Sec. 2-6-4. Surrender of books, etc., at direction of council.

The city historiographer shall, at any time when required by the common council, deliver over to such persons as the council may direct all books, papers and documents and other things that may at any time come into his possession as such officer. (C. O. 1954, ch. 39, § 2.)

Sec. 2-6-5. Compensation.

The office of city historiographer being honorary, no compensation shall be allowed such officer. (C. O. 1954, ch. 39, § 5.)

Division 2. Historic Landmarks and Districts.[5]

Sec. 2-6-5.1. Purpose.

The purpose of this division is to promote the general welfare of the public, including specifically its educational and cultural welfare and including the stabilization of social and economic values of certain areas of the city where cultural or visual values contribute to the stability of its environment, through the preservation and protection of old, historic or architecturally worthy sites, buildings and structures, and through the preservation of the character of the environment of areas containing significant numbers of such sites, buildings or structures. (Ord. No. 408-G, § 1.)

Sec. 2-6-5.2. Commission on historic landmarks.

(A) The city plan commission is hereby established as the commission responsible for historic landmarks and historic districts.

(B) A seven member board shall be formed and advise the plan commission on matters involving this division. This advisory board shall consist of:

(1) The director of the Detroit historical commission (ex officio)
(2) One person selected by the Detroit arts commission
(3) One architect nominated by the Detroit Chapter, A.I.A.
(4) One historian
(5) Resident of Detroit
(6) Resident of Detroit
(7) Resident of Detroit

(C) The mayor shall appoint the architect, the historian, and resident member(s).

(D) The members shall serve without compensation.

(E) The staff of the city plan commission shall provide staff functions and keep the records required by this division. (Ord. No. 408-G, § 1.)

Sec. 2-6-5.3. Powers and duties of city plan commission and common council—Generally.

The city plan commission shall have the following powers and duties:

(1) To establish basic standards for the selection of sites, buildings, structures, and districts to be placed on the list of potential landmarks and districts;

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[5] For charter provisions as to historic areas and landmarks, see Char., § 9-503.

(2) To compile and maintain a current list of potential landmarks and districts, such list to include a description setting forth the general characteristics and location thereof and the reasons for its inclusion in the list;

(3) To designate landmarks of historic or cultural value following a public hearing before the plan commission; provided, that a written report of the commission's decision shall be filed with the common council which shall become final thirty days after the filing thereof, unless within that time a protest against such decision is filed with the common council. In such event, the common council shall act as prescribed below in this section under the heading of "The Common Council, item 4."

(4) To recommend to the common council historic districts and the locations and boundaries thereof, and to recommend to amend such locations and boundaries as the commission finds necessary for the proper effectuation of this division;

(5) To hold a public hearing of occupants and property owners in a potential historic district and review the purpose, powers, and procedures in an historic district;

(6) To hold a public hearing of occupants and property owners in a

potential historic district and review the categories of standards of appropriateness of the treatment of particular historic districts;

The common council:

(1) Shall hold a public hearing of occupants and property owners in a potential historic district and review the purpose, powers, and procedures in a historic district;

(2) May designate historic districts and the location and boundaries thereof;

(3) May amend such locations and boundaries;

(4) Shall hold a public hearing when a protest is filed with the common council within thirty days after the filing of a written report by the plan commission concerning its decisions relative to the designation of historic landmarks, and shall by resolution approve or disapprove such decision.

(5) Shall zone any historic district approved under this division in accordance with the provisions of the Zoning Ordinance. (Ord. No. 408-G, § 1.)

Sec. 2-6-5.4. Same—Treatment effectuation.

For treatment effectuation the city plan commission shall have the following powers and duties:

(1) To establish basic categories of standards of appropriateness for the quality and extent of the exterior rehabilitation of buildings located in historic districts (such as renovation, preservation, etc.);

(2) To recommend to the common council standards for the determination of the appropriateness of the treatment of particular districts as being desirable for the residents of the neighborhood and not contrary to the spirit and purpose of this division, after a public hearing of local area occupants and property owners;

(3) To issue an approval, a notice to proceed, or denial, of proposed exterior alteration, reconstruction or demolitions of designated historic or cultural landmarks or in designated historic districts.

The common council:

(1) Shall hold a public hearing of occupants and property owners in a potential historic district and review the categories of standards of appropriateness of the treatment of particular historic districts;

(2) Shall approve standards for the determination of the appropriateness of the treatment of particular historic districts as being desirable for the residents of the neighborhood and not contrary to the spirit and purpose of this division. (Ord. No. 408-G, § 1.)

Sec. 2-6-5.5. Definitions.

An historical or cultural landmark is any site (including significant trees or other plant life located thereon), building, or structure of particular historic or cultural significance to the city, the state or the United States of America, such as sites, buildings, or structures where cultural, political, spiritual, economic or social history of the community, state, or nation is reflected or exemplified, or which are identified with historic personages or with important events in local, state or national history, or

which embody the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, style or method of construction, or a notable work of a master designer or architect whose individual genius influenced his age.

A historic district is any area which contains a number of buildings, structures, or sites which are historic or cultural landmarks or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for a representation of a period, style or method of construction, or a notable work of a master designer or architect whose individual genius influenced his age. (Ord. No. 408-G, § 1.)

Sec. 2-6-5.6. Altering, etc., landmarks.

It shall be unlawful to alter or reconstruct the exterior or demolish any designated landmark or any building or structure within a historic district without first referring the matter to the landmarks commission, except where the commissioner of buildings and safety engineering determines that the alteration, removal, or demolition is immediately necessary in the interest of public health, safety, or general welfare. All designated historic and cultural landmarks and districts shall be filed with the register of deeds. (Ord. No. 408-G, § 1.)

