



# HOUSE BILL No. 5947

September 26, 2000, Introduced by Rep. Patterson and referred to the Committee on Local Government and Urban Policy.

A bill to amend 1943 PA 184, entitled  
"Township zoning act,"  
by amending section 18 (MCL 125.288), as amended by 1990 PA 141.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 18. (1) In each township in which the township board  
2 exercises the authority conferred by this act, it shall appoint a  
3 township board of appeals. In a township having a population of  
4 5,000 or more persons, the board of appeals shall be composed of  
5 not less than 5 regular members. In a township having a popula-  
6 tion of less than 5,000 persons, the board of appeals shall be  
7 composed of not less than 3 regular members. The precise number  
8 of regular members comprising the board of appeals shall be spec-  
9 ified by the township board in the zoning ordinance. The first  
10 regular member of the board of appeals shall be a member of the  
11 township zoning board. In a township where the powers, duties,

1 and responsibilities of the zoning board are transferred to the  
2 planning commission pursuant to section 11 of ~~Act No. 168 of~~  
3 ~~the Public Acts of 1959, as amended, being section 125.331 of the~~  
4 ~~Michigan Compiled Laws~~ 1959 PA 168, MCL 125.331, the first regu-  
5 lar member of the board of appeals shall be a member of the town-  
6 ship planning commission. The remaining regular members and any  
7 alternate members of the board of appeals shall be selected from  
8 the electors of the township residing outside of incorporated  
9 cities and villages. The members selected shall be representa-  
10 tive of the population distribution and of the various interests  
11 present in the township. One regular member may be a member of  
12 the township board. An elected officer of the township shall not  
13 serve as chairperson of the board of appeals. An employee or  
14 contractor of the township board may not serve as a member of the  
15 township board of appeals.

16 (2) A township board may appoint not more than 2 alternate  
17 members for the same term as regular members to the zoning board  
18 of appeals. An alternate member may be called as specified in  
19 the zoning ordinance to serve as a regular member of the zoning  
20 board of appeals in the absence of a regular member. ~~if the reg-~~  
21 ~~ular member is absent from or will be unable to attend 2 or more~~  
22 ~~consecutive meetings of the zoning board of appeals or is absent~~  
23 ~~from or will be unable to attend meetings for a period of more~~  
24 ~~than 30 consecutive days.~~ An alternate member may also be called  
25 to serve as a regular member for the purpose of reaching a deci-  
26 sion on a case in which the regular member has abstained for  
27 reasons of conflict of interest. The alternate member appointed

1 shall serve in the case until a final decision is made. The  
2 alternate member has the same voting rights as a regular member  
3 of the zoning board of appeals.

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

8 (4) A member of the board of appeals may be removed by the  
9 township board for nonperformance of duty or misconduct in office  
10 upon written charges and after public hearing. A member shall  
11 disqualify himself or herself from a vote in which the member has  
12 a conflict of interest. Failure of a member to disqualify him-  
13 self or herself from a vote in which the member has a conflict of  
14 interest constitutes misconduct in office.

15 (5) Terms shall be for 3 years, except for members serving  
16 because of their membership on the zoning board, planning commis-  
17 sion, or township board, whose terms shall be limited to the time  
18 they are members of the zoning board, planning commission, or  
19 township board, respectively, and the period stated in the reso-  
20 lution appointing them. When members are first appointed, the  
21 appointments may be for less than 3 years to provide for stag-  
22 gered terms. A successor shall be appointed not more than 1  
23 month after the term of the preceding member has expired.  
24 Vacancies for unexpired terms shall be filled for the remainder  
25 of the term.

1           (6) A township board of appeals shall not conduct business  
2 unless a majority of the regular members of the board ~~is~~ ARE  
3 present.