

**City of Imlay City
ZONING BOARD OF APPEALS
By-Laws**

**Article 1
Purpose and Duties**

Section 1.1 Purpose

The purpose of the Zoning Board of Appeals, sometimes referred to as the "board," or ZBA, is to provide for the orderly development of the City of Imlay City while protecting the public health, safety, and general welfare of the City of Imlay City as required by the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended).

Section 1.2 Duties

The Duties and Responsibilities of the ZBA are the same as established in Section 6.34 of the City of Imlay City Zoning Ordinance, as amended.

**Article 2
Membership**

Section 2.1 Membership

Provisions regarding membership of the ZBA are the same as established in Section 6.31 of the City of Imlay City Zoning Ordinance, as amended.

Section 2.2 Qualifications

The Qualifications of the ZBA are the same as established in Section 6.32 of the City of Imlay City Zoning Ordinance, as amended.

Section 2.3 Compensation

Members shall be compensated for their services and reimbursed for expenses as provided by the City Commission. The City Commission sets the rate for services for all meetings. Reimbursement is on a case-by-case basis.

Section 2.4 Training

Education and training are critical to the planning and development of the City of Imlay City. At a minimum, the Zoning Board of Appeals requires one training course a year.

Section 2.5 Attendance

It is expected that ZBA members attend regular and special meetings as declared. Upon a ZBA member being unable to attend a meeting, prior notice shall be provided to Imlay City staff. Providing notice of an absence shall be considered an excused absence. Not providing notice prior to the ZBA meeting shall be considered an unexcused absence.

Section 2.6 Conflict of Interest

Members shall avoid conflicts of interest and exercise fair, honest, and independent judgment in all deliberations and decisions. A conflict of interest may be considered any of the following situations:

- a) A direct relative or other family member is involved in any request for which the ZBA is asked to make a decision;

- b) 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.
- c) Issuing, deliberating on, voting on, or reviewing a case concerning work on land owned by him or her or which is adjacent to land owned by him or her.
- d) There is a reasonable appearance of a conflict of interest, as determined by the ZBA member declaring such conflict.

If a member is concerned about a conflict of interest, that member shall declare a potential conflict of interest before any discussion of the item on the agenda. Upon the member identifying a potential conflict of interest, a vote among members of the ZBA shall be conducted to review if the member has a conflict of interest. The majority will determine if the ZBA member may proceed. The member with the potential conflict of interest shall abstain from the vote.

Upon finding there is a conflict of interest, the ZBA member shall abstain from all conversation regarding the agenda item. The member may choose to leave the table.

Upon determining there is no conflict of interest, the ZBA member shall participate in the discussion and voting of the agenda item as they see fit.

Section 2.7 Member in Bad Standings

The behavior and commitment of each ZBA shall display a certain level of decorum. Below is a list of factors that can result in being considered a member in bad standings:

- a) Three (3) or more unexcused absences by the member
- b) Exercising bad judgment regarding potential or real conflict of interest.
- c) Constantly not fulfilling the required annual training.
- d) Malfeasance, which is acting in a wrongful, dishonest, or illegal way in his/her capacity as a ZBA member.
- e) Misfeasance, which is acting in a legal but harmful way as a ZBA member.
- f) Nonfeasance, which is abstaining from voting where no conflict of interest exists.

The ZBA at any meeting may take a vote if a member in bad standing is declared. The ZBA will take a majority vote to see if it recommends the removal of that member from the ZBA. The City Commission may then consider removing a member of the ZBA.

Article 3 Officers

Section 3.1 Positions

The officers of the ZBA are the Chair, Vice-Chair, and Secretary. Officers are to be elected annually at the July meeting. Ex-officio members of the Board are not eligible to serve as Chair or Vice Chair.

Section 3.2 Chair

Duties of the Chair are to preside at all meetings following parliamentary procedure as Stated in Robert's Rules of Order and represent the ZBA at local governmental levels.

Section 3.3 Vice Chair

Duties of the Vice-Chair are to act as Chair with all powers and duties of that office, in Chair's absence.

Section 3.4 Secretary

Duties of the Secretary are:

- a) Provide, or cause to be provided, notice to the public and members of the Board of all regular and special meetings, according to the Open Meetings Act.
- b) Keep, or cause to be kept, minutes of each meeting.
- c) Act as Chair when the Chair and Vice Chair are absent.
- d) The ZBA may allow other persons to act as Secretary. This may include the City Clerk, Deputy Clerk, or any other City employee whom the City Clerk appoints.

Article 4 Meetings

Section 4.1 Meeting Periods

Regular meetings of the Zoning Board of Appeals (ZBA) shall be held on the fourth Thursday of every month at 6:00 PM in City Hall, unless otherwise noted, and are open to the public.

