

**BIRCH RUN TOWNSHIP  
SAGINAW COUNTY, MICHIGAN**

**ORDINANCE NO. 2011-01  
BIRCH RUN TOWNSHIP PLANNING COMMISSION ORDINANCE**

An ordinance to establish a Planning Commission under the authority of PA 33 of 2008, The Michigan Planning Enabling Act.

THE TOWNSHIP OF BIRCH RUN ORDAINS:

Article I. That there is hereby constituted a planning commission to be known as the "The Birch Run Township Planning Commission", said Commission to have all powers and duties as provided in Act 33 of the Public Acts of 2008 as amended.

Article II. The Birch Run Township Planning Commission shall consist of seven (7) members. The members shall be appointed by the Township Supervisor with the approval of the Birch Run Township Board. The membership of the planning commission shall be representative of important segments of the Township, such as the economic, governmental, educational, and social development of the community, in accordance with the major interests as they exist in the Township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the Township to the extent practicable. One member of the Planning Commission may be a non-elect. One member of the legislative body shall be appointed to the planning commission, as an ex officio member.

Article III. The Township Supervisor shall fill any vacancy in the membership of the commission for the unexpired term with the approval of a majority of the members of the Birch Run Township Board.

Article IV. The term of the members of the Commission shall be three (3) years commencing from the date of appointment, except for ex-officio members. The terms of elected ex-officio members shall correspond to their term of office.

Article V. 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. Failure of a member to disclose a potential conflict of interest constitutes malfeasance in office. Failure to repeatedly unattended Planning Commission meetings for reasons other than excused absences for authorized involvement in official Planning Commission business shall be considered nonfeasance in office.

Article VI. A conflict of interest shall be determined to exist when one (1) or more of the following conditions exist: An immediate family member of a planning commissioner is involved in any request for which the Planning Commission is asked to make a decision. An "immediate family member" shall be defined to be a spouse, mother, father, sister, brother, son or daughter, including an adopted child, and a relative of any degree residing in the same household as that planning commissioner; The planning commissioner has a business or financial interest in the property involved in the application or has a business or financial interest in the applicant's company, agency or association; The planning commissioner owns or has a financial interest in neighboring property. "Neighboring Property" shall be defined to be any property that is adjacent

to the property subject to the application and any property falling within the notification radius of the subject application; There is reasonable appearance of a conflict of interest as determined by a majority vote of the remaining members of the Planning Commission.

Article VII. The planning commission shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

Article VIII. The Township Board 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 it.

Article IX. Members of a planning commission may be compensated for their services as provided by the Township Board.

Article X. After preparing the annual report required under Article VII, the planning commission may prepare a detailed budget and submit the budget to Township Board for approval or disapproval. The Township Board annually may appropriate funds for carrying out the purposes and functions permitted under this act, and may match local government funds with federal, state, county, or other local government or private grants, contributions, or endowments.

Article XI. This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

Article XII. All ordinances and provisions of ordinances of Birch Run Township in conflict herewith are hereby repealed.

Article XIII. Effective date. This ordinance shall become effective sixty three (63) days after a special notice of adoption is published in the paper in accordance with the statutes provided by the State of Michigan.

Birch Run Township

By: \_\_\_\_\_  
Kurt Kiessler, Its Supervisor

By: \_\_\_\_\_  
Amy Cook, Its Clerk

CLERK'S CERTIFICATION

I hereby certify that the preceding ordinance was adopted by the Birch Run Township Board at its regular meeting held on April 12, 2011 and a summary published in the Birch Run/Bridgeport Herald on April 20, 2011.

By: \_\_\_\_\_  
Amy Cook, Its Clerk