

Charter Township of Orion

Ordinance No. 117

Boards & Commissions

Adopted December 16, 1996

AMENDED

December 15, 1997 (117-A)

March 30, 1998 (117-B)

May 18, 1998 (117-1)

July 5, 2011 (117-2)

AN ORDINANCE TO ESTABLISH THE COMPOSITION OF BOARDS AND COMMISSIONS OF THE CHARTER TOWNSHIP OF ORION AND TO ESTABLISH TERMS OF OFFICE AND TO PROVIDE THE MANNER OF APPOINTMENT TO SUCH BOARDS AND COMMISSIONS.

Section 1 - Title

This Ordinance shall be known and cited as the Charter Township of Orion Boards and Commissions Ordinance, and it shall be deemed sufficient in any action for enforcement of the provisions hereof to define the same by such short title and by reference to the number hereof.

Section 2 - Purpose

The purpose of this Ordinance is to establish the composition of boards and commissions in the Charter Township of Orion and to establish the terms of office and to provide the manner of appointment to such boards and commissions and to repeal all ordinances in conflict herewith.

Section 3 - Definitions

Township - As used in this Ordinance, Township shall mean the Charter Township of Orion.

Township Board - As used in this Ordinance, Township Board shall mean the Board of Trustees of the Charter Township of Orion.

Section 4 - General Provisions

Any board and commission provided for in this Ordinance which is in existence at the time of the adoption of this Ordinance shall be continued, and the members serving thereon shall remain in office for the duration of the term for which they were appointed, except as modified herein. Except as otherwise provided for by statute or ordinance of the Charter Township of Orion, the following provisions shall be applicable to all boards and commissions of the Township:

- A. Vacancy. Any vacancy occurring in the membership of any board or commission shall be filled for the remainder of the unexpired term in the manner provided for original appointment to such board or commission.
- B. Removal. The appointing authority may remove any member of any board or commission for cause.
- C. Rules. Each board and commission shall have power to make rules and regulations concerning the administration of its affairs which shall not be inconsistent with any statute or ordinances of the Charter Township of Orion.
- D. Compensation. Members of all boards and commissions established by this Ordinance may be compensated for their services as determined by the Township Board.

Section 5 - Township Planning Commission *(amended 07.05.11)*

- A. Scope, Purpose and Intent. This Ordinance is adopted pursuant to the authority granted the Township Board 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.

The purpose of this Ordinance is to provide that the Charter Township of Orion Board shall hereby confirm the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Charter Township of Orion Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, 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.

- B. Establishment. The Township Board hereby confirms the establishment under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., of the Charter Township of Orion Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq. The Charter Township of Orion Planning Commission shall have seven (7) members. Members of the Charter Township of Orion Planning Commission as of the effective date of this Ordinance shall, except for an ex officio member whose remaining term on the Planning Commission shall be limited to his or her term on the Township Board, continue to serve for the remainder of their existing terms so long as they continue to meet all of the eligibility requirements for Planning Commission membership set forth within the Michigan Planning Enabling Act, Public Act 33 of 2008.
- C. Appointments and Terms. The Township Supervisor, with the approval of the Township Board by a majority vote of the members elected and serving, shall appoint all Planning Commission members, including the ex officio member.

The Planning Commission members, other than an ex officio member, shall serve for terms of three (3) years each.

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.

Planning Commission members shall be qualified electors of the township, except that one Planning Commission member may be an individual who is not a qualified elector of the township. 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 township, in accordance with the major interests as they exist in the township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the township to the extent practicable.

One member of the Township Board shall be appointed to the Planning Commission as an ex officio member.

An ex officio member has full voting rights. An ex officio member's term on the Planning Commission shall expire with his or her term on the Township Board.

No other elected officer or employee of the township is eligible to be a member of the Planning Commission.

- D. Removal. The Township Board may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.
- E. Conflict 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. Failure of a member to disclose a potential conflict of interest as required by this Ordinance constitutes malfeasance in office.

For the purposes of this section, conflict of interest is defined as, and a Planning Commission member shall declare a conflict of interest and abstain from participating in Planning Commission deliberations and voting on a request, when:

1. An immediate family member is involved in any request for which the Planning Commission is asked to make a decision. "Immediate family member" is defined;
 - a. A spouse, mother, father, sister, brother, son, or daughter, including an adopted child.
2. The Planning Commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association;
3. The Planning Commission member owns or has a financial interest in neighboring property;
 - a. For purposes of this section, a neighboring property shall include any property falling within the notification radius for the application or proposed development, as required by the zoning ordinance or other applicable ordinance.
4. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the Planning Commission.