Notice of meetings shall be given according to the provisions of the Michigan Open Meeting Act. Public hearings and meeting notices shall be available on the City of Imlay City website, the front window of City Hall, and/or published in the local circulating newspaper.

Section 4.2 Special Meetings

Special meetings may be called by the Chair or by any two (2) members of the ZBA. All procedural rules of regular meetings apply to special meetings.

Section 4.3 Quorum

Quorum for the ZBA is the same as established in Section 6.31 of the City of Imlay City Zoning Ordinance, as amended.

Section 4.4 Procedure

Rules of procedure for meetings shall be according to Robert's Rules of Order.

Section 4.5 Public Comment

A time for public comment shall be provided at each meeting. The Chair may limit the time to three (3) minutes for each person to comment, to provide for an orderly and timely meeting.

Section 4.6 Voting

Voting shall be by voice and shall be recorded as passing or failing. A roll call vote may be requested by any member of the ZBA and shall be recorded as Ayes or Nays or Abstain.

Any member of the ZBA shall avoid situations where they are sitting in judgment and voting on a decision that they had a part in making. As used here, sitting in judgment and voting on a decision which they had a part in making, at a minimum, shall include, but not necessarily be limited to, the following:

- a) When the appeal is an administrative or other decision by the Planning Commission, and the member of the Board sits on both the Commission and the ZBA.
- b) When the appeal is an administrative or other decision by any committee of the Commission sits both on the committee and the ZBA or both on the Commission and ZBA.

Section 4.7 Passing Motions

On all procedural motions, a simple majority vote in the affirmative is necessary for adoption. Adoption of motions relating to variance requests by an applicant requires the majority vote as described in Section 6.35 of the City of Imlay City Zoning Ordinances, as amended. Voting by proxy is not allowed unless otherwise authorized by the Michigan Open Meeting Act, M.C.L. 15.261 et seq.

Section 4.8 Documentation

All meeting minutes are posted on the City of Imlay City's website under the ZBA tab or are available at City Hall for viewing. ZBA agendas are on the calendar.

Section 4.9 Open Meetings Act

All meetings and records of the ZBA shall be open to the public. The ZBA shall make proposed minutes available for public inspection within eight (8) business days after the meeting to which the minutes refer. The ZBA shall make approved minutes available for public inspection within five (5) business days after the meeting at which the minutes are approved by the public body.

Section 4.10 Agenda

The normal order of business.

- a) CALL TO ORDER
- b) PLEDGE OF ALLEGIANCE
- c) ROLL CALL
- d) APPROVAL OF AGENDA
- e) APPROVAL OF MINUTES
- f) CITIZENS FROM THE FLOOR
- g) PUBLIC HEARING (as needed)
- h) UNFINISHED BUSINESS
- i) NEW BUSINESS
- j) CITIZENS FROM THE FLOOR
- k) OTHER
- l) ADJOURNMENT

The ZBA reserves the right to modify the standard agenda based on the needs of the community.

Section 4.11 Recess

The Chair may suspend the ZBA's business and evaluate the remaining items on its agenda due to the length of the meeting. The Chair may establish a break for a certain amount of time. The ZBA can decide to finish that meeting's agenda, may act to continue the meeting on another day (fix the time at which to adjourn), or complete some agenda items and continue the meeting on another day to complete other agenda items or postpone certain agenda items to the next meeting.

If applicable, such action shall include the time, day, month, date, year, and location the ZBA will reconvene. If more than eighteen (18) hours pass before the reconvened ZBA, public notice shall be given to comply with P.A. 267 of 1976, as amended, (being the Michigan Open Meeting Act M.C.L. 15.261 et seq.).

Upon reconvening, a roll call of attendance shall be the first item of business before proceeding with the same agenda. The ZBA shall resume with the same meeting agenda, proceeding at the same point where they left off, without the addition of additional business.

Article 5 **Amendments**

Section 5.1 Amendments

Amendments to these bylaws may be proposed at any meeting of the ZBA.

Section 5.2 Conflicting Regulation

The City of Imlay City Zoning Ordinance supersedes the provisions of the ZBA bylaws, and if any of the bylaws are found in conflict with the City of Imlay City Zoning Ordinance, upon finding a conflict, the members should amend the bylaws to coincide with the Zoning Ordinance.

Adoption

The undersigned Zoning Board of Appeals (ZBA) Chair of the Zoning Board of Appeals (ZBA) of the City of Imlay City hereby certifies that these bylaws, as presented, were duly adopted by the Zoning Board of Appeals (ZBA) at a meeting held on the 18th day of December 2025.

Ted Sadler, Zoning Board of Appeals Chair

The undersigned City Clerk of the City of Imlay City hereby certifies that these bylaws were approved by the City Commission of the City of Imlay City at a regular meeting held on the 17th day of February 2026.

Dawn E. Sawicki-Franz, City Clerk