

The Charlevoix City Council met on Monday, April 15, 2019 with Mayor Luther Kurtz presiding. All Councilmembers were present. The following is an excerpt from the official records of said meeting:

**CITY OF CHARLEVOIX  
ORDINANCE NO. 800 of 2019**

AN ORDINANCE TO AMEND TITLE III, CHAPTER 35, SECTIONS 35.03, 35.04, 35.10 and 35.11 OF THE CHARLEVOIX CITY CODE

**THE CITY OF CHARLEVOIX ORDAINS:**

**SECTION 1. Title III, Chapter 35, Section 35.03 of the City of Charlevoix Code is hereby amended to add two definitions as follows:**

**FIRE ALARM SYSTEM.** A system designed to detect and annunciate the presence of fire or by-products of fire. Fire alarm system includes smoke alarms.

**SMOKE ALARM.** A single-station or multiple-station alarm responsive to smoke and not connected to a system. As used in this subdivision, "single-station alarm" means an assembly incorporating a detector, the control equipment, and the alarm sounding device into a single unit, operated from a power supply either in the unit or obtained at the point of installation. "Multiple-station alarm" means 2 or more single-station alarms that are capable of interconnection such that actuation of 1 alarm causes all integrated separate audible alarms to operate.

**SECTION 2. Title III, Chapter 35, Section 35.04 of the City of Charlevoix Code is hereby amended to read as follows:**

- (A) Before establishing a historic district(s), the City Council shall appoint a Historic District Study Committee. A majority of the persons appointed to the Study Committee shall have a clearly demonstrated interest in or knowledge of historic preservation. The Study Committee shall contain representation of at least one member appointed from one or more duly organized local historic preservation organizations.
- (B) The Study Committee shall do all of the following:
- (1) Conduct a photographic inventory of resources within each proposed historic district following procedures established by the state's Historic Preservation Office of the state's Housing Development Authority;
  - (2) Conduct basic research of each proposed historic district and 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 state's Historic Preservation Office of the state's Housing Development Authority;
  - (4) Prepare a preliminary Historic District Study Committee report that addresses at a minimum all of the following:
    - (a) The charge of the Committee;
    - (b) The composition of Committee membership;
    - (c) The historic district(s) studied;
    - (d) The boundaries of each proposed historic district in writing and on maps;
    - (e) The history of each proposed historic district;
    - (f) 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 local planning body, the state's Historic Preservation Office of the state's Housing Development Authority, the state's Historical Commission and the state's Historic Preservation Review Board; and
    - (a) Make copies of the preliminary report available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.
    - (6) Not less than 60 calendar days after the transmittal of the preliminary report, the Historic District Study Committee shall hold a public hearing in compliance with the open meetings act, Public Act 267 of 1976, as amended, being M.C.L.A. §§ 15.261 through 15.275. Public notice of the time, date and place of the hearing shall be given in the manner required by Public Act 267 of 1976, as amended, being M.C.L.A. §§ 15.261 through 15.275. 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 most current tax rolls. The report shall be made available to the public in compliance with Public Act 442 of 1976, as amended;
    - (7) After the date of the public hearing, the Committee and the City Council have not more than one year, unless otherwise authorized by the City Council, to take the following actions:
      - (a) The Committee shall prepare and submit a final report with its recommendations and the recommendations, if any, of the local planning body to the City Council as to the establishment of a historic district(s). If the recommendation is to establish a historic district(s), the final report shall include a draft of the proposed ordinance(s).
      - (b) After receiving a final report that recommends the establishment of a historic district(s), the City Council, at its discretion, may introduce and pass or reject an ordinance(s). If the City Council passes an ordinance(s) establishing one or more historic districts, the city shall file a copy of the ordinance(s), including a legal description of the property or properties located within the historic district(s) with the Register of Deeds. The City 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.
    - (8) A writing prepared, owned, used, in the possession of, or retained by a committee in the performance of an official function of the Historic District Commission should be made available to the public in compliance with Public Act 442 of 1976, as amended.

**SECTION 3. Title III, Chapter 35, Section 35.10 of the City of Charlevoix Code is hereby amended to read as follows:**

- (A) In reviewing plans, the Commission shall follow the U.S. Secretary of 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 state's Historic Preservation Office of the state's Housing Development Authority.
- (B) In reviewing plans, the Commission shall also consider all of the following:
- (1) The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area;
  - (2) The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area;
  - (3) The general compatibility of the design, arrangement, texture and materials proposed to be used;
  - (4) Other factors, such as aesthetic value, that the Commission finds relevant; and
  - (5) Whether the applicant has certified in the application that the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

**SECTION 4. Title III, Chapter 35, Section 35.11(A)(1) of the City of Charlevoix Code is hereby amended to read as follows:**

(A) (1) A permit shall be obtained before any work affecting the exterior appearance of a resource is performed 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. Upon receipt of a complete application, the inspector of buildings shall immediately refer the application, along with all required supporting materials that make the application complete to the Commission. 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 chapter. The commission shall not issue a certificate of appropriateness unless the applicant certifies in the application that the property where work will be undertaken has, or will have before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531. A local unit may charge a reasonable fee to process a permit application.

**SECTION 5. Severability.**

No other portion, paragraph or phase of the Code of the City of Charlevoix, Michigan shall be affected by this Ordinance except as to the above sections, and in the event any portion, section or subsection of this Ordinance shall be held invalid for any reason, such invalidation shall not be construed to affect the validity of any other part or portion of this Ordinance or of the Code of the City of Charlevoix, Michigan.

**SECTION 6. Effective Date.**

This Ordinance shall become effective thirty (30) days after its enactment.

Ordinance No. 800 was adopted on the 15th day of April, 2019 A.D., by the Charlevoix City Council as follows:

Motion by: Hagen  
Seconded by: Oleksy  
Yeas: Oleksy, Bryan, Perron, Hagen, Cole, Kalbfell  
Nays: None  
Absent: None

State of Michigan } §  
City of Charlevoix }

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Joyce M. Golding

Clerk

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Luther Kurtz

Mayor

CERTIFICATION

I, the undersigned, City Clerk of the City of Charlevoix, Charlevoix County, Michigan, do hereby certify that the foregoing is a true and complete copy of Ordinance No. 800 of 2019 adopted by the City Council of the City of Charlevoix, County of Charlevoix, State of Michigan, at a regular meeting held on April 15, 2019 and published in the *Charlevoix Courier* on April 19, 2019, the original of which is on file in my office and available to the public. Public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267 of the Michigan Public Acts of 1876.

Dated: April 16, 2019

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Joyce M. Golding, City Clerk