

# HOUSE BILL No. 6026

July 22, 1992, Introduced by Rep. Ostling and referred to the Committee on Towns and Counties,

A bill to amend section 18 of Act No. 183 of the Public Acts of 1943, entitled as amended

"The county-rural zoning enabling act,"

being section 125.218 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Section 18 of Act No. 183 of the Public Acts of  
2 1943, being section 125.218 of the Michigan Compiled Laws, is  
3 amended to read as follows:

4       Sec. 18. (1) ~~In a county in which~~ IF the county board of  
5 commissioners OF A COUNTY exercises the authority conferred by  
6 this act, ~~it~~ THE COUNTY BOARD OF COMMISSIONERS shall provide  
7 for and appoint a county board of zoning appeals of not less than  
8 3 and not more than 7 REGULAR members. The term of each REGULAR  
9 member shall be for 3 years, except that the first board

1 appointed shall be divided as nearly as possible into 3 equal  
2 groups with the terms of office for each group as follows:

3 (a) One group for 1 year.

4 (b) One group for 2 years.

5 (c) One group for 3 years.

6 (2) Each REGULAR member of the county board of zoning  
7 appeals AND EACH ALTERNATE MEMBER, IF ANY, APPOINTED UNDER SUB-  
8 SECTION (3) shall be chosen from electors residing in the unin-  
9 corporated area of the county. An elected officer of the county  
10 or an employee of the county board of commissioners may not serve  
11 simultaneously as a member of or as an employee of the county  
12 board of zoning appeals. One REGULAR member of the COUNTY board  
13 of ZONING appeals shall be a member of the county zoning  
14 commission. The term of ~~a~~ THAT member of the county board of  
15 zoning appeals ~~serving because of membership on the zoning~~  
16 ~~commission~~ shall expire upon termination of membership on the  
17 zoning commission.

18 (3) A COUNTY BOARD OF COMMISSIONERS MAY APPOINT NOT MORE  
19 THAN 2 ALTERNATE MEMBERS FOR THE SAME TERM AS REGULAR MEMBERS TO  
20 THE ZONING BOARD OF APPEALS. AN ALTERNATE MEMBER MAY BE CALLED  
21 AS SPECIFIED IN THE ZONING ORDINANCE TO SERVE AS A REGULAR MEMBER  
22 OF THE ZONING BOARD OF APPEALS IN THE ABSENCE OF A REGULAR MEMBER  
23 IF THE REGULAR MEMBER IS ABSENT FROM OR WILL BE UNABLE TO ATTEND  
24 2 OR MORE CONSECUTIVE MEETINGS OF THE ZONING BOARD OF APPEALS OR  
25 IS ABSENT FROM OR WILL BE UNABLE TO ATTEND MEETINGS FOR A PERIOD  
26 OF MORE THAN 30 CONSECUTIVE DAYS. AN ALTERNATE MEMBER MAY ALSO  
27 BE CALLED TO SERVE AS A REGULAR MEMBER FOR THE PURPOSE OF

1 REACHING A DECISION ON A CASE IN WHICH THE REGULAR MEMBER HAS  
2 ABSTAINED FOR REASONS OF CONFLICT OF INTEREST. THE ALTERNATE  
3 MEMBER APPOINTED SHALL SERVE IN THE CASE UNTIL A FINAL DECISION  
4 IS MADE. THE ALTERNATE MEMBER HAS THE SAME VOTING RIGHTS AS A  
5 REGULAR MEMBER OF THE ZONING BOARD OF APPEALS.

6 (4) ~~(3)~~ The total amount ANNUALLY allowed a member of the  
7 county board of zoning appeals ~~in + year~~ as per diem or as  
8 expenses actually incurred in the discharge of the member's duty  
9 shall not exceed a reasonable sum, which ~~sum~~ shall be provided  
10 annually in advance by the county board of commissioners.

11 (5) The county board of commissioners shall provide for the  
12 removal of a member for nonfeasance or misfeasance in office.

13 (6) A majority of the ~~total membership~~ REGULAR MEMBERS of  
14 the county board of zoning appeals shall comprise a quorum.