

CHARTER TOWNSHIP OF FILER
PLANNING COMMISSION
County of Manistee
State of Michigan
BYLAWS

Adopted by the Filer Township Planning Commission pursuant to Act 33, Public Acts of 2008, as follows:

ARTICLE I. AREA

The area served by the Township Planning Commission shall include all lands legally included within the present or future boundaries of the unincorporated portion of Filer Township, County of Manistee, State of Michigan.

ARTICLE II. PURPOSE

The Purpose of the Planning Commission shall be:

- a. To promote the health, safety and general welfare.
- b. To encourage the use of resources and lands in accordance with their character and adaptability and to limit the improper use of land.
- c. To avoid the overcrowding of land by buildings or people
- d. To lessen congestion on public roads and streets.
- e. To facilitate provisions for public improvements.
- f. To consider the character of the township and its suitability for particular uses judged in terms of such factors as the trends in land and populations developments.
- g. To affect economies in the township through the recommendation of wise expenditures of funds in order to implement plans prepared for the sound and orderly development of the township.
- h. To prepare and maintain a master plan to guide the physical development of the township.
- i. To implement the planned and orderly growth of the township by officially adopting a master plan to guide the physical development of the township.
- j. To encourage and assist public and private agencies in improving the attractiveness of the township.
- k. Any other purpose authorized by law, or imposed on the planning commission by the township board not prohibited by law.

ARTICLE III. DUTIES

The Planning Commission shall perform the following duties:

- a. Prepare, adopt, and maintain a master plan.
 1. The master plan shall be reviewed every five years to monitor progress and identify problems. The Planning Commission shall make a record of the five-year review whether or not the master plan is amended.

2. The master plan shall include all of the elements required by the Michigan Planning Enabling Act, P.A. 33 of 2008.
- b. Take action on requests for amendments to the master plan as required. The master plan shall be amended pursuant to the Michigan Planning Enabling Act, P.A. 33 of 2008.
- c. Promote understanding and interest in the master plan.
- d. Take action on petitions and township board requests for amendments to the zoning ordinance as required.
- e. Prepare an annual report for the township board by the end of each calendar year concerning the operation of the planning commission and status zoning of planning activities.
- f. Prepare an annual work program and budget to be included in the annual report.
- g. Take such actions as required by the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, and the township zoning ordinance.
- h. Review subdivision and plat proposals and recommend appropriate action to the township board and make recommendations on subdivision plats within 63 days of the filing of a completed application and after giving notice and holding a public hearing as required by law.
- i. Prepare a capital improvement plan annually for the township board to be included in the annual report. The capital improvement plan shall prioritize the public structures and projects that will be needed for the ensuing six (6) years. The planning commission may establish a committee to prepare the plan for review by the planning commission and approval by the township board.
- j. To provide membership on the zoning board of appeals one member of the planning commission selected by the township board shall serve as one of the members of the zoning board of appeals.
- k. Consult with other municipalities and planning agencies and use advice and information from other governmental bodies and organizations.
- l. Perform all other duties or respond to requests made by the township board.
- m. All other duties imposed by law.

ARTICLE IV. MEMBERSHIP, TERMS, COMPENSATION

A. Members:

Members of the planning commission are appointed by the township supervisor with the approval of the township board. The planning commission shall consist of not less the five (5) or more than nine (9) members who shall be representative of major interests as they exist in the township such as agriculture, recreation, education, public health, government, commerce, transportation and industry. The membership shall also be representative of the entire geography of the township to the extent practicable. One member of the township board shall be a member of the planning commission.

B. Terms and Vacancies:

The term of each member shall be three years except that of the members first appointed, 1/3 shall serve for one year, 1/3 for two years and 1/3 for three years. A successor shall be appointed not more than one month after the term of the preceding commission member has expired. All vacancies for unexpired terms shall be filled for the remainder of such term by the successor in the same manner as provided for an original appointment. The vacancies shall be filled by the township supervisor with the approval of the township board.

C. Compensation:

Members of the planning Commission may be compensated for their services as provided by the township board. Planning commission members may be compensated and reimbursed for expenses when engaged in the performance of activities authorized by the township board including but not limited to attendance at conferences, workshops educational training programs and meetings.

