

CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN
ORDINANCE ADOPTED AT MEETING OF THE COUNCIL HELD ON THE
10th DAY OF September, 19 90
ORDINANCE NO. 868

ORDINANCE NUMBER 868

AN ORDINANCE TO AMEND ORDINANCE 571, BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY AMENDING IN PART SECTION 10.801 TO PROVIDE FOR APPOINTMENT OF NOT MORE THAN TWO (2) ALTERNATE MEMBERS OF THE ZONING BOARD OF APPEALS.

THE CITY OF MADISON HEIGHTS ORDAINS:

Section 1.

Section 10.801. Creation and Membership.

(1) There shall be established and appointed by Council of the City of Madison Heights, in accordance with Act 207 of the Public Acts of 1921, 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.

(2) Council may also appoint, in accordance with the procedures specified in the Zoning Ordinance, not more than two (2) 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 (2) 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 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 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 Board of Appeals.

(3) The Board of Appeals shall hear and decide appeals from and review any order, requirement, 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.

(4) In the first instance, three (3) of said member shall be appointed for a one-year term, three (3) of said members shall be appointed for a two-year term, and three (3) of said member shall be appointed for a three-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 even 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 a resident 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 or parts of ordinances in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect.

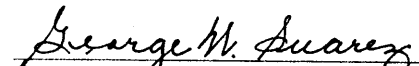
SECTION 3. Should any section, subdivision, clause or phrase of this ordinance be declared by the courts to be invalid, the validity of the ordinance as a whole, or in part, shall not be affected other than the part invalidated.


SECTION 4. All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this ordinance takes effect, are saved and may be consummated according to the law in force when they were commenced.

SECTION 5. This ordinance as ordered shall take effect ten (10) days after its adoption and upon publication.

SECTION 6. A copy of this ordinance may be inspected or purchased at the City Clerk's Office between the hours of 8:00 a.m. and 4:30 p.m. on regular business days.


ADOPTED: September 10, 1990
PUBLISHED: September 13, 1990
EFFECTIVE: September 20, 1990


George W. Suarez
Mayor


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 a resolution adopted by the Madison Heights City Council on September 10, 1990.


Geraldine A. Case
City Clerk