- F. Compensation. The Planning Commission members may be compensated for their services as provided by Township Board resolution. The Planning Commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the Township Board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.
- G. Officers and Committees. The Planning Commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the Planning Commission is not eligible to serve as chairperson. The term of each office shall be 1 year, with opportunity for reelection as specified in the Planning Commission bylaws.

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

- H. Bylaws, Meetings and Records. The Planning Commission shall adopt bylaws for the transaction of business.

The Planning Commission shall hold at least 4 regular meetings each year, and shall by resolution determine the time and place of the meetings.

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 shall send written notice of a special meeting to Planning Commission members at least 48 hours before the meeting.

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.

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.

- I. Annual Report. The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of the planning activities, including recommendations regarding actions by the Township Board related to planning and development.
- J. Authority to Make Master Plan. Under the authority of the Michigan Planning Enabling Act, Public Act 33 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 township's planning jurisdiction.

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

Unless rescinded by the township, any plan adopted or amended under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

- K. Zoning Powers. The Township Board hereby confirms the transfer of all powers, duties, and responsibilities provided for zoning boards or zoning commissions by the former Township Zoning Act, Public Act 184 of 1943, MCL 125.271, et seq.; the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq.; or other applicable zoning statutes to the Charter Township of Orion Planning Commission formerly established under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq.

Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the Township Board.

- L. Subdivision and Land. The Planning Commission may recommend to the Township Board provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the Planning Commission shall hold a

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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 township.

The Planning Commission shall review and make recommendation on a proposed plat before action thereon by the Township Board 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 township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

Section 6 - Zoning Board of Appeals

- A. Creation. The Zoning Board of Appeals is hereby established, having powers and duties in accordance with Michigan Public Act PA 110 of 2006, as amended. Hereinafter, the term "ZBA" shall mean the Zoning Board of Appeals. *(amended 07.05.11)*
- B. Membership, Length of Terms, Expiration Date of Terms. The ZBA shall be composed of the five (5) following members:
1. The first member shall be a member of the Township Planning Commission appointed annually in February by the Township Board, after a recommendation from the Planning Commission. The Township Board Member on the Planning Commission shall be ineligible for appointment to the ZBA. *(amended 03.30.98)*
 2. The next member shall be a member of the Township Board, appointed by the Township Board for the period of his/her term of office as a member of the Township Board.
 3. The remaining three (3) members shall be appointed by the Township Board from among the electors residing in the unincorporated portion of the Township. Each of these members shall be appointed for a three (3) year term, with one of them being selected each year. The terms of these members shall expire on December 31 of the year of expiration.
 4. The Township Board may appoint two (2) alternate members of the ZBA. Each alternate shall be appointed for a three (3) year term and may be re-appointed for additional terms. An alternate member shall sit as a regular member of the ZBA when:
 - a. A regular member is absent from or unable to attend two (2) or more consecutive meetings of the ZBA, or
 - b. A regular member is unable to participate in reaching a decision on a particular case because of a conflict of interest.

An alternate shall have the same rights and privileges and shall be compensated at the same rate as a regular member when serving in the place of a regular member.

Successors in office shall be appointed not more than one (1) month after the term of the preceding member has expired. Any vacancy for an unexpired term shall be filled only for the remainder of the term.

An employee or contractor of the Township Board, however selected, shall not serve as a member or employee of the ZBA.

The Township Board member on the ZBA shall not serve as an officer of the ZBA.

Members of the ZBA shall be removable from office by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing. A member shall disqualify himself/herself and shall abstain from discussion and vote on any matter in which there is a conflict of interest. Failure of a member to so disqualify himself/herself in such a matter shall constitute misconduct in office.

The ZBA, as constituted on the effective date of this Ordinance, and the appointments made heretofore are hereby ratified and appointed for the remainder of the terms as previously provided for.

- C. Applicability of Zoning Ordinance. Except as provided in this Ordinance, all other aspects and services provided by the ZBA shall be governed by the terms of the Orion Township Zoning Ordinance, as amended.

