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TO: Christina Montague, Chair
Washtenaw County Board of Commissioners

THROUGH: Robert E. Guenzel
County Administrator

FROM: Mark J. McFadden
Planning Director

DATE: June 7, 2000

SUBJECT: Washtenaw County Historic District Commission revised ordinance

BOARD ACTION REQUESTED

It is requested that the Board of Commissioners authorize the Chair of the Board to sign the revised ordinance for the Washtenaw County Historic District Commission.

BACKGROUND

The Washtenaw County Historic District Commission was established pursuant to Act No. 169 of the Public Acts of 1970, as amended, and Act No. 213 of the Public Acts of 1957, as amended. It established its ordinance in 1978, and was subsequently revised in 1988 and 1999. The Washtenaw County Historic District Commission voted to accept the newly revised ordinance at its May 4, 2000 general meeting.

DISCUSSION

The Washtenaw County Board of Commissioners may, by ordinance, regulate the work in historic districts. The ordinance is designed to safeguard the heritage of Washtenaw County by preserving one or more historic districts in the county that reflect elements of the county's history, architecture, and culture. Furthermore, the ordinance allows the Historic District Commission to stabilize and improve property values; foster civic beauty; strengthen the local economy; and promote the use of historic districts for the education, pleasure, and welfare of the citizens of the county and of the state.

IMPACT ON HUMAN RESOURCES

There is no impact on Human Resources.

IMPACT ON THE BUDGET

There is no impact on any County department funds.

IMPACT ON INDIRECT COSTS

There is no impact on indirect costs.

IMPACT ON OTHER COUNTY DEPARTMENTS OR OUTSIDE AGENCIES

The Washtenaw County Historic District Commission continues to work with local units of government to establish historic districts and fulfill the purposes of the HDC as listed above.

CONFORMITY TO COUNTY POLICIES

This request conforms to County policies.

ATTACHMENTS

Washtenaw County Historic Preservation Ordinance: Date of Ordinance: 1978;
Date of Revisions: 1988, 1999, 2000.

Changes to the Washtenaw County Historic Preservation Ordinance

- State Historic Preservation Office (SHPO) replaces Michigan Bureau of History.
- The term “work” replaces construction, addition, alteration, repair, moving, excavation, or demolition.
- The HDC shall consist of seven or nine members including, if available, an architect, an attorney and a member of the WCMPC.
- Commissioners serving on Study Committees shall act in an advisory capacity to avoid conflict of interest.
- The guidelines for a Study Committee are spelled out in Section 3, parts C – J.
- The HDC must issue a certificate of appropriateness or a notice to proceed before any work requiring a permit may proceed in an historic district.
- The U.S. Secretary of Interior’s Standards and Guidelines for Rehabilitation are to be followed in historic districts.
- A denial of a permit application will be followed by a written explanation from the HDC.
- An applicant aggrieved by a decision of the HDC concerning a permit application may file an appeal with the State Historic Preservation Review Board.
- When a historic resource is threatened with demolition by neglect, the HDC may require the owner to repair all conditions, make the repairs and charge all costs to the owner, or seek a court order from circuit court compelling the owner to remove those causes threatening the historic resource.
- If the applicant is not satisfied with the ruling of the Preservation Review Board, the owner may appeal that decision to the circuit court.
- Penalties for violation to this ordinance include a fine of not more than \$5000, a civil violation, and paying the costs to restore or replicate.
- These revisions serve to bring the County Ordinance in line with P.A. 169.

A RESOLUTION AUTHORIZING THE CHAIR OF THE WASHTENAW COUNTY BOARD OF COMMISSIONERS TO SIGN THE REVISED WASHTENAW COUNTY HISTORIC DISTRICT COMMISSION ORDINANCE AND DIRECTING THE COUNTY CLERK TO ENACT THIS REVISED ORDINANCE IN ACCORDANCE WITH THE BOARD'S RULES & REGULATIONS

WASHTENAW COUNTY BOARD OF COMMISSIONERS

JUNE 7, 2000

WHEREAS, the Washtenaw County Historic District Commission was established pursuant to Act No. 169 of the Public Acts of 1970, as amended, and Act No. 213 of the Public Acts of 1957, as amended; and

