

VILLAGE OF CALUMET

County of Houghton

**ORDINANCE 94 (RESTATED)**

AN ORDINANCE TO RESTATE ORDINANCE NO. 94, AS AMENDED, TO CREATE A PLANNING COMMISSION IN CONFORMANCE WITH 33 PA 2008, AS AMENDED, BEING THE MICHIGAN PLANNING ENABLING ACT, MCL 125.3801 *ET SEQ.*, FOR THE PURPOSE OF HAVING PLANNING AND ZONING IN THE VILLAGE OF CALUMET; TO CONFIRM MEMBERSHIP OF THE PLANNING COMMISSION; TO ENUMERATE ITS POWERS AND DUTIES; TO PROVIDE FOR THE REGULATION OF LAND AND THE COORDINATED AND HARMONIOUS DEVELOPMENT OF THE VILLAGE OF CALUMET; AND TO FUNCTION IN COOPERATION WITH OTHER CONSTITUTED AUTHORITIES.

THE VILLAGE OF CALUMET ORDAINS:

**Ordinance No. 94 to establish a planning commission for the Village of Calumet, as previously adopted on or about March 8, 1966, and as subsequently amended, is hereby amended in its entirety by this restatement as follows:**

Section 1. PURPOSE AND ESTABLISHMENT

As authorized by the Michigan Planning Enabling Act (Public Act 33 of 2008, as amended; MCL 125.3801, *et seq.*), and the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended; MCL 125.3101, *et seq.*), the purpose of this Ordinance is to establish a Planning Commission for the Village of Calumet (“the Village”) with the authority, powers, and duties provided by those Acts and subject to the terms and conditions of this Ordinance.

The Planning Commission established by this Ordinance is hereby confirmed to the successor to the Commission established by the Village under former legislation which governed the creation and operation of planning commissions for villages.

Section 2. MEMBERSHIP

2.1 The Planning Commission shall consist of five (5) members serving for terms of three (3) years and eligible for re-appointment. Members serving on the Planning Commission as of the effective date of this Ordinance who are re-appointed by the Village President and confirmed by the Village Council, shall continue to serve for the remainder of their existing terms, which shall be set by the Village Council after the date of this restatement in such a way as to create staggered terms of appointment, so long as they continue to meet eligibility requirements.

2.2 One member of the Village Council shall be appointed to the Planning Commission as an ex officio member and Village Council Representative with full voting rights. An ex officio member's terms shall expire with his or her term as a member of the Village Council. No other elected officer or employee of the Village is eligible to be a member of the Planning Commission. In the event another member of the Planning Commission is elected to the Village Council, increasing the number of Council members serving on the Commission to more than one (1), then such member's seat on the Planning Commission shall be deemed vacant.

2.3 The Village President shall appoint all Planning Commission members, including the ex officio member, subject to approval by the Village Council. A Planning Commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

2.4 Of the four members of the Planning Commission who are not ex officio members, at least two shall be qualified electors of the Village and the remaining member or members (but not more than two) may be residents and qualified electors of another local unit of government in Michigan.

2.5 Planning Commission membership may, to the extent practicable and in general, be representative of major interests in the Village, including but not limited to (if they exist in the Village) agriculture, natural resources, recreation, education, public health, government, transportation, industry and commerce, but taking into account the small size of the Village, both in population and in area. The membership may also be representative of the geography and population of the Village to the extent practicable. This provision may be applied as new members are appointed to fill Commission vacancies, and shall not be construed to restrict the re-appointment of any member serving at the effective date of restatement of this Ordinance.

### Section 3. REMOVAL

Members of the Planning Commission may be suspended or removed from office in accordance with direction of Section 3 of the General Law Village Act, Act 3 of 1895, as amended, MCL 64.3.

### Section 4. COMPENSATION

The Planning Commission members may be compensated for their services if the Village Council so provides by resolution. The Planning Commission may request from the Village Council compensation for member travel, registration, and pre-authorized expenses when performing official activities authorized by the Village Council, including, but not limited to, attendance at conferences, workshops, and training programs.

## Section 5. OFFICERS AND COMMITTEES

The Planning Commission shall elect a Chairperson, Vice-Chairperson, and Secretary from its membership, and may create and fill other offices as it considers advisable. The term of each office shall be one (1) year, with opportunity for re-election, but subject to Commission bylaws, if the Commission adopts bylaws.

There shall be no standing committees of the Planning Commission. The Chairperson of the Planning Commission may appoint special or ad-hoc advisory committees, as the Planning Commission deems necessary to carry out the work of the Commission. Advisory committee members may or may not be members of the Planning Commission. The Chairperson shall be an ex-officio member of all committees of the Commission.

## Section 6. BYLAWS, MEETINGS, AND RECORDS

6.1 The Planning commission may adopt bylaws for the transaction of business. The Planning Commission shall hold a minimum of four (4) regular meetings per year, and shall determine the time, place, and schedule of regular meeting by resolution.

6.2 Unless otherwise provided in the Planning Commission bylaws, a special meeting may be called by the Chairperson or by two (2) other members upon written request to the Secretary.

6.3 All Planning Commission business shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, as amended MCL 15.261 *et seq.*

6.4 The Planning Commission shall keep a public record of its resolution, transactions, findings, and determinations. At least one (1) copy of all documents and materials in any format that are prepared, owned, used, in the possession of or retained by the Planning Commission in the performance of its official functions shall be placed on file at the Village Office, per State of Michigan retention guidelines and made available to the public in compliance with the Freedom of information Act, Public Act 442 of 1976, as amended, MCL 15.231, *et seq.*

## Section 7. CONFLICTS OF INTEREST

Before casting a vote on a matter on which a Planning Commission 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 shall be disqualified from voting on the matter upon a concurring 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 constitutes a malfeasance in office.

