



VILLAGE OF PECK "Incorporated in 1903"

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Village of Peck Planning Commission By-Laws

ARTICLE NUMBER – SUBJECT	PAGE NUMBER
ARTICLE I – PREAMBLE.....	2
ARTICLE II – AREA.....	2
ARTICLE III – PURPOSES.....	2-3
ARTICLE IV – RESPONSIBILITIES & DUTIES.....	3-6
ARTICLE V – MEMBERSHIP.....	6
ARTICLE VI – OFFICERS.....	7
ARTICLE VII – DUTIES OF OFFICERS.....	7-8
ARTICLE VIII – MEETINGS.....	8-10
ARTICLE IX – CONFLICT OF INTEREST.....	10-11
ARTICLE IX – FISCAL YEAR.....	10
ARTICLE X – AMENDMENTS.....	11
ARTICLE XI – PARALIMENTARY PRACTICE.....	11
ARTICLE XII – CITIZEN PARTICIPATION.....	11
ARTICLE XIII – EFFECTIVE DATE.....	11
ARTICLE XIV – EFFECT & INTERPRETATION OF BY-LAWS.....	12

STATEMENT OF BY-LAWS

VILLAGE OF PECK PLANNING COMMISSION

ARTICLE I – PREAMBLE

SECTION 1.1 – BASIS

Pursuant to the Michigan Planning Enabling Act 33 of 2008 and the Michigan Zoning Enabling Act 110 of 2006, as amended. The Village of Peck Council created the Village of Peck Planning Commission by resolution with the power to make, adopt, extend, add to, or otherwise amend, and to carry out plans for the incorporated portions of the Village of Peck.

SECTION 1.2 – TITLE

The official title of this Commission shall be the “Village of Peck Planning Commission.”

ARTICLE II – AREA

SECTION 2.1 – AREA

The area served by the Village of Peck Planning Commission shall include all lands legally within the present or future boundaries of the Village of Peck.

ARTICLE III – PURPOSES

SECTION 3.1 – PURPOSES

The purposes of the Commission shall be to:

- A. Promote and carry out policy and physical planning actions regarding the preservation, protection, and appropriate use of the village’s resources.
- B. Manage suitable development of the economic, social, physical, natural, and cultural resources of the Village of Peck.
- C. Promote and protect public health, safety, and general welfare of the people residing in Peck.

- D. Encourage use of village resources in accordance with their character and suitability.
- E. Prepare a master plan pursuant to Act 33 of the Public Acts of 2008, as amended, for the purpose of guiding the “planned and orderly” physical development of Peck.
- F. Carry out research and responsibilities as directed by the Village Council.
- G. Promote cooperation between governmental units and private entities towards the fulfillment of these by-laws.
- H. Facilitate provision for a system of transportation, sewage disposal, safe and adequate water supply, recreation, and other public improvements.
- I. Affect economies in the Village through recommendation of expenditure of funds in order to implement plans prepared for sound and orderly development of the Village.
- J. Promote the adoption and execution of plans by the Township, School District, County, State, Federal, and other governments, and agencies responsible for making or influencing public or other improvements in the Village.
- K. Encourage and assist public and private entities in improving the attractiveness of the Village.
- L. Preserve and protect fragile lands, natural features, water resources, and the environmental safety of Peck.

ARTICLE IV – RESPONSIBILITIES AND DUTIES

SECTION 4.1 – ADOPTION OF A MASTER PLAN

The Planning Commission shall make and adopt a master plan pursuant to statute as a guide for the management of the incorporated of the Village. The contents of the plan shall include maps, plats, charts and descriptions, explanations, and other related materials and shall show recommendations for the physical development of the Village.

SECTION 4.2 – THE CONTENTS OF THE PLAN MAY INCLUDE:

- A. A statement of community goals and policies.
- B. A land use plan and implementation program.
- C. Recommendations as to the general location, character, and extent of traffic ways, waterways, flood prevention works, and sewer and water systems, and public utilities and structures.
- D. Recommendations as to the redevelopment or rehabilitation of blighted districts.
- E. Recommendations for the removal, widening, narrowing, vacating, abandonment, changes, or use of extension of ways, grounds, open spaces, buildings, utilities, or other facilities.
- F. Recommendations for the protection of important natural features, resources, and fragile lands.
- G. Recommendations for implementing any of the Planning Commission’s proposals.

