

CITY OF IRONWOOD ZONING BOARD OF APPEALS BY-LAWS AND RULES OF PROCEDURE

1. AUTHORITY

These By-laws and rules of Procedures are adopted by the Zoning Board of Appeals of the City of Ironwood, County of Gogebic, (hereinafter known as ZBA) pursuant to Public Act 110 of 2006, as amended, the Michigan Zoning Enabling Act; and the Public Act 267 of 1976, as amended, the Open Meetings Act; and the City of Ironwood Zoning Ordinance. The duties and responsibilities of the ZBA are specified and limited to those identified in the above referenced Articles and Chapters.

2. OFFICERS

- 2.1. **Selection.** At the Organizational meeting in December, the ZBA shall elect a chair, vice-chair, and secretary who shall serve for the next twelve (12) months and who shall be eligible for re-election. Vacancies in an office of the ZBA shall be filled at the next meeting of the ZBA. The membership shall elect one of its members to fill the vacancy until the next annual election.
- 2.2. **Duties.** The chair shall preside at all meetings and shall conduct all meetings in accordance with the rules provided herein. The vice-chair shall act in the capacity of the chair in the absence of the chair. In the event of a vacancy in the office of chair, the vice chair will assume the office of chair and the ZBA shall select a successor to the office of vice-chair at the earliest practicable time. The Secretary, or Recording Secretary appointed by the Secretary, shall be responsible for preparation of minutes, keeping of pertinent public records, delivering communications, reports, and related items of business of the ZBA, issuing notices of public hearings and performing related administrative duties to assure efficient and informed ZBA operations. In the event the Secretary is absent, the chair or acting chair shall appoint a temporary secretary for such meeting.
- 2.3. **Tenure.** The officers shall take office immediately following their election. They shall hold their office for a term of one year, or until their successors are elected and assume office.

3. MEETINGS

- 3.1. **Meetings.** Meetings shall be scheduled upon receipt of a complete application. The business which the ZBA may perform shall be conducted at a public meeting of the ZBA held in compliance with the Michigan Zoning Enabling Act. Public Notice of the time, date, and place of the meeting shall be given in a manner as required by the Michigan Planning Enabling Act.

- 3.2. **Meeting Notice.** Notice of all meetings shall be posted at City Hall. The notice shall include the date, time, and place of the meeting. Any changes in the date or time of the meetings shall be posted and noticed in the same manner as originally established.
- 3.3. **Board Absences.** In order to maintain the maximum participation of all appointed ZBA members at all scheduled meetings, the following is the attendance guide and Board Member replacement policy for “excused” or “unexcused” absences:
1. When appointed, each Board Member should state his/her willingness and intention to attend each scheduled meeting of the ZBA.
 2. In the event of unplanned personal matters, business trips, family vacation trips, changed job requirements, sickness, or other physical disabilities that prohibit the Board Member from attending the scheduled meeting; the Commission Chair or staff Liaison to the ZBA should be notified as soon as possible prior to the time of the scheduled meeting of their inability to attend. The Board Member upon his notification will receive an “excused absence” for the involved scheduled meeting.
 3. If any Board Member is absent from three (3) consecutive scheduled meetings without an “excused absence” for any of the three (3) meetings, the Board Member shall be reported in writing to the Zoning Administrator. The Zoning Administrator will contact the Board Member in writing and question his/her continued ability or interest in being on the Commission, giving the member a chance to rectify the attendance issue or submit a resignation.
 4. There will be no limit on the number of consecutive “excused absences” for any Board Member. However, if the Board Member is repeatedly absent for at least 50% of the yearly scheduled meetings, that member will also be reported in writing to the Zoning Administrator. The Zoning Administrator will contact the Board Member in writing and question the member’s continued ability or interest to be on the Commission. The Board Member will be considered for an appointment nullification when the absences total six in the calendar year.
 5. The appointment nullification action would be initiated by the Zoning Administrator and forwarded on to the City Commission for official action.
- 3.4. **Special Meetings.** A special meeting may be called by two members of the ZBA upon written request to the Secretary or by the Chairperson. The business which the ZBA may perform shall be conducted at a public meeting of the ZBA held in compliance with the Open Meetings Act. Public Notice of the time, date, and place of the special meeting shall be given in a manner as required by the Open Meetings Act, and the Secretary or Recording Secretary shall provide notice to members of the ZBA by writing, telephone, or e-mail.

