

VILLAGE OF PORT SANILAC ZONING BOARD OF APPEALS BY-LAWS

As originally adopted by the Village of Port Sanilac Zoning Board of Appeals on November 5, 2024 and amended on August 4, 2026.

ARTICLE I AUTHORITY

1.1 Rules of Procedures. These Bylaws and Rules of Procedure are adopted by the Village of Port Sanilac Zoning Board of Appeals pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, including MCL 125.3601 *et seq.*, and the Open Meetings Act, Public Act 267 of 196, as amended

ARTICLE II MEMBERSHIP

2.1 Members. Pursuant to MCL 125.3601 (2), the Port Sanilac Village Council shall serve as the Village of Port Sanilac Zoning Board of Appeals (ZBA).

2.2 Terms. The members of the Board shall serve on this board for the duration of their tenure in elected office as member of the Village Council.

2.3 Attendance. Attendance will be taken at all meetings of the Board.

2.4 Officers. At the January meeting, the Board shall elect from its membership a Chairperson and Vice-Chairperson who shall serve for a twelve-month period and who shall be eligible for re-election. The officers shall take office immediately following their selection. They shall hold their office for a term of one (1) year, or until successors are elected and assume office.

2.5 Duties.

A. Chairperson

1. The Chairperson shall preside at all meetings of the Board.
2. The Chairperson shall appoint the members of all committees or advisory committees established by the Board.
3. Call special meetings pursuant to these By-laws and Rules of Procedure.
4. Represent the Board before the Village Council.
5. Ensure all actions of the Board are properly taken and perform such other duties as may be ordered by the Board.

B. Vice-Chairperson

1. In the event of the absence of the Chairperson or during his or her inability to discharge the duties of the office of Chairperson, such duties shall, for the time being, be performed by the Vice-Chairperson.
2. In the event that both the Chairperson and the Vice-Chairperson are absent from a meeting, the members present shall designate a member of the Board as acting Chairperson for the meeting.

2.6 Vacancies. Membership on the Board, including the filling of vacant positions, shall directly coincide with membership on the Village Council. If a vacancy occurs in the office of Chairperson, the Vice-Chairperson shall serve until a successor is elected by the Board.

2.7 Alternate Members. The Village Council may appoint up to two (2) alternate members to serve on the Board. Each alternate member shall be an elector of the Village and shall serve for a term of four (4) years, continuing until a successor is appointed and qualified, unless earlier removed by the Village Council.

An alternate member may be called to serve in place of a regular member who is absent, unable to participate, or required to abstain because of conflict of interest. The Chairperson of the Board, or the person presiding over the meeting in the Chairperson's absence, shall call an alternate to serve when necessary.

An alternate member called to serve shall have the same rights and voting authority as a regular member of the Board for the matter for which the alternate is serving. An alternate called on to replace a member who is disqualified because of a conflict of interest shall continue to serve on the matter until a final decision is made.

ARTICLE III MEETINGS

3.1 Meeting Notices. Notice of all meetings shall be given pursuant to the requirements of the Open Meetings Act.

3.2 Regular Meetings. Regular meetings of the Board shall be held as necessary to conduct the business of the Board at the Call of the Chairperson or upon receipt of an Appeal or application requiring Board action.

3.3 Special Meetings. A special meeting may be called by the Chairperson or by two members of the Board upon written request to the Village Clerk. The business which the Board may perform at a special meeting shall be set forth in the notice of the meeting. The special meeting shall be conducted as a public meeting of the Board held in compliance with the Open Meetings Act.

3.4 Quorum. A majority of regular members of the Board shall constitute a quorum. No official action may be taken unless a quorum is present.

3.5 Hearings. Hearings shall be scheduled and notice provided as required by the Michigan Zoning Enabling Act, the Open Meetings Act and other applicable law. Public hearings conducted by the Board shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure:

A. The Chairperson shall open the hearing indicating the basic nature of the request, citing public notice in official newspaper, and notification of neighboring properties (if applicable).

B. The Chairperson shall announce the order of the hearing which is as follows:

1. Review by Village staff/professionals.
2. Comments and explanations by applicant.
3. Questions from the Board.

4. Responses by Village staff/professionals and/or applicant.
5. Opening of hearing for public comments.
6. Close hearing to public comments.
7. Responses by Village staff/professionals and/or applicant.

C. Public comment during hearings shall be limited to five (5) minutes per person. By consensus of the Board, additional speaking time may be allotted to a member of the public to present additional information.

3.6 Public Participation. All regular and special meetings, hearings, records and accounts shall be open to the public. The following procedures shall apply for public comment during all regular and special meetings.

A. Public comment shall be provided at the time designated on the agenda. Additional public comment may be permitted by the Chairperson as appropriate.

B. Public comment during the public comment section of the agenda shall be limited to five (5) minutes per person. By consensus of the Board, additional speaking time may be allotted to a member of the public to present additional information.

3.7 Motions. Motions shall be restated by the Chairperson before a vote is taken. The name of the maker and supporter of the motions shall be recorded.

3.8 Voting.

A. Unless otherwise required by statute, Board action shall require the affirmative vote of the majority of the members present.

B. Voting shall ordinarily be voice vote; provided however that a roll call vote shall be required if requested by any Board member or directed by the Chairperson.

C. All members of the Board present, including the Chairperson, shall vote on all matters brought before the Board except in the event of a bona fide conflict of interest as defined by these Bylaws.

3.9 Order of Business. A written agenda for all regular and special meetings shall be prepared as follows. The order of business shall be:

- A. Call to Order/Attendance.
- B. Approval of Minutes.
- C. Public Comments.
- D. Public Hearings.
- E. Old Business.
- F. New Business.
- G. Planning Commission and Zoning Administrator's Report.
- H. Adjournment.

