

DEXTER TOWNSHIP ORDINANCE NUMBER 38

PLANNING COMMISSION

ADOPTED: MAY 18, 2010

EFFECTIVE: JULY 29, 2010

AN ORDINANCE TO CREATE AND CONTINUE IN EXISTENCE THE PLANNING COMMISSION FOR DEXTER 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 DEXTER TOWNSHIP; TO CREATE, ORGANIZE, AND ENUMERATE POWERS AND DUTIES; TO PROVIDE FOR THE REGULATION AND SUBDIVISION OF LAND; TO PROVIDE FOR THE COORDINATED AND HARMONIOUS DEVELOPMENT OF DEXTER TOWNSHIP; AND TO FUNCTION IN COOPERATION WITH OTHER CONSTITUTED AUTHORITIES OF INCORPORATED AND UNINCORPORATED AREAS WITHIN THE STATE WHERE DEXTER TOWNSHIP EXISTS.

THE TOWNSHIP OF DEXTER ORDAINS:

SECTION I

1. **CREATION**: There shall be a Dexter 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 as therein set forth and as hereinafter provided . This Ordinance shall be officially known and described as the “Dexter Township Planning Commission Ordinance.”

SECTION II

1. **MEMBERSHIP**: The Planning Commission shall consist of seven (7) members appointed by the Dexter Township Supervisor, subject to approval by a majority vote of the members of the Dexter Township Board of Trustees. To be qualified to be a member and remain a member of the Planning Commission, the individual shall meet the following qualifications:
 - A. Shall be a qualified elector of Dexter Township, except that one (1) member may be a non-qualified elector;
 - B. Shall not be an employee of Dexter Township, except this condition shall not apply to the Dexter Township Board of Trustees’ representative to the Planning Commission;
 - C. After an individual’s first appointment and before reappointment, he/she may be required by the Township Board of Trustees to attend training for Planning Commission members, pursuant to Section IV of this Ordinance;
 - D. Shall meet the conditions provided for each individual member in Section II(2), Section II(4), and Section II(5) of this Ordinance, except the geographical location of the individual’s residency may be considered optional.

DEXTER TOWNSHIP ORDINANCE NUMBER 38

2. TERMS: Planning Commission 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 one-third (1/3) of all Planning Commission members will expire each year. If a vacancy occurs, a new member shall be appointed by the Dexter Township Supervisor for the unexpired term, subject to approval by a majority vote of the members of the Dexter Township Board of Trustees.
3. TOWNSHIP BOARD OF TRUSTEES REPRESENTATIVE: One member of the Planning Commission shall also be a member of the Dexter Township Board of Trustees, whose term of office shall coincide with his or her elected term of office on the Dexter Township Board of Trustees.
4. REPRESENTATION OF INTERESTS: The membership of the Planning Commission shall be representative of the important segments of the community, such as the economic, governmental, educational, and social development of Dexter Township, in accordance with the major interests as they exist in Dexter Township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce.
5. GEOGRAPHIC REPRESENTATION: The membership of the Planning Commission shall also be representative of the entire geography of Dexter Township to the extent practicable, and as a secondary consideration to the representation of the major interests.

SECTION III

1. STAFF: The Planning Commission, in its Bylaws, may name "staff" to the Planning Commission. The purpose of staff is to provide certain Township and quasi-Township officials the ability to participate in discussion with the Planning Commission in addition to speaking in public participation, and nothing else. At a minimum staff shall include:
 - A. Planning & Zoning Department staff, and their agents and consultants.
 - B. Other staff provided for in the Planning Commission's Bylaws.

SECTION IV

1. EDUCATION AND TRAINING: Appointed members of the Planning Commission may be required by the Township Board of Trustees to attend educational programs designed for training members of Michigan planning commissions if the adopted Dexter Township budget for that fiscal year includes funds to pay for tuition, registration, and travel expenses for the training. Nothing in this paragraph shall deem a member who has not had training from finishing his or her term of office unless the member resigns or is removed by action of the Dexter Township Board of Trustees. The member may be ineligible for reappointment at the conclusion of the term of office if he or she did not attend training. The Planning Commission shall include in its Bylaws what training programs qualify to meet this requirement.

SECTION V

1. REMOVAL FROM OFFICE: The Dexter Township Board of Trustees may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in

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DEXTER TOWNSHIP ORDINANCE NUMBER 38

office upon written charges and after a public hearing. Exceptions may be made if absences are due to illness, injury, sudden emergency, or the conduct of other business as authorized by the Planning Commission. Willful or intentional failure to disclose a potential conflict of interest shall be considered malfeasance in office. The Planning Commission shall define in its Bylaws a conflict of interest. Failure to consistently attend Planning Commission meetings (per Section V(2) below) shall be considered nonfeasance in office.

