

Act No. 18
Public Acts of 1997
Approved by the Governor
June 11, 1997
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June 11, 1997
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STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1997

Introduced by Rep. Middaugh

ENROLLED HOUSE BILL No. 4034

AN ACT to amend 1931 PA 285, entitled "An act to provide for city, village and municipal planning; the creation, organization, powers and duties of planning commissions; the regulation and subdivision of land; and to provide penalties for violation of the provisions of this act," by amending sections 1 and 3 (MCL 125.31 and 125.33), section 3 as amended by 1986 PA 5.

The People of the State of Michigan enact:

Sec. 1. As used in this act:

- (a) "Council" or "legislative body" means the chief legislative body of the municipality.
- (b) "County commissioners" or "board of county auditors" means the chief administrative or legislative body or board of the county.
- (c) "Mayor" means the chief executive of the municipality, whether the official designation of his or her office be mayor, city manager, or otherwise.
- (d) "Municipality" or "municipal" means or relates to cities, villages, townships, and other incorporated political subdivisions.
- (e) "Population" means the population according to the most recent federal decennial census or according to a special census conducted pursuant to section 7 of the state revenue sharing act of 1971, 1971 PA 140, MCL 141.907, whichever is the more recent.
- (f) "Streets" means streets, avenues, boulevards, roads, lanes, alleys, viaducts, and other ways.

Sec. 3. (1) Except as provided in subsections (2), (3), and (4), the planning commission shall consist of 9 members who shall represent insofar as is possible different professions or occupations, and who shall be appointed by the mayor, if the mayor is an elective officer, otherwise by the officer as the legislative body may in the ordinance creating the commission designate as the appointing officer. However, an appointment shall always be subject to the approval by a majority vote of the members elect of the legislative body of the municipality. All members of the planning commission may be compensated at a rate to be determined by the appointing or legislative body and shall hold no other municipal office, except that 1 of the members may be a member of the zoning board of adjustment or appeals or a member of a joint fire administrative board. The term of each member shall be 3 years, except that 3 members of the first planning commission to be so appointed shall serve for the term of 1 year, 3 for a term of 2 years, and 3 for a term of 3 years. A member shall hold office until his or her successor is appointed. A member may, after a public hearing, be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office.

(2) If considered desirable by the legislative body, the planning commission may consist of the mayor, 1 administrative official of the municipality selected by the mayor, and 1 member of the legislative body to be selected by the legislative body as members ex officio, and 6 other persons who shall be appointed by the mayor as provided in this section. An appointed member of the planning commission may be compensated at a rate to be determined by the appointing or legislative body. An appointed member shall not hold another municipal office except that 1 appointed member may be a member of the zoning board of adjustment or appeals or a member of a joint fire administrative board. The terms of ex officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the mayor shall terminate with the term of the mayor. The term of each appointed

member, if 6 members are appointed, shall be 3 years or until his or her successor takes office, except that the respective terms of 2 of the members first appointed shall be for 1 year and 2 for 2 years. After a public hearing, a member other than the member selected by the legislative body may be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office. The legislative body may for like cause remove the member selected by the legislative body. All ex officio members appointed under this subsection shall have full voting rights.

(3) If considered desirable by the legislative body, the planning commission may consist of 9 members, 1 of whom shall be a member of the legislative body to be selected by resolution of the legislative body to serve as a member ex officio, and 8 of whom shall be appointed by the mayor as provided in this section. An appointment by the mayor shall be subject to approval of the legislative body by majority vote. All appointed members of the commission may be compensated at a rate to be determined by the appointing or legislative body. An appointed member shall not hold another municipal office, except that 1 appointed member may be a member of the zoning board of adjustment or appeals. The term of the ex officio member shall be determined by the legislative body and shall be stated in the resolution selecting the ex officio member, but the term shall not exceed the member's term of office as a member of the legislative body. The term of each appointed member shall be 3 years or until his or her successor takes office, except that the respective terms of 2 of the members first appointed shall be for 1 year and 3 for 2 years. After a public hearing, a member other than the member selected by the legislative body may be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office. The legislative body may for like cause remove the member selected by the legislative body. All ex officio members appointed under this subsection shall have full voting rights.

(4) If considered desirable by the legislative body of a municipality that has a population of less than 5,000, the planning commission shall consist of 5, 7, or 9 members, 1 of whom shall be a member of the legislative body to be selected by resolution of the legislative body to serve as a member ex officio, and the remainder of whom shall be appointed by the mayor as provided in this section. An appointment by the mayor shall be subject to approval of the legislative body by majority vote. All appointed members of the commission may be compensated at a rate to be determined by the appointing or legislative body. An appointed member shall not hold another municipal office, except that 1 appointed member may be a member of the zoning board of adjustment or appeals. The term of the ex officio member shall be determined by the legislative body and shall be stated in the resolution selecting the ex officio member, but the term shall not exceed the member's term of office as a member of the legislative body. Except as provided in subsection (5), the term of each appointed member shall be 3 years or until his or her successor takes office except that the respective terms of 2 of the members first appointed shall be for 1 year and 3 for 2 years. After a public hearing, a member other than the member selected by the legislative body may be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office. The legislative body may for like cause remove the member selected by the legislative body. All ex officio members appointed under this subsection shall have full voting rights.

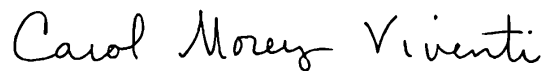
(5) For a planning commission described in subsection (4) that consists of 5 members, the respective terms of 1 of the members first appointed shall be for 1 year and 2 for 2 years. For a planning commission described in subsection (4) that consists of 7 members, the respective terms of 2 of the members first appointed shall be for 1 year and 2 for 2 years.

(6) A vacancy on the planning commission occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor in the case of a member selected or appointed by the mayor, by the legislative body in the case of the member appointed by the legislative body, and by the appointing officer designated by the legislative body in municipalities in which the mayor is not an elective officer.

This act is ordered to take immediate effect.



Clerk of the House of Representatives.



Secretary of the Senate.

Approved -----

Governor.