

HOUSE BILL No. 6106

May 21, 2002, Introduced by Reps. Bishop, Richardville and Ehardt and referred to the Committee on Regulatory Reform.

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 cre-
8 ated by the legislative body of a local unit pursuant to
9 section 4.

1 (d) "Committee" means a historic district study committee
2 appointed by the legislative body of a local unit pursuant to
3 section 3 or 14.

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

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

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

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

16 (I) "FIRE ALARM SYSTEM" MEANS A SYSTEM DESIGNED TO DETECT
17 AND ANNUNCIATE THE PRESENCE OF FIRE OR BY-PRODUCTS OF FIRE. FIRE
18 ALARM SYSTEM INCLUDES SMOKE DETECTORS.

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

23 (K) ~~-(j)-~~ "Historic preservation" means the identification,
24 evaluation, establishment, and protection of resources signifi-
25 cant in history, architecture, archaeology, engineering, or
26 culture.

1 (l) ~~(k)~~ "Historic resource" means a publicly or privately
2 owned building, structure, site, object, feature, or open space
3 that is significant in the history, architecture, archaeology,
4 engineering, or culture of this state or a community within this
5 state, or of the United States.

6 (M) ~~(l)~~ "Local unit" means a county, city, village, or
7 township.

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

12 (O) ~~(n)~~ "Open space" means undeveloped land, a naturally
13 landscaped area, or a formal or man-made landscaped area that
14 provides a connective link or a buffer between other resources.

15 (P) ~~(o)~~ "Ordinary maintenance" means keeping a resource
16 unimpaired and in good condition through ongoing minor interven-
17 tion, undertaken from time to time, in its exterior condition.
18 Ordinary maintenance does not change the external appearance of
19 the resource except through the elimination of the usual and
20 expected effects of weathering. Ordinary maintenance does not
21 constitute work for purposes of this act.

22 (Q) ~~(p)~~ "Proposed historic district" means an area, or
23 group of areas not necessarily having contiguous boundaries, that
24 has delineated boundaries and that is under review by a committee
25 or a standing committee for the purpose of making a recommenda-
26 tion as to whether it should be established as a historic
27 district or added to an established historic district.

1 (R) ~~-(q)-~~ "Repair" means to restore a decayed or damaged
2 resource to a good or sound condition by any process. A repair
3 that changes the external appearance of a resource constitutes
4 work for purposes of this act.

5 (S) ~~-(r)-~~ "Resource" means 1 or more publicly or privately
6 owned historic or nonhistoric buildings, structures, sites,
7 objects, features, or open spaces located within a historic
8 district.

9 (T) ~~-(s)-~~ "Standing committee" means a permanent body estab-
10 lished by the legislative body of a local unit pursuant to
11 section 14 to conduct the activities of a historic district study
12 committee on a continuing basis.

13 (U) ~~-(t)-~~ "Work" means construction, addition, alteration,
14 repair, moving, excavation, or demolition.

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

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

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

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

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

(i) The charge of the committee.

(ii) The composition of the committee membership.

(iii) The historic district or districts studied.

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

(v) The history of each proposed historic district.

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

(e) Transmit copies of the preliminary report for review and recommendations to the local planning body, to the department, to

1 the Michigan historical commission, and to the state historic
2 preservation review board.

3 (f) Make copies of the preliminary report available to the
4 public pursuant to subsection (4).

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

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

19 (a) The committee shall prepare and submit a final report
20 with its recommendations and the recommendations, if any, of the
21 local planning body to the legislative body of the local unit.
22 If the recommendation is to establish a historic district or dis-
23 tricts, the final report shall include a draft of a proposed
24 ordinance or ordinances. THE COMMITTEE SHALL NOT RECOMMEND THE
25 ESTABLISHMENT OF ANY HISTORIC DISTRICT UNLESS EACH BUILDING,
26 FACILITY, OR STRUCTURE WITHIN THE PROPOSED HISTORIC DISTRICT IS
27 EQUIPPED WITH A FIRE ALARM SYSTEM.

1 (b) After receiving a final report that recommends the
2 establishment of a historic district or districts, the legisla-
3 tive body of the local unit, at its discretion, may introduce and
4 pass or reject an ordinance or ordinances. If the local unit
5 passes an ordinance or ordinances establishing 1 or more historic
6 districts, the local unit shall file a copy of that ordinance or
7 those ordinances, including a legal description of the property
8 or properties located within the historic district or districts,
9 with the register of deeds. A local unit shall not pass an ordi-
10 nance establishing a contiguous historic district less than 60
11 days after a majority of the property owners within the proposed
12 historic district, as listed on the tax rolls of the local unit,
13 have approved the establishment of the historic district pursuant
14 to a written petition.

15 (4) A writing prepared, owned, used, in the possession of,
16 or retained by a committee in the performance of an official
17 function shall be made available to the public in compliance with
18 the freedom of information act, 1976 PA 442, MCL 15.231 to
19 15.246.