

**CLEARWATER TOWNSHIP PLANNING COMMISSION ORDINANCE
OF May 19, 2009 – Ordinance 21**

AN ORDINANCE to create a Planning Commission for Clearwater Township as authorized by P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.* for the purpose of having planning and zoning in Clearwater Township, to create, organize, enumerate powers and duties, and to provide for the regulation and subdivision of land, coordinated and harmonious development of Clearwater Township; and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the state of Michigan where Clearwater Township exists.

This ordinance supercedes the resolution of the Township Board, constituting the Planning Commission, dated March 20, 2007.

THE PEOPLE OF CLEARWATER TOWNSHIP ORDAIN:

101. Creation:

There shall be a Clearwater 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 Commission) with the powers and duties as therein set forth and as hereinafter provided. This ordinance shall be officially known and described as the “Clearwater Township Planning Commission Ordinance.”

102. Membership

A. The Commission shall consist of five members, appointed by the Clearwater Township Supervisor subject to approval by the majority vote of the members of the Clearwater Township Board. Members of the Planning Commission shall be as follows:

1. members shall be qualified electors of Clearwater Township, except that one member may be a non-qualified elector;
2. one member of the Township Board shall be appointed as an *ex officio* member of the Planning Commission;
3. members shall meet the conditions provided for each individual member in sections 102.B, 102.C, and 102.D of this Ordinance, except the geographical location of the individual’s residency may be considered optional.

B. Except for the *ex officio* member, members shall be appointed for three-year terms, except that when the Planning Commission is newly constituted, 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 one-third of all commission members will expire each year. The term of the *ex officio* member shall expire with his or her term of office on the Township Board. 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 one third of all commission members continue to expire each year.

C. The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of Clearwater

Township, in accordance with the major interests as they exist in Clearwater Township, as follows:

4. Agriculture;
5. Natural resources, especially water quality;
6. Recreation;
7. Education;
8. Public health;
9. Government;
10. Transportation;
11. Industry;
12. Commerce;
13. Riparian water rights .

D. The membership shall also be representative of the entire geography of Clearwater Township to the extent practicable, and as a secondary consideration to the representation of the major interests.

103. Members, Appointment and Terms:

At the first Commission meeting of the calendar year, the Secretary shall note which members' terms will expire in that year. The Chair shall ask each member whose term will expire whether that member would be willing to be reappointed.

1. If that member is willing to serve again, the Secretary shall forward the name of the member to the Township Board for consideration for reappointment, specifying the date of impending expiry and requesting the Township Board to act at least one month before the member's term expires.

2. If that member is not willing to serve again, the Secretary shall advise the Township Board of the impending vacancy and request the Township Board to advertise for applications.

These actions are to be recorded in the minutes of the Planning Commission.

104. Removal from Office:

A. The Township Board may remove a member of the 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. Repeated failure to attend Commission meetings shall be considered nonfeasance in office.

B. The Secretary of the Commission shall report to the Township Board the name of any member who has had three consecutive unexcused absences from regular Commission meetings.

105. Membership; Vacancies:

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

106. Organization; Chairperson, Secretary and other Officers; Committees; Meetings; Rules, Records:

- A. The Commission shall elect a chairperson and secretary from its member; provided, however, the *ex officio* member shall not be eligible to serve as the chairperson of the Commission. The Commission may create and fill by election such other offices as it considers advisable. The term of chairperson and any other officers shall be one (1) year, with eligibility for reelection as specified in the Commission by-laws.
- B. The Commission may appoint advisory committees, whose members are not required to be members of the Commission.
- C. The Commission shall hold no fewer than four (4) regular meetings per year, and by resolution shall determine the time and place of the meetings.
- D. The Commission shall adopt by-laws for the transaction of its business.
- E. The Commission shall keep a public record of its resolutions, transactions, findings and determinations.
- F. A special meeting of the Commission may be called by the Chair or by two other members, upon written request to the Secretary, who shall send written notice of a special meeting to the Commission members not less than forty-eight (48) hours before the meeting unless the Commission by-laws provide otherwise. A majority of the Commission shall constitute a quorum for the transaction of the ordinary business of said Commission 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.
- G. The business of the Commission shall be conducted at a public meeting held in compliance with the Open Meetings Act (P.A. 267 of 1976, being MCL 15.261-15.275). Public notice of the time, date, and place of regular or special meetings shall be given in the manner required by that act.

107. Powers and Duties:

The Commission shall have the powers and duties as set forth in P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 et seq.; and P.A. 110 of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et seq.).