Chapter 2: **Administration**

\***Cross References:** Any ordinance authorizing or approving any contract, deed, or agreement saved from repeal, 1-11(4); administration and enforcement of buildings and building regulations, 10-81 et seq.; utilities, ch. 42; administration and enforcement of water system, 42-51 et seq.; administration and enforcement of sewer system, 42-161 et seq.; administration and enforcement of zoning regulations, 46-31 et seq.

**State Law References:** Charter townships generally, MCL 42.1 et seq.; townships, MCL 41.1 et seq.

**Article I. In General**

Secs. 2-1--2-30. Reserved.

**Article II. Township Board**

Secs. 2-31--2-60. Reserved.

**Article III. Officers and Employees**

Secs. 2-61--2-90. Reserved.

**Article IV. Finance**

Secs. 2-91--2-120. Reserved.

**Article V. Boards and Commissions**

Sec. 2-121. Scope, purpose and intent

Sec. 2-122. Establishment

Sec. 2-123. Appointments and Terms

Sec. 2-124. Removal

Sec. 2-125 Conflict and Interest

Sec. 2-126. Compensation

Sec. 2-127. Officers and committees

Sec. 2-128. Bylaws, meetings and records

Sec. 2-129. Annual report

Sec. 2-130. Authority to make a master plan

Sec. 2-131. Zoning powers

Sec. 2-132. Capital improvements program

Sec. 2-133. Subdivision and land division recommendations

Sec. 2-134. Severability

Sec. 2-135. Repeal

Secs. 2-136 – 2-150 Reserved

Article I. In General

**Section 2-1—2-30. Reserved.**

Article II. Township Board\*

**\*State Law References:** Township board, MCL 42.5 et seq.

**Section 2-31—2-60. Reserved.**

Article III. Officers and Employees\*

**\*Cross References:** Any ordinance providing for salaries or other employee benefits, not codified in this Code saved from repeal, 1-11(6); administrative officer for zoning, 46-31.

**Section 2-61—2-90. Reserved.**

Article IV. Finance\*

**\*Cross References:** Any ordinance promising or guaranteeing the payment of money or authorizing the issuance of bonds or other instruments of indebtedness saved from repeal, 1-11(3); any ordinance making or approving any appropriation or budget saved from repeal, 1-11(5)

**State Law References:** Municipal Finance Act, MCL 141.2101 et seq.

**Section 2-91—2-120. Reserved.**

Article V. Boards and Commissions\*

**Section 2-121. 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 powers, 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 that the St. Joseph Township Board shall hereby confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the St. Joseph Township Planning Commission 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 2-122. Establishment.**

The Township Board hereby confirms the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the St. Joseph Township Planning Commission formerly established under the Township Planning Act, Act 168 of 1959, MCL 125.321, et seq. The St. Joseph Township Planning Commission shall have seven (7) members. Members of the St. Joseph 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 Boar, 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, Public Act 33 of 2008, MCL 125.3801, et seq.

**Section 2-123. 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 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. 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 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 2-124. 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 2-125. 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 purpose 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:

1. An immediate family member is involved in any request for which the Planning Commission is asked to make a decision. “immediate family member” is defined as an individual’s father, mother, son, daughter, brother, sister, and spouse and a relative of any degree residing in the same household as that individual.
2. 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.
3. 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.
4. 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 2-126 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 2-127. 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 a 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 2-128. 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 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 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 976, MCL 15.231, et seq.

**Section 2-129. 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 2-130. 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 make 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.

**Section 2-131. Zoning powers.**

The Township Board hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former Township Zoning Act, Public Act 184 of 1943, MCL 125.271. et seq.; the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq.; or other applicable statutes to the St. Joseph Township Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.

**Section 2-132. Capital improvements program.**

To further the desirable future development of the Township under the master plan, the Township Board, after the master plan is adopted, shall annually prepare a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following 6-year period.

**Section 2-133. 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 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 2-134. 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 2-135. Repeal.**

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

(Ord. 2-121 of 8-20-2009)

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