

**GARDEN TOWNSHIP
ORDINANCE NO. 2022-1**

ORDINANCE CREATING TOWNSHIP PLANNING COMMISSION

GARDEN TOWNSHIP ORDAINS:

Section 101. Creation.

There shall be a Garden Township Planning Commission pursuant to P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et. seq.*, hereinafter referred to as the Planning Commission with the powers and duties set forth therein and in this ordinance. This ordinance shall be officially known and described as the "Garden Township Planning Commission Ordinance."

Section 102. Membership.

- A. The Commission shall consist of 5 members appointed by the Supervisor and confirmed by the Township Board. To be qualified to be a member and remain a member of the Planning Commission, the individual shall meet the following qualifications:
1. shall be a qualified elector of Garden Township, except that one member may be a non-qualified elector;
 2. shall not hold any elected office or employment with the local unit of government, unless as an ex officio member;
 3. shall not be a declared candidate for any political office, except this condition shall not apply to the Township Board member serving on the Planning Commission;
- B. Members shall be appointed for three-year terms. However, when first appointed, a number of members shall be appointed to one-year, two-year, or three-year terms such that, as nearly as possible, the terms of 1/3 of all commission members will expire each year. If a vacancy occurs, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment such that, as nearly as possible, the terms of 1/3 of all commission members will continue to expire each year.
- C. One member shall also be a member of the township board of trustees, whose term of office shall coincide with his or her elected term of office on the township board of trustees.

Section 103. Liaisons.

The Commission, in its Bylaws, may name "liaisons" to the Planning Commission. The purpose of liaisons is to provide certain Garden Township officials the ability to participate in discussions with the Planning Commission in addition to speaking in public participation, and nothing else. Liaisons may include:

1. Planning Department staff, and their agents and consultants.
2. Garden Township Attorney.

Section 104. Training.

Appointed members of the Planning Commission may attend educational programs related to service on the Planning Commission if the township board of trustees appropriates funds to pay for tuition, registration, and travel expenses for training. Nothing in this paragraph shall deem a member who has not attended training from serving as a member of the Planning Commission unless the member resigns or is removed by action of the Township Board.

Section 105. Members, Appointment and Terms.

- A. In November of each year, the Garden Township Clerk shall determine which members' terms of office expire and shall request the Supervisor appoint members subject to approval by a majority vote of the Township Board.
- B. The Supervisor may solicit nominations for appointment by any means, including advertisement(s) in a newspaper generally circulating within the Township, provided the Township Board approves funds for such advertisement(s).
- C. In December of each year, the Township Board shall consider the Supervisor's appointments and appoint members to the Planning Commission by a majority vote for a three year term of office which shall end December 31, at 12:01 a.m. of the respective year. Notwithstanding, a member of the Planning Commission shall hold office until his or her successor is appointed.

Section 106. Removal from Office.

- A. 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. Failure to disclose a potential conflict of interest shall be considered malfeasance in office.
- B. Failure to attend three consecutive regular meetings shall be considered nonfeasance in office and the secretary of the Planning Commission shall report any such member to the Township Board.

Section 107. Membership; Vacancies.

The Township Board shall fill any vacancy in the membership of the Planning Commission for the unexpired terms in the same manner as the initial appointment.

Section 108. Membership; Compensation.

All members of the Planning Commission shall serve as such with compensation in an amount determined from time to time by the Township Board.

Section 109. Meetings.

The Planning Commission shall hold not less than 4 regular meetings each year, and by resolution shall determine the time and place of the meetings. Unless the bylaws provide otherwise, 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 otherwise, the secretary shall send written notice of a special meeting to Planning Commission members not less than 48 hours before the meeting. A majority of the Planning Commission shall constitute a quorum for the transaction of the ordinary business and all questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the Planning Commission.

Section 110. Powers and Duties.

- A. The Planning Commission shall have all of the powers and duties as set forth in 2008 P.A. 33, as amended, being the Michigan Planning Enabling Act, MCL 125.3801 *et seq.*; and 2006 P.A. 110, as amended, being the Michigan Zoning Enabling Act, MCL 125.3101 *et seq.*
- B. The Planning Commission shall have authority to apply for and receive grants from any government agency or the federal government and to receive gifts.

Section 111. Staff/Consultants.

- A. The Planning Commission is delegated the authority to hire or dismiss a planning director and zoning administrator, either as employees of the Township or as consultants and non-employees, within the budget established by the Township Board.
- B. The Planning Commission may also engage any other experts or consultants to carry out its functions within the budget established by the Township Board.

Section 112. Meetings; Records.

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

Section 113. Validity and Severability.


Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance or any master plan, interim zoning ordinance or initial zoning ordinance adopted by the Township.

Section 114. Repealer Clause.

Any ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 115. Effective Date.

This Ordinance shall become effective 63 days after this Ordinance is published in a newspaper of general circulation within the Township as provided by law.



Steven J. Freeman, Supervisor



Brenda Lee Lester, Township Clerk

I, Brenda Lester, Clerk of the Township of Garden, Delta County, Michigan, do hereby certify that Ordinance No. 2022-1 was published in the Escanaba Daily Press on the 22nd day of April, 2022.



Brenda Lee Lester, Township Clerk