

# HOUSE BILL No. 5504

February 12, 1992, Introduced by Reps. Varga and Joe Young, Jr. and referred to the Committee on Towns and Counties.

A bill to amend the title and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 of Act No. 169 of the Public Acts of 1970, entitled as amended

"An act to provide for establishment of historic districts; to provide for the acquisition of land and structures for historic purposes; to provide for preservation of historic and nonhistoric sites and structures within historic districts; to provide for the creation of historic district commissions; and to provide for the maintenance of publicly owned historic sites and structures by local units,"

sections 2 and 5 as amended by Act No. 230 of the Public Acts of 1986 and section 3 as amended by Act No. 125 of the Public Acts of 1980, being sections 399.201, 399.202, 399.203, 399.204, 399.205, 399.206, 399.207, 399.208, 399.209, 399.210, and 399.211 of the Michigan Compiled Laws; and to add sections 1a, 14, and 15.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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1 ~~objects.~~ THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE "LOCAL  
2 HISTORIC DISTRICTS ACT".

3 SEC. 1A. AS USED IN THIS ACT:

4 (A) "ALTERATION" MEANS WORK THAT CHANGES THE DETAIL OF A  
5 RESOURCE BUT DOES NOT CHANGE ITS BASIC SIZE OR SHAPE.

6 (B) "BUREAU" MEANS THE BUREAU OF HISTORY OF THE MICHIGAN  
7 DEPARTMENT OF STATE.

8 (C) "CERTIFICATE OF APPROPRIATENESS" MEANS THE WRITTEN  
9 APPROVAL OF A PERMIT APPLICATION FOR WORK THAT IS APPROPRIATE AND  
10 THAT DOES NOT ADVERSELY AFFECT A RESOURCE.

11 (D) "COMMISSION" MEANS A HISTORIC DISTRICT COMMISSION CRE-  
12 ATED BY THE LEGISLATIVE BODY OF A LOCAL UNIT PURSUANT TO  
13 SECTION 4.

14 (E) "COMMITTEE" MEANS A HISTORIC DISTRICT STUDY COMMITTEE  
15 APPOINTED BY THE LEGISLATIVE BODY OF A LOCAL UNIT PURSUANT TO  
16 SECTION 3 OR 14.

17 (F) "DEMOLITION" MEANS THE RAZING OR DESTRUCTION, WHETHER  
18 ENTIRELY OR IN PART, OF A RESOURCE AND INCLUDES, BUT IS NOT  
19 LIMITED TO, DEMOLITION BY NEGLECT.

20 (G) "DEMOLITION BY NEGLECT" MEANS NEGLECT IN MAINTAINING,  
21 REPAIRING, OR SECURING A RESOURCE THAT RESULTS IN DETERIORATION  
22 OF AN EXTERIOR FEATURE OF THE RESOURCE OR THE LOSS OF STRUCTURAL  
23 INTEGRITY OF THE RESOURCE.

24 (H) "DENIAL" MEANS THE WRITTEN REJECTION OF A PERMIT APPLI-  
25 CATION FOR WORK THAT IS INAPPROPRIATE AND THAT ADVERSELY AFFECTS  
26 A RESOURCE.

1 (I) "HISTORIC DISTRICT" MEANS AN AREA, OR GROUP OF AREAS NOT  
2 NECESSARILY HAVING CONTIGUOUS BOUNDARIES, THAT CONTAINS 1  
3 RESOURCE OR A GROUP OF RESOURCES THAT ARE RELATED BY HISTORY,  
4 ARCHITECTURE, ARCHAEOLOGY, ENGINEERING, OR CULTURE.

5 (J) "HISTORIC PRESERVATION" MEANS THE IDENTIFICATION, EVALU-  
6 ATION, ESTABLISHMENT, AND PROTECTION OF RESOURCES SIGNIFICANT IN  
7 HISTORY, ARCHITECTURE, ARCHAEOLOGY, ENGINEERING, OR CULTURE.

8 (K) "HISTORIC RESOURCE" MEANS A PUBLICLY OR PRIVATELY OWNED  
9 BUILDING, STRUCTURE, SITE, OBJECT, FEATURE, OR OPEN SPACE THAT IS  
10 SIGNIFICANT IN THE HISTORY, ARCHITECTURE, ARCHAEOLOGY, ENGINEER-  
11 ING, OR CULTURE OF THIS STATE OR A COMMUNITY WITHIN THIS STATE,  
12 OR OF THE UNITED STATES.

13 (L) "LOCAL UNIT" MEANS A COUNTY, CITY, VILLAGE, OR  
14 TOWNSHIP.

15 (M) "NOTICE TO PROCEED" MEANS THE WRITTEN PERMISSION TO  
16 ISSUE A PERMIT FOR WORK THAT IS INAPPROPRIATE AND THAT ADVERSELY  
17 AFFECTS A RESOURCE, PURSUANT TO A FINDING UNDER SECTION 5(5).

18 (N) "OPEN SPACE" MEANS UNDEVELOPED LAND, A NATURALLY LAND-  
19 SCAPED AREA, OR A FORMAL OR MAN-MADE LANDSCAPED AREA THAT PRO-  
20 VIDES A CONNECTIVE LINK OR A BUFFER BETWEEN OTHER RESOURCES.

21 (O) "ORDINARY MAINTENANCE" MEANS KEEPING A RESOURCE UNIM-  
22 PAIRED AND IN GOOD CONDITION THROUGH ONGOING MINOR INTERVENTION,  
23 UNDERTAKEN FROM TIME TO TIME, IN ITS EXTERIOR CONDITION.

24 ORDINARY MAINTENANCE DOES NOT CHANGE THE EXTERNAL APPEARANCE OF  
25 THE RESOURCE EXCEPT THROUGH THE ELIMINATION OF THE USUAL AND  
26 EXPECTED EFFECTS OF WEATHERING. ORDINARY MAINTENANCE DOES NOT  
27 CONSTITUTE WORK FOR PURPOSES OF THIS ACT.