WHEREAS, historic preservation is declared to be a public purpose and the Washtenaw County Board of Commissioners may, by ordinance, regulate the work in historic districts; and

WHEREAS, the ordinance shall safeguard the heritage of Washtenaw County; stabilize and improve property values; foster civic beauty; strengthen the local economy; and promote the use of historic districts for the education, pleasure, and welfare of the citizens of the county and of the state; and

WHEREAS, the original ordinance was established in 1978, with revisions in 1988, 1999, and 2000; and

WHEREAS, the Washtenaw County Historic District Commission voted to accept the revised ordinance at its May 4, 2000 general meeting;

WHEREAS, this matter has been reviewed by Corporation Counsel, the Finance Department, the County Administrator's Office and the Ways and Means Committee;

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners hereby authorizes the Chair of the Washtenaw County Board of Commissioners to sign the revised Washtenaw County Historic District Commission ordinance, as attached hereto and made a part hereof

BE IT FURTHER RESOLVED that the Board of Commissioners directs the County Clerk to set for with enacting this ordinance in accordance with the Board's Rules & Regulations

WASHTENAW COUNTY
HISTORIC PRESERVATION ORDINANCE

Date of Ordinance: 1978

Date of Revisions: 1988, 1999, 2000

**WASHTENAW COUNTY
HISTORIC PRESERVATION ORDINANCE
(2000)**

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WASHTENAW COUNTY
HISTORIC PRESERVATION ORDINANCE

TO PROVIDE for the safeguarding of the heritage of Washtenaw County by establishing and preserving historic districts including sites, structures and objects in Washtenaw County which reflect elements of its cultural, social, economic, political, or architectural history; to provide for the acquisition of land and structures for historic purposes; to provide for the preservation of historic sites and structures; to provide for the creation of a historic district commission; to provide for coordination of local municipal historic commissions; to provide for the maintenance of publicly owned historic sites and structures within Washtenaw County; to stabilize and improve property values in historic districts; to foster civic beauty; to strengthen the local economy; to promote the use of historic districts including sites, structures, and objects for the education, pleasure and welfare of the citizens of Washtenaw County, the state and the nation.

The Washtenaw County Board of Commissioners hereby ordains:

SECTION 1
DEFINITIONS

As used in this ordinance:

- A. "Alteration" means work that changes the detail of a resource but does not change its basic size or shape.
- B. "Certificate of appropriateness" means the written approval of a permit application for work that is appropriate and that does not adversely affect a resource.
- C. "Commission" means a historic district commission created by the Washtenaw County Board of Commissioners pursuant to section 4.
- D. "Demolition" means the razing or destruction, whether entirely or in part, of a resource and includes, but is not limited to, demolition by neglect.
- E. "Demolition by neglect" means neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.
- F. "Denial" means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.
- G. "Historic district" means an area, or group of areas not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archaeology, engineering, or culture.
- H. "Historic District Study committee" or "Study committee" means a committee appointed by the Washtenaw County Board of Commissioners to study areas for possible establishment as historic districts.
- I. "Historic Preservation" means the identification, evaluation, establishment, and protection of resources that are significant in history, architecture, archaeology, engineering, or culture.
- J. "Historic resource" means a publicly or privately owned building, structure, site, object, feature, or open space that is significant in the history, architecture,

archaeology, engineering, or culture of this state or a community within this state, or of the United States.

K. "Local unit" means a city, village, - township or county.

L. "Notice to proceed" means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding under section 4(E).

M. "Open space" means undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or a buffer between other resources.

N. "Ordinary maintenance" means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for purposes of this act.

O. "Proposed historic district" means an area, or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.

P. "Repair" means to restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for purposes of this act.

Q. "Resource" means one or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features, or open spaces located within a historic district or a proposed historic district.

R. "SHPO" means the State Historic Preservation Office of the Michigan Historical Center of the Michigan Department of State.

S. "Standing committee" means a permanent body established by the legislative body of the county or a local unit pursuant to section 14 to conduct the activities of a historic district study committee on a continuing basis.

