

said legislative body may fix rules and regulations to govern its procedure sitting as such a board of appeals. In the event that the legislative body of any city or village so desires, it may appoint a board of appeals consisting of not less than 5 members, each to be appointed for a term of 3 years: PROVIDED, That appointments for the first year shall be for a period of 1, 2 and 3 years, respectively, so as nearly as may be to provide for the appointment of an equal number each year, depending on the number of members, thereafter each member to hold office for the full 3 year term. Such board of appeals shall hear and decide appeals from and review any order, requirements, decision or determination made by an administrative official charged with the enforcement of any ordinance adopted pursuant to the provisions of this act. They shall also hear and decide all matters referred to them or upon which they are required to pass under any ordinance of the legislative body adopted pursuant to this act. The concurring vote of 2/3 of the members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant any matter upon which they are required to pass under any such ordinance or to effect any variation in such ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the city or village. Wherever any city or village has created or may create a board of rules or board of building appeals, such board may be enlarged to consist of not less than 5 members, and these may be appointed as the board of appeals as herein provided.

#### APPEALS, HOW TAKEN

(b) Such appeal shall be taken within such time as shall be prescribed by the board of appeals, by general rule, by the filing with the officer from whom the appeal is taken and with the board of appeals of a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board, all the papers constituting the record upon which the action appealed from was taken.

#### STAY

(c) An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board of appeals after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would in his 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 of appeals or by the circuit court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

#### HEARING OF AND DECISION UPON APPEAL

(d) The board of appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to all persons to whom any real property within 300 feet of the premises in question shall be assessed, such notice to be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll, and shall decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer from whom the appeal is taken. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinances, the board of appeals shall have power in passing upon appeals to vary or modify any of its rules, regulations or provisions relating to the construction, structural changes in, equipment, or alteration of

buildings or structures, or the use of land, buildings or structures, so that the spirit of the ordinance shall be observed, public safety secured and substantial justice done. The decision of such board shall not become final until the expiration of 5 days from the date of entry of such order unless the board shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record. The legislative body of any city or village may authorize the payment of not to exceed \$5.00 per members for attendance at regular meetings of such boards: PROVIDED, That the foregoing limitation on payments to members shall not apply in any city now or hereafter having a population of 90,000 or more as determined by the last federal decennial census, or by any federal census, or by any federal decennial census, hereafter taken.

125.586. **CONFLICTING LAWS; GOVERNING LAW. SECTION 6.** Wherever the provision of any ordinance or regulations, adopted by the legislative body of any city or village under the provisions of this act, impose requirements for lower heights of buildings, or a less percentage of lot than may be occupied, or require wider or larger courts or deeper yards than are imposed or required by existing provisions of law or ordinance, the provisions of such local ordinance or regulation adopted under the provisions of this act shall govern. Where, however, the provisions of the state housing code or other ordinances or regulations of any city or village impose requirements for lower heights of buildings or less percentage of lot than may be occupied, or require wider or larger courts or deeper yards than are required by any ordinance or regulation which may be adopted by the legislative body of any city or village under the provisions of this act, the provisions of said state housing code or other ordinance or regulations shall govern.

125.587. **VIOLATION NUISANCE PER SE; ABATEMENT. SECTION 7.** Buildings erected, altered, razed or converted, or uses carried on in violation of any provision of local ordinances or regulations made under the authority of this act are hereby declared to be a nuisance per se. The court shall order such nuisance abated and the owner and/or agent in charge of such building or land shall be adjudged guilty of maintaining a nuisance per se. The legislative body shall in the ordinance enacted under the provisions of this act, designate the proper officials whose duty it shall be to enforce the provisions of such ordinance and provide penalties for the violation thereof.

125.588. (Repealed by Public Acts 1945, No. 267, imd. eff. May 25.)

125.589. **DECLARATION OF NECESSITY. SECTION 9.** The provisions of this act are hereby declared to be immediately necessary for the preservation of the public peace, health and safety and are hereby given immediate effect.

