2/2/94
Draft Date

EXHIBIT A

RULES OF PROCEDURE

SAUGATUCK TOWNSHIP
ZONING BOARD OF APPEALS

CHAPTER I

JURISDICTION AND POWERS

1.1 Jurisdiction and Powers. The Zoning Board of Appeals (the "Board") shall have all the jurisdiction and powers specified in the Saugatuck Township Zoning Ordinance (the "Zoning Ordinance"), as amended, and all applicable statutes of the State of Michigan.

CHAPTER II

OFFICERS AND COMMITTEES

2.1 Officers; Election. At its first meeting in each calendar year, the Board shall elect from its members a Chairperson, Vice-Chairperson, Secretary and such other officers as it may deem advisable, to serve as officers of the Board for that calendar year. No member of the Board may hold more than one (1) office. An elected officer of the Township shall not serve as Chairperson.

2.2 Officers; Voting Rights. The officers, the Chairperson, Vice-Chairperson and Secretary, shall have the same discussion and voting rights and duties as other members of the Board.

2.3 Committees. The Chairperson may, subject to the approval of the Board, appoint such committees as may be necessary; in connection therewith, the Chairperson shall specify the duties of such committees and determine when such committees shall be discharged. A person who is not a member of the Board may serve on a committee. The Chairperson shall be an ex-officio member of all committees.

2.4 Chairperson. The Chairperson shall preside at all meetings of the Board and shall take such action and measures as are necessary to conduct such meetings in an orderly and businesslike manner. The Chairperson may administer oaths and compel the attendance of witnesses at meetings of the Board. In the case of absence or inability of the Chairperson to act, the duties of his or her office shall be performed by the Vice-Chairperson. If the office of Chairperson becomes vacant by death, resignation or otherwise, the Vice-Chairperson shall serve as Chairperson until a new Chairperson is elected.

2.5 Secretary. The Secretary shall perform the usual duties of the office of Secretary, and such other duties as the Board may direct, specifically including the following:

(a) The Secretary shall be responsible for the safekeeping of all official minute books and records of the Board; and

(b) The Secretary shall be responsible for all correspondence and notices pertaining to meetings and official acts of the Board.

CHAPTER III

MEETINGS

3.1 Generally. Meetings of the Board shall generally be held at the Saugatuck Township Hall, 3461 Blue Star Highway, Saugatuck, Michigan. The Board shall meet within a reasonable period of time after a matter has been appealed to it. Meetings of the Board shall be held at the call of the Chairperson or by two (2) other members of the Board upon request to the Secretary (the Secretary may be one (1) of the two (2) requesting members). The same procedure may be used to change the location of a Board meeting.

3.2 Notice. Notice to the members of the place, day and hour of any meeting of the Board shall be served on each member of the Board at least eighteen (18) hours in advance of the time of the meeting. Service of notice may be made personally, by telephone, or by mailing such notice, postage prepaid, plainly addressed to the member at his/her current mailing address. However, notice by mail of a meeting of the Board may only be given if the mailing occurs at least seventy-two (72) hours in advance of the meeting. In addition, with respect to the notices for all meetings of the Board, the Board shall comply with all requirements of Michigan Act 267 of 1976, as amended, the Michigan Open Meetings Act. All meetings of the Board shall be open to the public.

3.3 Quorum. At all meetings of the Board a majority of the members shall constitute a quorum for the transaction of business.

3.4 Procedures. For meetings of the Board and advisory committees, the rules of parliamentary practice as set forth in "Robert's Rules of Parliamentary Procedure" shall govern in all cases in which they are not inconsistent with these Rules of Procedure or the laws of the State of Michigan. The Chairperson of any Board meeting has the right and duty to regulate the proceedings of the meeting, including deciding questions of order, making public declaration of votes cast, granting authority to persons to speak at the meeting, silencing those who may be out of order or disrupting the meeting, and ordering any disorderly person out of the meeting.

3.5 Order of Business. The recommended order of business for a regular Board meeting is the following:

- Call to order
- Reading of previous meeting minutes
- Non-Board member inquiries and questions
- Reports
- Old business
- New business
- Announcements
- Adjournment

Although the above order of business is recommended, the Chairperson may, at his or her discretion, change the order of business to suit the requirements of the meetings.