- 3.5. **Quorum.** In order for the Appeals Board to conduct business or take any official actions, a quorum consisting of at least three members of the ZBA shall be present. When a quorum is not present, no official action, except for the closing of the meeting may take place. The members of the ZBA may discuss matters of interest but shall take no action until the next regular or special meeting. All public hearings without a quorum shall be scheduled for the next regular or special meeting and no additional public notice is required provided the date, time, and place is announced at the meeting.
- 3.6. **Public Hearings.** Hearings shall be scheduled, and due notice given in accordance with the provision of the Acts and Ordinance cited in Section 1. Public hearings conducted by the ZBA shall be run in an orderly and timely fashion. This shall be accomplished by the following procedure.
1. The Chair of the ZBA shall announce that a public hearing will be conducted on a request.
 2. The Chair shall read the public hearing announcement as published in the newspaper and give a brief description of the hearing subject and the public notice procedure.
 3. The Chair shall announce the following hearing rules:
 - a. The Chair will recognize each speaker. When a speaker has the floor, he/she is not to be interrupted unless time has expired. Persons speaking without being recognized shall be out of order.
 - b. Each speaker shall state their name and address for the record and may present written comments for the record.
 - c. Speakers shall address all comments and questions to the ZBA and comments will be limited to the subject matter of the Public Hearing.
 - d. Unless waived by the ZBA for a specific meeting or a specific speaker, public comment shall be limited to five (5) minutes per speaker. If a group of people wish to be heard on one subject, a spokesperson may be designated who may request that more than five (5) minutes be permitted for collective comments of the group as presented by that speaker.
 - e. The Chair may allow people to speak a second time after everyone has had the opportunity to speak. The Chair may request that repetitive comments be limited or abbreviated in the interest of saving time and allowing others to speak.
 - f. The Chair may establish additional rules of procedure for particular hearings as he/she determines appropriate.

- g. Normal civil discourse and decorum is expected at all times. Applause, shouting, outbursts, demonstrations, name-calling or other provocative speech or behavior may result in removal from the hearing or an adjournment.
- 4. Once all public comments have been stated, the Chair shall close the hearing. Any voting member of the ZBA initiate a motion to close the hearing.
 - 5. Public Hearing shall be carried out in the following format:
 - a. The Chair shall open the hearing.
 - b. The Applicant shall present any comments and explanation of the case. Applicant's presentation shall not be subject to the five (5) minute limitation.
 - c. The City staff and any consultants serving the City shall present their reports.
 - d. The hearing will be opened for public comment.
 - e. The public comment period will be closed.
 - f. Deliberation and discussion by the ZBA.
 - g. Disposition of the case by the ZBA.

If more than one public hearing has been scheduled for the meeting. The public hearings will be held in the order in which received. Deliberation and disposition by the ZBA will be held after all public hearings have been closed.

- 3.7. **Misfeasance, Malfeasance, or Nonfeasance/Conflict of Interest.** A member of the ZBA may be removed by the legislative body for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- 3.8. **Motions.** Motions shall be restated by the Chair before a vote is taken. The name of the maker and second of each motion shall be recorded.
- 3.9. **Voting.** An affirmative vote of the majority of the ZBA 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, but the Chairperson shall vote last.

- 3.10. **Order of Business.** A written agenda for all regular meetings shall be prepared as followed. The order of business shall be:

- Call to Order
- Roll Call
- Approval of Agenda
- Approval of Minutes
- Site Inspection
- Public hearings
- Business Session
 - Action of Pending Case
 - Unfinished Business
 - Other Business of the ZBA
- Public Comments and Communications concerning items not on the agenda.
- Adjournment

A written agenda for special meeting shall be prepared and followed, however the form as enumerated above shall not be necessary.