125.590. **APPEAL AND REVIEW BY COURTS. SECTION 10.** Any party aggrieved by any order, determination or decision of any officer, agency, board, commission, board of appeals, or the legislative body of any city or village, made pursuant to the provisions of section 3a of this act may obtain a review thereof both on the facts and the law, in the circuit court for the county wherein the property involved or some part thereof, is situated: PROVIDED, That application is made to the court within 30 days after delivery of a copy of such order, determination or decision, by certiorari or by any other method permissible under the rules and practices of the circuit courts of this state. On such review the courts shall have jurisdiction to make such further orders in respect thereto as justice may require. An appeal may be had from the decision of any circuit court or condemnation court to the supreme court in the same manner as provided by the laws of this state with respect to appeals from circuit courts; and in the event of such appeal, the issue of non-conformity may be reviewed as an issue of law in the supreme court.

## INDEX

A	Section	Section
Accessory building, definition	2.2	Maximum permitted, P1 Districts
Accessory buildings, residential districts, height of	4.6	Maximum permitted, B2 Districts
Accessory buildings, residential districts, location of	4.8	Maximum permitted, B6 Districts
Accessory use, definition	2.1	Maximum permitted, BL Districts
Accessory uses, R1 District	5.1	Maximum permitted, BC Districts
Accessory uses, R2 District	6.1	Maximum permitted, C6 Districts
Acid manufacturing, corrosive	17.1	Maximum permitted, ML Districts
Administration of Zoning Ordinance	18	Maximum permitted, ML6 Districts
Aeroplane beacons	2.7	Maximum permitted, MH Districts
Air Conditioners	4.6	Material yards
Alley as part of lot area	4.3	Moving permits
Alley, definition	2.3	Non-conforming
Animal reduction, dead	17.1	Occupancy, certificate of
Animal slaughter house	17.1	Permits
Apartment Hotels	8.1	Permit applications
Appeals, Board of Zoning	20	Permit for new use of
Application for Certificates of Occupancy	18.15	Publicly owned
Appointment of Board of Appeals (see personnel of Board)	20.2	Reconstruction of damaged non-conforming
Appointment of Zoning Commission	21	Repairing permits
Armories	10.1	Repair or alteration of non-conforming
Asphalt manufacturing and refining	17.1	Ultimate erection
Assembly halls	10.1	Under construction
Asylums	8.1	Use of premises without
Auditorium parking	3.11	Bulk limitation, BL District
Auto Rides	10.1E	Bulk limitation, BC District
Auto wrecking yard (see definition of junk yard)	2.18, 17.1	Business College
		Business district use regulations
B		C
Bakeries	B-9.1, 14.1	Cabarets
Banks	B-9.1	Canning
Beauty parlors	10.1	Cardboard box manufacture
Beverage bottling	14.1	Carpet cleaning plants
Billboards	10.1	Carnivals
Blighted Area	20.7	Cat and dog hospitals
Block, definition	2.4	Cement manufacture
Blue Print Shops	10.1	Certificates for dwelling accessory buildings
Board, definition	2.5	Certificates for existing uses
Board of Zoning Appeals	20	Certificates of Occupancy, application for
Established	20.1	Certificates of Occupancy, temporary
Hearings and powers	20.7	Certificates, records of
Jurisdiction and appeals	20.5	Chimney, height of
Meetings and record	20.4	Christmas Tree Sites
Officers	20.3	Churches permitted
Personnel	20.2	Cigar factories
Rules of procedure and notice	20.6	Cigarette factories
Body plants	17.1	Cinema development
Boiler works	17.1	Cinema production
Bone distillation	17.1	Circuses
Book Binding	14.1	Cleaning compounds
Boundaries of districts	3.9	Clubs, private
Boundary line lots	4.2	Coal and coke yards
Brewing	16.1	Coal distillation
Buffing operations	16.1	Coke ovens
Building:		Colleges, business
Alteration permit	18.7	Confection manufacture
Definition	2.6	Commercial billboard
Erection permit	18.7	Commission approval
Height:		Commission, definition
Definition	2.7	Conversion of non-residential structures
Maximum permitted, R1 Districts	5.5	Correctional institutions
Maximum permitted, R2 Districts	6.5	Corrosive acid manufacture
Maximum permitted, RM Districts	7.4	Creameries
Maximum permitted, RM4 Districts	8.3	Curing, hides and skins
Maximum permitted, RMU Districts	9.3	Cutlery manufacture