

TOWNSHIP ZONING ACT (EXCERPT)
Act 184 of 1943

***** 125.288 THIS SECTION IS REPEALED BY ACT 110 OF 2006 EFFECTIVE JULY 1, 2006 *****

125.288 Township board of appeals; selection, qualifications, and terms of members; chairperson; per diem or expenses; removal; conflict of interest; misconduct in office; vacancies; majority required to conduct business.

Sec. 18. (1) In each township in which the township board exercises the authority conferred by this act, it shall appoint a township board of appeals. In a township having a population of 5,000 or more persons, the board of appeals shall be composed of not less than 5 regular members. In a township having a population of less than 5,000 persons, the board of appeals shall be composed of not less than 3 regular members. The precise number of regular members comprising the board of appeals shall be specified by the township board in the zoning ordinance. The first regular member of the board of appeals shall be a member of the township zoning board. In a township where the powers, duties, and responsibilities of the zoning board are transferred to the planning commission pursuant to section 11 of Act No. 168 of the Public Acts of 1959, as amended, being section 125.331 of the Michigan Compiled Laws, the first regular member of the board of appeals shall be a member of the township planning commission. The remaining regular members and any alternate members of the board of appeals shall be selected from the electors of the township residing outside of incorporated cities and villages. The members selected shall be representative of the population distribution and of the various interests present in the township. One regular member may be a member of the township board. An elected officer of the township shall not serve as chairperson of the board of appeals. An employee or contractor of the township board may not serve as a member of the township board of appeals.

(2) A township board may appoint not more than 2 alternate members for the same term as regular members to the zoning board of appeals. An alternate member may be called as specified in the zoning ordinance to serve as a regular member of the zoning board of appeals in the absence of a regular member if the regular member is absent from or will be unable to attend 2 or more consecutive meetings of the zoning board of appeals or is absent from or will be unable to attend meetings for a period of more than 30 consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the zoning board of appeals.

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

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

(5) Terms shall be for 3 years, except for members serving because of their membership on the zoning board, planning commission, or township board, whose terms shall be limited to the time they are members of the zoning board, planning commission, or township board, respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

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

History: 1943, Act 184, Eff. July 30, 1943;—CL 1948, 125.288;—Am. 1966, Act 106, Imd. Eff. June 22, 1966;—Am. 1973, Act 146, Imd. Eff. Nov. 21, 1973;—Am. 1976, Act 131, Imd. Eff. May 27, 1976;—Am. 1978, Act 637, Eff. Mar. 1, 1979;—Am. 1990, Act 141, Imd. Eff. June 27, 1990.