3.10 Rules of Order. Meetings shall be conducted in accordance with the current edition of Robert's Rules of Order Newly Revised, except where inconsistent with these Bylaws or applicable law.

ARTICLE IV MINUTES

4.1 Minutes. Board minutes shall be prepared under the supervision of the Recording Secretary of the Board as identified below. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording of votes; complete statement of the conditions or recommendations made on any action; and a recording of attendance. All communications, actions, and resolutions shall be attached to the minutes. The official records shall be deposited with and kept by the Village Clerk/Recording Secretary.

ARTICLE V STAFF

5.1 Recording Secretary. The Village Clerk shall be the Recording Secretary of the Board. The Recording Secretary shall keep minutes of all meetings of the Board and sign the adopted version of the minutes. The Recording Secretary shall be responsible for all notices pertaining to meetings and recording of official acts of the Board. The Recording Secretary/Village Clerk shall not be a member of the Board.

5.2 Zoning Administrator. The Planning and Zoning Administrator shall be responsible for all agendas, staff reports, correspondence and notices pertaining to meetings and official acts of the Board.

ARTICLE VI DEMAND FOR APPEAL

6.1 Filing. Except as otherwise provided by law, only the following shall have standing to bring Appeal before the Board:

- A. Any aggrieved person, or the person's authorized agent;
- B. Officer, department, board, or bureau of the state; and
- C. Officer, department, board, or bureau of a local unit of government.

6.2 Appeal. The filing for an appeal of a decision or for a variance shall be in writing on a form provided by the Planning Commission, and upon payment of a fee, as may be established from time to time by the legislative body. Appeals shall be filed within the time prescribed by the Village Zoning Ordinance.

6.3 Notification. Within 10 days from the date of the receipt of the Appeal which is found to be complete, the Zoning Administrator shall contact the Chairperson of the Board for the purpose of scheduling a hearing and a meeting to consider and act on the case. Notice of such meeting(s) shall be made by the Zoning Administrator as specified in these Bylaws.

6.4 Notice of Decision. A written notice containing the decision of the Board will be sent to the applicant of the request as required by statute.

ARTICLE VII

OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

7.1 Meeting Location. All meetings of the Board shall be opened to the public and held in a place available to the general public.

7.2 Deliberations and Decisions. All deliberations and decisions of the Board shall be made at a meeting open to the public.

7.3 Addressing the Board. A person shall be permitted to address a hearing of the Board under the rules established in Subsection 3.5, and to address the Board concerning non-hearing matters under the rules established in Subsection 3.6 to the extent that they are applicable.

7.4 Record Availability. All records, files, publications, correspondence, and other materials are available to the public for reading, copying and other purposes and are governed by the Michigan Freedom of Information Act.

ARTICLE VIII

ANNUAL REPORT

8.1 Yearly Reporting. The Board shall, before the 31st day of March of each year, submit to the Village Council, a written report of its activities covering the previous year. The annual report shall summarize the Board's activities during the preceding year, including Appeals, variances, interpretations, and any recommendations Concerning administration of the Village Zoning Ordinance.

ARTICLE IX

CONFLICT OF INTEREST

9.1 Voting. A Board member shall vote on all matters unless there is a legitimate conflict of interest. If a Board member has a conflict of interest as to any matter before the Board, he or she shall not vote on the matter.

9.2 Conflict of Interest. As used herein, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:

- A. Issuing, deliberating on, voting on, or reviewing a case concerning him or her.
- B. Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is immediately adjacent to land owned by him or her.
- C. Issuing, deliberating on, voting on or reviewing a case involving a corporation, company, partnership, or any other entity in which he or she is a part owner, or any other relationship where he or she may stand to have a financial gain or loss.
- D. Issuing, deliberating on, voting on, or reviewing a case which is an action which results in a pecuniary benefit to him or her.
- E. Issuing, deliberating on, voting on, or reviewing a case concerning his or her spouse, children, step-children, grandchildren, parents, brothers, sisters, grandparents, parents-in-law, grandparents in-law, or members of his or her household.

F. Issuing, deliberating on, voting on, or reviewing a case where his or her employee or employer is:

1. an applicant or agent for an applicant; or,
2. has a direct pecuniary interest in the outcome.

9.3 Conflict of Interest Determination. If there is a question whether a conflict of interest exists or not, the question shall be put before the Board. Whether or not a conflict of interest exists shall be determined by a majority vote of the remaining members of the Board.

9.4 Conflict of Interest Declaration. When a conflict of interest exists, the member of the Board shall do the following immediately, upon first knowledge of the case and determining that a conflict exists:

- A. Declare a conflict exists at the first meeting of the Board which is held following the discovery of the conflict.
- B. Cease to participate at the Board meetings, or in any other manner, or represent oneself before the Board.
- C. A member with a conflict of interest shall not participate in discussion or deliberation and shall leave the Board table while the matter is considered and voted upon.

ARTICLE X AMENDMENTS

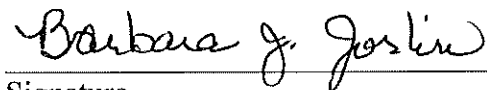
10.1 Rule Amendments. These Bylaws may be amended by the affirmative vote of a majority of the regular members of the Board at any regular meeting, provided that each member has received a copy of the proposed amendment at least three (3) days before the meeting at which the amendment is to be considered.

ARTICLE XI ADOPTION

11.1 These Zoning Board of Appeals Bylaws and Rules of Procedure were adopted at a regular meeting of the Village of Port Sanilac Village Council, acting as the Zoning Board of Appeals held on.

ARTICLE XII FILING

12.1 Filed with the Village Clerk on August 5, 2026



Signature

Printed Name of Village Clerk: Barbara Joslin