

**Kaleva-Maple Grove Joint Planning Commission  
Ordinance # KMG 2018-1**

An Ordinance and agreement between The Village of Kaleva, an incorporated Village of Manistee County and the State of Michigan, and Maple Grove Township, a general law township of Manistee County and the State of Michigan, to transfer all powers and duties granted to a planning commission under the Michigan Planning Act, 2008 PA 33 (MCL 125.3801 *ET SEQ.*) to the Kaleva-Maple Grove Joint Planning Commission; to transfer all powers and duties of a Zoning Board or a Zoning Commission under the Michigan Zoning Enabling Act, 2006 PA 110 (MCL 125.3101 *ET SEQ.*) to the Kaleva-Maple Grove Joint Planning Commission; to describe the jurisdictional area of the Kaleva-Maple Grove Joint Planning Commission; and to comply with the provisions of 2003 PA 226 (MCL 125.133 *ET SEQ.*)

**Section 1   Declarations**

- A. The Township of Maple Grove, Manistee County, State of Michigan hereby ordains that pursuant to the authority of 2003 PA 226 (MCL 125.133) the township approves an agreement with the Village of Kaleva to form a Joint Planning Commission for the purpose of cooperating on joint planning and joint zoning to act jointly in these matters so as to coordinate activities in order to reduce duplication of effort and duplication of expenses and to plan and regulate land use in a larger area to better manage valuable public resources and collaborate in land use programs to preserve natural resources; to ensure that land uses are situated in appropriate locations and relationships; to limit inappropriate overcrowding of land and congestion of population; to facilitate adequate, efficient provision for transportation systems, sewage disposal, water energy, education, recreation and other public service and facility requirements and to promote public health, safety and welfare.
- B. The Village of Kaleva, Manistee County, State of Michigan hereby ordains that pursuant to the authority of 2003 PA 226 (MCL 125.133) the village approves an agreement with Maple Grove Township to form a joint planning commission for the purpose of cooperating on joint planning and joint zoning to act jointly in these matters so as to coordinate activities in order to reduce duplication of effort and duplication of expenses and to plan and regulate land use in a larger area to better manage valuable public resources and collaborate in land use programs to preserve natural resources; to ensure that land uses are situated in appropriate locations and relationships; to limit inappropriate overcrowding of land and congestion of population; to facilitate adequate, efficient provision for transportation systems, sewage disposal, water energy, education, recreation and other public service and facility requirements and to promote public health, safety and welfare.
- C. The terms and conditions of this agreements are set for in the following sections and approval pages executed by each governmental body.

**Section 2   Name**

The Joint Planning Commission established by this agreement shall be referred to as the "Kaleva-Maple Grove Joint Planning Commission (hereinafter "the Joint Commission").

**Section 3   Jurisdictional territory of the Joint Commission**

The jurisdictional area of the Joint Commission shall comprise all of the area within the corporate limits of the Village of Kaleva and Maple Grove Township.

#### **Section 4 Status of each governments Master Plan and Zoning Ordinance**

- A. The Master Plan of Maple Grove Township shall remain in effect until a Joint Master Plan is established by the Joint Commission and approved by each entity.
- B. The Master Plan of the Village of Kaleva will remain in effect until a Joint Master Plan is established by the Joint Commission and approved by each entity.
- C. The Zoning Ordinance(s) of Maple Grove Township shall remain in effect until a Joint Zoning Ordinance(s) are established by the Joint Commission and approved by each entity.
- D. The Zoning Ordinance(s) of the Village of Kaleva shall remain in effect until a Joint Zoning Ordinance(s) is established by the Joint Commission and approved by each entity.
- E. No Amendments of either entity's Master Plan or Zoning Ordinance(s) shall occur during time necessary to create a Joint Master Plan and Joint Zoning Ordinance(s) by the Joint Commission unless unanimously agreed to by the Joint Commission and the entity requesting the amendment.

