

TITLE III: ADMINISTRATION

Chapter

- 30. GENERAL PROVISIONS**
- 31. TOWNSHIP DEPARTMENTS**
- 32. PERSONNEL**
- 33. EMERGENCY INCIDENT REIMBURSEMENT**

CHAPTER 30: GENERAL PROVISIONS

Section

30.01 Incorporation

30.01 INCORPORATION.

(A) There is hereby incorporated the Charter Township of Big Rapids, Mecosta County, Michigan, a municipal corporation pursuant to Public Act 359 of 1947, being M.C.L.A. 42.1 et seq., as amended, which shall constitute the Charter of this Charter Township.

(B) The township shall, as provided by law, succeed to and be vested with all of the property, real and personal, money, rights, credits and causes of action belonging to the township as it formerly existed, and all debts and liabilities of Big Rapids and all taxes and assessment levied and uncollected as of the date of this section shall stand until discharged or collected.

(Res. 2006-02, passed 5-1-2006)

CHAPTER 31: TOWNSHIP DEPARTMENTS

Section

Planning Commission

- 31.01 Scope, purpose and intent
- 31.02 Establishment
- 31.03 Appointments and terms
- 31.04 Removal
- 31.05 Conflict of interest
- 31.06 Compensation
- 31.07 Officers and committees
- 31.08 Bylaws, meetings and records
- 31.09 Annual report
- 31.10 Authority to make master plan
- 31.11 Zoning powers
- 31.12 Capital improvements program
- 31.13 Subdivision and land division recommendations
- 31.14 Effective date

PLANNING COMMISSION

31.01 SCOPE, PURPOSE AND INTENT.

(A) This subchapter is adopted pursuant to the authority granted the Township Board under the Michigan Planning Enabling Act, Public Act 33 of 2008, being M.C.L.A. 125.3801 et seq. and the Michigan Zoning Enabling Act, Public Act 110 of 2006, being M.C.L.A. 125.3101 et seq. to establish a Planning Commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this chapter and any future amendments to this chapter.

(B) The purpose of this subchapter is to provide that the Township Board shall hereby establish the Township Planning Commission; to establish the appointments, terms and membership of the Planning Commission; to identify the officers and the minimum number of meetings per year of the Planning

Commission; to prescribe the authority, powers and duties of the Planning Commission; and to transfer all powers, duties and responsibilities of the Township Zoning Board to the Planning Commission.
(Ord. 33, passed 3-1-2011)

31.02 ESTABLISHMENT.

The Township Board hereby creates a Township Planning Commission consisting of seven members. The Planning Commission is formed under the authority of and subject to the powers, duties and limitations provided in the Michigan Planning Enabling Act, Public Act 33 of 2008, being M.C.L.A. 125.3801 et seq., and further subject to the terms and conditions of this chapter and any future amendments to this subchapter.
(Ord. 33, passed 3-1-2011)

31.03 APPOINTMENTS AND TERMS.

(A) The Township Supervisor, with the approval of the Township Board by a majority vote of the members elected and serving, shall appoint all Planning Commission members, including the ex officio member. When the Planning Commission is first established, the members appointed, other than the ex officio member, shall be appointed to one-year, two-year or three-year terms such that, as nearly as possible, the terms of one-third of all the Planning Commission members will expire each year. After that, all Planning Commission members, other than the ex officio member, shall serve for terms of three years each.

(B) A Planning Commission member shall hold office until his or her successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

(C) Planning Commission members shall be qualified electors of the township, except that one Planning Commission member may be an individual who is not a qualified elector of the township. The membership of the Planning Commission shall be representative of important segments of the community, such as the economic, governmental, educational and social development of the township, in accordance with the major interests as they exist in the township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry and commerce. The membership shall also be representative of the entire geography of the township to the extent practicable.

(D) One member of the Township Board shall be appointed to the Planning Commission as an ex officio member. An ex officio member has full voting rights. The ex officio members term on the Planning Commission shall expire with his or her term on the Township Board.

