

SENATE BILL No. 339

March 25, 2003, Introduced by Senators BISHOP and KUIPERS and referred to the Committee on Local, Urban and State Affairs.

A bill to amend 1970 PA 169, entitled
"Local historic districts act,"
by amending sections 1a and 3 (MCL 399.201a and 399.203), as
amended by 2001 PA 67.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1a. As used in this act:

2 (a) "Alteration" means work that changes the detail of a
3 resource but does not change its basic size or shape.

4 (b) "Certificate of appropriateness" means the written
5 approval of a permit application for work that is appropriate and
6 that does not adversely affect a resource.

7 (c) "Commission" means a historic district commission created
8 by the legislative body of a local unit ~~pursuant to~~ **under**
9 section 4.

10 (d) "Committee" means a historic district study committee

1 appointed by the legislative body of a local unit ~~pursuant to~~
2 **under** section 3 or 14.

3 (e) "Demolition" means the razing or destruction, whether
4 entirely or in part, of a resource and includes, but is not
5 limited to, demolition by neglect.

6 (f) "Demolition by neglect" means neglect in maintaining,
7 repairing, or securing a resource that results in deterioration
8 of an exterior feature of the resource or the loss of structural
9 integrity of the resource.

10 (g) "Denial" means the written rejection of a permit
11 application for work that is inappropriate and that adversely
12 affects a resource.

13 (h) "Department" means the department of history, arts, and
14 libraries.

15 (i) **"Fire alarm system" means a system designed to detect and**
16 **annunciate the presence of fire or by-products of fire. Fire**
17 **alarm system includes smoke detectors.**

18 (j) ~~(i)~~ "Historic district" means an area, or group of
19 areas not necessarily having contiguous boundaries, that contains
20 1 resource or a group of resources that are related by history,
21 architecture, archaeology, engineering, or culture.

22 (k) ~~(j)~~ "Historic preservation" means the identification,
23 evaluation, establishment, and protection of resources
24 significant in history, architecture, archaeology, engineering,
25 or culture.

26 (l) ~~(k)~~ "Historic resource" means a publicly or privately
27 owned building, structure, site, object, feature, or open space

1 that is significant in the history, architecture, archaeology,
2 engineering, or culture of this state or a community within this
3 state, or of the United States.

4 **(m)** ~~—(l)—~~ "Local unit" means a county, city, village, or
5 township.

6 **(n)** ~~—(m)—~~ "Notice to proceed" means the written permission to
7 issue a permit for work that is inappropriate and that adversely
8 affects a resource, pursuant to a finding under section 5(6).

9 **(o)** ~~—(n)—~~ "Open space" means undeveloped land, a naturally
10 landscaped area, or a formal or man-made landscaped area that
11 provides a connective link or a buffer between other resources.

12 **(p)** ~~—(o)—~~ "Ordinary maintenance" means keeping a resource
13 unimpaired and in good condition through ongoing minor
14 intervention, undertaken from time to time, in its exterior
15 condition. Ordinary maintenance does not change the external
16 appearance of the resource except through the elimination of the
17 usual and expected effects of weathering. Ordinary maintenance
18 does not constitute work for purposes of this act.

19 **(q)** ~~—(p)—~~ "Proposed historic district" means an area, or
20 group of areas not necessarily having contiguous boundaries, that
21 has delineated boundaries and that is under review by a committee
22 or a standing committee for the purpose of making a
23 recommendation as to whether it should be established as a
24 historic district or added to an established historic district.

25 **(r)** ~~—(q)—~~ "Repair" means to restore a decayed or damaged
26 resource to a good or sound condition by any process. A repair
27 that changes the external appearance of a resource constitutes

1 work for purposes of this act.

2 **(s)** ~~-(r)-~~ "Resource" means 1 or more publicly or privately
3 owned historic or nonhistoric buildings, structures, sites,
4 objects, features, or open spaces located within a historic
5 district.

6 **(t)** ~~-(s)-~~ "Standing committee" means a permanent body
7 established by the legislative body of a local unit ~~-pursuant to~~
8 **under** section 14 to conduct the activities of a historic district
9 study committee on a continuing basis.