2. NONFEASANCE: The secretary of the Planning Commission shall report to the Dexter Township Board of Trustees any member who has missed three (3) consecutive regularly scheduled meetings or four (4) meetings in the previous twelve (12). Exceptions may be made if absences are due to illness, injury, sudden emergency, or the conduct of other business as authorized by the Planning Commission.

SECTION VI

1. MEMBERSHIP; VACANCIES: If a vacancy occurs, a new member shall be appointed by the Dexter Township Supervisor for the unexpired term, subject to approval by a majority vote of the members of the Dexter Township Board of Trustees.

SECTION VII

1. MEMBERSHIP; TRANSITION: The transition from the previous Dexter Township Planning Commission and the Planning Commission established in this Ordinance shall be gradual and shall take place over the next three years. The Dexter Township Board of Trustees shall continue to make annual appointments, appointing approximately one-third (1/3) of the membership of the Planning Commission as specified in this Ordinance, so that three (3) years from the effective date of this Ordinance the membership, membership representation, and number of members have completed the transition to fully comply with this Ordinance.
2. All other aspects of this Ordinance shall have immediate effect.

SECTION VIII

1. MEMBERSHIP; COMPENSATION: All members of the Planning Commission shall serve as such with compensation equal to, or less than, the per diem of the Dexter Township Board of Trustees per meeting.

SECTION IX

1. MEETINGS: The Planning Commission shall meet at least once every month and a majority of the Planning Commission shall constitute a quorum.
2. ADOPTION, OR RECOMMENDATION FOR ADOPTION, OF ANY SITE PLAN, PERMIT, ORDINANCE AMENDMENT, OR MASTER PLAN, OR AMENDMENT TO THE SAME: The affirmative vote of not less than a majority of the total number of seats for members of the Planning Commission, regardless if vacancies or absences exist or not, shall be necessary for the adoption, or recommendation for adoption, of any site plan, permit, ordinance amendment, or master plan, or amendment to the same.

DEXTER TOWNSHIP ORDINANCE NUMBER 38

SECTION X

1. **POWERS AND DUTIES:** The Planning Commission shall have its 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 the Public Acts of 2006, as amended, being the Michigan Zoning Enabling Act, (M.C.L. 125.3101 et seq.).

SECTION XI

1. **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 a public record.

SECTION XII

1. **APPROVAL, RATIFICATION, AND RECONFIRMATION:** Any project, review, or process taking place at the effective date of this Ordinance shall continue with the Planning Commission created by this ordinance, subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous Dexter Township Planning Commission.

SECTION XIII

1. **SEVERABILITY:** In the event any provision of this Ordinance shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions thereof.

SECTION XIV

1. **PUBLICATION AND EFFECTIVE DATE:** This ordinance shall be published once in a newspaper having general circulation in the Township of Dexter and shall take effect sixty-three (63) days after publication.

This Ordinance was duly adopted by the Board of the Township of Dexter at its regular meeting called and held on the 18th day of May, 2010, and was ordered given publication in the manner required by law.

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STATE OF MICHIGAN)
COUNTY OF WASHTENAW)^{SS}

I, HARLEY B. RIDER, Clerk of the Township of Dexter, a Michigan Township, do hereby certify that at a regular meeting of the Dexter Township Board, held at the Dexter Township Hall, 6880 Dexter-Pinckney Road, Dexter, Michigan 48130, in said Township at 7:00 p.m., Eastern Daylight Time, on the 18th day of May, 2010, that the above Ordinance was adopted and that the following Members were present:

Kelly, Rider, Kooyers, Brushaber, Knight, Lesser, Maciejewski

The following members were absent: None



DEXTER TOWNSHIP ORDINANCE NUMBER 38

That upon motion made by Maciejewski and seconded by Brushaber, said Ordinance was adopted on the following roll call vote:

AYES: Kelly, Maciejewski, Rider, Knight, Kooyers, Brushaber

NAYS: Lesser

I further certify that on the 27th day of May 2010, I caused a true copy of said Ordinance to be published in the Dexter Leader and Chelsea Standard, newspapers circulated in the Township of Dexter, and that said Ordinance and the record of publication was duly recorded in the Book of Ordinances of the Township of Dexter, is effective on the 29th day of July, 2010, and is available for public use and inspection at the offices of the Dexter Township Clerk, 8660 Dexter-Pinckney Road, Dexter, Michigan 48130 during regular business hours.

I further certify that the above and foregoing ordinance is identical in form with that recorded in the Book of Ordinances for Dexter Township.



HARLEY B. RIDER, Township Clerk

Dated: 18 May, 2010