(E) No other elected officer or employee of the township is eligible to be a member of the Planning Commission.
(Ord. 33, passed 3-1-2011)

31.04 REMOVAL.

The Township Board may remove a member of the Planning Commission for malfeasance or nonfeasance in office upon written charges and after a public hearing.
(Ord. 33, passed 3-1-2011)

31.05 CONFLICT OF INTEREST.

Before casting a vote on a matter on which a Planning Commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the Planning Commission. Failure of a member to disclose a potential conflict of interest as required by this subchapter constitutes malfeasance in office. For the purposes of this section, the Planning Commission shall define conflict of interest in its bylaws.
(Ord. 33, passed 3-1-2011)

31.06 COMPENSATION.

(A) The Planning Commission members may be compensated for their services as provided by Township Board resolution.

(B) The Planning Commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the Township Board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.
(Ord. 33, passed 3-1-2011)

31.07 OFFICERS AND COMMITTEES.

The Planning Commission shall elect a Chairperson and a Secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the Planning Commission is not eligible to serve as Chairperson. The term of each office shall be one year, with opportunity for reelection as specified in the Planning Commission bylaws. The Planning Commission may also appoint advisory committees whose members are not members of the Planning Commission.
(Ord. 33, passed 3-1-2011)

31.08 BYLAWS, MEETINGS AND RECORDS.

(A) The Planning Commission shall adopt bylaws for the transaction of business.

(B) The Planning Commission shall hold at least four regular meetings each year, and shall by resolution determine the time and place of the meetings.

(C) Unless otherwise provided in the Planning Commissions bylaws, a special meeting of the Planning Commission may be called by the Chairperson or by two other members, upon written request to the Secretary. Unless the bylaws otherwise provide, the Secretary shall send written notice of a special meeting to Planning Commission members at least 48 hours before the meeting.

(D) The business that the Planning Commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, being M.C.L.A. 15.261 et seq.

(E) The Planning Commission shall keep a public record of its resolutions, transactions, findings and determinations. A writing prepared, owned, used, in the possession of or retained by a Planning Commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, being M.C.L.A. 15.231 et seq. (Ord. 33, passed 3-1-2011)

31.09 ANNUAL REPORT.

The Planning Commission shall make an annual written report to the Township Board concerning its operations and the status of the planning activities, including recommendations regarding actions by the Township Board related to planning and development. (Ord. 33, passed 3-1-2011)

31.10 AUTHORITY TO MAKE MASTER PLAN.

(A) Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, being M.C.L.A. 125.3801 et seq., and other applicable planning statutes, the Planning Commission shall make a master plan as a guide for development within the townships planning jurisdiction.

(B) Final authority to approve a master plan or any amendments thereto shall rest with the Planning Commission unless the Township Board passes a resolution asserting the right to approve or reject the master plan.

(C) Unless rescinded by the township, any plan adopted or amended under the Township Planning Act, Public Act 168 of 1959, being M.C.L.A. 125.321 et seq., need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, being M.C.L.A. 125.3801 et seq. (Ord. 33, passed 3-1-2011)

31.11 ZONING POWERS.

(A) All powers, duties and responsibilities provided for zoning boards or zoning commissions by the Michigan Zoning Enabling Act, Public Act 110 of 2006, being M.C.L.A. 125.3101 et seq. or other applicable zoning statutes are transferred to the Township Planning Commission.

(B) Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the Township Board.
(Ord. 33, passed 3-1-2011)

31.12 CAPITAL IMPROVEMENTS PROGRAM.

To further the desirable future development of the township under the master plan, the Planning Commission, after the master plan is adopted, shall annually prepare a capital improvements program of public structures and improvements, showing those structures and improvements in general order of their priority, for the following six-year period.
(Ord. 33, passed 3-1-2011)

31.13 SUBDIVISION AND LAND DIVISION RECOMMENDATIONS.

(A) The Planning Commission may recommend to the Township Board provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule the Planning Commission shall hold a public hearing on the proposed ordinance or rule. The Planning Commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the township.

