

## Marine City Historical Commission

### **Rules and Procedures**

**Adopted March 21, 2017**

#### Statement of Purpose:

Historic preservation is a declared public purpose. It is the mission and the purpose of the Marine City Historical Commission (“Historical Commission”) to identify, document and protect Marine City’s identified historic resources, to increase public knowledge of Marine City’s heritage, to educate the public about the value of historic preservation, to foster civic beauty, and to function as a resource of information on historic preservation. The purpose of the Historical Commission is further defined in Marine City Ordinance, Section 155.095. The Historical Commission is enabled by the Local Historic Districts Act, Act 169 of 1970, MCL 399.201 et. seq. The boundaries of the Historic District are defined by Ordinance at Section 155.130 as required by MCL 399.203. The public purpose of the Historical Commission is consistent with MCL 399.202.

#### I. Organization of the Historical Commission

##### A. Membership

1. The members of the Historical Commission shall be appointed by the Marine City Commission based on submitted applications. Each appointed member shall reside within Marine City. The Historical Commission shall comply with Ordinance Section 155.100(A). There shall be seven (7) members of the Historical Commission. The term of each member shall be three (3) years. Any vacancy shall be filled within sixty (60) days. The Historical Commission shall strive to appoint a member who has two (2) years of architectural experience.

##### B. Officers and duties

###### 1. Chairperson

The Chairperson will preside at all meetings and hearings of the Historical Commission and the Chairman shall:

- Be elected by the Historical Commission appointed members by majority vote at an open meeting.
- Submit the agenda for a meeting with the City Clerk one week before the scheduled meeting.
- Make arrangements with the City Clerk and City Manager for special meetings, if required.

- Execute and issue certificates of appropriateness or denial after actions taken by the Historical Commission.
- Comply with the Open Meeting Act with respect to all meetings
- Comply with valid requests for public records consistent with Michigan's Freedom of Information Act.

## 2. Vice Chairperson

The Vice Chairperson of the Historical Commission shall act for the Chairperson in the Chairperson's absence and shall have the authority to perform duties prescribed for that office.

- The Vice Chairperson will be elected by the Historical Commission members by majority vote at an open meeting.

## 3. Clerk

The Clerk (or a secretary under the supervision of the Clerk) shall be the Marine City Clerk who shall:

- Keep the minutes and records of the Historical Commission including certificates of appropriateness (permits).
- Arrange proper legal notice of regular and special meetings in accordance with the Open Meetings Act.
- Attend to necessary correspondence.

## 4. Field Liaison

The Field Liaison will act as a representative of the Historical Commission and shall:

- Be elected by the Historical Commission members by majority vote at an open meeting.
- Meet with individuals contemplating work otherwise governed by the Historical Commission.
- Observe work in progress of projects approved by the Historical Commission.
- Make timely reports to the Chairperson of the Historical Commission.

## 5. Committees

The Historical Commission may form Committees as deemed necessary. All Committees shall comply with the Open Meetings Act.

## 6. Historic District Study Committee

Should the Historical Commission receive a request from the City Commission to research additional historic districts, the Historical Commission will assemble a list of appropriate experts representing, where possible, the Historical Society of Marine City, the Historical Commission, the Marine City Pride and Heritage Museum and local or regional history, architecture or preservation experts to recommend to the City Commission for appointment to a formal study committee.

#### C. Resignations

Resignation from the Historical Commission shall be in writing to the City Commission and to the Historical Commission Chairperson. Any member who misses three (3) meetings in one (1) year may be asked to resign.

### II. Administrative Procedures

#### A. Legal notices

Any required legal notices will be published by the City Clerk as required and in accordance with the Open Meeting Act.

#### B. Agenda

The Chairperson shall prepare an agenda for each meeting and submit it to the City Clerk one week in advance of the scheduled meeting date. The agenda process shall comply with the Open Meetings Act.

#### C. Minutes

The minutes will be recorded by the City Clerk at regular and special meetings. The minutes will record business covered and votes of members on resolutions, transactions and determinations. The minutes shall be completed and made ready for review and publication in accordance with the Open Meetings Act.