ARTICLE V. REMOVAL, RESIGNATION, CONFLICT OF INTEREST

A. Removal:

Members may be removed by the township board of misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

B. Resignation:

A member may resign from the planning commission by sending a letter of resignation to the township board, township supervisor or the planning commission chairperson.

C. Conflict of Interest:

Planning commission members shall declare a conflict of interest and abstain from participating in a hearing or deliberations on a request when:

1. A relative or other family member is involved in any request for which the planning commission is asked to make a decision;
2. The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association;
3. The planning commission member owns or has a financial interest in neighboring property. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the proposed development, as required by the zoning ordinance or other applicable ordinance, or
4. There is a reasonable appearance of a conflict of interest, as declared by a planning commission member, and, after stating the nature of the perceived

conflict, the planning commission by a majority vote of its members, not including the conflicted member, approves the recusal of the member.

5. As used herein, the term “relative or other family member” shall mean anyone related to the planning commission member by blood, adoption or marriage within five (5) degrees of consanguinity.

6. Failure to disclose a conflict of interest shall constitute malfeasance.

ARTICLE VI. MEETINGS

A. Regular Meetings:

The Planning commission shall meet at least once each month on the third Tuesday at a time and place to be designated by the planning commission. Other meetings may be scheduled as necessary. A schedule of the regular planning commission meetings shall be posted at the principal township office within 10 days after the planning commission’s first meeting in each fiscal year in accordance with the Open Meetings Act.

B. Special Meetings:

Special meeting may be called by the chairperson of the planning commission or by written request to the secretary by any two members of the planning commission or upon written request of a non- member. Non-members requesting a special meeting of the planning commission to consider their applications or other requests shall reimburse the township for the additional costs incurred for holding the special meeting.

The secretary shall give notice to the other members of the commission at least 48 hours prior to such special meeting and shall state the purpose, time, date and location of the meeting. All notices must comply with the Open Meetings act PS 267 of 1976.

Attendance at and participation in the special meeting by a planning commission member shall constitute a waiver of the 48-hour notice required by these bylaws unless the member objects to the notice at the commencement of the meeting.

C. Quorum:

A majority of the total membership of the planning commission must be present in person at a regular or special meeting to constitute a quorum for purposes of taking action at such meeting, except that a sub-quorum of the planning commission may adjourn a meeting at which a quorum is not present.

D. Parliamentary Procedure:

For all meetings of the planning commission, the general rules of parliamentary practice as set forth in the latest edition of “Robert’s Rules of Order” shall be observed provided they are consistent with the standing rules and orders of the planning commission and not contrary to law.

ARTICLE VII. OFFICERS

The officers on the planning commission shall consist of a chairperson, vice chair and secretary selected from the members to serve for a period of one year. Such officers shall

be elected by a majority vote of the membership of the planning commission. The planning commission may create such other offices or committees as it deems advisable.

A. Chairperson:

The chairperson shall be the chief executive officer of the planning commission and shall preside at all meetings of the planning commission. An ex-officio member is not eligible to be the chairperson. The chairperson shall appoint all members to committees subject to the approval of the planning commission and the chairperson shall be an ex-officio member of all committees. The chairperson shall vote on all resolutions and shall sign all contracts or legal documents authorized by the planning commission.

B. Vice Chair:

In the event that the office of chairperson becomes vacant the vice chair shall serve as chairperson until a new chairperson is elected. The vice chair shall act as the chairperson in the event that the chairperson is unable to discharge their duties of office or in the chairperson's absence.

C. Secretary:

The secretary shall keep minutes of the planning commission's resolutions, transactions, findings, and such other duties as the planning commission may direct. The secretary shall attend all meetings and shall have custody of the official minutes, books and records of the planning commission. The secretary shall be responsible for all correspondence and notices pertaining to meetings and official acts of the planning commission.

ARTICLE VIII. ADVISORS and CONSULTANTS

A. The planning commission may appoint advisory committees whose members are not members of the planning commission.

B. The planning commission may employ a planning director and 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.

ARTICLE IX. AMENDMENT

These bylaws, in whole or in part may be altered, amended, added to, or repealed by a majority vote of the planning commission members at any regular or special meeting, provided that notice of the proposed alternations, amendment, or repeal shall be submitted by mail to all members of the planning commission at least 15 days before the regular or special meeting at which they are to be considered. These bylaws and any subsequent amendment are subject to approval by the township board.

Revised 2-23-08

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