

MARSHALL TOWNSHIP ZONING BOARD OF APPEALS
BY-LAWS AND RULES OF PROCEDURE

1. NAME PURPOSE

- a. The name shall be the Marshall Township Zoning Board of Appeals, hereafter known as the "ZBA."

2. AUTHORITY

- a. These rules of procedures are adopted by the Marshall Township Zoning Board of Appeals pursuant to Public Act 110 of 2006, the Michigan Zoning Enabling Act, as may be amended, and Public Act 267 of 1976, as amended, the Open Meetings Act.
- b. These By-laws are also adopted to facilitate the duties of the ZBA for the administration of a zoning ordinance as outlined in PA 110 of 2006, as amended, being the Michigan Zoning Enabling Act (MCL 125.3101 et seq.), hereinafter "the Zoning Act."

3. MEMBERSHIP

- a. Members of the ZBA are appointed by the Marshall Township Supervisor and affirmed by the Marshall Township Board pursuant to the Marshall Township Zoning Board of Appeals Ordinance of May 2017 as amended.
- b. The first priority, each member shall represent and advocate what is best for Marshall Township as a whole, putting aside personal or special interests.
- c. Second priority, each member shall represent a separate important segment of the community. One member shall be a member of The Township Board. One member shall be a Planning Commission Member. One member and an alternate shall be from the general public.

4. ATTENDANCE

- a. If any member of the ZBA is absent from three consecutive scheduled meetings without being excused, then that member shall be considered delinquent. Delinquency may be grounds for the Marshall Township Board to remove a member from the ZBA for nonperformance of duty, or misconduct, after holding a public hearing on the matter. The ZBA secretary or acting secretary in the absence of the elected secretary shall keep attendance records and shall notify the Marshall Township Supervisor whenever any member of the ZBA is absent from three consecutive scheduled meetings so that the Marshall Township Supervisor can consider further action allowed under the law or excuse the absences.

5. TRAINING

- a. Each member shall have attended at least four hours per year of training in planning and zoning during the member's current term of office. Failure to meet the training requirements may result in the member not being reappointed to the ZBA. Training may be provided by one or more of the following organizations: Michigan Association of Planning, Michigan State University Extension, Michigan Townships Association, Michigan Municipal League, continuing education programs of Michigan State University, University of Michigan, Northern Michigan University, Central Michigan University, or Wayne State University.

6. OFFICERS

- a. 2.1 Selection. At an organizational meeting in January or the first meeting in the calendar year, the ZBA shall select from its membership a chairperson, vice-chairperson, and secretary. Nominations shall be made from the floor, and the election shall be held immediately after that. A candidate receiving a majority vote of the members present shall be declared elected.
- b. 2.2 Duties. A chairperson shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The vice-chairperson shall act in the capacity of the Chairperson in the absence of the Chairperson and shall succeed to the office of the Chairperson in the event of a vacancy in that office, in which case the ZBA shall select a successor to the office of vice-chairperson at the earliest practicable time. The secretary shall perform such duties as the ZBA may determine and shall coordinate these responsibilities with Township staff members, such as Clerk and/or Zoning Administrator.
- c. 2.3 Tenure. The officers shall take office immediately following their election. They shall hold their office for a term for the calendar year or until their successor is elected and assume office.

7. MEETINGS

- a. Meeting Notices. All meetings shall be posted at the Township Hall and posted on the Township web site according to the Open Meetings Act. The notice shall include the location, purpose, date, and time of the meeting.
- b. Meetings. Meets of the ZBA shall be on an as-needed basis.
- c. Quorum. In order for the ZBA to conduct business or take any official action, a quorum consisting of two (2) members shall be present. When a quorum is not present, no official action, except for the closing of the meeting may take place. All public hearings without a quorum shall be re-scheduled.
- d. Hearings. Hearings shall be scheduled and notice given in accordance with the provisions of the State Law and Ordinances of the Township. All comments shall

be addressed to the Chairperson and the ZBA. Second comments are not permitted until all have had an opportunity to speak for the first time. The Chairperson may terminate a presentation or ask for summation if comments are repetitive. The Chairperson may impose a time limit for speakers. Once the public hearing is closed, further public comment shall be at the discretion of the Chairperson based upon additional information that may be submitted by the applicant, the staff, or based upon a comment by a member of the Zoning Board of Appeals.

e. Order of Business. The order of business at regular meetings shall be as follows:

1. Roll Call
2. Attendance
3. Pledge of Allegiance
4. Approval of minutes of previous meetings
5. Audience comments regarding items on the Agenda
6. Noticed Public Hearings
7. Old business
8. New Business
9. Zoning Board of Appeals Member Comments
10. Final Citizen Comment
11. Adjournment

This order of business may be suspended by a vote of a majority of the members present.

f. Voting. An affirmative vote of a majority of the members present shall be required for the approval of any requested action or motion placed before the ZBA. Voting shall ordinarily be by voice vote, provided, however, that a roll call vote shall be required if requested by any ZBA member or directed by the Chairperson. All members of the ZBA, including the Chairperson, shall vote on all matters. Members may be excused from voting only if the person has a bonafide conflict of interest, as recognized by the majority of the remaining members of the ZBA. Any member abstaining from a vote shall not participate in the discussion of the item.

g. Notice of Decision. A written notice or a copy of the draft or approved meeting minutes, containing any final decision of the Zoning Board of Appeals shall be provided to the applicant.

8. MINUTES

ZBA Minutes shall be prepared by the secretary of the ZBA or a designate of the secretary. The minutes shall contain a brief synopsis of public and ZBA discussion of an item, including a complete restatement of all motions and recording of votes, complete statement of the conditions, or recommendations made on any action and recording of attendance.

9. AMENDMENTS

The ZBA may amend these rules by a majority vote of members at any scheduled meeting, provided that all members have received advanced notice of the proposed amendments at least three business days prior to the meeting at which such amendments are to be considered.

10. CONFLICT OF INTEREST

Zoning Board of Appeals members shall declare a potential conflict of interest and abstain from participating in Zoning Board of Appeals deliberations and voting on a request when:

- a. The request for which the Zoning Board of Appeals is asked to make a decision that involves his/her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents-in-law or members of his/her household;
- b. The Zoning Board of Appeals member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency, or association.
- c. The Zoning Board of Appeals member owns or has a financial interest in the adjoining property. For purposes of this provision, property separated only by an abutting public or private road, street or highway shall be deemed an adjoining property; or
- d. There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the Zoning Board of Appeals present.
- e. Failure of a member to disclose a potential conflict of interest as required by these by-laws constitutes malfeasance in office.

12-16-20