#### **Section 5 Powers and Duties of the Joint Planning Commission**

- A. Except as listed in Section 4 ( A & B) planning powers and duties pursuant to 2003 PA 226 (MCL125.135(2)) all the powers and duties of a planning commission under the Michigan Planning Enabling Act, 2008 PA 33 (MCL 125.380 *et seq*) ("MPEA") are hereby transferred, effective immediately upon adoption of this ordinance/agreement, to the Joint Commission, and the Joint Commission shall have the sole power to develop a Joint Master Plan for the Jurisdictional area it represents. In exercising this power and duty the Joint Commission shall follow the procedures of a Michigan Planning Commission. Further, any Joint Master Plan developed and adopted by the Joint Commission shall be subject to review and approval by the legislative bodies of the participating municipalities.
- B. Except as listed in Section 4 (C & D) Zoning powers and duties, pursuant to 2003 PA 226 (MCL 125.135(2)) all the powers and duties of a zoning commission/board or a planning commission under the Michigan Zoning Enabling Act, 2006 PA 110 (MCL 125.3101 *et seq*) ("MZEA") are hereby transferred, effective immediately upon adoption of this ordinance/agreement, to the Joint Commission and the Joint Commission shall have the sole power and duty under the MZEA to develop a Joint Zoning Ordinance for the jurisdictional area it represents which shall be submitted for approval to the participating municipalities. In exercising this power and duty the Joint Commission shall follow the procedures of the MZEA which are applicable to a Michigan Municipality.
- C. The Joint Commission shall be responsible for the review and approval function of public projects as provided in sections 61 & 62 of the MPEA (MCL 125.3861; 125.3862).
- D. The Joint Commission shall NOT be responsible for the preparation of a capital improvements program for the Joint Commission's jurisdictional area as provided for in section 65 of the MPEA (MCL 125.3865). The Joint Commission shall be consulted as part of the process of a participating municipality developing a Capital Improvements Program.
- E. The Joint Commission shall be responsible for the recommendation of a subdivision ordinance(s) and approval of subdivision plats as provided for in section 71 of the MPEA (MCL 125.3871).
- F. The joint Zoning ordinance adopted pursuant to this Ordinance/Agreement shall provide for a Zoning Board of Appeals. The Joint Zoning Board of Appeals shall consist of four (4) members with one (1) member appointed by Maple Grove Township and one (1) member appointed by the Village of Kaleva. The third member will be either the Maple Grove Township Supervisor if the case is generated in Maple Grove Township or the Kaleva Village President if the case is generated in the Village of Kaleva. The Maple Grove Township Supervisor or the Village of Kaleva President will serve as an alternate if they are not part of the deliberation and will have no vote when they serve as an alternate.

- G. This Ordinance/Agreement provides for one Zoning Administrator who will report to the Joint Commission and the Joint Zoning Board of Appeals. The Joint Commission may request additional help as needed from each participating municipality.
- H. The Joint Commission shall recommend a law firm experienced in MPEA and MZEA procedures to help with the Joint Master Plan and Joint Zoning Ordinance(s).

### **Section 6 Composition, Terms of Office and Qualifications**

- A. The Joint Commission shall be comprised of five (5) members, two (2) members appointed by Maple Grove Township, two (2) members appointed by the Village of Kaleva and one "at large" member appointed by a majority vote of each municipality's governing board.
- B. All members of the Joint Commission and Joint Zoning Board of Appeals shall reside within the jurisdictional area of the Joint Commission. If a member moves from the jurisdictional area a vacancy may exist on the Joint Commission or the Joint Zoning Board of Appeals.
- C. Members of the Joint Commission and the Joint Zoning Board of Appeals shall be registered electors where they reside.
- D. Members of the Joint Planning Commission and the Joint Zoning Board of Appeals shall be appointed for a term of office of two (2) years beginning January 1, 2019 so that reappointment occurs in odd numbered years.
- E. When necessary and appropriate, continuing education will be provided to Joint Commission Members and Joint Zoning Board of Appeals Members by their appointing entity.

### **Section 7 Removal from Office**

- A. A Joint Commission Member or a Joint Zoning Board of Appeals member may be removed for "Cause" by written notice from the Joint Commission to the appointing municipality or by the appointing municipality.
- B. Examples of "Cause" include but may not be limited to:
  - 1.) Conduct constituting a material breach of this agreement.
  - 2.) Violation of established bylaws, rules, regulations and policies whether written or oral, including conduct violating provisions regarding conflict of interest.
  - 3.) Three consecutive unexcused absences from Joint Commission or Joint Zoning Board of Appeals meetings.
  - 4.) Conviction of any felony
  - 5.) Conviction of misdemeanors involving a violation of his or her oath of office or code of conduct.
  - 6.) Any other situation which constitutes misfeasance, malfeasance or nonfeasance in office.

### **Section 8 Filling a vacancy**

If a vacancy occurs the vacancy shall be filled for the remainder of the unexpired term by an appointment made by the legislative body representing the jurisdiction of the vacancy.

### **Section 9 Organization and Procedures**

- A. At its first meeting of each calendar year the Joint Commission and Joint Zoning Board of Appeals shall elect a Chairperson, Vice-Chairperson and Secretary. The officers will serve a term of one (1) year and be reelected according to the bylaws.
- B. The Joint Commission shall adopt bylaws which will include a Code of Conduct for the transaction of business. The Bylaws will be the first order of business for the Joint Commission after officers are elected.
- C. The Joint Commission and the Zoning Board of Appeals shall keep a public record of its meetings, resolutions, transactions, findings and determinations. Said records shall be on file

at the Joint Commission office and copies with the Maple Grove Township Clerk and the Village of Kaleva Clerk.

