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CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN

ORDINANCE ADOPTED AT MEETING OF THE COUNCIL HELD ON THE

25th DAY OF November 1985

ORDINANCE NO. 771

ORDINANCE NUMBER 771

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING ORDINANCE NUMBER 659 TO PROVIDE FOR THREE (3) ALTERNATE MEMBERS ON THE ZONING BOARD OF APPEALS IN THE CITY OF MADISON HEIGHTS.

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. That Section 10.801 of the Zoning Ordinance of the City of Madison Heights be amended, as follows:

SECTION 10.801 CREATION AND MEMBERSHIP

There shall be established and appointed by the City Council of the City of Madison Heights in accordance with Act 180 of the Public Acts of 1979, as amended, a Zoning Board of Appeals. The Zoning Board of Appeals shall consist of nine (9) members, who shall be appointed by the Council for terms of three (3) years each. Council may also appoint, in accordance with the procedure specified in the Zoning Ordinance, not more than three (3) alternate members for the same term as regular members of the Board of Appeals. The alternate members may be called as specified in the Zoning Ordinance to sit as regular members of the Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend two or more consecutive meetings of the Board of Appeals or for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve in the place of 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 having been appointed shall serve on the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Board of Appeals. The Board of Appeals shall hear and decide appeals from and review any order, requirements, decision, or determination made by an administrative official or body charged with the enforcement of an Ordinance adopted pursuant to this Ordinance. The Board of Appeals shall also hear and decide matters referred to it or upon which it is required to pass under an Ordinance of the legislative body adopted pursuant to this Ordinance. In the first instance, three (3) of said members shall be appointed for a one (1) year term, three (3) of said members shall be appointed for a two (2) year term and three (3) of said members shall be appointed for a three (3) year term, except that the term of any elected officer who may be appointed to the Board shall expire upon the expiration of his term in office, or the expiration of his term upon the Board of Appeals, whichever event is first. All members of the Board of Appeals appointed to said Board prior to the enactment of this Ordinance

shall continue in office for the remaining portion of their term. All of the members of the Board shall be citizens of the United States and residents of the City of Madison Heights for a full two-year period prior to appointment. Members of the Board may be removed only as provided in Section 5.4 of the City Charter. Any vacancy in the Board shall be filled by the Council for the remainder of the unexpired term.

SECTION 2. All ordinances and parts of ordinances in conflict with the provisions herewith are hereby repealed to the extent of such conflict.

SECTION 3. Should any section, clause or phrase of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION 4. This Ordinance shall take effect ten (10) days after its adoption and upon publication as provided for by the Charter of the City of Madison Heights.

George W. Suarez
George W. Suarez
Mayor

Geraldine A. Case
Geraldine A. Case
City Clerk

CERTIFICATION:

I, the duly authorized Clerk of the City of Madison Heights do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Madison Heights City Council on November 25, 1985.

Geraldine A. Case
Geraldine A. Case
City Clerk

ADOPTED: November 25, 1985
PUBLISHED: November 29, 1985
EFFECTIVE: December 5, 1985