T. "Work" means construction, addition, alteration, repair, moving, excavation, or demolition.

SECTION 2 HISTORIC DISTRICT COMMISSION

- A. The Washtenaw County Historic District Commission is hereby established pursuant to Act No. 169 of the Public Acts of 1970, as amended, and Act No. 213 of the Public Acts of 1957, as amended.
- B. Purpose - Historic preservation is declared to be a public purpose and the Washtenaw County Board of Commissioners may by ordinance regulate the work in historic districts within the limits of the -Washtenaw County Board of Commissioners . The purpose of the ordinance shall be to do one or more of the following:

1. Safeguard the heritage of Washtenaw County by preserving one or more historic districts in the county that reflect elements of the county's history, architecture, archaeology, engineering, or culture.
2. Stabilize and improve property values in each district and the surrounding areas.
3. Foster civic beauty.
4. Strengthen the local economy.
5. Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the county and of the state.

C. Organization - The Washtenaw County Historic District Commission shall consist of seven or nine members to be appointed by the Chair of the Washtenaw County Board of Commissioners with the approval of the Board of Commissioners. All members shall reside within Washtenaw County. Members shall be appointed for three-year terms except the initial appointments of some of the members shall be staggered so that subsequent appointments shall not reoccur at the same time. Thus, two shall be appointed for a one (1) year term, two shall be appointed for a two (2) year term and three shall be appointed for a three (3) year term. Members shall be eligible for reappointment. In the event of a vacancy on the Commission interim appointments shall be made within 60 calendar days by the Chair and Board of Commissioners to complete the term of such position. The majority membership shall consist of representative citizens who shall have demonstrated interest in or knowledge of historic preservation and Washtenaw County's history. . The Board shall appoint at least two members from a list of citizens submitted by a duly organized and existing County preservation society or societies. If available, an architect who is a graduate of an accredited school of architecture and has two years of architectural experience or who is an architect registered in this state; an attorney who is duly registered in the state; a member of the Washtenaw County Metropolitan Planning Commission; and interested persons from as many different townships within Washtenaw County as feasible shall be appointed. Members may be removed by the majority vote of the Board of Commissioners when it is deemed in the best interest of the Historic District Commission and the county.

D. Rules - The Historic District Commission shall establish rules providing for the holding of its meetings and for the election of its officers.

E. Meetings - The business that the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended. A meeting agenda shall be part of the notice and shall include a listing of each permit application to be reviewed or considered by the commission.

The commission shall keep a record of its resolutions, proceedings, and actions. A writing prepared, owned, used, in the possession of, or retained by

the commission in the performance of an official function shall be made available to the public in compliance with the freedom of information act, Act. No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

F. Functions and Duties - The Washtenaw County Historic District Commission shall carry out the following functions in accordance with its mission to safeguard the heritage of Washtenaw County, and perform the following duties:

1. It shall have those duties and powers set forth in Sections 3, 4, and 5 concerning construction, alteration, repair, moving, purchase, maintenance or demolition within a historic district.
2. It shall have those duties and powers set forth below in Section 10 concerning the coordination of plans of cities, villages, and townships and its own historic plans.
3. It shall encourage and cooperate with civic and fraternal groups and other organizations in promoting Washtenaw County's history, heritage, traditions, and customs through participation in public historical activities, patriotic celebrations or other special events.
4. As long as the proposed activity meets the purposes set forth in this ordinance, it shall encourage and cooperate with merchants, banks, utilities, and other commercial enterprises in the use of local historical material in their advertising and sales promotion using the Commission's collections, knowledge and skill.
5. It shall encourage and cooperate with local organizations in the use of historical materials in promoting the welfare of Washtenaw County.
6. It shall work with local, county, state or national groups, organizations, agencies, individuals, or units of government in the selection, marking, and/or acquisition of historic structures, sites, districts, objects or items as well as the acquisition, preservation and display of historical material.
7. It shall represent or serve as a liaison between the Board of Commissioners and other organizations interested in the history of Washtenaw County.
8. It shall act in a management, administrative, advisory, research, or service capacity for the Board of Commissioners in historical matters subject to the instructions of the Board of Commissioners.
9. It shall advise the Board of Commissioners regarding the acceptance by the County of gifts of property both new and having historical significance and cooperate in the receipt of such property, funds, and bequests. It will assist with the sale of such resources, attaching protective covenants, if necessary.
10. It shall carry out such special assignments on historical matters as the Board of Commissioners may direct from time to time including the solicitation of grants and bequests for historical purposes by any and all appropriate available means.
11. It shall not obligate itself or the County in any financial undertaking unless provided with the budget funds for such obligation or unless first authorized by the Board of Commissioners, though it may cooperate with