(B) The Planning Commission shall review and make recommendation on a proposed plat before action thereon by the Township Board under the Land Division Act, Public Act 288 of 1967, being M.C.L.A. 560.101 et seq. Before making its recommendation, the Planning Commission shall hold a public hearing on the proposed plat. A plat submitted to the Planning Commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.
(Ord. 33, passed 3-1-2011)

31.14 EFFECTIVE DATE.

This chapter shall take effect 63 days after the chapter is published by the Township Board in a newspaper of general circulation in the township.
(Ord. 33, passed 3-1-2011)

CHAPTER 32: PERSONNEL

Section

Medical Insurance

- 32.01 Title
- 32.02 Establishment
- 32.03 Coverage
- 32.04 Eligibility
- 32.05 End of coverage
- 32.06 Terminated/retired employees under the age of 65
- 32.07 Termination of employment at age 65
- 32.08 Township contribution for those employed before April 30, 2009
- 32.09 Township contribution for those employed after April 30, 2012
- 32.10 Declining coverage

Pension Plan

- 32.25 Title
- 32.26 Establishment
- 32.27 Coverage
- 32.28 Township contribution
- 32.29 Vested right; ratification

MEDICAL INSURANCE

32.01 TITLE.

This subchapter shall be known and cited as the Big Rapids Charter Township Group Medical Insurance Plan Subchapter.

(Ord. 31, passed 5-18-2009; Ord. 31.01, passed 3-6-2012)

32.02 ESTABLISHMENT.

Pursuant to Public Act 77 of 1989, being M.C.L.A. 41.1b et seq., as amended, the township hereby creates and establishes a group insurance plan covering medical insurance for its officers and employees enumerated herein; and for such purposes, also hereby authorizes the Township Supervisor and the Township Clerk to contract, with approval of the Township Board, in the name of the Township Board, with any company authorized to transact such business within the state for such group insurance policies. (Ord. 31, passed 5-18-2009; Ord. 31.01, passed 3-6-2012)

32.03 COVERAGE.

The group insurance plan created, established and contracted for under this subchapter shall cover each person within the following classes of officers and employees that are employed by the township as of April 30, 2009, and shall also cover the dependents of such person:

(A) Elected/appointed officers who earn a minimum of \$4,000 per quarter; and

(B) Hourly employees who work a minimum of 30 hours per week 12 months of the year.
(Ord. 31, passed 5-18-2009; Ord. 31.01, passed 3-6-2012)

32.04 ELIGIBILITY.

An elected/appointed officer or hourly employee who meets the qualifying requirements will become eligible for coverage on the first day of the month following completion of 30 days of service.
(Ord. 31, passed 5-18-2009; Ord. 31.01, passed 3-6-2012)

32.05 END OF COVERAGE.

Coverage ends on the last day of the last month that the elected/appointed officer or employee works for the township.
(Ord. 31, passed 5-18-2009; Ord. 31.01, passed 3-6-2012)

32.06 TERMINATED/RETIRED EMPLOYEES UNDER THE AGE OF 65.

The township will no longer pay the medical insurance premiums for terminated/retired elected/appointed officers or employees. However, such terminated/retired officers and employees, may continue to purchase medical insurance coverage for themselves and their dependents through the townships insurance plan for 18 months following termination/retirement (COBRA). The

terminated/retired elected officer or employee is responsible for paying the premiums and must deposit a money order in the correct amount of the premium with the Township Treasurer by a date specified by the Township Clerk. Failure to submit payment will result in immediate termination of his or her participation in the medical insurance plan of the township.

(Ord. 31, passed 5-18-2009; Ord. 31.01, passed 3-6-2012)

32.07 TERMINATION OF EMPLOYMENT AT AGE 65.

If an elected/appointed officer or employee terminates employment with the township at age 65 or older (after he or she is eligible for Medicare), he or she will be eligible to purchase supplemental medical insurance through the township at his or her expense. This offer is extended to his or her spouse also. The terminated elected/appointed official or employee will be responsible for paying the premiums and must deposit a money order in the correct amount of the premium with the Township Treasurer by a date specified by the Township Clerk. Failure to submit payment will result in immediate termination of their participation in the medical insurance plan of the township.

(Ord. 31, passed 5-18-2009; Ord. 31.01, passed 3-6-2012)

32.08 TOWNSHIP CONTRIBUTION FOR THOSE EMPLOYED BEFORE APRIL 30, 2009.

The township shall annually contribute 100% of the portion of the premium or charges arising under such medical insurance contract for each person within the class of persons enumerated in 32.03 and have been employed by the township on or before April 30, 2009. Such township contribution shall be secured from the township funds. Each person within such class shall be responsible for the remainder of the premium or charges, if any, not paid for by the township, and the Township Clerk is hereby authorized to deduct the same from such persons pay, salary or compensation to apply to such person's responsibility. Any person who desires not to be covered shall give written notice to the Township Clerk that he or she desires not to be insured or covered. Any person required by ordinance to make contributions to the coverage who desires not to be so covered shall give written notice to the Township Clerk that he or she desires not to be insured or covered, and if the notice is received before the person has become insured or covered under the contract, he or she shall not be covered there under. If the notice is received after the individual has become insured or covered, his or her coverage under the contract shall cease as provided for in the contract.

(Ord. 31, passed 5-18-2009; Ord. 31.01, passed 3-6-2012)

32.09 TOWNSHIP CONTRIBUTION FOR THOSE EMPLOYED AFTER APRIL 30, 2012.

Effective May 1, 2012, newly elected/appointed officers/hourly employees shall be responsible for 100% of the premium costs for their dependents. This charge shall be deducted from their pay by the Township Clerk. Current elected officials that are reelected shall be accepted.

(Ord. 31, passed 5-18-2009; Ord. 31.01, passed 3-6-2012)

32.10 DECLINING COVERAGE.

For those qualified elected/appointed officers/hourly employees who decline the group medical insurance plan offered by the township, a payment of \$150/month in lieu of medical insurance shall be made.

(Ord. 31, passed 5-18-2009; Ord. 31.01, passed 3-6-2012)

PENSION PLAN**32.25 TITLE.**

This subchapter shall be known and cited as the Big Rapids Charter Township Pension Plan Subchapter.

(Ord. 16, passed 7-22-1991)

32.26 ESTABLISHMENT.

Pursuant to Public Act 27 of 1960, being M.C.L.A. 41.1110b, as amended, the township hereby creates and establishes an annuity or pension plan and program for the pensioning of its elected officials, and, for such purposes, also hereby authorizes the Township Supervisor and Township Clerk to contract, in the name of the township subject to the approval of the Township Board, with any company authorized to transact such business within the state for annuities or pensions.

(Ord. 16, passed 7-22-1991)

32.27 COVERAGE.

The annuity or pension plan created, established and contracted for under this subchapter shall cover elected Township Board officials.

(Ord. 16, passed 7-22-1991)

32.28 TOWNSHIP CONTRIBUTION.

(A) The township shall annually contribute 100% of that portion of the premium or charges arising under such annuity or pension contract for each person within the class of officials enumerated in 32.27. Such contributions shall be secured from the General Fund of the township.

(B) Each elected Township Board official who is employed on the effective date of the annuity or pension plan shall be eligible for coverage on that day provided his or her age is at least 18 years. Every

elected Township Board official subsequently employed shall be eligible on the first day of the first month following election. An official's normal retirement date shall be age 65 or, if later, on the tenth anniversary of the official's entry date. Optional retirement is permitted any time after attainment of age 55. A participant may postpone his or her retirement until age 80 (must not exceed age 80). In this event, contributions on his or her behalf will continue until his or her actual retirement date.

(C) Any person desiring not to be so covered shall give written notice to the Township Clerk that he or she desires not to be covered.

(Ord. 16, passed 7-22-1991)

32.29 VESTED RIGHT; RATIFICATION.

(A) Each official so covered under the annuity or pension plan shall have a vested right or interest in such plan 12 months from the date the plan becomes effective for such official.

(B) The township hereby ratifies and confirms the validity of any annuity or pension plan in existence on the effective date of this subchapter.

(Ord. 16, passed 7-22-1991)

CHAPTER 33: EMERGENCY INCIDENT REIMBURSEMENT

Section

- 33.01 Purpose
- 33.02 Definitions
- 33.03 Charges imposed upon responsible party
- 33.04 Billing procedures
- 33.05 Other remedies

33.01 PURPOSE.

In order to protect the township from incurring extraordinary expenses resulting from the utilization of township resources to respond to an emergency incident, the Township Board authorizes the imposition of charges to recover reasonable and actual costs incurred by the township in responding to calls for assistance in connection with an emergency incident.

(Ord. 18, passed 3-1-1994)

33.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EMERGENCY INCIDENTS. Include, but are not limited to, hazardous material incidents including releases, down electric lines, broken gas mains, assisting any utility company public or private, and any other incident that the Fire Department may respond to which is in the best interest of the public health and safety of the citizens of the township.

HAZARDOUS MATERIALS. Include, but are not limited to, a chemical that is a combustible liquid, a flammable gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, toxin, poisonous material, unstable reactive or water reactive.

RELEASE. Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, leaching, dumping or disposing into the environment.

RESPONSIBLE PARTY. Any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity that is responsible for the

emergency incident or for the release of a hazardous material, either actual or threatened, or is an owner, tenant, occupant or party in control of property onto which an emergency incident occurs or from which hazardous materials release.

(Ord. 18, passed 3-1-1994)

33.03 CHARGES IMPOSED UPON RESPONSIBLE PARTY.

Where the Township Fire Department responds to a call for assistance in connection with a emergency incident, actual costs incurred by the township responding to such a call shall be imposed upon the responsible parties, including, but not limited to:

(A) An amount shall be set by the Township Board from time to time for each departmental vehicle required to respond to and/or stand by at the emergency incident;

(B) All personnel-related costs incurred by the township as a result of responding to the emergency incident. Such costs may include, but are not limited to, wages, salaries and fringe benefits, and insurance. Also, overtime pay and related fringe benefit costs for hourly employees;

(C) Other expenses incurred by the township in responding to the emergency incident, including, but not limited to, rental or purchase of machinery, equipment, labor, consultants, legal and engineering fees and the replacement costs related to disposable personal protective equipment, extinguishing agents, supplies, water purchased form municipal water systems and meals and refreshments for personnel while on the scene of an emergency incident;

(D) Charges to the township imposed by a local, state or federal government entities related to the emergency incident; and

(E) Costs incurred in accounting for all emergency incident-related expenditures, including billing, collection costs and/or litigation fees.

(Ord. 18, passed 3-1-1994)

33.04 BILLING PROCEDURES.

(A) Following the conclusion of the emergency incident, the Fire Chief shall submit a detailed listing of all known expenses to the Township Treasurer, who shall prepare an invoice to the responsible party for payment. The Treasurers invoice shall demand full payment within 30 days of receipt of bill. Any additional expenses that become known to the Township Fire Chief following the transmittal of the bill to the responsible party shall be billed in the same manner on a subsequent bill to the responsible party. For any amounts due that remain unpaid after 30 days, the township shall impose a late charge of 1% per month, or fraction thereof.

(B) The Treasurer shall present the invoice(s) to the Township Board for recommendation of submitting the bill to the responsible party.
(Ord. 18, passed 3-1-1994)

33.05 OTHER REMEDIES.

The township may pursue any other remedy, or may institute an appropriate action or proceeding, in a court of competent jurisdiction to collect charges imposed under this chapter. The recovery of charges imposed under this chapter does not limit liability of responsible parties under local ordinance or state or federal law, rule or regulation.
(Ord. 18, passed 3-1-1994)

