

VILLAGE OF FAIRGROVE  
TUSCOLA COUNTY, MICHIGAN

**ORDINANCE NO. 57**

**PLANNING COMMISSION**

An ordinance to re-authorize the Village of Fairgrove Planning Commission pursuant to Michigan Public Act 33 of 2008; to enumerate powers and duties of the Planning Commission; to provide for the appointment, term of office, compensation and removal of members; to establish meeting requirements; to provide for the appropriation of funds for the operation of the Planning Commission; and to repeal any ordinance provisions or resolutions in conflict therewith.

**THE VILLAGE OF FAIRGROVE ORDAINS:**

Section 1. Planning Commission Authorization

In accordance with the Michigan Planning Enabling Act ( Public Act 33 of 2008), the Village of Fairgrove Planning Commission previously established is hereby continued, with the powers and duties set forth in this Ordinance.

Section 2. Membership and Appointment

The Planning Commission shall consist of five (5) members who are qualified electors of the Village. Members shall be appointed by the Village President with the approval of the Village Council. One of the Planning Commission members shall be an ex-officio member who shall be a member of the Village Council. All members, including the ex-officio member, shall have full voting rights. Vacancies occurring for any reason shall be filled for the remainder of the unexpired term by appointment of the Village President with the approval of the Village Council. The membership of the Planning Commission shall be representative of important segments of the community, such as industry, natural resources, recreation, education, public health, government, transportation and commerce. No employee of the Village, other than the ex-officio member, shall be a member of the Planning Commission.

Section 3. Terms of Office

Each appointment member, except the ex-officio member, shall serve for a three (3) year term. Terms shall be staggered so that no more than two (2) of the members' terms (not counting the ex-officio member's term) shall expire in any one (1) year. Members may be eligible for reappointment at the discretion of the Village Council. Current members shall serve until their current terms expire, unless they are removed in accordance with Section 6 or they resign. The term of office of the Village Council member who serves on the Planning Commission shall correspond to the term of office on the Village Council.

Section 4. Planning Commission Officers

The Planning Commission members shall elect a Chairperson, Vice Chairperson, and Secretary for terms of one (1) year. The Village President or the Village Council member may not serve as the Chairperson or the Vice Chairperson of the Planning Commission.

Section 5. Compensation and Expenses

Members of the Planning Commission shall be compensated for their services and reimbursed for expenses as provided by the Village Council.

#### Section 6. Removal for Cause

A member of the Planning Commission may be removed by the Village Council, after written charges and a public hearing, for nonfeasance, misfeasance, or malfeasance in office. Failure to disclose a potential conflict of interest as defined in the Bylaws of the Planning Commission shall be considered malfeasance. Failure to repeatedly attend Planning Commission meetings shall be considered nonfeasance.

#### Section 7. Planning Commission Meetings

The Planning Commission shall meet each month, if there is business to be conducted. In no event shall the Planning Commission hold less than four (4) regular meetings during each calendar year. The majority of the Commission shall constitute a quorum for the transaction of ordinary business. All questions which shall arise at Planning Commission meetings shall be determined by a vote of the majority of the members present, except for approval of a proposed Master Plan or Master Plan Amendment which shall be by affirmative vote of a majority of all Planning Commission members.

#### Section 8. Annual Report and Budget

The Planning Commission shall submit an annual report to the Village Council which shall include a proposed Planning Commission budget. The Village Council shall annually appropriate the funds necessary, in its judgment, for the operation of the Planning Commission during the fiscal year.

#### Section 9. Statutory and Ordinance Authority

The Planning Commission shall have all of the powers and duties set forth in the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended) and the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), which shall include the following:

- a. Preparation of a Village Master Plan and any necessary amendments for recommendation to the Village Council;
- b. Preparation of a Village Zoning Ordinance and any necessary text amendments for recommendation to the Village Council;
- c. Consideration of requested rezonings of property and recommendation to the Village Council;
- d. Consideration of proposed subdivision plats and recommendation to the Village Council;
- e. Hear and decide any request for special land use approvals;
- f. Review and decide any requests for site plan approval;
- g. Prepare and adopt Bylaws for the Planning Commission;
- h. Perform any other duties as may be assigned to it by the Village Council or pursuant to Village ordinances or State statutes.

#### Section 10. Bylaws and Records

The Planning Commission shall adopt Bylaws for transaction of business. The Commission shall also keep a record of its resolutions, findings, and determinations, all of which shall be public records.

Section 11. Repeal of Conflicting Provisions

All other resolutions or ordinance provisions in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed.

The undersigned President and Clerk of the Village of Fairgrove hereby certify that this Ordinance was duly adopted by the Fairgrove Village Council on the 20<sup>th</sup> day of April, 2009 and a synopsis thereof was published in the Tuscola County Advertiser on the 25<sup>th</sup> day of April, 2009. This Ordinance shall take effect sixty-three (63) days after said date of publication, which is June 27, 2009.

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Duane L. Maguire, Village President

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Beverly J. Parsell, Village Clerk