- the various other local foundations and societies on the appropriate use, application or expenditure of other society or foundation funds or assets.
12. It shall have the authority subject to the approval of the Board of Commissioners to support the establishment of a Washtenaw County Historical Museum.
 13. It shall report annually and as requested to the Board of Commissioners on its activities and the results. The annual report shall be created with promotion and education in mind.
 14. One or more members may serve on or be members of any historic district study committee created pursuant to Section 3 of this ordinance. To avoid any conflict of interest, the commissioners shall act in an advisory capacity to the study committee.
 15. It shall advise the Board of Commissioners regarding the possibility of issuing revenue bonds pursuant to Act No. 94 of the Public Acts of 1933, as amended.

SECTION 3
ESTABLISHMENT, MODIFICATION, AND ELIMINATION
OF HISTORIC DISTRICTS

A. The Washtenaw County Historic District Commission may, by ordinance and in cities, villages or townships where there is a contract explicitly addressing the Washtenaw County Historic District Commission's jurisdictional authority within that governmental entity, establish one or more historic districts. The County Historic District Commission pursuant to section 4 shall administer the historic districts.

B. Before such establishment the Board of Commissioners shall appoint an historic district study committee. The committee shall contain a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation, and shall contain representation from one or more duly organized local historic preservation organizations.

C. The Committee shall:

- (1) Conduct a photographic inventory of resources within each proposed historic district following procedures established or approved by the bureau.
- (2) Conduct basic research of each proposed historic district and the historic resources located within that district.
- (3) Determine the total number of historic and non-historic 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 bureau, if any.
- (4) 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.
- (5) Transmit copies of the preliminary report for review and recommendations to the Washtenaw County Historic District Commission, the Washtenaw County Metropolitan Planning Commission, the Washtenaw County Parks and Recreation Commission, Michigan Historical Commission, State Historic Preservation Review Board and the SHPO.
- (6) Make copies of the preliminary report available to the public pursuant to subsection F on the next page.

D. Not less than sixty (60) calendar days after the transmittal of the preliminary report, the committee shall hold a public hearing in compliance with Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the hearing shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended. Written notice shall be mailed by first-class mail not less than 14 calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the local unit.

E. After the date of the public hearing, the committee and the County Board of Commissioners shall have not more than one year, unless otherwise authorized by the County Board of Commissioners, to take the following actions:

- (1) The Committee shall prepare and submit a final report with its recommendations and those of the Washtenaw County Historic District Commission to the Washtenaw County Board of Commissioners. If the recommendation is to establish a historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances.
- (2) After receiving a final report that recommends the establishment of a historic district or districts, the County Board of Commissioners, at its discretion, may introduce and pass or reject an ordinance or ordinances. If the County passes an ordinance or ordinances establishing one or more historic districts, the County shall file a copy of that ordinance or those ordinances, including a legal description of the property or properties located within the historic district or districts, with the register of deeds. The County shall not pass an ordinance establishing a contiguous historic district less than 60 days after a majority of the property owners within the proposed historic district, as listed on the tax rolls of the local unit, have approved the establishment of the historic district pursuant to a written petition.

F. A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, as amended, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

G. The Commission may at any time establish by ordinance additional historic districts, including proposed districts previously considered and rejected, may modify boundaries of an existing historic district or may eliminate an existing historic district. Before establishing, modifying, or eliminating a historic district, a historic district study committee appointed by the Board of Commissioners shall, except as provided in Section 3, subsection H, comply with the procedures set forth above and shall consider any previously written committee reports pertinent to the proposed action. To conduct these activities, the Board of Commissioners may retain the initial committee, establish a standing committee, or establish a committee to consider only specific proposed districts and then be dissolved.