1 (P) "PROPOSED HISTORIC DISTRICT" MEANS AN AREA, OR GROUP OF  
2 AREAS NOT NECESSARILY HAVING CONTIGUOUS BOUNDARIES, THAT HAS  
3 DELINEATED BOUNDARIES AND THAT IS UNDER REVIEW BY A COMMITTEE OR  
4 A STANDING COMMITTEE FOR THE PURPOSE OF MAKING A RECOMMENDATION  
5 AS TO WHETHER IT SHOULD BE ESTABLISHED AS A HISTORIC DISTRICT OR  
6 ADDED TO AN ESTABLISHED HISTORIC DISTRICT.

7 (Q) "REPAIR" MEANS TO RESTORE A DECAYED OR DAMAGED RESOURCE  
8 TO A GOOD OR SOUND CONDITION BY ANY PROCESS. A REPAIR THAT  
9 CHANGES THE EXTERNAL APPEARANCE OF A RESOURCE CONSTITUTES WORK  
10 FOR PURPOSES OF THIS ACT.

11 (R) "RESOURCE" MEANS 1 OR MORE PUBLICLY OR PRIVATELY OWNED  
12 HISTORIC OR NONHISTORIC BUILDINGS, STRUCTURES, SITES, OBJECTS,  
13 FEATURES, OR OPEN SPACES LOCATED WITHIN A HISTORIC DISTRICT.

14 (S) "STANDING COMMITTEE" MEANS A PERMANENT BODY ESTABLISHED  
15 BY THE LEGISLATIVE BODY OF A LOCAL UNIT PURSUANT TO SECTION 14 TO  
16 CONDUCT THE ACTIVITIES OF A HISTORIC DISTRICT STUDY COMMITTEE ON  
17 A CONTINUING BASIS.

18 (T) "WORK" MEANS AN ACTIVITY THAT CAUSES, BRINGS ABOUT, OR  
19 EFFECTS A CHANGE IN THE APPEARANCE OF A RESOURCE OR THE HISTORIC  
20 DISTRICT IN WHICH THE RESOURCE IS LOCATED, INCLUDING, BUT NOT  
21 LIMITED TO, CONSTRUCTION, ADDITION, ALTERATION, REPAIR, MOVING,  
22 EXCAVATION, AND DEMOLITION.

23 Sec. 2. ~~Historical~~ HISTORIC preservation is declared to  
24 be a public purpose and the legislative body of a local unit may  
25 by ordinance regulate the construction, ADDITION, alteration,  
26 repair, moving, EXCAVATION, and demolition of ~~historic and~~  
27 ~~nonhistoric structures~~ RESOURCES in historic districts within

1 the limits of the local unit. The purpose of the ordinance shall  
2 be to DO 1 OR MORE OF THE FOLLOWING:

3 (a) Safeguard the heritage of the local unit by preserving  
4 ~~a district~~ 1 OR MORE HISTORIC DISTRICTS in the local unit  
5 ~~which reflects~~ THAT REFLECT elements of the unit's ~~cultural,~~  
6 ~~social, economic, political, or architectural~~ history, ARCHITEC-  
7 TURE, ARCHAEOLOGY, ENGINEERING, OR CULTURE.

8 (b) Stabilize and improve property values in ~~that~~ EACH  
9 district AND THE SURROUNDING AREAS.

10 (c) Foster civic beauty.

11 (d) Strengthen the local economy.

12 (e) Promote the use of historic districts for the education,  
13 pleasure, and welfare of the citizens of the local unit and of  
14 the state.

15 Sec. 3. (1) A local unit may, BY ORDINANCE, establish ~~by~~  
16 ~~ordinance~~ 1 OR MORE historic districts. THE HISTORIC DISTRICTS  
17 SHALL BE ADMINISTERED BY A COMMISSION ESTABLISHED PURSUANT TO  
18 SECTION 4. Before ~~establishment of an historical~~ ESTABLISHING  
19 A HISTORIC district, ~~an~~ THE LEGISLATIVE BODY OF THE LOCAL UNIT  
20 SHALL APPOINT A historic district study committee. ~~, appointed~~  
21 ~~by the legislative body and containing~~ THE COMMITTEE SHALL CON-  
22 SIST ENTIRELY OF PERSONS WHO HAVE A CLEARLY DEMONSTRATED INTEREST  
23 IN OR KNOWLEDGE OF HISTORIC PRESERVATION, AND SHALL CONTAIN rep-  
24 resentation from ~~any existing historical~~ 1 OR MORE DULY ORGA-  
25 NIZED LOCAL HISTORIC preservation ORGANIZATIONS. ~~society, shall~~  
26 ~~conduct studies and research, and shall make a report on the~~  
27 ~~historical significance of the buildings, structures, features,~~

~~1 sites, objects, and surroundings in the local unit. The report~~  
~~2 shall contain recommendations concerning the area to be included~~  
~~3 in the proposed historic district. Copies of the report shall be~~  
~~4 transmitted for review and recommendations to the local planning~~  
~~5 commission, to the Michigan historical commission, and to the~~  
~~6 state historical advisory council and shall be made available to~~  
~~7 the public as prescribed in subsection (3).~~ THE COMMITTEE SHALL  
8 DO ALL OF THE FOLLOWING:

9 (A) CONDUCT A PHOTO INVENTORY OF RESOURCES WITHIN EACH PRO-  
10 POSED HISTORIC DISTRICT FOLLOWING PROCEDURES ESTABLISHED OR  
11 APPROVED BY THE BUREAU.

12 (B) CONDUCT BASIC RESEARCH OF EACH PROPOSED HISTORIC DIS-  
13 TRICT AND THE HISTORIC RESOURCES LOCATED WITHIN THAT DISTRICT.

14 (C) DETERMINE THE TOTAL NUMBER OF HISTORIC AND NONHISTORIC  
15 RESOURCES WITHIN A PROPOSED HISTORIC DISTRICT AND THE PERCENTAGE  
16 OF HISTORIC RESOURCES OF THAT TOTAL. IN EVALUATING THE SIGNIFI-  
17 CANCE OF HISTORIC RESOURCES, THE COMMITTEE SHALL BE GUIDED BY THE  
18 SELECTION CRITERIA FOR EVALUATION ISSUED BY THE UNITED STATES  
19 SECRETARY OF THE INTERIOR FOR INCLUSION OF RESOURCES IN THE  
20 NATIONAL REGISTER OF HISTORIC PLACES, AS SET FORTH IN  
21 36 C.F.R. PART 60, AND CRITERIA ESTABLISHED OR APPROVED BY THE  
22 BUREAU, IF ANY.

