

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

OFFICE OF COMMERCIAL SERVICES

BOARD OF PROFESSIONAL COMMUNITY PLANNERS

GENERAL RULES

(By authority conferred on the board of professional community planners by section 308 of Act No. 299 of the Public Acts of 1980, as amended, being §339.308 of the Michigan Compiled Laws)

PART 1. GENERAL PROVISIONS

R 339.20001 Definitions.

Rule 1. (1) As used in these rules:

(a) "Act" means Act No. 299 of the Public Acts of 1980, as amended, being §339.101 et seq. of the Michigan Compiled Laws.

(b) "Article" means article 23 of the act.

(2) The terms defined in articles 1 and 23 of the act shall have the same meanings when used in these rules.

History: 1996 AACS.

R 339.20002 Public meetings.

Rule 2. (1) Each person shall be provided a reasonable opportunity to address a board meeting on an agenda item or one not on the agenda if the person makes a request to the board's offices or to the department before the meeting is convened or to the chairperson before the conclusion of the meeting.

(2) A group of 5 or more persons is requested to give advance notice to the chairperson of its intention to attend a public meeting so that an effort may be made to provide adequate space.

(3) The chairperson shall do all of the following:

(a) Conduct the public participation portion of the public meeting in an orderly and decorous fashion.

(b) Within the time limits available, recognize each person wishing to speak on a matter.

(c) Allow for public comment on each agenda item.

(d) Allocate a specific time on the agenda for general public comments.

(e) Limit the number of persons who are admitted to the meeting room if necessary to comply with public safety laws and regulations.

(f) Temporarily recess and promptly reconvene the meeting in a larger meeting room if more space is necessary.

(g) Impose reasonable limitations on time allotted for public comments.

(h) Inquire as to the interest or interests, if any, represented by the person addressing the meeting.

(i) To preserve the rights of all parties, prohibit a member of the public from addressing the meeting on the subject of a disciplinary case pending before a board.

History: 1996 AACS.

R 339.20009 Rescission.

Rule 9. R 338.1301 to R 338.1305, R 338.1311 to R 338.1315, R 338.1323, and R 338.1324 of the Michigan Administrative Code, appearing on pages 2488 to 2492 of the 1979 Michigan Administrative Code, are rescinded.

History: 1996 AACS.

PART 2. REGISTRATION

R 339.20011 Educational credits.

Rule 11. (1) Educational credits that are submitted as partial qualification for registration as a professional community planner shall have been received by the applicant from an accredited educational program in professional community planning subsequent to the date of the program's official recognition by the planning accrediting board.

(2) Education documentation in a related field that is submitted as partial qualification for registration as a professional community planner shall have been received by the applicant in accordance with section 2306(c) of the article and be verified by an official transcript.

History: 1996 AACS.

R 339.20013 Professional planning experience.

Rule 13. All experience documentation that is submitted in fulfillment of the requirements of section 2306(c) of the article shall be verified by the employer or by a person who is familiar with the applicant's work. An applicant may claim full planning experience credit for a stated period if not less than 90% of the applicant's work during that period meets all of the following criteria:

(a) The work shall relate to analysis, projection, design, or program development in the comprehensive planning process and in the preparation of comprehensive community plans designed to portray general, long-range proposals for the arrangement of land uses.

(b) The work shall reflect a specific relationship to guiding public policies or programs for achieving orderly and coordinated development of the entire community.

(c) The work shall show initiative, judgment, substantial involvement, and personal accountability in the preparation of significant, substantive elements of the planning programs, including related text, charts, graphics, and maps.

History: 1996 AACS.

R 339.20015 Examinations.

Rule 15. Except as provided in this rule, an applicant for registration shall take and pass an examination that is acceptable to the board and the department. However, the examination requirement shall be waived for an applicant who is licensed, certified, or registered in good standing in another state if the requirements of that state for licensure, certification, or registration are substantially equivalent to the requirements of this state, including the passing of an examination deemed by the board to be equivalent to the Michigan examination.

History: 1996 AACS.

R 339.20017 Scope of examinations.

Rule 17. The examination that is adopted by the board and the department shall test the knowledge, practical ability, and skill essential to the preparation of comprehensive community plans for cities, villages, townships, counties, regions, metropolitan areas, states, or combinations thereof. As required by section 2306 of the article, the examination shall be given in 2 stages. The first stage shall be a general examination of theoretical knowledge of community planning, such as principles, standards, techniques, professional practice, and the other areas of knowledge applicable to the subsequent professional practice of community planning. The second stage shall examine the applicant's ability to apply theoretical knowledge to practical community planning and development situations and his or her knowledge of Michigan laws and regulations applicable to professional community planning.

History: 1996 AACS.

R 339.20018 Examination subjects.

Rule 18. (1) To be acceptable to the department and the board, the first stage of the examination shall address all of the following areas:

- (a) History and theory of community planning.
- (b) The planning process.
- (c) Community design and community design standards, including visual design techniques, land uses, and public facility and service standards.
- (d) Social and human ecology characteristics.
- (e) Community values and goals formulation and demographic characteristics, trends, and projections.
- (f) Economic base trends and projections and planning data collections, correlation, and analysis techniques.
- (g) Community organization and citizen participation.
- (h) Natural conditions.
- (i) Land use patterns.
- (j) Transportation.
- (k) Utility systems.
- (l) Community facilities.
- (m) Implementing regulatory requirements, such as federal, state, and local laws, zoning, plat regulations, and housing codes.
- (n) Implementing financial programs, such as capital improvements programs and federal and state aid.
- (o) Implementing informational, communicative, and educational programs, such as reports, media programs, conferences, and seminars.
- (p) Implementing community redevelopment programs.
- (q) Implementing transportation systems.
- (r) Implementing utility systems, such as water, sewer, electricity, gas, drainage, and communications.
- (s) Implementing public educational, recreational, health, and cultural facilities.
- (t) Implementing public safety services, such as police and fire services.
- (u) The use of data processing techniques for planning purposes.
- (v) Basic legal problems and principles related to community planning and the role of planners in legal proceedings.