H. If considering elimination of a historic district, a committee shall follow the procedures set forth in this section for issuing a preliminary report, holding a public hearing, and issuing a final report but with the intent of showing one or more of the following:

- (1) The historic district has lost those physical characteristics that enabled establishment of the district.
- (2) The historic district was not significant in the way previously defined.
- (3) The historic district was established pursuant to defective procedures.

I. Upon receipt of substantial evidence showing the presence of historic, architectural, archaeological, engineering, or cultural significance of a proposed historic district, the County Board of Commissioners may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be referred to the commission as prescribed in sections 4 and 5. The commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than one year, or until such time as the County Board of Commissioners approves or rejects the establishment of the historic district by ordinance, whichever comes first.

J. If the County Board of Commissioners determines that pending work will cause irreparable harm to resources located within an established historic district or a proposed historic district, the County Board of Commissioners may by resolution declare an emergency moratorium of all such work for a period not to exceed six months. The Board may extend the emergency moratorium for an additional period not to exceed six months upon finding that the threat of irreparable harm to resources is still present. Any pending permit application concerning a resource subject to an emergency moratorium may be summarily denied.

SECTION 4
HISTORIC DISTRICT COMMISSION REVIEW

A. Before any work requiring a permit that effects the exterior appearance of a resource is made within a historic district, the person, individual, partnership, firm, corporation, organization, institution, or agency of government proposing to do that work shall file an application for a permit with the inspector of buildings of the local unit of government (township) or other duly delegated authority. If the inspector of buildings or other authority receives the application, the application shall be immediately referred together with all required supporting materials including but not limited to architectural drawings, site plans, specifications, samples of proposed materials to be used, informational brochures, proposed work schedule, and name of architect and contractors to be used to the Washtenaw County Historic District Commission via fax or mail. A permit shall not be issued and proposed work shall not proceed until the commission has acted on the application by issuing a certificate of appropriateness or a notice to proceed as prescribed in this ordinance.

B. In reviewing plans the Commission shall follow the U. S. secretary of the interior's standards for rehabilitation and guidelines for rehabilitating historic buildings, as set forth in 36 C. F. R. part 67. Design review standards and guidelines that address special design characteristics of historic districts administered by the commission may be followed if they are equivalent in guidance to the secretary of interior's standards and guidelines and are established or approved by the SHPO. The commission shall also consider all of the following:

1. The historical and/or architectural value and significance of the resource and its relationship to the historical value of the surrounding area.
2. The relationship of any architectural features of such resource to the rest of the resource and to the surrounding area.
3. The general compatibility of exterior design, arrangement, texture, and materials proposed to be used.
4. Any other factor, such as aesthetic value, that the commission finds relevant.

C. The Commission shall review and act only upon exterior features of a resource and shall not review and act upon interior arrangements unless specifically authorized to do so by the local legislative body or unless interior work will cause visible change to the exterior of the resource. The Commission shall disapprove applications only on the basis of the considerations set forth in the previous paragraph.

D. If an application for work affecting the exterior appearance of a resource which the commission deems so valuable to the county, state, or nation that the loss thereof will adversely affect the public purpose of the county, state, or nation the Commission shall endeavor to work out with the owner of the resource an economically feasible plan for preservation of the resource.

E. Work within a historic district shall be permitted through the issuance of a notice to proceed by the commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the commission to be necessary to substantially improve or correct any of the following conditions:

1. The resource constitutes a hazard to the safety of the public or to the structure's occupants.
2. The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing, and environmental clearances.
3. Retention of the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.
4. Retention of the resource is not in the interest of the majority of the community as determined by the Commission and such structure may be given appropriate preservation in terms of photographic, pictorial, item removal, written or other means of limited or special preservation.

F. The commission shall adopt its own rules of procedure and shall adopt design review standards and guidelines for resource treatment to carry out its duties under this act.

G. The commission may delegate the issuance of certificates of appropriateness for specified minor classes of work to its staff, to the inspector of buildings, or to another delegated authority. The commission shall provide to the delegated authority specific written standards for issuing certificates of appropriateness under this subsection. On at least a quarterly basis, the commission shall review the certificates of appropriateness, if any, issued for work by its staff, the inspector, or another authority to determine whether or not the delegated responsibilities should be continued.