23 (D) PREPARE A PRELIMINARY HISTORIC DISTRICT STUDY COMMITTEE  
24 REPORT THAT ADDRESSES AT A MINIMUM ALL OF THE FOLLOWING:

25 (i) THE CHARGE OF THE COMMITTEE.

26 (ii) THE COMPOSITION OF THE COMMITTEE MEMBERSHIP.

1 (iii) THE HISTORIC DISTRICT OR DISTRICTS STUDIED.

2 (iv) THE BOUNDARIES FOR EACH PROPOSED HISTORIC DISTRICT IN  
3 WRITING AND ON MAPS.

4 (v) THE HISTORY OF EACH PROPOSED HISTORIC DISTRICT.

5 (vi) THE SIGNIFICANCE OF EACH DISTRICT AS A WHOLE, AS WELL  
6 AS A SUFFICIENT NUMBER OF ITS INDIVIDUAL RESOURCES TO FULLY REP-  
7 RESENT THE VARIETY OF RESOURCES FOUND WITHIN THE DISTRICT, RELA-  
8 TIVE TO THE EVALUATION CRITERIA.

9 (E) TRANSMIT COPIES OF THE PRELIMINARY REPORT FOR REVIEW AND  
10 RECOMMENDATIONS TO THE LOCAL PLANNING BODY, TO THE BUREAU, TO THE  
11 MICHIGAN HISTORICAL COMMISSION, AND TO THE STATE HISTORIC PRESER-  
12 VATION REVIEW BOARD.

13 (F) MAKE COPIES OF THE PRELIMINARY REPORT AVAILABLE TO THE  
14 PUBLIC PURSUANT TO SUBSECTION (4).

15 (2) ~~Sixty~~ NOT LESS THAN 60 CALENDAR days after the trans-  
16 mittal OF THE PRELIMINARY REPORT, the committee shall hold a  
17 public hearing in compliance with Act No. 267 of the Public Acts  
18 of 1976, as amended, being sections 15.261 to 15.275 of the  
19 Michigan Compiled Laws. Public notice of the time, date, and  
20 place of the hearing shall be given in the manner required by Act  
21 No. 267 of the Public Acts of 1976, as amended. ~~Additional~~  
22 ~~written~~ WRITTEN notice shall be ~~given~~ MAILED BY FIRST-CLASS  
23 MAIL NOT LESS THAN 14 CALENDAR DAYS BEFORE THE HEARING to the  
24 owners of properties WITHIN THE PROPOSED HISTORIC DISTRICT, AS  
25 LISTED ON THE TAX ROLLS OF THE LOCAL UNIT. ~~to be included in the~~  
26 ~~districts. The committee shall submit a final report with its~~  
27 ~~recommendations and those of the local planning commission and a~~



1 ~~draft of a proposed ordinance to the legislative body of the~~  
2 ~~local unit.~~

3 (3) AFTER THE DATE OF THE PUBLIC HEARING, THE COMMITTEE AND  
4 THE LEGISLATIVE BODY OF THE LOCAL UNIT SHALL HAVE NOT MORE THAN 1  
5 YEAR, UNLESS OTHERWISE AUTHORIZED BY THE LEGISLATIVE BODY OF THE  
6 LOCAL UNIT, TO TAKE THE FOLLOWING ACTIONS:

7 (A) THE COMMITTEE SHALL PREPARE AND SUBMIT A FINAL REPORT  
8 WITH ITS RECOMMENDATIONS AND THE RECOMMENDATIONS, IF ANY, OF THE  
9 LOCAL PLANNING BODY TO THE LEGISLATIVE BODY OF THE LOCAL UNIT.  
10 IF THE RECOMMENDATION IS TO ESTABLISH A HISTORIC DISTRICT OR DIS-  
11 TRICTS, THE FINAL REPORT SHALL INCLUDE A DRAFT OF A PROPOSED  
12 ORDINANCE OR ORDINANCES.

13 (B) AFTER RECEIVING A FINAL REPORT THAT RECOMMENDS THE  
14 ESTABLISHMENT OF A HISTORIC DISTRICT OR DISTRICTS, THE LEGISLA-  
15 TIVE BODY OF THE LOCAL UNIT, AT ITS DISCRETION, MAY INTRODUCE AND  
16 PASS OR REJECT AN ORDINANCE OR ORDINANCES.

17 (4) ~~(3)~~ A writing prepared, owned, used, in the possession  
18 of, or retained by ~~an historic district~~ A committee in the per-  
19 formance of an official function shall be made available to the  
20 public in compliance with Act No. 442 of the Public Acts of 1976,  
21 as amended, being sections 15.231 to 15.246 of the Michigan  
22 Compiled Laws.

23 Sec. 4. The legislative body of a local unit may ~~create~~  
24 ESTABLISH BY ORDINANCE a commission to be called the historic  
25 district commission. THE COMMISSION MAY BE ESTABLISHED AT ANY  
26 TIME, BUT NOT LATER THAN THE TIME THE FIRST HISTORIC DISTRICT IS  
27 ESTABLISHED BY THE LEGISLATIVE BODY OF THE LOCAL UNIT. EACH