3.6 Agenda. With respect to any item on the agenda for the Board's consideration, the Chairperson shall introduce the matter. The Secretary shall then read the notice of public hearing. The Chairperson shall then announce as follows.

(a) The public hearing in this matter is declared open.

(b) The procedures and rules to be followed by all persons during this hearing are as follows.

1. No person shall address the Board or otherwise question or comment upon any matter without first being recognized by the Chairperson.

2. Once recognized by the Chairperson, each person shall give his or her name and address before addressing the Board or otherwise questioning or commenting upon any matter.

3. The persons requesting the variance or authorization or reversal (the "applicants"), or their representatives, shall make their full presentation in support of their petition first, without interruption.

4. Following the presentation on behalf of the applicants, Board members may direct any comments or questions they may have to the applicants.

5. Any persons or groups, or their representatives, in opposition to the applicants may make their presentation next, without interruption.

6. Following any presentation on behalf of opponents, Board members may direct any comments or questions they may have to such persons.

7. Next, any comments or questions the applicants may have in response to any presentation by an opponent may then be made.

8. Next, any other comments or questions any opponents may have of the applicants may be made.

9. Finally, any other persons, whether in support of or in opposition to the applicants, or otherwise, may make their comments and ask their questions.

10. The hearing is expected and intended to proceed in an orderly manner. Cooperation of all in attendance is anticipated and will be appreciated. People in attendance are invited to be heard on any application that they may be interested in, regardless of where they may live. All presentations, questions, comments and replies are to be directed to the chair.

(c) The Chairperson shall then call upon the applicants, or their representatives, to make their presentation in support of their application.

(d) The Chairperson shall then call for any comments or questions Board members may have of the applicants.

(e) The Chairperson shall then call upon any persons or groups in opposition to the application to make their presentation.

(f) The Chairperson shall then call for any comments or questions Board members may have of opponents.

(g) The Chairperson shall then call for any further response, comments or questions by the applicants.

(h) The Chairperson shall then call for any further response, comments or questions by opponents.

(i) The Chairperson shall then call for any other comments or questions, whether in support of or in opposition to the application or otherwise.

(j) When all presentations, comments and questions have been made, and when there is no one else desiring to be heard, and when there are no further inquiries from Board members, the Chairperson should state as follows:

> "There being no further comment nor anyone else desiring to be heard, I will entertain a motion from the Board that the public hearing portion of this meeting be closed."

(k) After motion to close the hearing carries, one of the following motions should be made and acted upon:

(1) Motion to take the matter under advisement for recommendation at a later date; or

(2) Motion to grant the variance, or the authorization required by the Zoning Ordinance, or to reverse the determination of the Zoning Administrator; or

(3) Motion to deny the variance, or the authorization required by the Zoning Ordinance, or to reverse the determination of the Zoning Administrator; or

(4) Any other motion as may be proper and appropriate.

3.7 Agenda; Change. Although the basic agenda set forth above for the Board is a recommended agenda, the Chairperson may, at his or her discretion, change the agenda to suit the requirements of the hearing. In particular, the Chairperson may, with approval of the Board, require that a particular hearing be adjourned and continued to a time, place and certain date, after due and proper notice, because of the length or complexity of any such hearing, the need for additional information to be furnished, or for any other proper reason.

CHAPTER IV

APPEALS AND PROCEDURES

4.1 Notice of Appeal. Appeals to the Board shall be prepared on forms supplied by the Township. Any communication purporting to be an appeal shall be regarded as mere intent until the required form has been completed and filed with the Board. All appeals shall be filed within thirty (30) days from the date the appellant is informed by the Zoning Administrator that his or her application for a permit under the Zoning Ordinance has been denied. The completed form shall specify the grounds for the appeal. Upon receipt of a completed form, the Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

4.2 Appeal Stay: Final Decision: Circuit Court Appeal. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board after the Notice of Appeal has been filed that by reason of facts stated in the Zoning Administrator's certificate, a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the Circuit Court, on application, on notice to the Zoning Administrator and on due cause shown. Any decision of the Board shall be final, and any person having an interest affected by the Zoning Ordinance shall have the right to appeal to the Allegan County Circuit Court. Upon appeal the Court shall review the record and decision of the Board to insure that the decision:

(a) Complies with the Constitution and laws of the State;

(b) Is based upon proper procedure;

(c) Is supported by competent, material and substantial evidence; and

(d) Represents the reasonable exercise of discretion granted by law to the Board.