#### D. Regulation enforcement

The Historical Commission will take action to prevent violation of any Rule or Procedure contained herein or in any applicable section of the Marine City Ordinances.

#### E. Rules and procedures revisions

Any review of the Rules and Procedures revisions will take place at a regular public meeting. Adoption of changes will require a majority vote of the members of the Historical Commission.

#### F. Conflict of Interest

Any asserted conflict of interest on any issue before the Historical Commission shall be resolved in accordance with the current law in Michigan.

## G. FOIA

The Historical Commission shall comply with the public record disclosure requirements set forth in Michigan's Freedom of Information Act.

## H. Records

The Historical Commission shall keep a record of its resolutions, proceedings and actions. All public records are subject to the disclosure requirements under the Michigan's Freedom of Information Act.

## III. Conduct of Meetings

### A. Regular meetings

The Historical Commission shall meet at least quarterly at public meetings published by the City Clerk. All meetings will require a quorum which consists of four (4) members. No business shall be conducted without a quorum.

Closed sessions shall only be conducted in accordance with the Open Meetings Act.

Each Agenda shall include a listing of each application to be reviewed or considered by the Historical Commission.

The business of the Historical Commission shall be conducted at public meetings in compliance with the Open Meetings Act.

The order of business shall be as follows:

- Roll call
- Pledge of Allegiance
- Communications
- Public comment
- Approval of minutes
- Unfinished business
- New business
- Presentations
- Adjournment

### B. Special meetings

The Historical Commission will hold special meetings as needed. The Chairperson will submit the Agenda to the City Clerk not less than 48 hours prior to such meeting, and no business other than that posted will be transacted. A special meeting may only be convened at the request of the City Commission, the Chairperson or three (3) concurring members.

#### IV. Certificates of Appropriateness (Notice to Proceed)

##### A. Application

Application forms for a certificate of appropriateness are available at the Marine City offices. A complete application shall include all requested information. With respect to signs, the application will state the size, materials, and proposed location for any signage.

The Historical Commission will hold public hearings on filed applications and take action within 60 days of the completed filing date. Any public hearing shall be pursuant to notice and shall otherwise comply with the Open Meetings Act.

##### B. Building Permit

Applicants must also apply for and be granted an applicable building permit where any construction is required. The Building Inspector will forward the completed and approved building permit application to the Historical Commission. Any and all resolutions, proceedings and actions of the Historical Commission shall be timely provided to the Building Inspector.

##### C. Standards for determining appropriateness

- No building, structure or improvement will be erected, altered, restored, moved or demolished within the Historic District until an application for a certificate of appropriateness as to exterior architectural features has been submitted to and approved by the Historical Commission. A certificate of appropriateness will be required whether or not a building permit is required.
- For purposes of these Rules and Procedures, *erected* means constructed, built, *installed* or enlarged; *altered* means changed, modified, rebuilt, removed, demolished, restored, razed, moved, reconstructed or enlarged; *building* means a combination of materials forming a shelter for persons, animals or property; and *structure* shall include, but is not limited to, any material or combination of materials, other than a building that is affixed to the land and shall include, but not be limited to, signs, fences, walls, sidewalks, streets, parking lots, curbs, bridges, dams, monuments, lampposts, bandstands, docks, outdoor fireplaces, swimming pools, statuary, and any other features that are affixed to the land.
- Exterior architectural features will include such portion of the exterior of a structure as is open to view from a public street, way or place. The style, material, size and location of outdoor permanent signage will also be under the jurisdiction of the Historical Commission.
- No area within the Historic District will be used or expanded for industrial, commercial, business, home industry, or occupational parking whether or not

such area is zoned for such use until after an application for a certificate of appropriateness as to parking has been submitted and approved by the Historical Commission.