SECTION 4.3 – REVIEW OF THE MASTER PLAN

The Planning Commission shall formally review the adopted Master Plan every five (5) years and shall take action by resolution to make amendments of the plan, in whole or in part, or may determine that no amendments are in order as a result of the review.

SECTION 4.4 – AMENDMENT OF MASTER PLAN

Any amendment to the Master Plan must include notice, publishing, or posting of text, and a public hearing, and must be adopted pursuant to statute.

SECTION 4.5 – PUBLIC WORKS REVIEW

The Commission may make recommendations of either approval or disapproval to the Village Council concerning large expansions of public works projects.

SECTION 4.6 – REVIEW PUBLIC DIRECTIVES

Review and make recommendations to the Village Council on those directives of federal, state, and local public agencies that affect the physical development of the community. Examples of activities with which directives may deal are highways, public transit, urban renewal, and housing, parks, public buildings and structures, commercial and industrial developments, utilities, and all other public facilities or services.

SECTION 4.7 – CAPITAL IMPROVEMENT PLAN

In lieu of the Village Council accepting responsibility for the preparation of a Capital Improvements Plan, the Planning Commission shall create a public works Capital Improvements Plan containing all projects identified in the master plan, including public needs, estimated cost, and proposed method of financing.

SECTION 4.8 – ZONING ORDINANCE

Prepare a zoning ordinance to be submitted for adoption and/or review to the Village Council and make recommendations on all amendments or changes to be made in the zoning maps or the regulations of a zoning ordinance. It shall be the responsibility of the Planning Commission to review and make recommendations on special types of development permitted under the zoning ordinance.

SECTION 4.9 – SUBDIVISION REGULATIONS

Prepare subdivision (plat) regulations to be submitted for adoption by the Village Council; review, make recommendations, and participate in the approval or disapproval

of all subdivision plats, street openings and other developments which involve expansion of the community's developed area.

SECTION 4.10 – DEVELOPMENT REVIEW

Review, revise, recommend, approve, and/or deny plans and programs presented to the Planning Commission.

SECTION 4.11 – ANNUAL REPORT

By March 31 of each year, the Commission shall make an annual of its activities to the Peck Village Council concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.

SECTION 4.12 – INQUIRIES

Make inquiries, investigations, and surveys of all the resources of the Village.

SECTION 4.13 – ASSEMBLE DATA

To assemble and analyze data and formulate plans for the proper conservation and uses of all resources; including a determination of lands having various use potentials, and for services, facilities, and utilities required to equip such lands.

SECTION 4.14 – CONSULT

In the adoption of a Master Plan, the Planning Commission shall consult with representatives of the adjacent Townships, Sanilac County, and the regional Planning Commission (SEMCOG).

On other issues of Village concern, the Commission may consult with adjacent communities.

SECTION 4.15 – ADOPT RULES

The Planning Commission shall adopt rules and regulations for the transaction of its business. The regulations may address but are not limited to such matters as forms and number of copies of material to be submitted to the Commission and requirements as to time such materials must be submitted.

Such regulations shall be adopted by resolution of the Commission and shall be published and readily available to all citizens having business before the Commission.

SECTION 4.16 – APPOINTMENT

The Commission may appoint and authorize advisory committees whose members may consist of governmental officials and individuals whose experience, training, and interest in the Commission's work qualifies them to lend valuable assistance to the Commission. The Commission may also appoint various committees of citizens to collect information

and prepare reports to the Commission on the various phases of the comprehensive planning program for which the Commission is primarily responsible.

SECTION 4.17 – TRAINING

Encourage attendance at training sessions, conferences, or meetings for which appropriate funds have been approved by the Village Council as needed.

