

**ORDINANCE #2016-01**

AN ORDINANCE TO AMEND THE 2011 ORDINANCE OF THE VILLAGE OF  
ASHLEY TO ESTABLISH AND MAINTAIN A VILLAGE PLANNING  
COMMISSION

WHEREAS, the Village of Ashley is authorized by P.A. 33 of 2008, as amended, being the Michigan Planning Enabling Act, M.C.L. 125.3801 *et seq.* to create, organize, enumerate powers and duties, and to provide for the regulation and subdivision of land, coordinated and harmonious development of the Village of Ashley; and to function in cooperation with other constituted authorities of incorporated and unincorporated areas within the county of Gratiot;

THE VILLAGE OF ASHLEY ORDAINS:

1. the Ordinances of the Village of Ashley are hereby amended by the adoption of the **revised (2016) ASHLEY PLANNING COMMISSION ORDINANCE**, to read as follows:

Section 1. Creation:

There shall be a Village of Ashley 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 Commission with the powers and duties as therein set forth and as hereinafter provided and staffed Planning Department. This ordinance shall be officially known and described as the "VILLAGE OF ASHLEY Planning Commission Ordinance," **as revised.**

Section 2. Membership:

- A. The Commission shall consist of seven (7) members appointed by the president of the VILLAGE OF ASHLEY, subject to approval by a majority vote of the members of the Village council. To be qualified to be a member and remain a member of the Commission, the individual shall meet the following qualifications:
1. shall be a qualified elector of **the VILLAGE OF ASHLEY**, except two (2) non-qualified elector(s) may be a member of the commission;
  2. shall meet the conditions provided for each member **as** set forth below in subsections D and E of this Ordinance, except the geographical location of the individual's residency may be considered optional.
- B. Members shall **serve at the will of the Village Council. The Council may remove any member by a majority vote of the Council.** If a vacancy occurs, the vacancy shall be filled **in the same manner as provided for an original appointment.**
- C. Ex officio, **non-voting** members shall include the Village Manager, the president **of the Council**, and one (1) member of the village council. The terms of office of ex officio members shall coincide with their elected terms of office.
- D. The membership shall be representative of the important segments of the community, such as the economic, governmental, educational, and social de

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velopment of the VILLAGE OF ASHLEY.

- E. The membership shall also be representative of the entire geography of the VILLAGE OF ASHLEY to the extent practicable, and as a secondary consideration to the representation of the major interests.

**Note: delete subsections F and G**

Section 3. Bylaws:

The Planning Commission shall adopt Bylaws which shall govern its meetings and operations, subject to the requirements of MCL 125.3801, *et seq.* The Bylaws may provide for the establishment of "liaisons" to the Commission.

Section 4. **Appointment of Members**

- A. **Due to the small size of the Village of Ashley, finding people to serve on the Planning Commission can be a challenge. With that in mind, members shall be appointed by the President, subject to majority approval of the Village Council. Once approved, members shall serve indefinitely at the will of the council unless removed from their position as prescribed in Section 5.**
- B. **Members may voluntarily terminate their position on the Commission by doing so in writing to the Village president.**

Section 5. Removal from Office

- A. The Village council may remove a member of the Commission for malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to attend Commission meetings regularly shall be malfeasance in office.
- B. The secretary of the Planning Commission shall report any member who has missed three regular meetings in a row to the Village Council.

Section 6. Vacancies:

**When a vacancy on the Commission does occur, the President, subject to approval by a majority vote of the members of the Village council, shall fill any vacancy taking into account the provisions set forth in Section 2, subsections D and E.**

Section 7. Meetings:

- A. The Commission shall hold not less than four (4) regular meetings each year and a majority of the Commission shall constitute a quorum for the transaction of the ordinary business of said Commission and all questions which shall arise at their meetings shall be determined by a vote of the majority of the members of the Planning Commission.
- B. The affirmative vote of 2/3 of the total number of seats for members of the Commission, regardless if vacancies or absences exist or not, shall be necessary

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for the approval of a proposed master plan. Any other action of the Planning Commission shall be by a majority of the total number of seats.

Section 8. Powers and Duties:

- A. The Commission shall have their 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. 15.3101 *et seq*.)
- B. The Capital Improvement Program (CIP) for the VILLAGE OF ASHLEY shall continue to be drafted **by the council budget committee** and adopted by the Village council as a function of the Village's Annual Budget Process.
- C. The Commission shall make an annual written report to the VILLAGE OF ASHLEY Village council concerning its operations and the status of planning activities, including recommendations regarding actions by the Village council related to planning and development.

Section 9. Meetings; Records:

The Commission shall adopt Bylaws for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.

Section 10. Approval, Ratification, and Reconfirmation

All official actions taken by all VILLAGE OF ASHLEY Planning Commission proceedings the Commission created 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 VILLAGE OF ASHLEY Planning Commission. This Ordinance shall be in full force and effect from and after its adoption and publication.

- 2: **Separability.** If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof
- 3. **Ordinances Repealed:** All ordinances and/or parts of ordinances inconsistent with this ordinance are hereby repealed.

Passed and approved by the Village Council of the Village of Ashley, Gratiot County,

Michigan, in regular session, held July 12, 2016.

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We, the undersigned President and Clerk of the Village of Ashley, Michigan, do hereby certify that the above and forgoing Ordinance, known as **Ordinance # 2016-01** of the Village of Ashley, Michigan was adopted at a regular meeting of the Village Council, held on July 12, 2016 and published in a newspaper circulated within the Village on July 24, 2016, not less than fifteen days having elapsed between adoption and publication.

Dated at Ashley, Michigan, this 12th day of July, 2016.

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By:  
Its: President

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By:  
Its: Clerk