

South Branch Township Ordinance No. 1 of 2020

An ordinance to amend the South Branch Township Zoning Ordinance Section 9.01 “Zoning Board of Appeals Creation and Membership” to reduce the number of members to three.

South Branch Township, Crawford County, Michigan ordains:

Section 1: Amendment to the South Branch Township Zoning Ordinance.

That the South Branch Township Zoning Ordinance, Section 9.01 (Zoning Board of Appeals Creation and Membership) is hereby amended to read as follows:

Section 9.01 Zoning Board of Appeals Creation and Membership

The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act 110, of Public Acts of 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done. This Board shall consist of ~~five (5) members~~, **not fewer than three (3) members, while the township population remains at 5,000 or less, and not fewer than five (5) members at such time as the township population exceeds 5,000.** This Board shall be appointed by the Township Board.

1. The first member shall be a member of the Township Planning Commission for the terms of his/her office.
2. The remaining members must be selected from the electors of the Township residing outside of incorporated cities and villages and shall be representative of the population distribution and of the various interests present in the Township. One (1) member may be a member of the Township Board.
3. An elected officer of the Township shall not serve as chairman. An employee or contractor of the Township Board may not serve as a member or an employee of the Zoning Board of Appeals.
4. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

Section 2: Severability

If any clause, sentence, paragraph or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the

remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Saving Clause

The South Branch Township Zoning Ordinance, except as herein or heretofore amended, shall remain in full force and effect. The amendments provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

Section 4: Effective Date

The ordinance changes shall take effect upon the expiration of seven days after the publication of the notice of adoption.

South Branch Township Supervisor

South Branch Township Clerk

I, _____, Clerk for South Branch Township, hereby certify that the foregoing is a true and correct copy of Ordinance No. 1 of 2020 of South Branch Township, adopted by at a meeting of the Township Board of Trustees held on _____.

A copy of the complete ordinance text may be inspected or purchased at the South Branch Township Hall, at 5245 N M-18, Roscommon, Michigan.

Adopted:

Published:

Effective:

_____, subject to PA 110 of 2006 as amended.