(2) To be acceptable to the department and the board, the second stage of the examination shall address all of the following areas:

- (a) Application of the theory of community planning.
- (b) Implementation of federal, state, and local laws, zoning, plat regulations, and housing codes.
- (c) Incorporation and interrelation of all elements of the community into a coordinated and comprehensive solution to each problem presented.
- (d) The elements of governmental organization.
- (e) State and local laws, including zoning, platting, condominiums, mobile homes, and housing codes.
- (f) Relationship of the professional community planner to other professions and techniques for organizing professional competencies within the allowable scopes of practice.
- (g) Basic legal issues and principles relating to the role of planners in legal proceedings in Michigan.

History: 1996 AACS.

R 339.20019 Passing grades and reexaminations.

Rule 19. The passing grade on the examination shall be determined by the board before the examination and shall be communicated to applicants with the notice of examination. An applicant who fails either of the 2 stages of the examination shall be reexamined only on the stage that was failed.

History: 1996 AACS.

PART 3. STANDARDS OF CONDUCT

R 339.20031 Seals of professional community planners.

Rule 31. (1) A professional community planner shall obtain and use, so long as registration is in effect, a seal containing, at a minimum, the name and registration number of the registrant, the word "Michigan," and the words "Professional Community Planner."

(2) The seal shall be embossed or printed on all professionally prepared documents that are submitted to a community or client for whom professional community planning services are rendered.

(3) The seal of a professional community planner shall not be used on work that was not prepared by the registrant or under the personal supervision of a registrant.

(4) Upon notification that he or she is registered, a registrant shall obtain a seal and file an imprint of the seal with the department within 30 days after the notice of registration was mailed by the department. Any change in the seal shall require that a new imprint be filed with the department within 30 days of the change.

(5) The use of the seal shall be validated by the signature of the registrant and the date, which shall be signed across or adjacent to the seal.

History: 1996 AACS.

R 339.20033 Representations.

Rule 33. (1) A registrant shall fully disclose personal or financial interests in any project undertaken.

(2) A registrant shall disclose any compensation from any source other than the client for whom a project is undertaken.

(3) A registrant shall not make exaggerated, false, misleading, or deceptive statements in advertising, brochures, or other written or verbal representations to clients or potential clients.

(4) A registrant shall clearly and accurately represent his or her qualifications, the extent of the services offered, and the charges to be imposed.

(5) A registrant shall not offer or make bribes or unlawful persuasions to those responsible for letting contracts for professional services.

(6) A registrant shall not make statements on matters of public policy without identifying the registrant as a community planner; disclosing the registrant's interest in the project, whether financial or personal; and disclosing the interests represented in the testimony.

(7) A registrant's reports on projects requiring professional expertise shall be objective and disclose all relevant factors, but shall be restricted to the registrant's area of knowledge and judgment.

History: 1996 AACS.

R 339.20035 Standards of practice.

Rule 35. (1) A registrant shall not accept gratuities from parties other than the employer or client, such as persons seeking subcontracts, specification of certain materials, or other material and financial benefits.

(2) A registrant shall not accept a bribe or material item or service in return for rendering professional judgment or services.

(3) A registrant shall work in the area of his or her own competence only. A registrant may accept contracts or assignments where some work is outside the area of competence if the registrant discloses that other qualified parties must be retained to perform the work.

(4) A registrant shall provide services in a manner that will assure the public health, safety, and welfare, and where, in the professional judgment of the registrant, the public health, safety, or welfare is endangered, the registrant shall notify the client or employer of the endangerment. If the client or employer fails or refuses to follow the registrant's instructions or recommendations, the registrant shall notify the responsible governmental regulatory department or agency of the problem and the possible danger that might result.

(5) The seal of a registrant shall not be used on any work that was not prepared under the direct, personal supervision of the registrant. The seal shall not be used on work outside the registrant's competence. A registrant shall not permit his or her seal to be used by any other registrant, regardless

of the other registrant's qualifications. The seal shall not be used by an individual whose registration has expired.

(6) When the registrant is a public official or employee and has a private practice, the registrant shall not participate in official action on any project or contract involving the registrant's private practice. A registrant shall not solicit business from a public body if another person in a registrant's firm is a member of that public body.

(7) A registrant shall not conspire or collude to restrain trade through price arrangements with other registrants or firms or engage in price-fixing activities.

(8) A registrant shall not knowingly prepare plans that endanger the public health and safety or that will result in property damage.

(9) A registrant shall not take funds under false pretenses or abandon a project without cause or release by the employer or client.

History: 1996 AACS.

R 339.20037 Violations and penalties; duties of registrants.

Rule 37. (1) A registrant may be subject to the penalties set forth in article 6 of the act for violation of the act or these rules.

(2) A registrant shall not act to conceal violations of the law, including the act or these rules, and shall not violate the act or these rules or knowingly permit others to do so. Violations of the act or these rules shall be reported to the department. Other violations of law shall be reported to the proper jurisdiction.

History: 1996 AACS.