

HOUSE BILL No. 5011

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

A bill to amend 1943 PA 183, entitled
"County zoning act,"
by amending section 18 (MCL 125.218).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 18. (1) In a county in which the county board of com-
2 missioners exercises the authority conferred by this act, it
3 shall provide for and appoint a county board of zoning appeals of
4 not less than 3 and not more than 7 REGULAR members. The term of
5 each member shall be for 3 years, except that the first board
6 appointed shall be divided as nearly as possible into 3 equal
7 groups with the terms of office for each group as follows:
- 8 (a) One group for 1 year.
9 (b) One group for 2 years.
10 (c) One group for 3 years.

1 (2) Each member of the county board of zoning appeals shall
2 be chosen from electors residing in the unincorporated area of
3 the county. An elected officer of the county or an employee of
4 the county board of commissioners may not serve simultaneously as
5 a member of or as an employee of the county board of zoning
6 appeals. One member of the board of appeals shall be a member of
7 the county zoning commission. The term of a member of the county
8 board of zoning appeals serving because of membership on the
9 zoning commission shall expire upon termination of membership on
10 the zoning commission.

11 (3) UNDER PROCEDURES SPECIFIED IN THE ZONING ORDINANCE, THE
12 COUNTY BOARD OF COMMISSIONERS MAY APPOINT NOT MORE THAN 2 ALTER-
13 NATE MEMBERS FOR THE SAME TERM AS REGULAR MEMBERS OF THE BOARD OF
14 APPEALS. THE ALTERNATE MEMBERS MAY BE CALLED ON A ROTATING BASIS
15 AS SPECIFIED IN THE ZONING ORDINANCE TO SIT AS REGULAR MEMBERS OF
16 THE BOARD OF APPEALS IN THE ABSENCE OF A REGULAR MEMBER. AN
17 ALTERNATE MEMBER MAY ALSO BE CALLED TO SERVE IN THE PLACE OF A
18 REGULAR MEMBER TO REACH A DECISION ON A CASE IN WHICH THE REGULAR
19 MEMBER HAS ABSTAINED BECAUSE OF A CONFLICT OF INTEREST OR BECAUSE
20 THE REGULAR MEMBER MADE OR PARTICIPATED AS A MEMBER OF THE BODY
21 THAT MADE THE ORDER, REQUIREMENT, DECISION, OR DETERMINATION
22 APPEALED FROM. A REGULAR MEMBER SHALL ABSTAIN EITHER IF REQUIRED
23 BY LAW BECAUSE OF A CONFLICT OF INTEREST OR IF THE REGULAR MEMBER
24 MADE OR PARTICIPATED AS A MEMBER OF THE BODY THAT MADE THE ORDER,
25 REQUIREMENT, DECISION, OR DETERMINATION APPEALED FROM. THE
26 ALTERNATE MEMBER SHALL SERVE IN THE CASE UNTIL A FINAL DECISION

1 HAS BEEN MADE. THE ALTERNATE MEMBER HAS THE SAME VOTING RIGHTS
2 AS A REGULAR MEMBER OF THE BOARD OF APPEALS.

3 (4) ~~-(3)-~~ The total amount allowed a member of the county
4 board of zoning appeals in 1 year as per diem or as expenses
5 actually incurred in the discharge of the member's duty shall not
6 exceed a reasonable sum which sum shall be provided annually in
7 advance by the county board of commissioners. The county board
8 of commissioners shall provide for the removal of a member for
9 nonfeasance or misfeasance in office. A majority of the total
10 membership of the county board of zoning appeals ~~shall comprise~~
11 COMPRISES a quorum.