ARTICLE V – MEMBERSHIP

SECTION 5.1 – NUMBER

The Village of Peck Planning Commission shall consist of 5 members who shall be qualified electors of the Village of Peck except that one member may be an individual who is not qualified elector of the Village. Members shall be representative of important segments of the community, such as economic, governmental, educational, and social development, as well as the entire geography of the Village to the extent practical.

SECTION 5.2 – APPOINTMENT

Three members of the Planning Commission shall be appointed by the Village Council. The remaining two will be appointed by the Village President from the Village Council. The Village Council may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

SECTION 5.3 – TERM

The term of each member shall be for two (2) years such that, as nearly as possible, the terms of 1/3 of all the planning commission members will expire each year. A commissioner may keep his or her seat past the end of the appointed term until replacement nominations have been accepted.

SECTION 5.4 – SUCCESSION

Each member shall serve until his/her term shall expire. Members may be re-appointed by the Village President. Vacancies resulting from resignation and/or removal shall be filled in the same manner and shall be appointed for the remainder of the term of the resigning member.

SECTION 5.5 – COMPENSATION

- A. Planning Commissioners may be compensated as provided by the Village Council.
- B. Planning Commissioners may be compensated for travel expenses incurred as travel to conferences and meetings.

SECTION 5.6 – COMMISSION EMPLOYEES

The Village Council may employ appropriate and other employees and/or contract for part-time or full-time service of individuals or firms to assist the Planning Commission in its responsibilities and duties.

ARTICLE VI – OFFICERS

SECTION 6.1 – SELECTION

The first meeting of the calendar year shall be considered the Planning Commission's organizational meeting, at which the Planning Commission shall elect from its membership a Chairperson, Vice Chairperson, Secretary and any other officers deemed necessary. All officers are eligible for re-election. The Village President shall not serve as the Chairperson of the Planning Commission.

SECTION 6.2 – TERM

The term of all officers shall be one (1) year and each officer shall serve until re-elected or his/her successor shall be elected.

SECTION 6.3 – ELECTION

The chair, vice-chair, and secretary shall be elected by a majority vote of the membership of the Commission present at the time of election.

ARTICLE VII – DUTIES OF OFFICERS

SECTION 7.1 – CHAIRPERSON

The Chairperson shall be the chief executive officer of the Commission and shall preside at all meetings of the Commission. The Chairperson shall appoint, with the approval of the Commission, all committees or advisory committees established and provided by the Commission and shall be an ex-officio member of all committees. The Chair shall have a vote on all resolutions as a commissioner. The Chair has no authority to sign contracts or legal documents authorized by the Commission but shall refer such to the Village Council. The Chair shall also be responsible for such other duties as outlined herein.

SECTION 7.2 – VICE CHAIRPERSON

If the office of Chairperson becomes vacant by death, resignation, or otherwise, the Vice Chairperson shall serve as Chairperson until a new Chairperson is elected. A new Chairperson shall be elected by the Planning Commission at its next regular or special meeting. In the event of the absence of the Chairperson or inability to discharge the duties of that office, such duties shall, for the time being, devolve upon the Vice Chairperson.

SECTION 7.3 – SECRETARY

The secretary shall serve as the liaison between the commission and the designated Village of Peck staff responsible for the execution of documents in the name of the commission and such other duties as the Commission may direct including but not limited to:

- A. Signing approved minutes.
- B. Submitting attendance records of Planning Commission meetings to Village Clerk.
- C. Reading, upon request, correspondence at Planning Commission meetings.
- D. Calling and noticing special meetings.
- E. Restating Planning Commission motions made prior to a vote, in the absence of an employed recording secretary.

In the event of the absence of both the chairperson and vice chairperson, such duties shall, for the time being, devolve upon the Secretary. In the event of the absence of the Secretary, the Chair shall appoint a deputy Secretary to perform such duties.