Section 7 - Board of Review

- A. Creation. The Charter Township of Orion Board of Review is hereby established pursuant to MCL 211.28; MSA 7.28, as amended.
- B. Membership, Length of Terms, Expiration Date of Terms, Quorum. The Board of Review shall consist of three (3), six (6), or nine (9) electors of the Township, as appointed every two (2) years by the Township Board. At least two-thirds (2/3) of the members of the Board of Review shall be property taxpayers of the Township. Members appointed to the Board of Review shall serve for terms of two (2) years, beginning at noon on January 1 of each odd-numbered year. Each member of the Board of Review shall qualify by taking a constitutional oath of office within ten (10) days after appointment. The Township Board shall fill any vacancy that occurs in the membership of the Board of Review. A member of the Township Board is not eligible to serve on the Board of Review or to fill any vacancy. A spouse, mother, father, sister, brother, son, or daughter, including an adopted child, of the Assessor is not eligible to serve on the Board of Review or to fill any vacancy. A majority of the Board of Review constitutes a quorum for the transaction of business, but a lesser number may adjourn, and a majority vote of those present shall decide all questions. At least two (2) members of a three (3) member Board of Review shall be present to conduct any business or hearings of the Board of Review. The membership of the Board of Review shall be divided into Board of Review committees consisting of three (3) members each for the purpose of hearing and deciding issues protested pursuant to the General Property Tax Act, MCL 211.1, et seq.; MSA 7.1 et seq., as amended. Two (2) of the three (3) members of a Board of Review committee constitute a quorum for the transaction of the business of the committee. All meetings of the members of the Board of Review and committees shall be held during the same hours of the same day and at the same location.
- C. Applicability of General Property Tax Act. In all other aspects, the jurisdiction, services, and procedures to be followed by the Board of Review shall be set forth in the General Property Tax Act, MCL 211.1 et seq.; MSA 7.1 et seq., as amended.

Section 8 - Election Commission

- A. Creation. The Board of Township Election Commissioners for the Charter Township of Orion is hereby established pursuant to MCL 42.4; MSA 5.46(4), as amended.
- B. Membership. The Board of Township Election Commissioners for the Charter Township of Orion shall consist of the Township Clerk and two (2) Trustees of the Township Board, as appointed by the Township Board.
- C. Applicability of Other Laws. All duties to be performed by the Board of Township Election Commissioners shall be those as set forth by statute.

Section 9 - Trailways Commission

- A. General. Pursuant to an intergovernmental agreement between the City of Rochester, the Charter Township of Avon, the Charter Township of Orion, and the Township of Oakland, dated January 6, 1992, as amended, a Trailways Commission is established.
- B. Membership, Length of Terms, Expiration of Terms. The Township Board shall appoint two (2) commissioners to be a member of the Trailways Commission established under the agreement referenced in Subsection 9(A). One (1) of the members so appointed shall be a member of the Township Board. Each commissioner shall serve a term of four (4) years, commencing December 1 of a presidential election year and continue in office until November 30 of the next preceding presidential election year.
- C. Applicability of Agreement to Establish Trailways Commission. In all other respects, the duties and services to be provided by the members of the Trailways Commission representing the Charter Township of Orion shall be governed by the provisions of the agreement as referenced in Subsection 9(A).

Section 10 - Cable Commission

- A. Creation. The Township Board and the Lake Orion Village Council shall establish a commission to be known as the Orion Community Cable Communications Commission. The Township Board and the Lake Orion Village Council shall solicit from the public and from the franchises, as authorized under Orion Township Ordinance No. 80, names of persons interested in serving on the Commission, but neither the Township Board nor the Village Council are limited to names thereby submitted.
- B. Membership, Length of Terms. *(amended 05.18.98)* The Commission shall consist of nine (9) members: four (4) members appointed by the Township Board, four (4) members appointed by the Lake Orion Village Council, and one (1) member appointed by joint resolution of the Township Board and the Lake Orion Village Council. Each member shall serve a term of two (2) years provided, however, that appointments to the first Commission shall be for such terms as follows:

Three (3) members appointed by the Township Board shall serve a two (2) year term, and one (1) member appointed by the Township Board shall serve a one (1) year term; three (3) members appointed by the Lake Orion Village Council shall serve a two (2) year term and one (1) member appointed by the Lake Orion Village Council shall serve a one (1) year term.

Except for this initial Commission, every person appointed to said Commission thereafter shall serve a two (2) year term. Any vacancy on the Commission shall be filled by the Board that originally filled the vacated position for the remainder of the term. The Township and the Village shall each retain the power to remove, at any time, any Commission member it appointed and to fill the vacancy or vacancies created by any such removal for the remainder of the removed member's term. The terms of members appointed from the Village Council shall expire March 30. The terms of members appointed from the Township Board shall expire November 30. The terms of all other members shall expire June 30.

- C. Applicability of Ordinance No. 80. In all other aspects, the services to be provided and the duties of the Cable Commission shall be as set forth in Orion Township Ordinance No. 80, as amended.

Section 11 – Severability *(amended 07.05.11)*

The provisions of this Ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

Section 12 - Repeal *(amended 07.05.11)*

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed. The resolution or ordinance establishing the Charter Township of Orion Planning Commission under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., is hereby repealed.

Section 13 - Effective Date

This Ordinance shall become effective upon publication, as provided by law.

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