

CITY OF HARTFORD
COUNTY OF VAN BUREN
STATE OF MICHIGAN
PROPOSED SECOND READING

ORDINANCE No. 335 – 2023

AN ORDINANCE TO AMEND ZONING SECTIONS 151.290, 151.291, 151.292, AND 151.293 AND ADD NEW ZONING SECTIONS 151.294, 151.295, 151.296, 151.297, 151.298, 151.299, AND 151.300 TO CHAPTER 151 OF THE HARTFORD CITY CODE TO PROVIDE FOR A PLANNING COMMISSION IN COMPLIANCE WITH THE MICHIGAN PLANNING ENABLING ACT, 2008 PA 33

THE CITY OF HARTFORD, VAN BUREN COUNTY, MICHIGAN, HEREBY ORDAINS:

Section 1. Amendment. Zoning sections 151.290, 151.291, 151.292, and 151.293 of the Hartford City Code are amended to provide in their entirety as follows:

Sec. 151.290. PLANNING COMMISSION ESTABLISHED

There shall be a City of Hartford Planning Commission pursuant to 2008 PA 33, as amended, being the Michigan Planning Enabling Act, MCL 125.3801 et. seq., with the powers and duties as therein set forth and as otherwise provided in this chapter. The Planning Commission shall be staffed by the City Planning Department.

Sec. 151.291. MEMBERSHIP

- A. The Planning Commission shall consist of 7 members appointed by the Mayor, subject to approval by a majority of the City Commission. Up to 2 of such members may be ex officio members, as provided in subsection (D) below, and the remainder shall be regular members appointed to 3-year terms.
- B. As of the effective date of this ordinance, all 7 seats on the Planning Commission shall be deemed vacant by virtue of the members serving more than 3 years without reappointment. Notwithstanding subsection (A), for the first appointments made after the effective date of this ordinance:
 - (1) Approximately ½ of the individuals appointed as regular members shall be appointed for terms ending on December 31 of the year of appointment;
 - (2) Approximately ½ of the individuals appointed as regular members shall be appointed to terms ending on December 31 of the second year after their appointment; and
 - (3) Approximately ½ of the individuals appointed as regular members shall be appointed to terms ending on December 31 of the third year of their appointment.
- C. At the time of appointment, each individual appointed or reappointed to the Planning Commission as regular member shall:
 - (1) Be a qualified elector of the City of Hartford;
 - (2) Not be an employee or elected official of the City; and
 - (3) Not be a declared candidate for any political office.
- D. In lieu of appointing a Planning Commission consisting entirely of regular members, one or more the following individuals may be appointed as ex officio members with terms running as follows:
 - (1) The Mayor for a term corresponding to his or her current term as Mayor;
 - (2) The City Manager or a City employee designated by the City Manager for a term corresponding with the Mayor's current term as Mayor;

- (3) Another member of the City Commission (other than the Mayor) for a term corresponding with his or her current term on the City Commission.

E. The membership of the Planning Commission shall be representative of the entire geography of the City of Hartford to the extent reasonably practicable.

SEC. 151.29 2. LIASONS.

The Planning Commission, in its bylaws, may name liaisons from the City administration or other City boards and commissions who are invited to attend and participate in Planning Commission meetings as representatives of those entities. The liaisons may include: (1) planning department staff, and their agents and consultants; (2) the City Manager; and (3) the City Attorney.

SEC. 151.293. TRAINING.

Each member of the Planning Commission shall attend at least one educational program designed for Michigan planning commission members each year, to the extent the adopted City of Hartford budget for that year includes funds to pay for tuition, registration, and travel expenses for the training. The Planning Commission shall include in its bylaws a list of training programs that qualify to meet this requirement.

Section 2. Addition. Zoning sections 151.294, 151.295, 151.296, 151.297, 151.298, 151.299, and 151.300 are added to the Hartford City Code to provide in their entirety as follows

SEC. 151.294. PROCEDURE FOR APPOINTMENT

- A. In September of each year, the City Clerk shall determine which members' terms of office are set to expire and shall contact those members to determine if they are interested in being reappointed to the Planning Commission for an additional term.
- B. In addition, the City Clerk shall issue a notice informing members of the general public that they may apply for appointment to the Planning Commission by filing an application in the City Clerk's office on or before October 31. Such notice shall be posted at City Hall and on the City's website, and may be published in a newspaper in general circulation in the City.
- C. In December of each year the City Commission shall consider the applications and requests for reappointment and shall appoint or reappoint members to the Planning Commission. The terms of ex officio members shall commence immediately upon appointment and the terms of regular members shall commence on January 1 of the immediately following year.

SEC. 151.295. REMOVAL FROM OFFICE.

- A. The City Commission may remove a member of the Planning Commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. Failure to disclose a potential conflict of interest shall be considered malfeasance in office. Failure to repeatedly attend Commission meetings shall be considered nonfeasance in office.
- B. The secretary of the Planning Commission shall report any member who has missed three regular meetings in a row to the City Commission.

SEC. 151.296. VACANCIES.

The City Commission shall fill any vacancy in the membership of the Commission for the unexpired terms in the same manner as the initial appointment.

SEC.151.297. MEETINGS.

- A. Regular meetings of the Planning Commission shall be scheduled once per month, but may be cancelled as provided in the Planning Commission's bylaws if there are no pending business items to consider.
- B. Four members of the Planning Commission shall constitute a quorum for the transaction of the ordinary business of said Commission.
- C. Except as otherwise provided by law, all questions which shall arise at a meeting of the Planning Commission shall be determined by a vote of the majority of the members present. The approval of the master plan and master plan amendments may require a supermajority vote as provided by state law.

SEC. 151.298. POWERS AND DUTIES.

The Planning Commission shall have the powers and duties as set forth by state statute and applicable City ordinances.

SEC. 151.299. BYLAWS AND RECORDS.

The Planning Commission shall adopt bylaws for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.

SEC. 151.300. APPROVAL, RATIFICATION, AND RECONFIRMATION.

All official actions taken by all City of Hartford Planning Commissions prior to the effective date of this ordinance are hereby approved, ratified and reconfirmed. Any project, review, or process taking place at the effective date of this ordinance shall continue, with the newly appointed Commission members hearing such matter.

Section 3. Publication and Effective Date. The City Clerk shall cause this ordinance or a notice of adoption of this ordinance to be published.

This Ordinance shall become effective upon publication as required by law.

Motion by Commissioner _____ supported by Commissioner _____, to adopt the resolution.

Ayes: Commissioners'

Nays: Commissioners'

Absent:

Ordinance declared adopted upon publication.

The City of Hartford

Richard A. Hall, Mayor

RoxAnn Rodney-Isbrecht, Clerk

PC Public Hearing: October 9, 2023,
 First Reading: October 23, 2023, November 27, 2023
 Second Reading: December 18, 2023
 Adopted:
 Published: