

Municipal Planning Act

The Municipal Planning Act (MCL 125.31 et seq.) provides for the establishment of a city or village planning commission by a municipality “with the powers and duties provided in this act.” Section 2 of the act further provides that the legislative body of any city or village having a planning commission created by charter may, by ordinance, extend the powers and duties of the commission. A city or village that has a population of fewer than 5,000 and has not established a planning commission by charter may, by ordinance, have the board of an economic development corporation, downtown development authority or tax increment finance authority serve as its planning commission

Section 3 prescribes four different methods of appointment including numbers of members. Each method is silent on the issue of residency. Appointments are made either by the mayor, the legislative body or by the “appointing officer” designated by the legislative body in municipalities in which the mayor is not an elective officer. The appointments made by the mayor or “appointing officer” are subject to the approval of the legislative body.

Vacancies in Office Act

Section 3 of the Vacancies in Office Act (MCL 201.1 et seq.) provides, in part, that the office shall become vacant on the happening of certain events, including:

... [the officer] ceasing to be an inhabitant of this state; or, if the office be local, of the district, county, township, city or village, for which [the office was] appointed.

The act seems to contemplate that an office in a local unit becomes vacant when the officer ceases to be an inhabitant of the local unit for which the officer was appointed.

General Law Village Act

The recent amendments to the General Law Village Act (GLVA) (MCL 61.1 et seq.) have raised the question as to whether a member of the planning commission must be a resident of the village. The GLVA provides, in part:

Section 1a. As used in this act:

(a) “Appointed officer” means any officer, except an officer who is appointed to fill an elective but vacant seat on the council. . . .

(e) “Officer” means the village president, clerk, or treasurer, a village trustee, or an appointed person authorized by the council.

Section 11. If any *elected* officer shall cease to be a resident of the village during his or her term of office, the office shall be thereby vacated.

There is no explicit provision regarding any residency requirement of an appointed officer in the GLVA. It should be noted that the so-called Residency Act, 1999 PA 212, does not apply to unpaired appointed officials.