

**CITY OF GRANT
ORDINANCE NO. 23-1**

**AN ORDINANCE TO AMEND
“MUNICIPAL PLANNING COMMISSION ORD 23,” IN ORDER TO CONFORM TO 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 GRANT; TO CONFIRM
MEMBERSHIP OF SAID COMMISSION IN ACCORDANCE WITH THE
STATUTE: TO ENUMERATE ITS POWERS AND DUTIES; TO
PROVIDE FOR THE REGULATION OF LAND AND THE
COORDINATED AND HARMONIOUS DEVELOPMENT OF
GRANT; AND TO FUNCTION IN COOPERATION WITH
OTHER CONSTITUTED AUTHORITIES.**

THE CITY OF GRANT ORDAINS:

Ordinance No. 23: “Municipal Planning Commission for the City of Grant adopted September 11, 1978” is hereby repealed.

Ordinance No. 23-1: “City of Grant Planning Commission Ordinance” is hereby established as follows:

Section 1. Authority

This ordinance is adopted pursuant to the authority granted the City Commission under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, *et seq.*, to establish a Planning Commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this ordinance and any future amendments to this ordinance.

Section 2. Purpose

The purpose of this ordinance is to provide that the Grant City Commission hereby amends and confirms the establishment, under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*, of the Grant Planning Commission, formerly established under the Municipal Planning Act, Public Act 285 of 1931, MCL 125.31, *et seq.*, to establish the appointments, terms, and membership of the Planning Commission; to identify the officers and the minimum number of meetings per year of the Planning Commission, and to prescribe the authority, powers and duties of the Planning Commission.

Section 3. Establishment

There shall be a City of Grant 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 “City of Grant Planning Commission Ordinance.”

Section 4. Membership

A. The Planning Commission shall consist of 5 members appointed by the Mayor with the approval of a majority of the City Council elected and serving. To be qualified to be a member and remain a member of the Commission, the individual shall be a qualified elector of City of Grant.

B. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the City, in accordance with the major interests as they exist in the City, such as natural resources, recreation, education, public health, government, transportation, residential uses, industry, and commerce. The membership shall also be representative of the entire geography of the City to the extent practicable.

C. Members shall be appointed for three-year terms. When first appointed, members shall be appointed to one-one-year term, two-two-year terms, and two-three-year terms.

D. There shall not be any *ex officio* members on the Planning Commission, as the City Manager and City Clerk are paid staff of the Legislative body. The City Manager (or designee) shall serve as Planner and the City Clerk (or designee) shall serve as the recorder of meeting minutes.

Section 5. Officers

A. The Planning Commission shall elect a chairperson, a vice-chairperson from its members, and may create and fill other offices as it considers advisable. The term of each office shall be one year, with opportunity for reelection as specified in the Planning Commission bylaws.

B. The Planning Commission may also appoint advisory committees whose members are not members of the Planning Commission.

Section 6. Removal from Office

The City Commission may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

Section 7. Membership; Vacancies

The City Commission shall fill any vacancy in the membership of the Planning Commission for the unexpired terms in the same manner as the initial appointment and shall do so within 60 days.

Section 8. Membership; Compensation

The Planning Commission members may be compensated for their services as provided by City Commission Resolution.

Section 9. Meetings

A. The Planning Commission shall hold at least four regular meetings each year, and shall by resolution determine the time and place of the meetings.

B. Unless otherwise provided in the Planning Commission's bylaws, 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 otherwise provide, the secretary or planner shall send written notice of a special meeting to Planning Commission members at least 48 hours before the meeting.

C. The business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, MCL 15.261, *et seq.*

D. The Planning Commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by a Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976,, MCL 15.231, *et seq.*

Section 10. Powers and Duties

The Planning Commission shall have the 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 11. Bylaws

The Planning Commission shall adopt Bylaws for the transaction of business.

Section 12. Annual Report

The Planning Commission shall make an annual written report to the City Commission concerning its operations and the status of the planning activities, including recommendations regarding actions by the City Commission related to planning and development.

Section 13. Master Plan

A. Under the authority of the Michigan Planning Enabling Act, Public Act 3 of 2008, MCL 125.3801, *et seq.*, and other applicable planning statutes, the Planning Commission shall make a master plan as a guide for development within the City's planning jurisdiction.

B. Final authority to approve a master plan or any amendments thereto shall rest with the Planning Commission unless the City Commission passes a resolution asserting the right to approve or reject the master plan.

C. Unless rescinded by the City, any plan adopted or amended under the Municipal Planning Act, Public Act 285 of 1931, need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*

Section 14. Capital Improvements Program

The Planning Commission shall annually prepare a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority and financial feasibility, for the following 6-year period, in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*

Section 15. Subdivision and Land Division Recommendations

A. The Planning Commission may recommend to the City Council provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the Planning Commission shall hold a public hearing on the proposed ordinance or rule. The Planning Commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the City, or by any other method permitted by law.