10 **(u)** ~~-(t)-~~ "Work" means construction, addition, alteration,
11 repair, moving, excavation, or demolition.

12 Sec. 3. (1) A local unit may, by ordinance, establish 1 or
13 more historic districts. The historic districts shall be
14 administered by a commission established ~~-pursuant to~~ **under**
15 section 4. Before establishing a historic district, the
16 legislative body of the local unit shall appoint a historic
17 district study committee. The committee shall contain a majority
18 of persons who have a clearly demonstrated interest in or
19 knowledge of historic preservation, and shall contain
20 representation from 1 or more duly organized local historic
21 preservation organizations. The committee shall do all of the
22 following:

23 (a) Conduct a photographic inventory of resources within each
24 proposed historic district following procedures established or
25 approved by the department.

26 (b) Conduct basic research of each proposed historic district
27 and the historic resources located within that district.

1 (c) Determine the total number of historic and nonhistoric
2 resources within a proposed historic district and the percentage
3 of historic resources of that total. In evaluating the
4 significance of historic resources, the committee shall be guided
5 by the selection criteria for evaluation issued by the United
6 States secretary of the interior for inclusion of resources in
7 the national register of historic places, as set forth in
8 36 C.F.R. part 60, and criteria established or approved by the
9 department, if any.

10 (d) Prepare a preliminary historic district study committee
11 report that addresses at a minimum all of the following:

12 (i) The charge of the committee.

13 (ii) The composition of the committee membership.

14 (iii) The historic district or districts studied.

15 (iv) The boundaries for each proposed historic district in
16 writing and on maps.

17 (v) The history of each proposed historic district.

18 (vi) The significance of each district as a whole, as well as
19 a sufficient number of its individual resources to fully
20 represent the variety of resources found within the district,
21 relative to the evaluation criteria.

22 (e) Transmit copies of the preliminary report for review and
23 recommendations to the local planning body, to the department, to
24 the Michigan historical commission, and to the state historic
25 preservation review board.

26 (f) Make copies of the preliminary report available to the
27 public ~~pursuant to~~ **under** subsection (4).

1 (2) Not less than 60 calendar days after the transmittal of
2 the preliminary report, the committee shall hold a public hearing
3 in compliance with the open meetings act, 1976 PA 267, MCL 15.261
4 to 15.275. Public notice of the time, date, and place of the
5 hearing shall be given in the manner required by the open
6 meetings act, 1976 PA 267, MCL 15.261 to 15.275. Written notice
7 shall be mailed by first-class mail not less than 14 calendar
8 days before the hearing to the owners of properties within the
9 proposed historic district, as listed on the tax rolls of the
10 local unit.

11 (3) After the date of the public hearing, the committee and
12 the legislative body of the local unit shall have not more than 1
13 year, unless otherwise authorized by the legislative body of the
14 local unit, to take the following actions:

15 (a) The committee shall prepare and submit a final report
16 with its recommendations and the recommendations, if any, of the
17 local planning body to the legislative body of the local unit.
18 If the recommendation is to establish a historic district or
19 districts, the final report shall include a draft of a proposed
20 ordinance or ordinances. **The committee shall not recommend the**
21 **establishment of any historic district unless each building,**
22 **facility, or structure within the proposed historic district is**
23 **equipped with a fire alarm system.**

24 (b) After receiving a final report that recommends the
25 establishment of a historic district or districts, the
26 legislative body of the local unit, at its discretion, may
27 introduce and pass or reject an ordinance or ordinances. If the

1 local unit passes an ordinance or ordinances establishing 1 or
2 more historic districts, the local unit shall file a copy of that
3 ordinance or those ordinances, including a legal description of
4 the property or properties located within the historic district
5 or districts, with the register of deeds. A local unit shall not
6 pass an ordinance establishing a contiguous historic district
7 less than 60 days after a majority of the property owners within
8 the proposed historic district, as listed on the tax rolls of the
9 local unit, have approved the establishment of the historic
10 district pursuant to a written petition.

11 (4) A writing prepared, owned, used, in the possession of, or
12 retained by a committee in the performance of an official
13 function shall be made available to the public in compliance with
14 the freedom of information act, 1976 PA 442, MCL 15.231 to
15 15.246.