- Ordinary maintenance or repair of any exterior feature that does not involve a change in design or material may be performed without a certificate of appropriateness. In addition, no certificate of appropriateness is required for work certified by the building inspector as necessary for public safety.
- If a building or structure, artifact or monument is to be demolished, no demolition will occur for 90 days from the issuance of a demolition permit if, during such time, the Historical Commission, or the City of Marine City, or the Historical Society of Marine City is attempting to find a purchaser who will retain or remove such building or who will present a reasonable alternative to demolition. At the conclusion of the 90 days, demolition may occur as requested and in accordance with the permit.
- No application for a certificate of appropriateness for an exterior architectural feature such as a solar system designed for the utilization of renewable resources will be denied unless the Historical Commission finds that the feature cannot be installed without substantially impairing the historic character and appearance of the Historic District. A certificate of appropriateness for such a feature may include stipulations requiring design modifications that do not significantly impair its effectiveness.
- The Historical Commission will follow and enforce the Secretary of the Interior's Standards for Rehabilitation as found at 36, Code of Federal Regulations, Part 67. Those regulations are available at the Marine City offices and are incorporated in full by reference herein.

#### 1. Buildings and Structures

In determining the appropriateness of exterior architectural features, the Historical Commission will consider, in addition to any other pertinent factors, the following on a case by case basis:

- Historical and architectural value
- Architectural style
- Scale
- General design
- Arrangement
- Texture and materials of the architectural feature

- Type and style of exterior windows, doors, light fixtures, signs, above ground utility structures, mechanical appurtenances and the type and texture of building materials
- Relationship thereof to the exterior architectural style
- Contributing artifacts preservation and maintenance

## 2. Signs

### a. Permanent signs

Any new sign or change in an existing sign must conform to the sign regulations of Marine City as to size, number and placement. A certificate of appropriateness must be obtained from the Historical Commission as to the design of the sign and materials used.

### b. Temporary signs

Signs placed in the Historic District advertising events shall observe the following time frames:

- For one time or annual events, the signs may be up for three weeks prior to the event.
- Signs must be removed within 72 hours of the close of an event.
- Temporary signs need no approval of the Historical Commission.
- No adhesives, nails, tape, etc. may be used to attach temporary signs to any resource.

## 3. Parking areas

The Historical Commission will consider the location, materials used, visibility of cars and closeness of such area to adjacent buildings.

## 4. Variances

Where, by reason of topography or other unusual circumstance, strict adherence to the standards will impose exceptional practical difficulty or undue hardship on the applicant, the Historical Commission may vary or modify its standards so as to relieve such difficulty or hardship, provided such variation remains in harmony with the general character of the Historic District.

At its discretion, the Historical Commission may waive any of the requirements if it deems appropriate to do so.

## D. Actions by the Historical Commission

After its deliberations, the Historical Commission will act on each application by majority vote.

1. Approval

If the Historical Commission approves the application, it will issue a Certificate of Appropriateness. The Certificate of Appropriateness may contain stipulations relating to materials, color, texture or other details deemed pertinent by the decisions of the Historical Commission.

A copy of the Certificate of Appropriateness shall be mailed or hand delivered to the applicant for efficiency. Additional copies will be kept by the Historical Commission, including the original application.

Certificates of Appropriateness will be valid for one (1) year from date of issue. Extensions may be granted upon written request to the Historical Commission.

2. Denial

A Certificate of Appropriateness may be denied by the Historical Commission when, in the opinion of the Historical Commission by majority vote at a public meeting, the issuance of such a Certificate of Appropriateness would be detrimental to the interests of the Historic District.

Written notice of the denial will be mailed to the applicant and the Building Inspector. The notice will specify the reason(s) for denying the application. This notice must be sent within 48 workday hours of rendering such a decision.

3. Appeals

Any individual who has been severally or jointly aggrieved by a decision of the Historical Commission concerning any action by the Historical Commission may file an appeal with the State Historic Preservation Review Board within 60 days after the decision is given to the applicant. For further appeal information see Marine City Ordinance Section 155.09 A. and B.

Approved by the Historical Commission at a public meeting on the 21<sup>st</sup> day of March, 2017.

City of Marine City  
Clerk Certification

Dated: \_\_\_\_\_