



**VICTOR TOWNSHIP
CLINTON COUNTY, MICHIGAN**

ORDINANCE No. 35

ORDINANCE TO ESTABLISH VICTOR TOWNSHIP PLANNING COMMISSION

AN ORDINANCE to establish the Victor Township Planning Commission with all of the powers and duties as provided and authorized by P.A. 33 of 2008, the Michigan Planning Enabling Act, ("Act") as amended, MCL 125.3801 et. seq., and to repeal any ordinances or parts of ordinances in conflict with this Ordinance.

THE TOWNSHIP OF VICTOR ORDAINS:

SECTION 1. CREATION, TITLE, AND DEFINITIONS

- A. There shall be a Victor Township Planning Commission created pursuant to the Act, as amended, with all of the powers and duties as set forth in the Act and this Ordinance.
- B. This Ordinance shall be officially known and described as the "Victor Township Planning Commission Ordinance."
- C. The following definitions shall apply. All other terms shall have the meaning ascribed by the Act.
 - 1. "Township" shall mean Victor Township, Michigan.
 - 2. "Planning Commission" shall mean the Victor Township Planning Commission.
 - 3. "Township Board" shall mean the Victor Township Board of Trustees.

SECTION 2. MEMBERSHIP, TERM, AND APPOINTMENT

- A. The Planning Commission shall consist of at least seven (7) members as appointed by Township Board Supervisor, subject to approval by a majority vote of the members of the Township Board elected and serving. To be qualified to be a member and remain a member of the Planning Commission, a member shall be a qualified elector of the Township, except that one member may be a non-qualified elector.
- B. Members of the Planning Commission serving at the time of the enactment of this Ordinance may complete the term to which they were appointed.
 - 1. Members, other than ex officio members appointed pursuant to section 2.C, shall be appointed for a term of three (3) years. However, when first appointed under this Ordinance, members shall be appointed to terms of one (1), two (2) or three (3) years such that, as nearly as possible, the terms of $\frac{1}{3}$ of all members will expire each year.

2. Each year, the Township Clerk shall determine which members' terms of office expire and shall inform the Supervisor of the Township Board. A member shall hold office until his or her successor is appointed.
 3. 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 $\frac{1}{3}$ of all commission members continue to expire each year.
- C. Pursuant to Section 15(5) of the Act, the Supervisor of the Township Board or one (1) or more members of the Township Board may be appointed as *ex officio* members of the Planning Commission, except that not more than $\frac{1}{3}$ of the members of the Planning Commission may be *ex officio* members and no *ex officio* member shall serve as Supervisor of the Planning Commission. *Ex officio* member terms shall expire with their respective terms on the Township Board.
 - D. An elected officer, except as provided in section 2.C, or an employee of the Township is not eligible to be a member of the Planning Commission.
 - E. The members of the Planning Commission shall be representative of the 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 and outlined in the Act.
 - F. The Township shall make every reasonable effort to ensure that a member of a public school board or an administrative employee of a school district included, in whole or in part, within the Township is a member of the Planning Commission.
 - G. To the extent practical and as a secondary consideration to the representation of the Township's major interests, the membership of the Planning Commission shall be representative of the entire territory of the Township to the extent practicable.

SECTION 3. PLANNING DIRECTOR OR OTHER PERSONEL

- A. The Planning Commission may request that the Township Board employ a planning director and any other personnel as it considers necessary, contract for the services of planning and other technicians, and incur other expenses, within a budget authorized by the Township Board.

SECTION 4. 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.
- B. The Planning Commission shall define "misfeasance", "malfeasance", "nonfeasance" and "conflict of interest" in its bylaws, pursuant to Section 15(9) of the Act.

SECTION 5- COMPENSATION

- A. Members of the Planning Commission may be compensated for their services as provided by the Township Board including, but not limited to compensation, expenses of its members and employees for travel when engaged in the performance of activities authorized by the Township Board, such as attendance at conferences, workshops, educational and training programs and meetings.

SECTION 6. MEETINGS

- A. The Planning Commission shall meet at least four times per year, as required by the Act.
- B. A majority of the Planning Commission shall constitute a quorum for the transaction of the Planning Commission's ordinary business, and any official action shall be determined by a majority of the Planning Commission members present, unless otherwise required by law.

SECTION 7. POWERS AND DUTIES

- A. The Planning Commission shall have the powers and duties set forth in the Act and P.A. 110 of the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, MCL 125.3101 et seq.

SECTION 8. BYLAWS AND RECORDS

- A. The Planning Commission shall adopt bylaws for the transaction of business and shall keep records of its resolutions, transactions, findings, and determinations, which shall be public records, as required by law.

SECTION 9. APPROVAL, RATIFICATION, AND RECONFIRMATION

- A. The Planning Commission that was constituted before the effective date of this Ordinance continues in effect, subject to the requirements of this Ordinance and the requirements of the Act. All official actions, projects, reviews, and processes existing before or on the effective date of this Ordinance are hereby approved, ratified, and reconfirmed.

SECTION 10. CONFLICTING ORDINANCE AND CODE PROVISIONS REPEALED

Any Victor Township Ordinance, parts of Ordinances, or any Victor Township Code provision in conflict or inconsistent with any of the provisions of this Ordinance shall be and is hereby repealed.

SECTION 11. SEVERABILITY

If any section, paragraph, clause, phrase or part of this Ordinance is held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance, and the application of those provisions to any person or circumstances shall not be affected thereby.

SECTION 12. EFFECTIVE DATE

- A. The Planning Commission that was constituted before the effective date of this Ordinance continues in effect, subject to the requirements of this Ordinance and the requirements of the Act.
- B. All official actions, projects, reviews, and processes existing before or on the effective date of this Ordinance are hereby approved, ratified, and reconfirmed.
- C. This Ordinance shall take effect sixty-three (63) days after publication.

Jim Conklin, Supervisor



Amanda Conklin, Clerk

I, Amanda Conklin, Clerk of the Township of Victor, hereby certify that the foregoing Ordinance was adopted on the 14 day of June, 2021 and published on the 27 day of June, 2021 as provided by law.



Amanda Conklin, Clerk