SECTION 5
HISTORIC DISTRICT COMMISSION DETERMINATION

A. The Commission shall file certificates of appropriateness, notices to proceed, and denials of applications for permits with the local inspector of buildings or other duly delegated authorities. A permit shall not be issued until the commission has acted as prescribed by this act. If a permit application is denied, the decision shall be binding on the inspector or other authority. A denial shall be accompanied with a written explanation by the commission of the reasons for denial and, if appropriate, a notice that an application may be resubmitted for commission review when suggested changes have been made. The denial shall also include notification of the applicant's rights of appeal to the state historic preservation review board and to the circuit court. The failure of the commission to act within sixty (60) calendar days after the date a complete application is filed, unless the applicant and the Commission agree upon an extension in writing, shall be considered to constitute approval.

B. Local public officials and employees shall provide information and records to study committees, standing committees, and the commission, and shall meet with those bodies upon request to assist with their activities.

C. When work has been done upon a resource without a permit, and the commission finds that the work does not qualify for a certificate of appropriateness, the commission may require an owner to restore the resource to the condition the resource was in before the inappropriate work or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, the commission may seek an order from the circuit court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply or cannot comply with the order of the court, the commission or its agents may enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for certificate of appropriateness in accordance with the court's order. The costs of the work shall be charged to the owner, and may be levied by the local unit as a special assessment against the property. When acting pursuant to an order of the circuit court, a commission or its agents may enter a property for purposes of this section.

D. An applicant aggrieved by a decision of the commission concerning a permit application shall file an appeal with the state historic preservation review board of the Michigan historical commission within the department of state pursuant to Section 9 of this ordinance.

SECTION 6
ACQUISITION OF PROPERTY

If all efforts by the Historic District Commission to preserve a resource fail, or if it is determined by the County Board of Commissioners and the local legislative body that public ownership is most suitable, the Board of Commissioners, if

considered to be in the public interest, may acquire the resource using public funds, public or private gifts, grants, or proceeds from the issuance of revenue bonds. Such acquisition shall be based upon the recommendation of the Historic District Commission or standing committee. The Historic District Commission or standing committee is responsible for maintaining publicly owned resources using its own funds, if not specifically earmarked for other purposes, or public funds committed for that use by the Board of Commissioners. Cooperative programs of purchase ownership and management in the public interest may also be worked out with other local commissions and societies. Upon recommendation of the commission or standing committee, the local unit may sell resources acquired under this section with protective easements included in the property transfer documents, if appropriate.

SECTION 7 ORDINARY MAINTENANCE

Nothing in this act shall be construed to prevent ordinary maintenance or repair of a resource within a historic district, or to prevent work under a permit issued by the inspector of buildings or other duly delegated authority before the ordinance was enacted.

SECTION 8 NEGLECT OF MAINTENANCE

- A. No person shall permit a resource under his or her ownership or control within an historic district to deteriorate resulting in any of the following conditions that constitute demolition by neglect:
1. A deterioration of exterior walls or other vertical supports.
 2. A deterioration of roofs or other horizontal members.
 3. A deterioration of exterior chimneys.
 4. The deterioration or crumbling of exterior plaster or mortar.
 5. The ineffective weatherproofing of exterior walls, roofs and foundations including broken windows or doors.
 6. A deterioration of any exterior architectural feature so as to create or permit the creation of a hazardous or unsafe condition or conditions which in the judgment of the Commission produces a detrimental effect upon the character of the district as a whole and the life and character of the landmark in question.
- B. The Historic District Commission on its own initiative may file a petition with the local building inspector requesting that said office proceed to require correction of defects or repairs of any such structure covered by this article so

that such structure may be preserved and protected in consonance with the purpose of this ordinance.

- C. Upon a finding by a commission that a historic resource within a historic district or a proposed historic district subject to its review and approval is threatened with demolition by neglect, the commission may do the following:
1. Require the owner of the resource to repair all conditions contributing to demolition by neglect.
 2. If the owner does not make repairs within a reasonable time, the commission or its agents may enter the property and make such repairs as are necessary to prevent demolition by neglect. The costs of the work shall be charged to the owner, and may be levied by the local unit as a special assessment against the property. The commission or its agents may enter the property for purposes of this section upon obtaining an order from the circuit court.
 3. Seek a court order from the circuit court compelling the property owner to remove those causes threatening the historic resource with demolition by neglect.

