

Act No. 226
Public Acts of 2003
Approved by the Governor
December 17, 2003
Filed with the Secretary of State
December 18, 2003
EFFECTIVE DATE: December 18, 2003

**STATE OF MICHIGAN
92ND LEGISLATURE
REGULAR SESSION OF 2003**

Introduced by Reps. Kolb, Tobocman, McConico, Rivet, Kooiman, Plakas, O'Neil, Zelenko, Jamnick, DeRossett, Richardville, Lipsey, Bisbee, Murphy, Meyer, Dennis, Cheeks, Hunter, Farrah, Paletko, Hopgood, Law, Brandenburg, Meisner, Vagnozzi, Stakoe, Gleason, Milosch, Hoogendyk, Nofs, Ward, Sak and Moolenaar

ENROLLED HOUSE BILL No. 4284

AN ACT to provide for joint land use planning and the joint exercise of certain zoning powers and duties by local units of government; and to provide for the establishment, powers, and duties of joint planning commissions.

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the "joint municipal planning act".

Sec. 3. As used in this act:

(a) "Municipality" means a city, village, or township.

(b) "Participating" means, with respect to a municipality, that the municipality is a member of a joint planning commission.

(c) "Planning act" means either of the following acts:

(i) 1931 PA 285, MCL 125.31 to 125.45, if a city or village is a participating municipality or a township whose planning commission was created under that act is a participating municipality.

(ii) 1959 PA 168, MCL 125.321 to 125.333, if a township whose planning commission was created under that act is a participating municipality.

(d) "Registered elector of the municipality" means a registered elector residing in the municipality or, if the municipality is a township, a registered elector residing in the portion of the township outside the limits of cities and villages.

(e) "Zoning act" means either of the following:

(i) The city and village zoning act, 1921 PA 207, MCL 125.581 to 125.600, if a city or village is a participating municipality.

(ii) The township zoning act, 1943 PA 184, MCL 125.271 to 125.310, if a township is a participating municipality.

Sec. 5. Subject to section 9, the legislative bodies of 2 or more municipalities may each adopt an ordinance approving an agreement establishing a joint planning commission. The agreement shall specify at least all of the following:

(a) The composition of the joint planning commission, including any alternate members.

(b) The qualifications, the selection by election or appointment, and the terms of office of members of the joint planning commission.

(c) Conditions and procedures for removal from office of members of the joint planning commission and for filling vacancies in the joint planning commission.

(d) How the operating budget of the joint planning commission will be shared by the participating municipalities.

(e) The jurisdictional area of the joint planning commission, which may consist of all or part of the combined territory of the participating municipalities.

(f) Procedures by which a municipality may join or withdraw from the joint planning commission.

(g) The planning act whose procedure will be followed by the joint planning commission in adopting a plan or exercising any other power or performing any other duty of a planning commission. The planning act shall be a planning act that would otherwise be applicable to at least 1 participating municipality.

(h) The zoning act whose procedure will be followed by the joint planning commission in exercising the powers and performing the duties of a zoning board or zoning commission. The zoning act shall be a zoning act that would otherwise be applicable to at least 1 participating municipality.

(i) Any additional provision concerning the powers or duties of a zoning board or zoning commission that the zoning act specified pursuant to subdivision (h) authorizes to be set forth in a zoning ordinance and that is agreed to by the participating municipalities.

Sec. 7. (1) All the powers and duties of a planning commission under each planning act are, with respect to the jurisdictional area of the joint planning commission, transferred to the joint planning commission. In exercising such powers or performing such duties, the joint planning commission shall follow the procedure provided under the planning act specified pursuant to section 5(g).

(2) All the powers and duties of a zoning board or zoning commission under each zoning act are, with respect to the jurisdictional area of the joint planning commission, transferred to the joint planning commission. In exercising such powers or performing such duties, the joint planning commission shall follow the procedure provided under the zoning act specified pursuant to section 5(h).

(3) If only part of the territory of a participating municipality is in the jurisdictional area of a joint planning commission, the participating municipality, with the joint planning commission acting as the zoning board or zoning commission, may adopt a zoning ordinance that affects only that portion of its territory in the jurisdictional area of the joint planning commission.

Sec. 9. (1) Subject to subsection (3), if a municipality adopts an ordinance under section 5, within 7 days after the municipality publishes the ordinance or a synopsis of the ordinance, whichever is required by law, a registered elector of the municipality may file with the clerk of the municipality a notice of intent to file a petition under this section. If a notice of intent is filed, then within 30 days following the publication of the ordinance or synopsis, a petition signed by a number of registered electors of the municipality equal to not less than 15% of the total votes cast for all candidates for governor, at the last preceding general election at which a governor was elected, in the municipality may be filed with the clerk of the municipality requesting the submission of the ordinance to the registered electors of the municipality for their approval. Upon the filing of a notice of intent, the ordinance adopted by the legislative body of the municipality shall not take effect until 1 of the following occurs:

(a) The expiration of 30 days after publication of the ordinance or synopsis, if a petition is not filed within that time.

(b) If a petition is filed within 30 days after publication of the ordinance, the clerk of the municipality determines that the petition is inadequate.

(c) If a petition is filed within 30 days after publication of the ordinance, the clerk of the municipality determines that the petition is adequate and the ordinance is approved by a majority of the registered electors of the municipality voting for the ordinance at the next regular election which supplies reasonable time for proper notices and printing of ballots, or at any special election called for that purpose. The legislative body of the municipality shall provide the manner of submitting the ordinance to the registered electors of the municipality for their approval or rejection, and determining the result of the election.

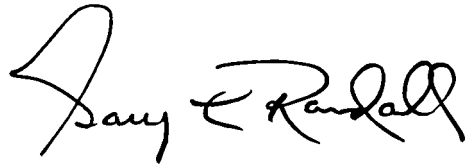
(2) A petition under subsection (1), including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition under subsection (1) is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(3) If a municipality has a charter and the charter provides for a right of referendum on municipal ordinances, then, in that municipality, the charter referendum provisions, instead of subsections (1) and (2), apply to an ordinance adopted under section 5.

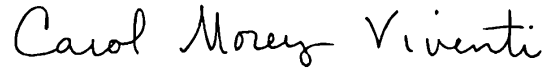
Sec. 11. (1) The business that a joint planning commission may perform shall be conducted at a public meeting of the joint planning commission held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(2) A writing prepared, owned, used, in the possession of, or retained by a joint planning commission in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor