

Village of Berrien Springs
Berrien County, Michigan
Ordinance Number 370

An Ordinance to Add Division 2, entitled “Historic District Study Committee” to Chapter 12, entitled “Building and Building Regulations, Article VII, entitled “Historic Preservation”

Sec. 12-2-1 **Short Title.** This article shall be known, and may be cited, as the “Historic District Study Committee Ordinance.”

Sec. 12-2-2 **Definitions.** As used in this article, the following terms shall have the meanings indicated:

“Bureau” means the Bureau of History of the Michigan Department of State.

“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.

“Historic Preservation” 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 the Village of Berrien Springs, the State of Michigan, or the United States.

“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 the Village of Berrien Springs, the State of Michigan, or the United States.

“Resource” means one or more publicly or privately owned historic or nonhistoric buildings, structures, sites, objects, features or open spaces located within an historic district.

Sec. 12-2-3 **Statement of Purpose.** This is an ordinance to establish an Historic District Study Committee and provide for the establishment of historic districts in carrying out the public purpose of historic preservation in the Village of Berrien Springs, consistent with the State of Michigan Local Historic Districts Act, MCLA §399.201 et seq., as amended.

Sec. 12-2-4 **Establishment of Committee; Composition.** The Village of Berrien Springs Historic District Study Committee is hereby established. The Committee shall consist of five members appointed by the Village Council to serve without compensation. The Committee shall contain a majority of persons who have a clearly demonstrated interest in a knowledge of historic preservation and shall contain representation from one or more duly organized local historic preservation organizations.

Sec. 12-2-5 **Terms.** A member shall be appointed for a term of three years, ending the last day of December, of the third year after appointment, provided that the membership of the first

Committee shall be staggered with two members appointed for one year, two members appointed for two years, and one member appointed for three years.

- Sec. 12-2-6 **Organization.** On an annual basis the Committee shall at its first meeting elect a Chairman, Vice Chairman, Secretary, and such other officers as may be necessary for the proper conduct of its affairs from its membership. The Committee shall adopt its own rules of procedure in compliance with all the rules and regulations promulgated by the Village Council that are applicable to boards and commissions.
- Sec. 12-2-7 **Meetings.** The Historic District Study Committee shall hold at least one public meeting in each quarter on such date, time and place as may be established by resolution of the Committee. Special meetings may be called by the Secretary on the written request of the Chairman or any two members of the Committee, with at least two days' notice. Meetings of the Committee shall be held in compliance with the State Open Meetings Act,¹ and a meeting agenda shall be part of the notice provided.
- Sec. 12-2-8 **Records.** The Historic District Study Committee shall keep a written or printed record of its proceedings which shall be a public record and property of the Village. Writings prepared, owned, used, in the possession of, or retained by the Committee in the performance of an official function shall be made available to the public in compliance with the State of Michigan Freedom of Information Act.²
- Sec. 12-2-9 **General Powers and Duties.** The Historic District Study Committee shall do the following:
- A. Conduct a photographic inventory of resources within each proposed historic district following procedures established or approved by the Bureau.
 - 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 CFR Part 60, and criteria established or approved by the Bureau, if any.
 - D. Prepare a preliminary Historic District Study Committee report that addresses at a minimum all of the following:
 - (1) The charge of the Committee.

¹ Editor's Note: See MCLA §15.261 et seq.

² Editor's Note: See MCLA §15.21 et seq.

- (2) The composition of the Committee membership.
- (3) The historic district or districts studied.
- (4) The boundaries for each proposed historic district in writing and on maps.
- (5) The history of each proposed historic district.
- (6) 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 all recommendations to the Village of Berrien Springs Oronoko Township Joint Planning Commission, to the Bureau, to the Michigan Historical Commission, and to the State Historic Preservation Review Board.

F. Make copies of the preliminary report available to the public pursuant to § 12-2-8.

Sec. 12-2-10 **Public Hearing.** Not less than 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 §§ 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date and place of 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.

Sec. 12-2-11 **Recommendation; Village Council Review.** After the date of the public hearing, the Committee and the Village Council shall have not more than one year, unless otherwise authorized by the Village Council, to take the following actions:

A. The Committee shall prepare and submit a final report with its recommendations, if any, of the Berrien Springs Oronoko Township Joint Planning Commission to the Village Council. If the recommendation is to establish an historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances.

B. After receiving a final report that recommends the establishment of an historic district or districts, the Village Council, at its discretion, may introduce and pass or reject an ordinance or ordinances. If the Commission passes an ordinance or ordinances establishing one or more historic districts, a copy of that ordinance or those ordinances, including a legal description of the property or properties located within the historic district or districts, shall be filed with the register of deeds. The Commission 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.

Sec. 12-2-12 **Grants and Gifts; Benefit Programs.** The Historic District Study Committee may, with the consent of the Village Council, accept and administer state and federal grants for purposes of historic preservation, participate in state and federal programs that benefit historic preservation, and accept public and private gifts for purposes of historic preservation.

Sec. 12-2-13 **Severability.** If any portion of this Ordinance or the application thereof shall be found to be invalid by a Court, such invalidity shall not affect the remaining portions of the applications of the Ordinance which can be given effect without the invalid portion or applications provided that such remaining portions or applications are not determined by said Court to be inoperable, and to this end this Ordinance is declared to be severable.


Sec. 12-2-14 **Publication.** The Village Clerk shall certify to the adoption of this ordinance and cause the same to be published as required by law.

Sec. 12-2-15 **Effective Date.** This ordinance shall take effect 20 days after publication.

Yeas: Roll call vote: Barry Gravitt/Aye; Jim Allred/Aye; Lonna Johnson/Aye; Jesse Hibler/Aye; Kristin von Maur/Aye; Sandy Swartz/Aye; and President Milt Richter/Aye.

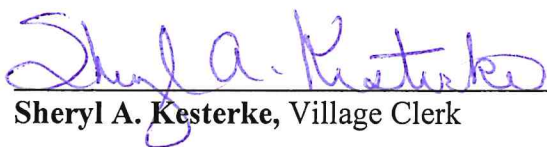
Nays: None

Dated: November 05, 2018



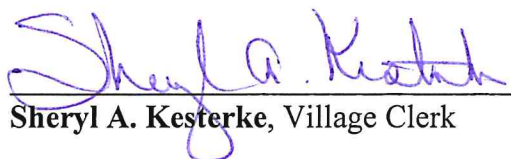
Milt Richter, Village President

Ordinance declared adopted:



Sheryl A. Kesterke, Village Clerk

I hereby certify that the above and foregoing Ordinance was duly adopted by the Village Council of Berrien Springs and published in the Journal Era, a weekly newspaper published in the Village of Berrien Springs, in the issue of said newspaper dated and published on the 07 day of November, 2018.



Sheryl A. Kesterke, Village Clerk