

STATE OF MICHIGAN PUBLIC ACT 226 of 2003 THE JOINT MUNICIPAL PLANNING ACT

- **How to Establish a Joint Planning Commission**
- **Ordinance Creation**

How to Establish a Joint Planning Commission

The Joint Municipal Planning Act allows each of two or more municipalities' legislative bodies to adopt an agreement that establishes a joint planning commission. Municipality means city, village or township. All of the powers and duties of a planning commission and zoning board or zoning commission would be **transferred** to the joint planning commission. The commission would follow the procedures specified under the applicable planning and zoning acts.

The agreement would have to contain the following:

1. Composition of the commission, including alternate members;
2. Members' qualifications, election or appointment, and terms of office;
3. Conditions and procedures for removal from office, and for filling vacancies;
4. How the operating budget would be shared;
5. The commission's jurisdictional area, which could consist of all or part of the municipalities' combined territory)
6. Procedures enabling a municipality to join or withdraw;
7. The planning act whose procedure the commission would follow in adopting a plan or exercising any other power, or performing any other duty, of a planning commission. The planning act would have to apply to at least one participating municipality. "Planning act" refers to either Public Act 285 of 1931 (city or village planning), or Public Act 168 of 1959 (township planning.)
8. The zoning act whose procedure the commission would follow in adopting a plan or exercising any other power, or performing the duties of a zoning board or zoning commission. "Zoning act" refers to either the City and Village Zoning Act, or the Township Zoning Act.

NOTES

- If only part of a territory of a municipality was in the jurisdictional area of the joint planning commission, then the participating municipality could adopt a zoning ordinance that affected only that portion of its territory in the jurisdiction area of the joint planning commission.
- The legislation is "open" to how final approval of ordinances, master plans, etc. is executed. For example, the joint planning commission may have final power to approve items, or it may have to go to each local unit of government's respective city council or township trustees for final approval, it's up to how the agreement is created.
- Joint Planning Commission is subject to the Open Meetings Act and the Freedom of Information Act.

Ordinance Establishment by Joint Planning Commission

When a joint planning commission adopts an ordinance, within seven days after the ordinance was published, a registered elector can file with the municipal clerk a notice of intent to file a petition to place the question of the ordinance before the voters in a referendum. Within 30 days, a petition signed by at least 15 percent of the total votes cast in the previous governors' election would have to be filed with the municipal clerk in order to submit the ordinance to voters for their approval.

The ordinance would not take effect until one of the following occurred:

- a. 30 days passed without a petition being filed or
- b. The clerk of the municipality determined that the petition was **inadequate** or
- c. The municipal clerk determined the petition was **adequate and** the ordinance was approved by a majority of the registered electors

Petitions are subject to Michigan Election Law.