

**BOARD OF TRUSTEES  
THREE OAKS TOWNSHIP  
BERRIEN COUNTY, MICHIGAN**

**ORDINANCE NO.: 11- 45**

Boardmember Mitchell, supported by Boardmember Sittig \_\_\_\_\_  
moved the adoption of the following ordinance:

**AN ORDINANCE TO AMEND THE COMPILATION OF ORDINANCES  
OF THREE OAKS TOWNSHIP WITH THE ADDITION OF THIS  
ORDINANCE 45, WHICH REESTABLISHES THE PLANNING  
COMMISSION AND SETS FORTH PROVISIONS PERTAINING TO  
MEMBERSHIP, TERMS, OFFICERS, BYLAWS AND RECORD-  
KEEPING, MEETINGS, DUTIES AND RESPONSIBILITIES, AND  
OTHER STIPULATIONS REGARDING THE CONDUCT OF THE  
PLANNING COMMISSION, IN ACCORDANCE WITH THE MICHIGAN  
PLANNING ENABLING ACT, PUBLIC ACT 33 OF 2008, AS AMENDED,  
AND TO COMPLY WITH SAID ACT**

**THE TOWNSHIP OF THREE OAKS ORDAINS:**

**Section 1. Title.** This Ordinance shall be known and cited as the Three Oaks Township "Planning Commission Ordinance."

**Section 2. Provisions.** The following provisions shall hereby comprise the Planning Commission Ordinance.

A. Planning Commission Reestablishment, Roles and Responsibilities

The Three Oaks Township Planning Commission is hereby re-established in accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended. While the Planning Commission has lawfully existed and exercised its duties pursuant to the Township Rural Zoning Act for decades, an ordinance establishing or reestablishing the Planning Commission is required under the provisions of the Michigan Planning Enabling Act and this Ordinance is therefore incorporated into the Compilation of Ordinances of Three Oaks Township to comply with said Act.

- 1 Membership. The Planning Commission shall consist of nine (9) members, or such other number determined by the Township Board and authorized by law. The Planning Commission membership shall generally be representative of the Township. Members of the Planning Commission 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. One (1) member of the Township Board shall be a member of the Planning Commission. All members of the Planning Commission shall be nominated by the Township Supervisor and appointed with affirmative majority vote of the members of the Township Board.

- 2 Removal. The Township Board may by majority vote of the Township Board, remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Before casting a vote on a matter on which a member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. The member is disqualified from voting on the matter if so provided by the bylaws or by a majority vote of the remaining members of the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subsection constitutes malfeasance in office.
- 3 Terms. The term of each member shall be 3 years, and until a successor is appointed and qualified, except that a Township Board member appointed as a member of the Planning Commission shall have a term corresponding with that person's term as a member of the Township Board. The duration of the terms of members first appointed to the Commission shall vary, though not exceeding 3 years, so that terms will expire in different years. Vacancies in office shall be filled for the remainder of the unexpired term.
- 4 Officers. The officers of the Commission shall be the chairperson, the vice-chairperson and the secretary. The officers shall be elected by affirmative majority vote of the Commission members present and voting. The Commission may by majority vote establish other officers in its discretion. In addition, the Planning Commission may appoint advisory committees whose members are not members of the Planning Commission.
- 5 Bylaws and Record-Keeping. The Planning Commission shall adopt bylaws for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.
- 6 Meetings
  - a. Regular meetings of the Commission shall be held bimonthly on a day and at a time to be determined by the Commission at its first meeting of the calendar year; provided, however, that a meeting need not be convened if pending matters do not warrant a meeting.
  - b. The Commission shall hold at least 4 meetings each year.
  - c. All meetings of the Planning Commission shall be public meetings, held in compliance with the provisions of the Open Meetings Act.
  - d. A quorum for the conduct of business shall consist of a majority of the total number of current members of the Commission.
- 7 Duties and Responsibilities. The Planning Commission shall be responsible for the following planning activities, among others:
  - a. To prepare, consider and approve or recommend approval of the Township's Master Plan.
  - b. Monitor and oversee the effectiveness of the Master Plan; and in accordance with the Michigan Planning Enabling Act, Act 33 of 2008, as amended, to consider, no less frequently than every five years, whether a revision of the Master Plan or updated amendments in the Master Plan

are needed and to prepare, consider and approve or recommend approval of any such revisions or amendments.

- c. To consider and recommend the adoption of this Ordinance and amendments to this Ordinance.
- d. To promote understanding of and interest in the Master Plan and this Ordinance.
- e. To consider, recommend and/or approve zoning applications and requests assigned to the Commission under the terms of this Ordinance, including special land uses and other types of land use approval.
- f. To make an annual written report to the Township Board concerning its zoning and planning activities during the previous year and including, if desired, recommendations on zoning and planning changes and amendments.
- g. To review and make recommendations on proposed public improvement projects, and to review and approve a capital improvement plan, as applicable and in accordance with the Planning Enabling Act, Act 33 of 2008, as amended.
- h. To review and make recommendations on proposed platted subdivisions, condominiums and site condominiums.
- i. To carry out other duties and responsibilities provided by law.

**Section 3. Publication.** After its adoption, this Ordinance or a summary thereof, as required by law, shall be published by the Township Clerk in a newspaper of general circulation in **the** Township.

**Section 4. Effective Date.** This Ordinance shall be effective seven (7) days following its publication, in a newspaper of general circulation in the Township.

Approved this 9th day of May, 2011.

YEAS: Boardmembers Cummings, Osburn, Mitchell, Sittig

NAYS: Boardmembers None \_\_\_\_\_

ABSTAIN: Boardmembers None \_\_\_\_\_

ABSENT: Boardmembers Block \_\_\_\_\_

**ORDINANCE DECLARED ADOPTED.**

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Charles Sittig, Supervisor