ordinance or parts of ordinances or resolutions in conflict with this ordinance.*

LAKE TOWNSHIP, ROSCOMMON COUNTY, MICHIGAN, ORDAINS:

**SECTION 1. SCOPE, PURPOSE AND INTENT.** This ordinance is adopted pursuant to the authority granted the Lake 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 confirm the powers of the Lake Township Planning Commission, formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq. The Ordinance shall reestablish the appointments, terms, and membership of the planning commission; 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 under the Michigan Planning Enabling Act. The Lake Township Planning Commission will have the powers, duties and limitations provided by those Acts, subject to the terms and conditions of this Ordinance and any future amendments to this Ordinance.

**SECTION 2. ESTABLISHMENT.** The Township Board hereby confirms the establishment under the Michigan Planning Enabling Act of the Lake Township Planning Commission, formerly established under the Township Planning Act. The Lake Township Planning Commission shall have 5 members. Members of the Lake Township Planning Commission as of the effective date of this Ordinance shall, except for an ex officio member whose remaining 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 and this Ordinance.

**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 member. The planning commission members, other than an ex officio member, shall serve for terms of 3 years each. A planning commission member shall hold office until his or her successor is appointed. A successor shall be appointed not more than 1 month after the term of the preceding planning commission member

has expired. 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, 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 on 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 and all related material facts as soon as the member is aware of the potential conflict. 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 any request for which the planning commission is asked to make a decision or recommendation. "Immediate family member" is defined as a spouse, mother, father, sister, brother, son, or daughter, including an adopted child; or
- (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; or
- (c) The planning commission member owns or has a financial interest in neighboring property. For purposes of this section, a "financial interest" is any interest that may yield, directly or indirectly, a monetary benefit or compensation to the planning commission member, other than compensation for the planning commission member authorized by the Township, and 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; or
- (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.

(e) The ex officio planning commission member has voted or will vote on the same matter in his or her capacity as a member of the Township Board.

**SECTION 6. COMPENSATION.** The planning commission members may be compensated for their services as provided by township board resolution. The planning commission may adopt bylaws relative to 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, a 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 reelection 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 adopt bylaws for the transaction of business. 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 bylaws, a regular or 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 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. 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 MASTER PLAN.** Under the authority of the Michigan Planning Enabling Act, and other applicable planning statutes, the planning commission shall make a master plan as a guide for development within the township's planning jurisdiction. All final decisions of said planning commission regarding the basic plan (Master Plan) shall be subject to the approval of the township board before the same shall become effective. Unless rescinded by the Township, the development plan previously adopted under the Township Planning Act need not be readopted under the Michigan Planning Enabling Act.

**SECTION 11. ZONING POWERS.** All powers, duties, and responsibilities provided for zoning boards or zoning commissions by the Michigan Zoning Enabling Act or other applicable zoning statutes are transferred to the Lake Township Planning Commission.

**SECTION 12. SUBDIVISION OF LAND 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 13. SEVERABILITY.** The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

**SECTION 14. REPEAL.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. The resolution or ordinance establishing the Lake Township Planning Commission under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., is hereby repealed.

**SECTION 15. EFFECTIVE DATE.** This ordinance shall take effect on the date of its publication.

**SECTION 16. SAVINGS CLAUSE.** Except as expressly amended or repealed by this ordinance, the balance of the Lake Township Ordinances, as amended, shall remain unchanged and in full force and effect.

YEAS: (4) Farhat-Yes, Trier-Yes, Clare-Yes, Emmons-Yes

NAYS: (1) Klahn-No

ABSENT/ABSTAIN: None

ORDINANCE DECLARED ADOPTED.

Dave Emmons, Township Supervisor

Adopted: June 11, 2019

Published: June 20, 2019

Effective: June 20, 2019