

HOUSE BILL No. 5009

July 3, 1997, Introduced by Rep. Brackenridge and referred to the Committee on Local Government.

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 ON A ROTATING
19 BASIS as specified in the zoning ordinance to serve as a regular
20 member of the zoning board of appeals ~~in the absence of a regu-~~
21 ~~lar member if the~~ IF A regular member is absent from or will be
22 unable to attend 2 or more consecutive meetings of the zoning
23 board of appeals or is absent from or will be unable to attend
24 meetings for a period of more than 30 consecutive days. An
25 alternate member may also be called to serve as a regular member
26 ~~for the purpose of reaching~~ TO REACH a decision on a case in
27 which the regular member, PURSUANT TO SUBSECTION (3), has

1 abstained ~~for reasons of~~ BECAUSE OF A conflict of interest OR
2 BECAUSE THE REGULAR MEMBER MADE OR PARTICIPATED AS A MEMBER OF
3 THE BODY THAT MADE THE ORDER, REQUIREMENT, DECISION, OR DETERMI-
4 NATION APPEALED FROM. The alternate member appointed shall serve
5 in the case until a final decision is made. The alternate member
6 has the same voting rights as a regular member of the zoning
7 board of appeals.

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

12 (4) A member of the board of appeals may be removed by the
13 township board for nonperformance of duty or misconduct in office
14 upon written charges and after public hearing. A member shall
15 disqualify himself or herself from a vote ~~in which~~ IF the
16 member has a conflict of interest OR IF THE MEMBER MADE OR PAR-
17 TICIPATED AS A MEMBER OF THE BODY THAT MADE THE ORDER, REQUIRE-
18 MENT, DECISION, OR DETERMINATION APPEALED FROM. Failure of a
19 member to disqualify himself or herself from SUCH a vote ~~in~~
20 ~~which the member has a conflict of interest~~ constitutes miscon-
21 duct in office.

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

1 the appointments may be for less than 3 years to provide for
2 staggered terms. A successor shall be appointed not more than 1
3 month after the term of the preceding member has expired.
4 Vacancies for unexpired terms shall be filled for the remainder
5 of the term.

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