1 MEMBER OF THE COMMISSION SHALL RESIDE WITHIN THE LOCAL UNIT. The  
2 membership of ~~such~~ THE HISTORIC DISTRICT commission in a local  
3 unit HAVING A POPULATION of ~~25,000~~ 5,000 or more ~~population~~  
4 INDIVIDUALS shall consist of ~~7 members who reside in the local~~  
5 ~~unit, and~~ NOT LESS THAN 7 OR MORE THAN 9 MEMBERS. THE MEMBER-  
6 SHIP OF THE HISTORIC DISTRICT COMMISSION in a local unit HAVING A  
7 POPULATION of ~~under 25,000~~ LESS THAN 5,000 INDIVIDUALS shall  
8 consist of not less than ~~3 nor~~ 5 OR more than 7 members.  
9 ~~residing in the local unit. Members~~ ALL MEMBERS SHALL HAVE A  
10 CLEARLY DEMONSTRATED INTEREST IN OR KNOWLEDGE OF HISTORIC PRESER-  
11 VATION AND shall be appointed by the township supervisor, village  
12 president, mayor, or ~~chairman~~ CHAIRPERSON of the board of com-  
13 missioners, unless another method of appointment is provided in  
14 the ordinance creating the commission. INITIAL MEMBERS SHALL BE  
15 APPOINTED WITHIN 6 MONTHS AFTER THE ORDINANCE ESTABLISHING THE  
16 COMMISSION IS ENACTED. Members shall be appointed for 3-year  
17 terms except the initial appointments of some of the members  
18 shall be for less than 3 years ~~to the end~~ SO that the initial  
19 appointments ~~shall be~~ ARE staggered and ~~so~~ that subsequent  
20 appointments ~~shall~~ DO not recur at the same time. Members  
21 shall be eligible for reappointment. ~~In the event of a~~ A  
22 vacancy on the commission ~~interim appointments may be made by~~  
23 ~~the appointing authority to complete the unexpired term of such~~  
24 ~~position~~ SHALL BE FILLED WITHIN 60 CALENDAR DAYS BY AN APPOINT-  
25 MENT MADE BY THE APPOINTING AUTHORITY. THE ORDINANCE CREATING  
26 THE COMMISSION MAY PROVIDE PROCEDURES FOR TERMINATING AN  
27 APPOINTMENT DUE TO THE ACTS OR OMISSIONS OF THE MEMBER. The

1 appointing authority of a local unit HAVING A POPULATION OF  
 2 25,000 OR MORE INDIVIDUALS shall appoint at least 2 members from  
 3 a list of citizens submitted by ~~a~~ 1 OR MORE duly organized ~~and~~  
 4 ~~existing~~ LOCAL HISTORIC preservation ~~society or societies, and~~  
 5 ~~1 architect, duly registered in this state, if the person resides~~  
 6 ~~in the local unit and is available for appointment~~  
 7 ORGANIZATIONS. A LOCAL UNIT HAVING A POPULATION OF LESS THAN  
 8 25,000 INDIVIDUALS SHALL APPOINT AT LEAST 1 MEMBER FROM A LIST OF  
 9 CITIZENS SUBMITTED BY 1 OR MORE DULY ORGANIZED LOCAL HISTORIC  
 10 PRESERVATION ORGANIZATIONS. THE COMMISSION OF ALL LOCAL UNITS  
 11 SHALL INCLUDE AS A MEMBER, IF AVAILABLE, A GRADUATE OF AN ACCRED-  
 12 ITED SCHOOL OF ARCHITECTURE WHO HAS 2 YEARS OF ARCHITECTURAL  
 13 EXPERIENCE OR WHO IS AN ARCHITECT REGISTERED IN THIS STATE. ~~The~~  
 14 ~~provisions of this section shall not be applicable to historical~~  
 15 THIS SECTION DOES NOT APPLY TO HISTORIC district commissions  
 16 established by charter or to ~~historical~~ HISTORIC district com-  
 17 missions established by ordinance before ~~the effective date of~~  
 18 ~~this act~~ AUGUST 3, 1970.

19       Sec. 5. (1) ~~Before construction, alteration, repair,~~  
 20 ~~moving, or demolition~~ A PERMIT SHALL BE OBTAINED BEFORE ANY WORK  
 21 affecting the exterior appearance of ~~an historic or nonhistoric~~  
 22 ~~structure is done within an~~ A RESOURCE IS PERFORMED WITHIN A  
 23 HISTORIC DISTRICT OR, IF REQUIRED UNDER SUBSECTION (3), WORK  
 24 AFFECTING THE INTERIOR ARRANGEMENTS OF A RESOURCE IS PERFORMED  
 25 WITHIN A historic district. ~~for which a permit is required by~~  
 26 ~~ordinance, the~~ THE person, individual, PARTNERSHIP, firm, ~~or~~  
 27 corporation, ORGANIZATION, INSTITUTION, OR AGENCY OF GOVERNMENT

1 proposing to do that ~~construction, alteration, repair, moving,~~  
2 ~~or demolition~~ WORK shall file an application for ~~permission~~ A  
3 PERMIT WITH THE INSPECTOR OF BUILDINGS, THE COMMISSION, OR OTHER  
4 DULY DELEGATED AUTHORITY. ~~The~~ IF THE INSPECTOR OF BUILDINGS OR  
5 OTHER AUTHORITY RECEIVES THE APPLICATION, THE application shall  
6 be IMMEDIATELY referred together with ~~plans pertaining to~~ ALL  
7 REQUIRED SUPPORTING MATERIALS THAT MAKE the application COMPLETE  
8 to the ~~historic district~~ commission. ~~, and the commission~~  
9 ~~shall review the plans and application.~~ A permit shall not be  
10 ~~granted~~ ISSUED AND PROPOSED WORK SHALL NOT PROCEED until the  
11 commission has acted on the application BY ISSUING A CERTIFICATE  
12 OF APPROPRIATENESS OR A NOTICE TO PROCEED as prescribed in this  
13 act. ~~If present ordinances do not require the taking out of a~~  
14 ~~permit, then applications shall be made directly to the legisla-~~  
15 ~~tive body or appointed authority which shall refer the applica-~~  
16 ~~tion to the commission for review.~~ A LOCAL UNIT MAY CHARGE A  
17 REASONABLE FEE TO PROCESS A PERMIT APPLICATION.

