



HOUSE BILL No. 5908

November 10, 1994 Introduced by Reps Horton, Voorhees, DeLange, Hammerstrom and Brackenridge and referred to the Committee on Local Government

A bill to amend section 18 of Act No 184 of the Public Acts of 1943, entitled as amended

"The township rural zoning act,"

as amended by Act No 141 of the Public Acts of 1990, being section 125 288 of the Michigan Compiled Laws

THE PEOPLE OF THE STATE OF MICHIGAN ENACT

1 Section 1 Section 18 of Act No 184 of the Public Acts of
2 1943, as amended by Act No 141 of the Public Acts of 1990, being
3 section 125 288 of the Michigan Compiled Laws, is amended to read
4 as follows

5 Sec 18 (1) In each township in which the township board
6 exercises the authority conferred by this act, ~~it~~ THE TOWNSHIP
7 BOARD shall appoint a township ZONING board of appeals In a
8 township having a population of 5,000 or more persons, the board
9 of appeals shall be composed of not less than 5 regular members

1 In a township having a population of less than 5 000 persons the
 2 board of appeals shall be composed of not less than 3 regular
 3 members The precise number of regular members comprising the
 4 board of appeals shall be specified by the township board in the
 5 zoning ordinance The first regular member of the board of
 6 appeals shall be a member of the township zoning board In a
 7 township where the powers duties, and responsibilities of the
 8 zoning board are transferred to the planning commission pursuant
 9 to section 11 of Act No 168 of the Public Acts of 1959 as
 10 amended, being section 125 331 of the Michigan Compiled Laws the
 11 first regular member of the board of appeals shall be a member of
 12 the township planning commission The remaining regular members
 13 and any alternate members of the board of appeals shall be
 14 selected from the electors of the township residing outside of
 15 ~~incorporated cities and~~ villages The members selected shall
 16 be representative of the population distribution and of the vari-
 17 ous interests present in the township One regular member may be
 18 a member of the township board An elected officer of the town-
 19 ship shall not serve as chairperson of the board of appeals An
 20 employee or contractor of the township board ~~may~~ SHALL not
 21 serve as a member of the ~~township~~ board of appeals

22 (2) A township board may appoint not more than 2 alternate
 23 members for the same term as regular members to the ~~zoning~~
 24 board of appeals An alternate member may be called as specified
 25 in the zoning ordinance to serve as a regular member of the
 26 ~~zoning~~ board of appeals in the absence of a regular member ~~if~~
 27 ~~the regular member is absent from or will be unable to attend 2~~

1 ~~or more consecutive meetings of the zoning board of appeals or is~~
2 ~~absent from or will be unable to attend meetings for a period of~~
3 ~~more than 30 consecutive days~~ An alternate member may also be
4 called to serve as a regular member for the purpose of reaching a
5 decision on a case in which the regular member has abstained ~~for~~
6 ~~reasons~~ BECAUSE of conflict of interest The alternate member
7 appointed shall serve in the case until a final decision is
8 made The alternate member has the same voting rights as a regu-
9 lar member of the ~~zoning~~ board of appeals

10 (3) The total amount annually allowed the board of appeals
11 as per diem or as expenses actually incurred in the discharge of
12 duties shall not exceed a reasonable sum, which shall be appro-
13 priated annually in advance by the township board

14 (4) A member of the board of appeals may be removed by the
15 township board for nonperformance of duty or misconduct in office
16 upon written charges and after public hearing A member shall
17 disqualify himself or herself from a vote in which the member has
18 a conflict of interest Failure of a member to disqualify him-
19 self or herself from a vote in which the member has a conflict of
20 interest constitutes misconduct in office

21 (5) ~~Terms~~ THE TERMS OF MEMBERS OF THE BOARD OF APPEALS
22 shall be for 3 years, except for members serving because of their
23 membership on the zoning board, planning commission or township
24 board, whose terms shall be limited to the time they are members
25 of the zoning board, planning commission, or township board,
26 respectively, and the period stated in the resolution appointing
27 them When members are first appointed, the appointments may be

1 for less than 3 years to provide for staggered terms A
2 successor shall be appointed not more than 1 month after the term
3 of the preceding member has expired ~~Vacancies for unexpired~~
4 ~~terms~~ A VACANCY shall be filled for the remainder of the term
5 (6) A township board of appeals shall not conduct business
6 unless a majority of the regular members of the board is
7 present