4.3 Time of Hearing. The Board shall fix a reasonable time for the hearing of the appeal and shall give due notice thereof to the parties.

4.4 Agents and Attorneys. All appeals shall be made by the property owner or his or her authorized agent or attorney. The authority of such agent shall be in writing and a copy thereof shall be filed with the appeal. Any party appearing before the Board may appear in person or by or with his or her authorized agent or attorney.

CHAPTER V

DISPOSITION OF APPEALS

5.1 Time Decision. The Board shall decide all appeals and all matters referred to it or upon which it is required to pass under the Zoning Ordinance within a reasonable time.

5.2 Withdrawal. Any person having filed an appeal or a zoning permit application which requires the approval of the Board may, with the consent of the Board, withdraw such appeal or application at any time prior to action thereon. However, if a motion has been made for the disposition of such appeal or application, then such appeal or application may no longer be withdrawn.

5.3 Majority Vote; Grounds Stated. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, to decide in favor of the applicant any matter upon which the Board is required to pass under the Zoning Ordinance, or to grant any variation from the Zoning Ordinance. The grounds of each determination by the Board shall be stated.

5.4 Decision; Building Permit; Notice. If the decision of the Board grants authority for the applicant to construct, erect, modify, rebuild, reconstruct or do other work with respect to a building or structure, the applicant shall obtain the building permit therefor within ninety (90) days from the action by the Board. Each party presenting a matter to the Board shall be notified of the action of the Board as soon as practicable after such action is taken; specifically, a copy of the decision describing the action taken by the Board shall be mailed or personally delivered to each party.

CHAPTER VI

MISCELLANEOUS

6.1 Records. All records of the Board shall be filed in the office of the Township Clerk and shall be public records.

6.2 Tape Recordings. If a meeting of the Board is tape recorded, the tapes shall be retained for at least thirty (30) days after the meeting or until the day after the next meeting of the Board, whichever is the last to occur.

6.3 Amendment. These Rules of Procedure, in whole or in part, may be amended, added to or repealed upon the affirmative vote of a majority of the members of the Board at any regular or special meeting. Notice of the proposed alteration, amendment, addition or repeal must be sent by first-class mail or delivered in person to all members of the Board at least fifteen (15) days before the regular or special meeting of the Board at which it is to be considered.

6.4 Inconsistent Provisions. Insofar as any provisions of these Rules of Procedure conflict with any Michigan law, the provisions of such Michigan law shall govern and control.

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EXCERPTS OF MINUTES

At a special meeting of the Zoning Board of Appeals of the Township of Saugatuck, Allegan County, Michigan, held at the Township Hall at 3461 Blue Star Highway, Saugatuck, Michigan, on the 10th day of February, 1994, at 6:45 p.m., local time.

Present: _____

_____

Absent: _____

After certain other matters of business were concluded, the Chairperson advised the Zoning Board of Appeals (the "Board") that the next order of business was the consideration of proposed Rules of Procedure for the Board. A draft of the Rules of Procedure was then reviewed by members of the Board. After discussion, the following resolution was offered by _____ and supported by _____:

RESOLUTION

WHEREAS, Michigan Act 184 of 1943, as amended, establishes powers and duties for the Board; and

WHEREAS, the Board can best exercise its powers and perform its duties if it adopts Rules of Procedure to guide its meetings;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. That the Board does hereby adopt the Rules of Procedure attached hereto as Exhibit A.

2. That all resolutions in conflict herewith in whole or in part are hereby revoked to the extent of such conflict.

YES: _____

_____

NO: _____

RESOLUTION DECLARED ADOPTED.

Dated: February 10, 1994.

_____
Secretary
Saugatuck Township Zoning Board of Appeals

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CERTIFICATE

I, the undersigned, the duly qualified and acting Secretary of the Saugatuck Township Zoning Board of Appeals, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Zoning Board of Appeals at a special meeting of the Zoning Board of Appeals held on the 10th day of February, 1994. I do further hereby certify that public notice of said meeting was given pursuant to and in full compliance with Michigan Act 267 of 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

_____

Secretary
Saugatuck Township Zoning Board of Appeals

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