

ORDINANCE NO. 11-1800

AN ORDINANCE ESTABLISHING THE POWERS, DUTIES, AND MEMBERSHIP  
OF THE CITY PLANNING COMMISSION

THE CITY OF ISHPEMING ORDAINS:

Section 1. The City Planning Commission established under the City Charter shall have such powers, duties and membership as set forth in this ordinance and as prescribed under the Michigan Planning Enabling Act (P.A. 33 of 2008, being M.C.L. §125.3801 et. seq).

Section 2.

- a) The City Planning Commission shall consist of nine (9) members, all of whom shall be appointed by the Mayor, subject to the approval of a majority vote of the City Council members elected and serving. All members of the Planning Commission shall be qualified electors of the City of Ishpeming.
- b) One (1) member of the Planning Commission shall be a member of the City Council, which City Council member shall be an ex officio member of the Planning Commission. The term of the City Council member appointed as an ex officio member of the Planning Commission shall expire when his or her term on the City Council expires. The ex officio member of the Planning Commission shall have full voting rights on the Planning Commission.
- c) The members of the Planning Commission may be compensated at such rate, if any, as may be determined by the City Council.
- d) One member of the City Planning Commission shall be a member of the Board of Zoning Appeals, created under Section 30.0 of City Ordinance No. 8-100.
- e) The term of each member of the Planning Commission, other than the ex officio member, shall be three (3) years. The current members serving on the Planning Commission at the time of adoption of this Ordinance shall continue to hold their positions until the term for which each was originally appointed or selected shall expire.
- f) The City Council may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. 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 subsection constitutes malfeasance in office. Unless the City Council, by ordinance, defines conflict of interest for the purposes of this subsection, the Planning Commission shall do so in its bylaws.
- g) A vacancy on the Planning Commission occurring otherwise than through the expiration of a term shall be filled for the unexpired term by the appointing authority in the same manner as the original appointment or selection was made.

Section 3.

- (a) The Planning Commission shall elect a chairperson and secretary from its members and create and fill other offices as it considers advisable. The ex officio member of the Planning Commission is not eligible to serve as chairperson. The term of each officer shall be one (1) year, with opportunity for reelection as specified in the Planning Commission bylaws. The Planning Commission may appoint advisory committees whose members are not members of the Planning Commission.
- (b)
  - (1) The Planning Commission shall hold at least one (1) regular meeting each month, and may meet more often than monthly if the affairs and business of the Planning Commission so require. The Planning Commission shall adopt by-laws or rules for the transaction of business and it shall keep a record of its meetings, resolutions, transactions, findings, and determinations, which record shall be a public record.
  - (2) Unless the bylaws provide otherwise, a special meeting of the Planning Commission may be called by the chairperson or by two (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.
  - (3) The business that a Planning Commission may perform shall be conducted at a public meeting of the Planning Commission held in compliance with the Open Meetings Act, 1976 P.A. 267, M.C.L. 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.
  - (4) 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, P.A. 442, M.C.L. 15.231 to 15.246.
- (c) The Planning Commission shall make an annual written report to the City Council concerning its operations and the status of planning activities, including recommendations regarding actions by the City Council related to planning and development.

Section 4. The Planning Commission shall have no authority to appoint or employ any agents or employees, no authority to contract for any consulting, professional or other services, and no authority to expend any funds unless such expenditures have been specifically appropriated for such use by the City Council.

Section 5. The City Planning Commission shall have such powers, duties, and responsibilities as are prescribed by the laws of the State of Michigan for municipal planning commissions, including without limitation, those duties, powers, and responsibilities conferred and prescribed under the Michigan Planning Enabling Act, being P.A. 33 of 2008, M.C.L. Section 125.3801, et. seq. The Planning Commission shall also exercise such powers and shall have such duties and responsibilities as are prescribed or conferred under all other ordinances of the City of Ishpeming.

Section 6. The City Council hereby ratifies, approves and adopts all prior actions taken by the Planning Commission as constituted under the April 7, 1986, City Charter, and as constituted under the June 15, 1960, City Charter, except such actions as have been specifically modified, changed or set aside by action of the City Council.

Section 7. This ordinance shall take effect immediately as an emergency ordinance.

Adopted: October 19, 1988  
Emended: September 3, 2008