ARTICLE VIII – MEETINGS

SECTION 8.1 - REGULAR MEETINGS

The regular meetings of the Commission shall be held at 6 p.m. on the second Wednesday of the calendar month set by the commission, excluding legal holidays. A schedule of regular meetings for the forthcoming year will be approved no later than December. This schedule and time of meetings will be delivered to the Village Clerk and posted in general view of the public at the Village Hall and on the Village website. The Chairperson in consultation with the Vice-Chair and the Secretary, or a majority vote of the members, may cancel a meeting for lack of agenda.

SECTION 8.2 – AGENDA

The Planning Commission shall establish deadlines for items to be included on the agenda. Applications may only be considered for placement on the agenda when all required documentation has been submitted and included for review in the Planning Commissioners' packet. Unless proper notice is required or necessary, items may be added to the agenda upon the majority consent of the Commissioners present at a regular meeting. Agenda items shall be listed in order of those items closest to needing deadline action.

SECTION 8.3 - SPECIAL MEETINGS

Special meetings may be held as required, subject to the call of the Chair or by two (2) members upon written request to the Secretary. Special meetings may be requested by members of the public by making application for said meeting with the Village Clerk. Notice of Special meetings shall be given by the Secretary to members of the Planning Commission at least forty-eight hours prior to such meeting and shall state the purpose and time of the meeting.

Agenda items that may be legally added without public notice may not be added at a special meeting unless all Commissioners are present and unanimously approve an addition to the agenda.

SECTION 8.4 - WORKSHOP MEETINGS

Workshop meetings for the purpose of performing Commission studies or preparing planning reports or documents may be called at the request of the Chairperson or any three members of the Planning Commission. No formal action by motion or resolution may be voted upon at a workshop meeting.

SECTION 8.5 - PUBLIC

All regular, workshop, and special meetings shall be open to the public. All meetings of the Planning Commission, hearings, records, and accounts are subject to the Open Meetings Act and shall be properly publicized prior to being held.

SECTION 8.6 - QUORUM

A majority of the total number of members shall constitute a quorum for the transaction of business and the taking of official action for all matters. A majority vote of members present at a regular or special meeting may effectuate an action or a decision of the Planning Commission in all other matters of business.

SECTION 8.7 - ORDER OF BUSINESS

The order of business for regular and special meetings shall be:

- A. Call to order by the Chair
- B. Pledge of Allegiance
- C. Roll call
 - Determination of a quorum
- D. Adoption of agenda
- E. Call to Public
- F. Clarifications from Commission
- G. Correspondence
- H. Public Hearings
- I. Reports of committees
- J. Unfinished business
- K. New business
- L. Approval of the minutes of the last preceding meeting
- M. Final Call to Public
- N. Comments from Commission
- O. Adjournment

SECTION 8.8 – MOTIONS

Motions shall be restated by the Secretary before a vote is taken. The name of the maker and the supporter of a motion shall be recorded for the minutes.

SECTION 8.9 - VOTING

Voting on minutes, opening, and closing of public hearings, election of officers, adoption of agenda, recess and adjournment shall be by voice and shall be recorded by yeas and nays, unless a roll call vote is requested by any member of the Commission. Roll call votes will be recorded on all other matters before the Commission. A member of the Planning Commission can only abstain from voting on a motion if he/she finds a conflict of interest on a motion.

The affirmative vote of a majority of the seated Commissioners shall be necessary for the adoption of a master plan or any part thereof.

SECTION 8.10 - NOTICE OF DECISION

A written notice containing the decision of the Planning Commission will be transmitted to petitioners and originators of a request for the Planning Commission to study an issue within the purview of the Commission. Such notice shall be transmitted by the Planning Commission Secretary or staff.

SECTION 8.11 - ADJOURNMENT OF MEETING

Planning Commission meetings should adjourn no later than 9:00 pm. New agenda item shall not be taken up after 8:00 p.m. unless an agenda item is approaching an ordinance deadline for Planning Commission action or Commissioners decide by majority vote to continue with one or more agenda items after 10:00 p.m.

ARTICLE IX – CONFLICT OF INTEREST

SECTION 9.1 – VOTING

A Board member shall vote on all matters unless there is a legitimate conflict of interest. If a Board member has a conflict of interest as to any matter before the Board, he or she shall not vote on the matter.