- D. From time to time the business of the Joint Commission or the Joint Zoning Board of Appeals may require that a separate individual, other than a Joint Commission Member, will need to take minutes or records of specific meetings. If the Chair deems this to be necessary said minute taker will be compensated by the municipality that the subject issue originated from.
- E. The Joint Commission may need to appoint committees either from its membership or outside its membership. In any case, Committees shall not compromise a quorum of the Joint Commission. Any committees will serve in an advisory capacity only.
- F. The Joint Commission shall meet, at a minimum, ten (10) times per calendar year. Special meetings may be called as necessary. The time and place of meetings will be decided the first meeting of each year after election of officers and posted accordingly.
- G. The Joint Zoning Board of Appeals shall meet, at a minimum, four (4) times per calendar year. Special meetings may be called as necessary. The time and place of meetings will be decided at the first meeting of each year after election of officers and posted accordingly.
- H. The Business that the Joint Commission and the Joint Zoning Board of Appeals may conduct shall be conducted at public meetings held in compliance with the "Open Meetings Act" 1976 PA 267 (MCL 15.261 *et seq.*). Public notice of the time, date and place of a regular or special meeting shall be given in the manner required by that act.
- I. A document prepared, owned, used, in the possession of, or retained by the Joint Commission and/or the Joint Zoning Board of Appeals in performance of their official functions shall be made available to the public in compliance with the Freedom of Information Act, 1976 PA 442, and MCL 15.231 *et seq.*

#### **Section 10 Business Office**

- A. The Joint Commission and the Joint Zoning Board of Appeals office shall be housed at the Maple Grove Township Hall at PO Box 48, 9213 Aura Street, Kaleva Michigan 49645 where the Joint Commission's Zoning Administrator will hold office.
- B. The Joint Commission's Zoning Administrator shall be an employee of the Village of Kaleva and Maple Grove Township. Each municipality shall pay one-half (1/2) of the Zoning Administrator's salary and costs of continuing education.
- C. The Village of Kaleva will receive all income such as fees, fines and all other income generated as a result of Planning and Zoning in the Village of Kaleva.
- D. Maple Grove Township will receive all income such as fees, fines and all other income generated as a result of Planning and Zoning in Maple Grove Township.
- E. The Village of Kaleva will pay attorney fees for cases generated in the Village of Kaleva and may use an attorney of their choice.
- F. Maple Grove Township will pay attorney fees for cases generated in Maple Grove Township and may use an attorney of their choice.
- G. The Village of Kaleva and Maple Grove Township shall hire a legal firm experienced in Planning and Zoning matters, based upon the recommendation of the Joint Commission for the purpose of creating a Joint Master Plan and a Joint Zoning Ordinance(s). The two entities shall share the cost of said legal firm.

#### **Section 11 Procedure for joining the Joint Commission**

- A. Maple Grove Township can join the Joint Planning Commission by adopting this ordinance and recording, in this document, the date, time, those in favor, those against, those abstaining, certification by the Maple Grove Township Clerk and signature of the Maple Grove Township Supervisor.

- B. The Village of Kaleva can join the Joint Planning Commission by adopting this ordinance and recording, in this document, the date, time, those in favor, those against, those abstaining, certification by the Kaleva Village Clerk and signature of the Kaleva Village President.

### **Section 12 Procedure for withdrawal from the Joint Commission**

- A. A municipality may withdraw from the Joint Commission in the following manner:
- 1.) Provide written notice to the Joint Commission of its intent to withdraw.
  - 2.) Hold a public hearing detailing its intent to withdraw. Notice of public hearing shall be published in a newspaper of general circulation in the Joint Commission's jurisdictional area not less than 15 days prior to the hearing.
  - 3.) Prepare written findings of fact adopted by the withdrawing municipality and delivered to the Joint Commission declaring its intent to withdraw.
  - 4.) Be responsible for the reasonable cost of amending the Joint Master Plan and/or Joint Zoning Ordinance(s).
  - 5.) The withdrawal shall be effective December 31 of the calendar year of the withdrawal.

### **Section 13 Statutory Powers**

Except as provided in this Ordinance and Agreement, the Joint Commission shall have all the powers and duties provided such Joint Planning Commissions in the Joint Municipal Planning Act, 2003 PA 226 (MCL 125.131 *et seq*).

### **Section 14 Transition Provision**

The Joint Commission shall begin work on a Joint Master Plan on the effective date of this Ordinance/Agreement after election of officers and adoption of bylaws and will be provided all means necessary to perform said task.

### **Section 15 Amendments**

This Ordinance/Agreement may only be changed by an amendment duly adopted by each participating Municipality.

### **Section 16 Effective Date**

This Ordinance/Agreement shall become effective thirty-one (31) days after adoption by participating municipalities.

### **Section 17 Repealer**

All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict.

**Section 18 Adoption**

Adopted by the Maple Grove Township Board on January 14th, 2019 (date)

Votes in favor 5 - Gary Bowling, Joe Barnett, Cathy Jezowski,  
Amanda Ferwerda, Wayne Beldo

Votes against 0

Votes abstaining 0

Certified by Amanda Ferwerda Maple Grove Township Clerk

Signed by Wayne Beldo Maple Grove Township Supervisor

Adopted by the Kaleva Village Council on January 21, 2019.

Votes in favor **6**; Kim Somsel, Jim Frizzell, Dean Grossnickle, Jack McKinley, Rick Schafer, Liz DuFresne

Votes Against **0**

Votes abstaining **Dixie Howes**

Certified by Sonya Potts Sonya L. Potts, Kaleva Village Clerk

Signed by Kim Somsel Kim Somsel, Kaleva Village President