- 3.11. **Rules of Order.** All meetings of the ZBA shall be conducted in accordance with generally accepted parliamentary procedure, as adopted by the City Commission and all Boards and Commissions within the City of Ironwood.

- 3.12. **Agenda Items.** For an item to be considered at a regular ZBA meeting, it must be submitted to the City of Ironwood Community Development Department no later than the established policy of the City of Ironwood prior to the next scheduled ZBA meeting.

- 3.13. **Conflict of Interest:**

1. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
 - a. A commission member issuing, deliberating, voting or reviewing a case concerning himself.
 - b. A commission member issuing, deliberating, voting or reviewing a case concerning work on land owned by himself.
 - c. A commission member issuing, deliberating, voting or reviewing a case involving a corporation, company partnership, or other entity in which they are a part owner, or any other relationship where they may stand to have a financial gain or loss.
 - d. A commission member issuing, deliberating, voting or reviewing a case which is an action which results in a pecuniary benefit to themselves.

- e. A commission member issuing, deliberating, voting or reviewing a case concerning their spouse, children, stepchild, grandchildren, parents, brother, sister, grandparents, parents in-law, grandparents in-law or member of their household.
 - f. A commission member may consider the possibility of declaring a conflict of interest if his/her home falls within a notification radius used for a Public Hearing. Because the sending of the notice automatically presumes some degree of interest, this fact should be recognized by declaring a conflict, particularly if a financial impact is likely.
 - g. A Board Member who feels, in his/her judgement that his/her job, scope of duties and/or position may be at risk, pending the outcome of the permitting process.
 - h. The Planning Commission Representative to the ZBA will abstain from any case whereas a member of the Planning Commission he/she made a decision which resulted in the appeal.
2. A Commission member shall, when he/she has a conflict of interest do the following immediately, upon the first review of the case and determining the conflict exists:
- a. Declare a conflict exists at the beginning of the meeting where the case appears on the agenda, or when the topic brought up, so such declaration is recorded in the minutes, and
 - b. Refrain from participating in the discussion, site inspection or review of the case, except where specific information has been requested by the commission, and
 - c. Refrain from casting a vote on any motion having to do with the case.
3. Nothing in the above shall preclude a member from recusing him or herself from the board due to a conflict and participating as a member of the public.

4. Minutes

- 4.1. **Preparation.** ZBA minutes shall be prepared by the Secretary or Recording Secretary of the ZBA. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and recording votes; complete statement of the conditions or recommendations made on any action; and recording of attendance. All communications, action, and resolutions shall be attached to the minutes.

5. OPEN MEETINGS AND FREEDOM OF INFORMATION PROVISIONS

- 5.1. All meetings of the ZBA shall be open to the public and held in a place available to the general public.

- 5.2. All deliberations and decision of the ZBA shall be made at a meeting open to the public.
- 5.3. A person shall be permitted to address a hearing of the ZBA under the rules established in subsection 3.5, and to address the ZBA concerning non-hearing matters at the time designated for such comments.
- 5.4. A person shall not be excluded from a meeting of the ZBA except for breach of the peace, committed at the meeting.
- 5.5. All records, files, publications, correspondences, and other materials are available to the public for reading, copying, and other purposes as governed by the Freedom of Information Act.

6. ANNUAL REVIEW OF BY-LAWS

The ZBA shall annually review their By-Laws at their Organizational Meeting in December after the election of Officers.

7. AMENDMENTS

These rules may be amended by the ZBA by a concurring vote to subsection 3.7, during any regular meeting, provided that all members have received an advanced copy of the proposed amendments at least three (3) days prior to the meeting at which such amendments are to be considered.

I HEREBY CERTIFY that the above Bylaws are adopted the 2024.

Timothy Erickson, Secretary

Date

Chairperson

Date