18       (2) In reviewing plans, the commission shall FOLLOW THE  
19 U.S. SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION  
20 AND GUIDELINES FOR REHABILITATING HISTORIC BUILDINGS, AS SET  
21 FORTH IN 36 C.F.R. PART 67. DESIGN REVIEW STANDARDS AND GUIDE-  
22 LINES THAT ADDRESS SPECIAL DESIGN CHARACTERISTICS OF HISTORIC  
23 DISTRICTS ADMINISTERED BY THE COMMISSION MAY BE FOLLOWED IF THEY  
24 ARE EQUIVALENT IN GUIDANCE TO THE SECRETARY OF INTERIOR'S STAN-  
25 DARDS AND GUIDELINES AND ARE ESTABLISHED OR APPROVED BY THE  
26 BUREAU. THE COMMISSION SHALL ALSO consider ALL OF the  
27 following:

1 (a) The ~~historical~~ HISTORIC or architectural value and  
2 significance of the ~~structure~~ RESOURCE and its relationship to  
3 the ~~historical~~ HISTORIC value of the surrounding area.

4 (b) The relationship of ~~the exterior~~ ANY architectural  
5 features of the ~~structure~~ RESOURCE to the rest of the  
6 ~~structure~~ RESOURCE and to the surrounding area.

7 (c) The general compatibility of the ~~exterior~~ design,  
8 arrangement, texture, and materials proposed to be used.

9 (d) Other factors, ~~including~~ SUCH AS aesthetic value,  
10 ~~which~~ THAT the commission ~~considers pertinent~~ FINDS  
11 RELEVANT.

12 (3) The commission shall ~~consider~~ REVIEW AND ACT UPON only  
13 exterior features of a ~~structure~~ RESOURCE and shall not  
14 ~~consider~~ REVIEW AND ACT UPON interior arrangements unless spe-  
15 cifically authorized to do so by the local legislative body OR  
16 UNLESS INTERIOR WORK WILL CAUSE VISIBLE CHANGE TO THE EXTERIOR OF  
17 THE RESOURCE. The commission shall not disapprove an application  
18 due to considerations not prescribed in subsection (2).

19 (4) If an application is for ~~repair or alteration~~  
20 ~~affecting~~ WORK THAT WILL ADVERSELY AFFECT the exterior  
21 ~~appearance of a structure or for the moving or demolition of a~~  
22 ~~structure which~~ OF A RESOURCE the commission considers ~~so~~  
23 valuable to the local unit, state, or nation, AND THE COMMISSION  
24 DETERMINES that ~~its~~ THE ALTERATION OR loss OF THAT RESOURCE  
25 WILL adversely ~~affects~~ AFFECT the public purpose of the local  
26 unit, state, or nation, the commission shall attempt to establish

1 with the owner of the ~~structure~~ RESOURCE an economically  
2 feasible plan for preservation of the ~~structure~~ RESOURCE.

3 (5) ~~An application for repair or alteration affecting the~~  
4 ~~exterior appearance of an historic or nonhistoric structure~~  
5 ~~within an historic district, or for moving or demolition of the~~  
6 ~~structure, shall be approved.~~ WORK WITHIN A HISTORIC DISTRICT  
7 SHALL BE PERMITTED THROUGH THE ISSUANCE OF A NOTICE TO PROCEED by  
8 the commission if any of the following conditions prevail and if  
9 ~~, in the opinion of the commission,~~ the proposed ~~changes will~~  
10 ~~materially~~ WORK CAN BE DEMONSTRATED BY A FINDING OF THE COMMIS-  
11 SION TO BE NECESSARY TO SUBSTANTIALLY improve or correct ~~these~~  
12 ANY OF THE FOLLOWING conditions:

13 (a) The ~~structure~~ RESOURCE constitutes a hazard to the  
14 safety of the public. ~~or to the structure's occupants.~~

15 (b) The ~~structure~~ RESOURCE is a deterrent to a major  
16 improvement program ~~which~~ THAT will be of substantial benefit  
17 to the community AND THE APPLICANT PROPOSING THE WORK HAS  
18 OBTAINED ALL NECESSARY PLANNING AND ZONING APPROVALS, FINANCING,  
19 AND ENVIRONMENTAL CLEARANCES.

20 (c) ~~Retention of the structure~~ RETAINING THE RESOURCE will  
21 cause undue financial hardship to the owner WHEN A GOVERNMENTAL  
22 ACTION, AN ACT OF GOD, OR OTHER EVENTS BEYOND THE OWNER'S CONTROL  
23 CREATED THE HARDSHIP, AND BOTH OF THE FOLLOWING CIRCUMSTANCES  
24 EXIST:

25 (i) ALL FEASIBLE ALTERNATIVES TO ELIMINATE THE FINANCIAL  
26 HARDSHIP, INCLUDING SALE OF THE RESOURCE, HAVE BEEN ATTEMPTED AND  
27 EXHAUSTED BY THE OWNER.

1 (ii) THE FINANCIAL HARDSHIP IS NOT THE RESULT OF AN ACTION  
2 BY THE OWNER.

3 (d) ~~Retention of the structure~~ RETAINING THE RESOURCE is  
4 not in the interest of the majority of the community.

5 (6) The business ~~which~~ THAT the commission may perform  
6 shall be conducted at a public meeting of the commission held in  
7 compliance with the open meetings act, Act No. 267 of the Public  
8 Acts of 1976, as amended, being sections 15.261 to 15.275 of the  
9 Michigan Compiled Laws. Public notice of the time, date, and  
10 place of the meeting shall be given in the manner required by Act  
11 No. 267 of the Public Acts of 1976, as amended. A MEETING AGENDA  
12 SHALL BE PART OF THE NOTICE AND SHALL INCLUDE A LISTING OF EACH  
13 PERMIT APPLICATION TO BE REVIEWED OR CONSIDERED BY THE  
14 COMMISSION.

15 (7) The commission shall keep a record of its resolutions,  
16 proceedings, and actions. A writing prepared, owned, used, in  
17 the possession of, or retained by the commission in the per-  
18 formance of an official function shall be made available to the  
19 public in compliance with the freedom of information act, Act  
20 No. 442 of the Public Acts of 1976, as amended, being  
21 sections 15.231 to 15.246 of the Michigan Compiled Laws.

22 (8) The commission shall adopt its own rules of procedure  
23 and shall adopt design review standards AND GUIDELINES for  
24 ~~structure~~ RESOURCE treatment to carry out its duties under this  
25 act.

26 (9) THE COMMISSION MAY DELEGATE THE ISSUANCE OF CERTIFICATES  
27 OF APPROPRIATENESS FOR SPECIFIED MINOR CLASSES OF WORK TO ITS

1 STAFF, TO THE INSPECTOR OF BUILDINGS, OR TO ANOTHER DELEGATED  
2 AUTHORITY. THE COMMISSION SHALL PROVIDE TO THE DELEGATED AUTHOR-  
3 ITY SPECIFIC WRITTEN STANDARDS FOR ISSUING CERTIFICATES OF APPRO-  
4 PRIATENESS UNDER THIS SUBSECTION. ON AT LEAST A QUARTERLY BASIS,  
5 THE COMMISSION SHALL REVIEW THE CERTIFICATES OF APPROPRIATENESS,  
6 IF ANY, ISSUED FOR WORK BY ITS STAFF, THE INSPECTOR, OR ANOTHER  
7 AUTHORITY TO DETERMINE WHETHER OR NOT THE DELEGATED RESPONSIBILI-  
8 TIES SHOULD BE CONTINUED.

9 (10) UPON A FINDING BY A COMMISSION THAT A RESOURCE WITHIN A  
10 HISTORIC DISTRICT OR A PROPOSED HISTORIC DISTRICT SUBJECT TO ITS  
11 REVIEW AND APPROVAL IS THREATENED WITH DEMOLITION BY NEGLECT, THE  
12 COMMISSION MAY DO EITHER OF THE FOLLOWING:

13 (A) REQUIRE THE OWNER OF THE RESOURCE TO REPAIR ALL CONDI-  
14 TIONS CONTRIBUTING TO DEMOLITION BY NEGLECT.

15 (B) IF THE OWNER DOES NOT MAKE REPAIRS WITHIN A REASONABLE  
16 TIME, THE COMMISSION OR ITS AGENTS MAY ENTER THE PROPERTY AND  
17 MAKE SUCH REPAIRS AS ARE NECESSARY TO PREVENT DEMOLITION BY  
18 NEGLECT. THE COSTS OF THE WORK SHALL BE CHARGED TO THE OWNER,  
19 AND MAY BE LEVIED BY THE LOCAL UNIT AS A SPECIAL ASSESSMENT  
20 AGAINST THE PROPERTY. THE COMMISSION OR ITS AGENTS MAY ENTER THE  
21 PROPERTY FOR PURPOSES OF THIS SECTION.

22 (11) WHEN WORK HAS BEEN DONE UPON A RESOURCE WITHOUT A  
23 PERMIT, AND THE COMMISSION FINDS THAT THE WORK DOES NOT QUALIFY  
24 FOR A CERTIFICATE OF APPROPRIATENESS, THE COMMISSION MAY REQUIRE  
25 AN OWNER TO RESTORE THE RESOURCE TO THE CONDITION THE RESOURCE  
26 WAS IN BEFORE THE INAPPROPRIATE WORK. IF THE OWNER DOES NOT  
27 COMPLY WITH THE RESTORATION REQUIREMENT WITHIN A REASONABLE TIME,



1 THE COMMISSION MAY SEEK AN ORDER FROM THE CIRCUIT COURT TO  
2 REQUIRE THE OWNER TO RESTORE THE RESOURCE TO ITS FORMER  
3 CONDITION. IF THE OWNER DOES NOT COMPLY OR CANNOT COMPLY WITH  
4 THE ORDER OF THE COURT, THE COMMISSION OR ITS AGENTS MAY ENTER  
5 THE PROPERTY AND CONDUCT WORK NECESSARY TO RESTORE THE RESOURCE  
6 TO ITS FORMER CONDITION IN ACCORDANCE WITH THE COURT'S ORDER.  
7 THE COSTS OF THE WORK SHALL BE CHARGED TO THE OWNER, AND MAY BE  
8 LEVIED BY THE LOCAL UNIT AS A SPECIAL ASSESSMENT AGAINST THE  
9 PROPERTY. WHEN ACTING PURSUANT TO AN ORDER OF THE CIRCUIT COURT,  
10 A COMMISSION OR ITS AGENTS MAY ENTER A PROPERTY FOR PURPOSES OF  
11 THIS SECTION.

12 Sec. 6. The ~~local~~ legislative body OF A LOCAL UNIT may  
13 accept STATE OR FEDERAL grants ~~from the state or federal govern-~~  
14 ~~ments for historical restoration~~ FOR HISTORIC PRESERVATION  
15 purposes, ~~it~~ MAY PARTICIPATE IN STATE AND FEDERAL PROGRAMS  
16 THAT BENEFIT HISTORIC PRESERVATION, AND may accept public or pri-  
17 vate gifts for ~~historical~~ HISTORIC PRESERVATION purposes. ~~it~~  
18 THE LEGISLATIVE BODY may make the historic DISTRICT commission, A  
19 STANDING COMMITTEE, OR OTHER AGENCY its duly appointed agent to  
20 accept and administer grants, ~~and~~ gifts, ~~for historical pre-~~  
21 ~~servation purposes~~ AND PROGRAM RESPONSIBILITIES.

22 Sec. 7. If all efforts by the historic district commission  
23 to preserve ~~an historic structure~~ A RESOURCE fail, or if it is  
24 determined BY THE LOCAL LEGISLATIVE BODY that public ownership is  
25 most suitable, the local legislative body, if ~~deemed~~ CONSIDERED  
26 to be in the public interest, may acquire ~~such property~~ THE  
27 RESOURCE using public funds, PUBLIC OR PRIVATE gifts, ~~for~~

1 ~~historical purposes,~~ grants, ~~from the state or federal~~  
2 ~~governments for acquisition of historic properties,~~ or proceeds  
3 from THE ISSUANCE OF revenue bonds. ~~issued for historical pre-~~  
4 ~~servation purposes. Such acquisitions~~ THE ACQUISITION shall be  
5 based ~~on~~ UPON the recommendation of the ~~historic district~~  
6 commission OR STANDING COMMITTEE. The ~~historic district~~ com-  
7 mission ~~has responsibility for the maintenance of~~ OR STANDING  
8 COMMITTEE IS RESPONSIBLE FOR MAINTAINING publicly owned ~~historic~~  
9 ~~structures~~ RESOURCES using its own funds, if not specifically  
10 ~~earmarked~~ DESIGNATED for other purposes, or ~~those~~ public  
11 funds committed for ~~this~~ THAT use by the local legislative  
12 body. UPON RECOMMENDATION OF THE COMMISSION OR STANDING COMMIT-  
13 TEE, THE LOCAL UNIT MAY SELL RESOURCES ACQUIRED UNDER THIS SEC-  
14 TION WITH PROTECTIVE EASEMENTS INCLUDED IN THE PROPERTY TRANSFER  
15 DOCUMENTS, IF APPROPRIATE.

16       Sec. 8. The jurisdiction of a county shall be the same as  
17 that provided in Act No. 183 of the Public Acts of 1943, as  
18 amended, being sections 125.201 through 125.232 of the Compiled  
19 Laws of 1948, or as otherwise provided by contract entered into  
20 between the county and a city, village or township. If a county  
21 ~~historical~~ HISTORIC DISTRICT commission is in existence, coor-  
22 dination between the county HISTORIC DISTRICT commission and  
23 TOWNSHIP AND municipality HISTORIC DISTRICT commissions shall be  
24 maintained. The overall ~~historical~~ HISTORIC preservation plans  
25 of cities, villages and townships shall be submitted to the  
26 county HISTORIC DISTRICT commission for review, and county plans  
27 submitted to cities, villages, and townships ~~—~~ having historic

1 district commissions. Day-to-day activities of ~~local~~  
2 ~~commissions concerning alteration and restoration decisions need~~  
3 ~~not be submitted to the county but only those plans which have~~  
4 ~~other than strictly local significance~~ A COMMISSION SHALL NOT BE  
5 REVIEWED UNLESS THE ACTIVITIES AFFECT RESOURCES OF IMPORTANCE TO  
6 ANOTHER COMMISSION.

7       Sec. 9. (1) The commission shall file ~~with the inspector~~  
8 ~~of buildings or other duly delegated authority its certificate of~~  
9 ~~approval or rejection of plans submitted to it for review~~  
10 CERTIFICATES OF APPROPRIATENESS, NOTICES TO PROCEED, AND DENIALS  
11 OF APPLICATIONS FOR PERMITS WITH THE INSPECTOR OF BUILDINGS OR  
12 OTHER DELEGATED AUTHORITY. ~~No work shall begin until the cer-~~  
13 ~~tificate is filed, but in the case of rejection the certificate~~  
14 ~~is binding on the inspector of buildings or other duly delegated~~  
15 ~~authority, and no permit shall be issued in such case.~~ A PERMIT  
16 SHALL NOT BE ISSUED UNTIL THE COMMISSION HAS ACTED AS PRESCRIBED  
17 BY THIS ACT. IF A PERMIT APPLICATION IS DENIED, THE DECISION  
18 SHALL BE BINDING ON THE INSPECTOR OR OTHER AUTHORITY AND A PERMIT  
19 SHALL NOT BE ISSUED. A DENIAL SHALL BE ACCOMPANIED WITH A WRIT-  
20 TEN EXPLANATION BY THE COMMISSION OF THE REASONS FOR DENIAL AND,  
21 IF APPROPRIATE, A NOTICE THAT AN APPLICATION MAY BE RESUBMITTED  
22 FOR COMMISSION REVIEW WHEN SUGGESTED CHANGES HAVE BEEN MADE. The  
23 failure of the commission to act within 60 CALENDAR days after  
24 the date ~~of~~ A COMPLETE application IS filed with ~~it~~ THE  
25 COMMISSION, unless an extension is agreed upon ~~mutually~~ IN  
26 WRITING by the applicant and the commission, shall be ~~deemed~~  
27 CONSIDERED to constitute approval.

1 (2) LOCAL PUBLIC OFFICIALS AND EMPLOYEES SHALL PROVIDE  
2 INFORMATION AND RECORDS TO COMMITTEES, COMMISSIONS, AND STANDING  
3 COMMITTEES, AND SHALL MEET WITH THOSE BODIES UPON REQUEST TO  
4 ASSIST WITH THEIR ACTIVITIES.

5 (3) THE BUREAU SHALL COOPERATE WITH AND ASSIST LOCAL UNITS,  
6 COMMITTEES, COMMISSIONS, AND STANDING COMMITTEES IN CARRYING OUT  
7 THE PURPOSES OF THIS ACT AND MAY ESTABLISH OR APPROVE STANDARDS,  
8 GUIDELINES, AND PROCEDURES THAT ENCOURAGE UNIFORM ADMINISTRATION  
9 OF THIS ACT IN THIS STATE.

10 Sec. 10. Nothing in this act shall be construed to prevent  
11 ordinary maintenance or repair of ~~any structure~~ A RESOURCE  
12 within ~~the~~ A historic district, ~~nor to prevent construction,~~  
13 ~~alteration, repair, moving or demolition of any structure~~ OR TO  
14 PREVENT WORK ON ANY RESOURCE under a permit issued by the inspec-  
15 tor of buildings ~~prior to~~ OR OTHER DULY DELEGATED AUTHORITY  
16 BEFORE the ~~passage of the~~ ordinance WAS ENACTED.

17 Sec. 11. Any ~~persons~~ CITIZEN OR DULY ORGANIZED HISTORIC  
18 PRESERVATION ORGANIZATION IN THE LOCAL UNIT, AS WELL AS RESOURCE  
19 PROPERTY OWNERS, jointly or severally aggrieved by a decision of  
20 the historic district commission have the same rights of appeal  
21 concerning the decision as is granted to an applicant aggrieved  
22 by a decision of a zoning board of review.

