

HOUSE BILL No. 5394

January 17, 1990, Introduced by Reps. Niederstadt, Gnodtke, Hart, Spaniola, Ouwinga, Randall and Weeks and referred to the Committee on Towns and Counties.

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

"The township rural zoning act,"

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, being section 125.288 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 18. (1) In each township in which the township board
5 exercises the authority conferred by this act, it shall appoint a
6 township board of appeals. In a township having a population of
7 5,000 or more persons, the board of appeals shall be composed of
8 not less than 5 REGULAR members. In a township having a
9 population of less than 5,000 persons, the board of appeals shall
10 be composed of not less than 3 REGULAR members. The precise

1 number of REGULAR members ~~which shall comprise~~ COMPRISING the
2 board of appeals shall be specified by the township board in the
3 zoning ordinance. The first REGULAR member of the board of
4 appeals shall be a member of the township zoning board. In a
5 township where the powers, duties, and responsibilities of the
6 zoning board ~~have been~~ ARE transferred to the planning commis-
7 sion pursuant to section 11 of Act No. 168 of the Public Acts of
8 1959, as amended, being section 125.331 of the Michigan Compiled
9 Laws, the first REGULAR member of the board of appeals shall be a
10 member of the township planning commission. The remaining
11 REGULAR members AND ANY ALTERNATE MEMBERS of the board of appeals
12 shall be selected from the electors of the township residing out-
13 side of incorporated cities and villages. The members selected
14 shall be representative of the population distribution and of the
15 various interests present in the township. One REGULAR member
16 may be a member of the township board. An elected officer of the
17 township shall not serve as chairperson of the board of appeals.
18 An employee or contractor of the township board may not serve as
19 a member ~~or an employee~~ of the township board of appeals.

20 (2) A TOWNSHIP BOARD MAY APPOINT NOT MORE THAN 2 ALTERNATE
21 MEMBERS FOR THE SAME TERM AS REGULAR MEMBERS TO THE ZONING BOARD
22 OF APPEALS. AN ALTERNATE MEMBER MAY BE CALLED AS SPECIFIED IN
23 THE ZONING ORDINANCE TO SERVE AS A REGULAR MEMBER OF THE ZONING
24 BOARD OF APPEALS IN THE ABSENCE OF A REGULAR MEMBER IF THE REGU-
25 LAR MEMBER IS ABSENT FROM OR WILL BE UNABLE TO ATTEND 2 OR MORE
26 CONSECUTIVE MEETINGS OF THE ZONING BOARD OF APPEALS OR IS ABSENT
27 FROM OR WILL BE UNABLE TO ATTEND MEETINGS FOR A PERIOD OF MORE

1 THAN 30 CONSECUTIVE DAYS. AN ALTERNATE MEMBER MAY ALSO BE CALLED
2 TO SERVE AS A REGULAR MEMBER FOR THE PURPOSE OF REACHING A DECISION
3 ON A CASE IN WHICH THE REGULAR MEMBER HAS ABSTAINED FOR REASONS
4 OF CONFLICT OF INTEREST. THE ALTERNATE MEMBER APPOINTED
5 SHALL SERVE IN THE CASE UNTIL A FINAL DECISION IS MADE. THE
6 ALTERNATE MEMBER HAS THE SAME VOTING RIGHTS AS A REGULAR MEMBER
7 OF THE ZONING BOARD OF APPEALS.

8 (3) The total amount ANNUALLY allowed the board of appeals
9 ~~in any 1 year~~ as per diem or as expenses actually incurred in
10 the discharge of ~~their~~ duties shall not exceed a reasonable
11 sum, which ~~sum~~ shall be appropriated annually in advance by the
12 township board. ~~Members~~

13 (4) A MEMBER of the board of appeals ~~shall be removable~~
14 MAY BE REMOVED by the township board for nonperformance of duty
15 or misconduct in office upon written charges and after public
16 hearing. A member shall disqualify himself or herself from a
17 vote in which the member has a conflict of interest. Failure of
18 a member to disqualify himself or herself from a vote in which
19 the member has a conflict of interest ~~shall constitute~~
20 CONSTITUTES misconduct in office.

21 (5) ~~(2)~~ Terms shall be for 3 years, except for members
22 serving because of their membership on the zoning board, planning
23 commission, or township board, whose terms shall be limited to
24 the time they are members of the zoning board, planning
25 commission, or township board, respectively, and the period
26 stated in the resolution appointing them. When members are first
27 appointed, the appointments may be for less than 3 years to

1 provide for staggered terms. A successor shall be appointed not
2 more than 1 month after the term of the preceding member has
3 expired. ~~All vacancies~~ VACANCIES for unexpired terms shall be
4 filled for the remainder of the term.

5 (6) ~~(3)~~ A township board of appeals shall not conduct
6 business unless a majority of the REGULAR members of the board is
7 present.

8 Section 2. This amendatory act shall not take effect unless
9 Senate Bill No. _____ or House Bill No. 5395 (request
10 no. 03190'89 a) of the 85th Legislature is enacted into law.