

**VILLAGE OF EMPIRE  
LEELANAU COUNTY, MICHIGAN**

**PLANNING COMMISSION ORDINANCE**

**ORDINANCE NO. 117**

October 28, 2008

**AN ORDINANCE TO BRING THE VILLAGE OF EMPIRE PLANNING COMMISSION INTO COMPLIANCE WITH THE REQUIREMENTS OF THE MICHIGAN PLANNING ENABLING ACT, PUBLIC ACT 33 OF 2008; TO CONFER ON SAID PLANNING COMMISSION ALL POWERS AND DUTIES PROVIDED FOR IN SAID ACT; TO TRANSFER TO THE PLANNING COMMISSION THE ZONING POWERS OF A ZONING COMMISSION UNDER PUBLIC ACT 110 OF 2006, THE MICHIGAN ZONING ENABLING ACT.**

**THE VILLAGE OF EMPIRE ORDAINS**

**Section 1. Continued Existence of Planning Commission.**

The Planning Commission for the Village of Empire previously established under 1931 PA 285, shall continue in existence as the Planning Commission for the Village of Empire pursuant to Public Act No. 33 of 2008, and shall be constituted in accordance with and shall have all of the powers and duties set forth in that act and this ordinance.

**Section 2. Membership.**

- A. Number of Members. The Planning Commission shall consist of 7 members who shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the Village, in accordance with the major interests as they exist in the village, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall, to the extent practicable, also be representative of the entire geography of the Village.
- B. Terms of Members. Members of the Planning Commission, other than ex officio members, shall be appointed for 3-year terms as specified in section 15 of the Michigan Planning Enabling Act. Each member shall hold office until his or her successor is appointed.
- C. Vacancy. If a vacancy occurs on the Planning Commission, the vacancy shall be filled for the unexpired term in the same manner as provided for an original appointment.
- D. Qualified Electors. Members of the Planning Commission shall be qualified electors of the village, except that 2 of the planning commission members may be individuals who are not qualified electors of the village.

- E. Ex Officio Members. The Planning Commission may have a number of members who are ex officio members. The persons eligible to serve as ex officio members shall be as authorized and/or required by section 15 of the MPEA.
- F. Removal. The Village Council may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- G. Compensation. All members of the Planning Commission may be compensated at such rate as may be determined from time to time by resolution of the Village Council.

**Section 3. Organization; Procedures.**

- A. Officers. The Planning Commission shall elect a chairperson and secretary from its members and fill other offices as it considers advisable. An ex officio member is not eligible to serve as chairperson. The term of each officer shall be 1 year, with opportunity for reelection as specified in the Planning Commission's bylaws.
- B. Advisory Committees. The Planning Commission may appoint advisory committees whose members are not members of the Planning Commission.
- C. Bylaws. The Planning Commission shall adopt bylaws for the transaction of its business, and shall keep a public record of its resolutions, transactions, findings, and determinations.
- D. Annual Report. The Planning Commission shall make an annual written report to the Village Council concerning its operations and the status of planning activities, including recommendations regarding actions by the Village Council related to planning and development.
- E. Meetings. The Planning Commission shall hold not less than 4 regular meetings each year. The time and place of the meetings shall be established by resolution.

Unless the bylaws provide otherwise, a special meeting of the Planning Commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws provide otherwise, the secretary shall send written notice of a special meeting to Planning Commission members not less than 48 hours before the meeting.

- F. Open Meetings Act. The business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of a regular or special meeting shall be given in the manner required by that act.

- G. Freedom of Information Act. A writing prepared, owned, used, in the possession of, or retained by the planning commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, 1976 PA442, MCL 15.231 to 15.246.

**Section 4. Conflict of Interest**

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 ordinance and the MPEA constitutes malfeasance in office. Unless the village council, by ordinance, defines conflict of interest for the purposes of this ordinance, the Planning Commission shall do so in its bylaws.

**Section 5. Duties and powers.**

- A. Master Plan The Planning Commission shall make and approve a Master Plan as a guide for development within the village and shall adopt same in accordance with the requirements of sections 31 through 51 of the Michigan Planning Enabling Act (MPEA), Public Act 33 of 2008.
- B. Capital Improvements. No street; square, park, playground, public way, ground, or other open space; or public building or other structure shall be constructed or authorized for construction in an area covered by a municipal Master Plan unless the location, character, and extent of same has been submitted to the Planning Commission for approval in the manner provided for in sections 61 and 63 of the MPEA.
- C. Rescission of Prior Approval. The Village Council shall not rescind its authorization of the acquisition or enlargement of any square, park, playground, or other open space previously approved unless the matter has been submitted to the Planning Commission for review. The review by the Planning Commission and any rescission by the Village Council shall be in accordance with section 63 of the MPEA.
- D. Capital Improvements Program. Unless exempted from doing so by charter or otherwise, to further the desirable future development of the village under the Master Plan, the Planning Commission, after adoption of a Master Plan, shall annually prepare a capital improvements program of public structures and improvements. All procedures in the preparation and processing of such capital improvements plan shall be in accordance with sections 65 and 67 of the MPEA.
- E. Subdivision Regulations and Plat Approval The Planning Commission may recommend to the Village Council provisions of an ordinance or rules governing the subdivision of land authorized under section 105 of the land division act, 1967 PA 288, MCL 560.105, and shall review and make recommendations on

plats before action thereon by the Village Council under section 112 of the land division act, 1967 PA 288, MCL 560.112, all in accordance with the provisions of section 71 of the MPEA.

- F. Zoning Commission. The Planning Commission shall have all the powers and duties of a zoning commission under the Michigan Zoning Enabling Act PA 110 of 2006 (MCL 125.3101 et seq).
- G. Education; Consultation. To promote public interest in and understanding of the Master Plan, the Planning Commission may publish and distribute copies of the Master Plan or of any report, and employ other means of publicity and education. The Planning Commission shall consult with and advise public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens concerning the promotion or implementation of the Master Plan.

**Section 6. Amendments to MPEA.**

Any amendments made to the Michigan Planning Enabling Act, Public Act 33 of 2008 shall hereby be declared to automatically control the activities and function of the Planning Commission.

**Section 7. Repeal of Inconsistent Ordinances or Resolutions.**

Ordinance No. 62 and any other prior ordinances or resolutions addressing the same subject matter as this ordinance, particularly any ordinance or resolution establishing the Planning Commission under any other public act of the state, are hereby repealed.

**Section 8. Effective Date.**

This ordinance shall be effective upon publication.

At a regular meeting of the Village Council of the Village of Empire held on October 28, 2008, adoption of the foregoing ordinance was moved by Baja and supported by Gray.

Voting for: Lanny Sterling, David Diller, Nat Gray, Susan Michener, Karen Baja and Susan Carpenter.

Voting against:

The Village President declared the ordinance adopted.

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Susan A. Carpenter  
Village President

**CERTIFICATION**

The foregoing is a true copy of Ordinance No.117 which was enacted by the Village Council of the Village of Empire at a regular meeting held on October 28, 2008.

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Patricia Zoyhofski  
Village Clerk