SECTION 9.2 – CONFLICT OF INTEREST

As used herein, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:

- A. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.

- B. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is immediately adjacent to land owned by him or her.
- C. Issuing, deliberating on, voting on or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
- D. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
- E. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, stepchildren, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents in-law, or members of his or her household.
- F. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:
 - 1. an applicant or agent for an applicant; or,
 - 2. has a direct pecuniary interest in the outcome.

SECTION 9.3 – QUESTION

If there is a question whether a conflict of interest exists or not, the question shall be put before the Board. Whether or not a conflict of interest exists shall be determined by a majority vote of the remaining members of the Board.

SECTION 9.4 - PROCEDURE

When a conflict of interest exists, the member of the Board shall do the following immediately, upon first knowledge of the case and determining that a conflict exists:

- A. Declare a conflict exists at the first subsequent meeting of the Board.
- B. Cease to participate at the Board meetings, or in any other manner, or represent oneself before the Board.

ARTICLE X - FISCAL YEAR

SECTION 10.1 - FISCAL YEAR

The fiscal year of the Commission shall be the same as the fiscal year of the Village of Peck.

ARTICLE XI – AMENDMENTS

SECTION 11.1 - AMENDMENTS

The by-laws, in whole or in part, may be altered, amended, added to, or repealed by an affirmative vote of two-thirds of the Commission at any regular or special meeting provided that notice of proposed alterations, amendment, or repeal shall be submitted by regular or electronic mail to all members of the Commission at least fifteen (15) days

before the regular or special meeting of the Commission at which they are to be considered. Public notice of any proposed alteration, amendment, or repeal shall be posted in general view at Village Hall and on the homepage of the Village website at least 15 days prior to the meeting at which they are to be considered. The notice shall either publish the text of the proposed change or advise the public of when and where the text may be inspected.

ARTICLE XII - PARLIAMENTARY PRACTICE

SECTION 12.1 - PARLIAMENTARY PRACTICE

For meetings of the Commission and the advisory committees, the rules of parliamentary practice shall be adopted at the Commission's organizational meeting in January and shall govern in all cases in which they are not inconsistent with the provisions of these by-laws and not contrary to any existing laws of the State of Michigan. Copies shall be provided to each Planning Commission member.

ARTICLE XIII - CITIZEN PARTICIPATION

SECTION 13.1 - CITIZEN PARTICIPATION

For meetings of the Commission and the advisory committees, any person shall be allowed to address the Commission on items unrelated to the adopted agenda or items scheduled for Commission discussion. Individual citizens shall be allotted three (3) minutes to speak on their own behalf. An individual citizen, recognized as representing an organization or group as their spokesperson, shall be allotted five (5) minutes to address the Commission. Commission discussion of any raised issue may result in questions directed back to the individual or representative of an organization or group addressing the Commission. Time limits in this regard shall be at the discretion of the Commission.

ARTICLE XIV - EFFECTIVE DATE

SECTION 14.1 - EFFECTIVE DATE

These by-laws of the Village Planning Commission, Village of Peck Sanilac County, Michigan were adopted at a regular meeting of the Planning Commission held on **(ENTER DATE)**. The rules shall have immediate effect.

ARTICLE XV - EFFECT AND INTERPRETATION OF BY-LAWS

SECTION 15.1 - EFFECT AND INTERPRETATION OF BY-LAWS

All by-laws and parts thereof which conflict with any of the terms of these by-laws, are hereby rescinded. The catch line headings which precede each section of these bylaws are

for convenience and reference only and shall not be taken into consideration in the construction or interpretation of any of the provisions of these bylaws.

The rules were adopted following a motion by Commissioner (Add name) and supported by Commissioner (Add name) . The following Commissioners voted for adoption of the rules of procedure:

Commissioner Name:	Aye:	Nay:	Absent:
1. Phronsie Warren	_____	_____	_____
2. Jason Fretenborough	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____
5. _____	_____	_____	_____

Dated:

Chair – Planning Commission

Secretary – Planning Commission