B. The Planning Commission shall review and make recommendation on a proposed plat before action thereon by the City Commission under the Land Division Act, Public Act 288 of 1967, MCL 560.101, *et seq.* Before making its recommendation, the Planning Commission shall hold a public hearing on the proposed plat. A plat submitted to the Planning Commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the City, or by any other method permitted by law.

Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

Section 16. Approval, Ratification, and Reconfirmation

All official actions taken by all City of Grant Planning Commissions preceding the Commission established by this ordinance are hereby approved, ratified and reconfirmed.

Any project, review, or process taking place at the effective date of this Ordinance shall continue with the Commission created by this ordinance, subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous City of Grant Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.

Section 17. Repealer

All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 18. Severability

Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 19. Savings

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 20. Effective Date

The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Grant.

First Reading Date October 17, 2011

Publication Date October 26, 2011

Public Hearing/Second Reading Date November 21, 2011

Effective Date December 12, 2011

Commissioner Hallman moved the adoption of the foregoing ordinance, which was seconded by Commissioner Yeomans, and thereupon adopted by the City of Grant at a regular meeting, held this 21st day of November, 2011.



Terry Fett, Mayor



Sherry Powell, Grant Assistant City Manager/Clerk

AFFIDAVIT OF PUBLICATION

STATE OF MICHIGAN SS
COUNTY OF NEWAYGO

Richard C. Wheeler Sr. being duly sworn, deposes and says that he the editor of the "Times-Indicator" a newspaper printed, published and circulated in the County of Newaygo, and State of Michigan, and that the annexed printed notice has been

published in said paper at least once in each week for one successive week(s) and that the first publication thereof

was on the 26th day of October A.D., 2011



Richard C. Wheeler Sr.

Sworn and subscribed to before me this 26th day
of October A.D., 2011



Joyce Pearson

Notary Public, Newaygo County, Michigan
Acting in Newaygo County

My Commission expires 11/09/14

UNTY OF

NOTICE OF PUBLIC HEARING CITY OF GRANT County of Newaygo, Michigan ORDINANCE NO. 23-1

AN ORDINANCE TO AMEND "MUNICIPAL PLANNING COMMISSION ORD 23," IN ORDER TO CONFORM TO 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 GRANT; TO CONFIRM MEMBERSHIP OF SAID COMMISSION IN ACCORDANCE WITH THE STATUTE: TO ENUMERATE ITS POWERS AND DUTIES; TO PROVIDE FOR THE REGULATION OF LAND AND THE COORDINATED AND HARMONIOUS DEVELOPMENT OF GRANT; AND TO FUNCTION IN COOPERATION WITH OTHER CONSTITUTED AUTHORITIES.

TO ALL INTERESTED PERSONS IN THE CITY OF GRANT:

PLEASE TAKE NOTICE that the City Commission of the City of Grant, Michigan, will hold a public hearing on Monday, November 21, 2011 at 7:00pm in the City of Grant Municipal Offices located at 280 S Maple Street, in Grant, Michigan, to hear public comment on amending the Planning Commission Ordinance No. 23, an ordinance regulating the use and protection of lands and structures within the City of Grant and providing penalties for its violation. The proposed amendments include reducing the required number of members from nine to five, and to conform to the requirements of P.A. 33 of 2008, as amended. Written comments will be received at the hearing, and should be directed to the City Manager.

FURTHER INFORMATION may be obtained from the City Offices.

This notice is given by order of the City Commission of the City of Grant, Michigan.

Sherry Powell, Assistant City Manager/Clerk, City of Grant

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C. The business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, MCL 15.261, et seq.
D. The Planning Commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by a Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976., MCL 15.231, et seq.

125.3801 et seq., and the Michigan Planning Enabling Act, (M.C.L. 125.3101 et seq.).

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The Planning Commission shall adopt Bylaws for the transaction of business.

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Any project, review, or process taking place at the effective date of this Ordinance shall continue with the Commission created by this ordinance, subject to the requirements of this Ordinance, and shall be deemed a continuation of any previous City of Grant Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.

Section 17. Repealer
All ordinances or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

Section 18. Severability
Should any section, subdivision, clause, or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.

Section 19. Savings
All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they were commenced.

Section 20. Effective Date
The provisions of this Ordinance are ordered to take effect following publication in the manner prescribed by the Charter of the City of Grant.
First Reading Date: October 17, 2011
Publication Date: October 26, 2011
Public Hearing/Second Reading Date: November 21, 2011
Effective Date _____, 2011
Commissioner _____ moved the adoption of the foregoing ordinance, which was seconded by Commissioner _____, and thereupon adopted by the City of Grant at a regular meeting, held this _____ day of _____, 2011.

Terry Fett, Mayor

Sherry Powell, Grant Assistant City Manager/Clerk
The Ordinance No. 23-1, in accordance with the City Charter, was first read at the October 17, 2011 regular City Commission meeting; Published in the Times Indicator October 26, 2011; Public Hearing and passed by the City Commission at the regular City Commission meeting on _____, 2011.
A true and complete copy of Ordinance No. 23-1 as amended is available for inspection during normal business hours at the Grant City Offices, located at 280 South Maple Street, Grant, MI 49327.
Sherry Powell, Assistant City Manager/Clerk, City of Grant