

The Charlevoix City Council met on Monday, March 17, 2025 with Mayor Lyle Gennett presiding. The following is an excerpt from the official records of said meeting.

Motion by Spring, seconded by Cole to approve ordinance 859 of 2025 as presented.

**CITY OF CHARLEVOIX  
ORDINANCE NO. 859 of 2025**

**AN ORDINANCE TO AMEND TITLE III, CHAPTER 35: HISTORIC PRESERVATION OF THE CHARLEVOIX CITY CODE BY REPEALING THE EXISTING CHAPTER AND REPLACING IT WITH REVISED LANGUAGE**

**Whereas**, the historic preservation of the City of Charlevoix is an important public policy priority, and,

**Whereas**, the City of Charlevoix has previously appointed a Historic District Commission and created the Earl Young Local Historic District, and,

**Whereas**, eliminating duplicate language and adhering to state law helps for the orderly promulgation of historic preservation policy and maintenance of historic resources.

**THE CITY OF CHARLEVOIX ORDAINS:**

**Section 1. Strike Existing Chapter.**

Title III, Chapter 35 of the Charlevoix City Code shall be struck in its entirety and replaced with the following language.

**Section 2. Purpose.**

The purpose of this ordinance is to safeguard the heritage of the City of Charlevoix by preserving historic districts that reflect elements of the City's history, architecture, and culture; stabilize and improve property values; promote civic beauty; strengthen the local economy; and foster educational and cultural opportunities.

**Section 3. Definitions.**

For purposes of this ordinance, the terms defined in Section 1a of the Local Historic Districts Act (Act 169 of 1970; MCL 399.201a) shall have the same meaning.

**Section 4. Historic District Commission.**

- (A) The Historic District Commission (HDC) and those members presently serving shall continue to administer the provisions of this ordinance. The HDC shall adhere to all requirements and procedures set forth in the Local Historic Districts Act (Act 169 of 1970).
- (B) The HDC shall consist of five members, with qualifications and terms as prescribed in MCL 399.204. Terms of the membership shall be staggered as best as possible to ensure continuity of membership and terms of three years each. Vacancies on the Commission shall be filled in the same manner as original appointments.
- (C) The HDC shall only have the authority to review and act upon permit applications, as detailed in Section 5 of this ordinance and such other duties and responsibilities as statute or the City Council may from time to time obligate them.

**Section 5. Establishment of Historic Districts.**

- (A) The City of Charlevoix has previously established the Earl Young Local Historic District Depot Historic District. and the Central Historic District.
- (B) The boundaries of each historic district shall be described in an official map and legal description filed with the City Clerk once approved by City Council.
- (C) Before establishing or modifying any historic district, a Historic District Study Committee shall be appointed to conduct the review process in accordance with MCL 399.203. The Historic District Commission shall fulfill this role unless Council determines a separate study committee is advisable. The study for potential creation of a new historic district shall only occur if the Council requests it by resolution outlining the potential properties and need for the district or if the Council approves a proposal from the Historic District Commission prescribing the same.

**Section 6. Permit Requirements.**

- (A) No person shall perform any work affecting the exterior appearance of a resource within a historic district without first obtaining a permit issued under this ordinance.
- (B) The HDC shall review applications based on the Secretary of the Interior's Standards for Rehabilitation, 36 C.F.R. Part 67, and applicable local design guidelines if such guidelines may be created and approved by City Council.
- (C) A certificate of appropriateness or a notice to proceed must be issued by the HDC before any work begins.
- (D) All other terms in Section MCL 399.205 through MCL 399.215 shall apply to the ordinance.

**Section 7. Demolition by Neglect and Enforcement.**

- (A) Property owners within a historic district must maintain their properties to prevent demolition by neglect.
- (B) Violations of this ordinance shall be subject to fines and penalties as provided in MCL 399.215.

**Section 8. Appeals.**

- (A) Any decision of the HDC may be appealed to the State Historic Preservation Review Board as provided in MCL 399.205(2).
- (B) Further appeals may be filed with the Circuit Court of the County of Charlevoix in accordance with MCL 399.211.

**Section 9. Penalties.**

- (A) A person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this chapter is responsible for a civil violation and may be fined not more than \$5,000.

- (B) A person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this chapter 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.

**Section 10. 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 11. Effective Date.**

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

Ordinance No. 859 was adopted on the 17<sup>th</sup> day of March 2025 A.D., by the Charlevoix City Council as follows:

Motion by: Spring  
Seconded by: Cole  
Yeas: Spring, Hagen, Knapp, Kalbfell, Parr, Cole  
Nays: None

**Motion carried.**

State of Michigan } §  
City of Charlevoix

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Sarah J. Dvoracek

Clerk

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Lyle Gennett

Mayor

CERTIFICATION

I, the undersigned, the 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. 859 adopted by the City Council of the City of Charlevoix, County of Charlevoix, State of Michigan, at a regular meeting held on March 17, 2025 the original of which is on file in the Clerk's office and available to the public. Public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, Act 267 of the Michigan Public Acts of 1976.

Dated: 03/18/2025

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Sarah J. Dvoracek, City Clerk