SECTION 9 APPEAL

Any citizen or duly organized historic preservation organization in the County, as well as resource property owners, jointly or severally aggrieved by a decision of the Historic District Commission may appeal the decision to the circuit court except that a permit applicant aggrieved by a decision rendered under section 4 may not appeal to the court without first exhausting the right to appeal to the state historic preservation review board. The appeal shall be filed within 60 calendar days after the decision is furnished to the applicant. The appellant may submit all or part of the appellant's evidence and arguments in written form. A permit applicant aggrieved by the decision of the state historic preservation review board may appeal the decision to the circuit court having jurisdiction over the historic district commission whose decision was appealed to the state historic preservation review board.

SECTION 10 COORDINATION BY THE WASHTENAW COUNTY HISTORIC DISTRICT

The jurisdiction of the Washtenaw County Historic District Commission shall be the same as that provided in Act No. 183 of the Public Acts of 1943, as amended, being sections 125.201 to 125.232 of the Michigan Compiled Laws, or as otherwise provided by contract entered into between the County and a city, village, or township. The Commission shall maintain coordination between it and township and municipal historic district commissions. The overall historic preservation plans of cities, villages, and townships shall be submitted to the county historic district commission for review, and county plans submitted to cities, villages, and townships having historic district commissions. Day-to-day activities of local commissions shall not be reviewed unless the activities affect resources of importance to another commission, or those plans have other than strictly local significance.

SECTION 11
ACCEPTANCE OF FUNDS

The County Board of Commissioners may accept state or federal grants for historic preservation purposes, and may participate in state and federal programs that benefit historic preservation, and may accept public or private gifts for historic preservation purposes. The legislative body may make the historic district commission, a standing committee, or other agency its duly appointed agent to accept and administer grants, gifts and program responsibilities.

SECTION 12
BUDGET

There may be appropriated in the annual county budget a sum of money which may be expended by the Historic District Study Committee and the Historic District Commission for and in connection with:

- A. The preparation of surveys of buildings and structures in districts in Washtenaw County.
1. The acquisition and/or restoration of buildings or structures of historical or architectural significance.
 2. Subject to the approval of the Board of Commissioners an incentive improvement program under which the Commission may contract with the owner or lessee of the designated historic building or structure or designated historic cultural site to reimburse such owner or lessee some predetermined portion of the cost incurred by him in the reconstruction, construction, addition, moving, excavation, alteration, removal, preservation, maintenance, repairs or painting, of an exterior or designated interior feature and furtherance of the purposes of this ordinance as determined by the Commission. In any and all cases the Commission shall have the absolute right to determine the actual cost of such work the proportion or amount to be reimbursed out of appropriated funds.
 3. To provide funds for the operation of a county historical museum.
 4. To provide funds for special studies.
 5. To provide funds for staff or consultants to do necessary work of the Commission.

REVENUE BONDS

The Washtenaw County Board of Commissioners may issue revenue bonds pursuant to Act No. 94 of the Public Acts of 1933, as amended, for carrying out the functions of the historical commission.

SECTION 14
REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances conflicting with the provision of this ordinance of Washtenaw County are hereby repealed.

SECTION 15
SEPARABILITY

Should any sections, subdivisions, sentence, clause, phrase of the ordinance be declared by the courts to be invalid the same shall not effect the validity of the ordinance as a whole or in any part thereof other than the part so invalidated.

SECTION 16
EFFECTIVE DATE

This ordinance shall take effect immediately upon compliance with the statutes relative thereto.

SECTION 17
PENALTIES

- A. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates any provision of this ordinance is responsible for a civil violation and may be fined not more that \$5000.00.
- B. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated, or demolished.

In Witness Whereof, this ordinance is hereby executed this _____ day of _____, 2000

ATTESTED TO:

COUNTY OF WASHTENAW

BY: _____
Peggy M. Haines
Washtenaw County Clerk

BY: _____
P. Christina Montague, Chair
Washtenaw County

Board of Commissioners