For the purposes of this Section, the Planning commission shall define “conflict of interest” in the Planning Commission bylaws, if they exist. The Village Council may also adopt additional conflict of interest policies for the Village by resolution.

#### Section 8. MASTER PLAN

The Planning Commission shall be responsible for making and maintaining a Master Plan to promote public health, safety and general welfare; encourage the use of resources in accordance with their character and adaptability; preserve the rural and agricultural character of the Village; provide for planned and orderly land use and development; avoid the overcrowding of land by buildings or people; lessen congestion on public roads and streets; ensure that land uses will be situated in appropriate locations and relationships; and meet the needs of residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land within the Village’s planning jurisdiction.

The Master Plan is intended to be the plan as provided for in the Michigan Planning Enabling Act, and incorporated within this Plan is the zoning plan referred to in the Michigan Zoning Enabling Act as the basis for the Village’s Zoning Ordinance.

#### Section 9. ZONING COMMISSION AUTHORITY

The Village Council hereby confirms the transfer of all authority, powers, and duties provided for “zoning commissions” under the Michigan Zoning Enabling Act to the Village of Calumet Planning Commission. The Planning Commission shall be responsible for formulation of the Zoning Ordinance and amendments thereto, and reporting its findings and recommendations concerning the Zoning Ordinance or proposed amendments to the Village Council. The Planning Commission shall also be responsible for holding hearings, reviewing, and making determinations regarding applications for approval as required the Zoning Ordinance.

#### Section 10. CAPITAL IMPROVEMENTS PROGRAM

10.1 In accordance with Section 65 of the Michigan Planning Enabling act, the Village Council hereby exempts the Planning Commission from responsibility for preparation, approval, and updating of the Village’s capital improvements program of public structures and improvements, and delegates this responsibility to the Village President, subject to final approval by the Village Council.

10.2 Each Village department with authority for public structures or improvements shall furnish, annually upon request by the Village President, updated lists, plans, and estimates of time and cost for recommended public structures and improvements to the Village President.

10.3 The Planning Commission may make recommendations to the Council about programs and financing for public structures and improvements, and may advise the

Council of the consistency of the Village's capital improvements program with the adopted Master Plan's goals, objectives, and policies.

Section 11. LAND DIVISION RESPONSIBILITIES

The Planning Commission may recommend to the Village Council amendments or revision to the Village's subdivision ordinance, if such an ordinance exists, and rules governing the subdivision of land. Before recommending such an ordinance or rule, the Planning Commission shall hold a public hearing, giving notice of the date, time, and place of the hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the Village and posting at the Village Office.

The Planning commission shall review and make recommendations on any proposed plat before action thereon by the Village Council in accordance with the Village's subdivision ordinance, if such an ordinance exists, and the state Land Division Act, Public Act 288 of 1967, as amended, MCL 560.101, *et seq.*

Section 12. ANNUAL REPORT

The Planning Commission shall make an annual written report to the Village Council concerning its operations and the status of activities, including recommendations regarding actions by the Village Council related to the Planning Commission's scope of authority, powers, and duties under this Ordinance, the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act.

Section 13. REPEAL OF CONFLICTING PROVISIONS

Other Village ordinances, Village Council resolutions, and parts thereof that conflict with provisions of this Ordinance are hereby repealed and shall be of no further force or effect.

Section 14. SEVERABILITY

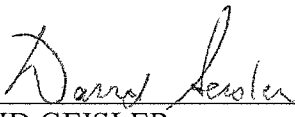
All sections, terms, provision or clauses of this Ordinance shall be deemed independent and severable. Should a court of competent jurisdiction hold any section, term, provision or clause void or invalid, all remaining sections, terms, provisions and clauses not held void or invalid shall continue in full force and effect.

Section 15. PUBLICATION AND EFFECTIVE DATE

Publication of this Ordinance shall be made by causing a true copy thereof to be inserted once in the Daily Mining Gazette, a newspaper of general circulation within the Village of Calumet. This Ordinance shall take effect immediately upon publication.

Passed and adopted by the Village Council of the Village of Calumet, County of Houghton, and State of Michigan on the 17<sup>th</sup> day of October, 2017.

VILLAGE OF CALUMET

By   
DAVID GEISLER  
Its President

(SEAL)

Yeas: Trustees Sharon Abramson, Virginia Dwyer, and Sandra Johnson and President David Geisler.

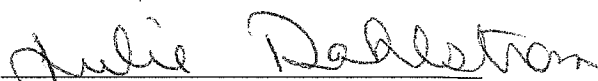
Nays: Trustees James Camp and Peggy Germain

Absent/Abstain: None

I hereby certify that the foregoing is a true and complete copy of restated Ordinance No. 94, duly adopted by the Village Council of the Village of Calumet, County of Houghton, and State of Michigan, at a regular meeting held on October 17, 2017, and that this meeting was conducted and a public notice of this meeting was given, pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan 1976, and that the minutes of this meeting were kept and will be or have been made available, as required by said Act.

I further certify that the following members were present at said meeting: Sharon Abramson, James Camp, Virginia Dwyer, Peggy Germain, Sandra Johnson, and David Geisler (Village President); and that no members were absent.

I further certify that the Ordinance has been recorded in the Ordinance Book of the Village, and that such recording has been authenticated by the signatures of the Village President and the Village Clerk.

  
JULIE DAHLSTROM  
Village Clerk