23 SEC. 14. (1) A LOCAL UNIT MAY AT ANY TIME ESTABLISH BY  
24 ORDINANCE ADDITIONAL HISTORIC DISTRICTS, INCLUDING PROPOSED DIS-  
25 TRICTS PREVIOUSLY CONSIDERED AND REJECTED, MAY MODIFY BOUNDARIES  
26 OF AN EXISTING HISTORIC DISTRICT, OR MAY ELIMINATE AN EXISTING  
27 HISTORIC DISTRICT. BEFORE ESTABLISHING, MODIFYING, OR

1 ELIMINATING A HISTORIC DISTRICT, A HISTORIC DISTRICT STUDY  
2 COMMITTEE APPOINTED BY THE LEGISLATIVE BODY OF THE LOCAL UNIT  
3 SHALL, EXCEPT AS PROVIDED IN SUBSECTION (2), COMPLY WITH THE PRO-  
4 CEDURES SET FORTH IN SECTION 3 AND SHALL CONSIDER ANY PREVIOUSLY  
5 WRITTEN COMMITTEE REPORTS PERTINENT TO THE PROPOSED ACTION. TO  
6 CONDUCT THESE ACTIVITIES, LOCAL UNITS MAY RETAIN THE INITIAL COM-  
7 MITTEE, ESTABLISH A STANDING COMMITTEE, OR ESTABLISH A COMMITTEE  
8 TO CONSIDER ONLY SPECIFIC PROPOSED DISTRICTS AND THEN BE  
9 DISSOLVED.

10 (2) IF CONSIDERING ELIMINATION OF A HISTORIC DISTRICT, A  
11 COMMITTEE SHALL FOLLOW THE PROCEDURES SET FORTH IN SECTION 3 FOR  
12 ISSUING A PRELIMINARY REPORT, HOLDING A PUBLIC HEARING, AND ISSU-  
13 ING A FINAL REPORT BUT WITH THE INTENT OF SHOWING 1 OR MORE OF  
14 THE FOLLOWING:

15 (i) THE HISTORIC DISTRICT HAS LOST THOSE PHYSICAL CHARACTER-  
16 ISTICS THAT ENABLED ESTABLISHMENT OF THE DISTRICT.

17 (ii) THE HISTORIC DISTRICT WAS NOT SIGNIFICANT IN THE WAY  
18 PREVIOUSLY DEFINED.

19 (iii) THE HISTORIC DISTRICT WAS ESTABLISHED PURSUANT TO  
20 DEFECTIVE PROCEDURES.

21 (3) UPON RECEIPT OF SUBSTANTIAL EVIDENCE SHOWING THE PRES-  
22 ENCE OF HISTORIC, ARCHITECTURAL, ARCHAEOLOGICAL, ENGINEERING, OR  
23 CULTURAL SIGNIFICANCE OF A PROPOSED HISTORIC DISTRICT, THE LEGIS-  
24 LATIVE BODY OF A LOCAL UNIT MAY, AT ITS DISCRETION, ADOPT A RESO-  
25 LUTION REQUIRING THAT ALL APPLICATIONS FOR PERMITS WITHIN THE  
26 PROPOSED HISTORIC DISTRICT BE REFERRED TO THE COMMISSION AS  
27 PRESCRIBED IN SECTIONS 5 AND 9. THE COMMISSION SHALL REVIEW

1 PERMIT APPLICATIONS WITH THE SAME POWERS THAT WOULD APPLY IF THE  
2 PROPOSED HISTORIC DISTRICT WAS AN ESTABLISHED HISTORIC DISTRICT.  
3 THE REVIEW MAY CONTINUE IN THE PROPOSED HISTORIC DISTRICT FOR NOT  
4 MORE THAN 1 YEAR, OR UNTIL SUCH TIME AS THE LOCAL UNIT APPROVES  
5 OR REJECTS THE ESTABLISHMENT OF THE HISTORIC DISTRICT BY ORDI-  
6 NANCE, WHICHEVER OCCURS FIRST.

7 (4) IF THE LEGISLATIVE BODY OF A LOCAL UNIT DETERMINES THAT  
8 PENDING WORK WILL CAUSE IRREPARABLE HARM TO RESOURCES LOCATED  
9 WITHIN AN ESTABLISHED HISTORIC DISTRICT OR A PROPOSED HISTORIC  
10 DISTRICT, THE LEGISLATIVE BODY MAY BY RESOLUTION DECLARE AN EMER-  
11 GENCY MORATORIUM OF ALL SUCH WORK FOR A PERIOD NOT TO EXCEED 6  
12 MONTHS. THE LEGISLATIVE BODY MAY EXTEND THE EMERGENCY MORATORIUM  
13 FOR AN ADDITIONAL PERIOD NOT TO EXCEED 6 MONTHS UPON FINDING THAT  
14 THE THREAT OF IRREPARABLE HARM TO RESOURCES IS STILL PRESENT.  
15 ANY PENDING PERMIT APPLICATION CONCERNING A RESOURCE SUBJECT TO  
16 AN EMERGENCY MORATORIUM MAY BE SUMMARILY DENIED.

17 SEC. 15. (1) A PERSON, INDIVIDUAL, PARTNERSHIP, FIRM, COR-  
18 PORATION, ORGANIZATION, INSTITUTION, OR AGENCY OF GOVERNMENT THAT  
19 VIOLATES THIS ACT IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY  
20 IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR A FINE OF NOT MORE  
21 THAN \$1,000.00, OR BOTH. HOWEVER, AS AN ALTERNATIVE TO IMPRISON-  
22 MENT UNDER THIS SECTION, THE COURT MAY ORDER THE PERSON TO PER-  
23 FORM NOT MORE THAN 2,500 HOURS OF COMMUNITY SERVICE.

24 (2) A PERSON, INDIVIDUAL, PARTNERSHIP, FIRM, CORPORATION,  
25 ORGANIZATION, INSTITUTION, OR AGENCY OF GOVERNMENT THAT VIOLATES  
26 THIS ACT MAY BE ORDERED BY THE COURT TO PAY THE COSTS TO RESTORE

1 OR REPLICATE A RESOURCE UNLAWFULLY CONSTRUCTED, ADDED TO,  
2 ALTERED, REPAIRED, MOVED, EXCAVATED, OR DEMOLISHED.