Sec. 2-6-5.7. Building permit—Required.

Before any person commences any excavation, or the construction or erection of any building, fence, wall or other structure on any designated historic or cultural landmark or district, or commences any reconstruction, alteration, or removal of any exterior architectural feature or commences any change in the exterior color by painting or other means, or commences any demolition of any buildings or structures designated as a historic or cultural landmark or in a historic district, or commences construction of any new buildings or structures within a historic district, such person shall submit an application for permit to the department of buildings and safety engineering, and no work contemplated herein shall commence before the issuance of such permit. (Ord. No. 408-G, § 1.)

Sec. 2-6-5.8. Same—Procedure upon receipt of application.

The commissioner of buildings and safety engineering upon receipt of such application for permit shall forward the same, together with all plans and specifications relative thereto, to the city plan commission within five days of receipt of such application (excluding Saturdays, Sundays, and legal holidays). All plans, elevations and other information deemed necessary by the commission to determine the appropriateness of the proposed excavation, construction or erection, reconstruction, alteration, removal of any exterior architectural feature, change in the exterior color by painting or other means, or demolition of any buildings or structures shall be made available to the commission by the applicant. The commission shall take no action until it determines that any application is complete and includes all necessary plans, elevations and other information as specified above. (Ord. No. 408-G, § 1.)

Sec. 2-6-5.9. Same—Commission review.

(1) The commissioner of buildings and safety engineering shall not issue a permit for any excavation, any construction or erection of any building, fence, wall, or other structure or for any removal of any external architectural feature, or for any reconstruction, alteration, change of any exterior color by painting or other means, or for any demolition of any building or structure now or hereafter in any historic district or on the designated historic or cultural landmark or district, or commence construction of any new building or structure within a historic district, until the commission either shall issue a certificate of appropriateness or a notice to proceed, or shall proceed as hereinafter provided.

(2) The city plan commission, if it does not issue a certificate of appropriateness forthwith, shall cause a notice to be mailed to the applicant and occupants and land owners within two hundred feet within ten days after receipt of a complete application for permit. Together with the necessary plans and specifications relative thereto, giving notice of a public hearing to be held by the commission on such application no sooner than ten days nor later than twenty days from the time the notice is mailed. Such notice is to apprise the public of the time and place of such hearing and the kind and nature of the change proposed.

(3) As soon as possible after the final conclusion of such public hearing, but in any event within fifteen days (Saturdays, Sundays and legal holidays excluded), or within such further time as the applicant for such permit approves in writing, the commission shall determine:

(i) Whether the proposed excavation, construction or erection, reconstruction, alteration, removal of an exterior architectural feature, change in exterior color, or demolition will be appropriate to the preservation according to the approved standards of the particular historic district or to the preservation of the site, building or structure designated as a historic or cultural landmark; or

(ii) Whether, notwithstanding that such proposed excavation, construction or erection, reconstruction, alteration, removal of an exterior architectural feature, change in exterior color, or demolition, is inappropriate but is without substantial detriment to the public welfare and without substantial derogation from the intents and purposes of this division, denial of the application will result in substantial hardship to the applicant, in which case the commission may, in lieu of a certificate of appropriateness, issue a notice to proceed; or

(iii) Whether he proposed excavation, construction or erection, reconstruction, alteration, removal of an exterior architectural feature, change in exterior color, or demolition will be inappropriate to the preservation according to the approved standards of the particular historic district or site, building or structure designated as a historic or cultural landmark.

(4) In passing upon the appropriateness, the commission shall consider, in addition to any other pertinent factors, the general design, arrangement, proportion, texture, material, and color of the exterior architectural features of the subject building or structure and of other buildings and structures in the immediate neighborhood in designated historic landmarks and the approved standards in designated historic districts.

(5) If the commission determines that the proposed excavation, construction or erection, reconstruction, alteration, removal of an exterior architectural feature, change in exterior color, or demolition of any buildings or structures designated as historic or cultural landmarks or in historic districts will be appropriate or, although inappropriate owing to conditions as aforesaid, denial of the application will involve a substantial hardship to the applicant and issuance thereof may be made without a substantial detriment or derogation as aforesaid, the commission shall forthwith forward to the department of buildings and safety engineering a certificate of appropriateness or a notice to proceed, as applicable, along with the application, plans and specifications relative thereto. If the commission determines that neither a certificate of appropriateness nor a notice to proceed shall be issued, the commission shall forthwith spread upon its records the reasons for such determination and may include a recommended alternate proposal which would be acceptable to the commission respecting the proposed excavation, construction, or erection, reconstruction, alteration, removal of an exterior architectural feature, change in exterior color or demolition, thereupon, the commission shall notify the applicant and the commissioner of the department of buildings and safety engineering of such determination, transmitting to each of them an attested copy of the reasons and recommendations, if any, spread upon the records of the commission. The commissioner of the department of buildings and safety engineering, upon receipt of the commission's findings and the returned application, plans and specifications relative thereto by the commission, shall be bound by the determination of the commission and disapprove such application. (Ord. No. 408-G, § 1.)

Sec. 2-6-5.10. Maintenance of structures.

The term "demolition" shall include "demolition by neglect," which term shall mean willful neglect in the maintenance or repairs of a building or structure, resulting in any of the following conditions:

(1) The deterioration of exterior walls or other vertical supports;
(2) The deterioration of roofs or other horizontal members;
(3) The deterioration of exterior chimneys;
(4) The deterioration of exterior plaster or mortar;
(5) The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows and doors; or
(6) The 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.

The city plan commission, on its own initiative, may file a petition with the department of buildings and safety engineering requesting that such office proceed to require correction of defects or repairs of any such structure covered by this division so that such structure shall be preserved and protected in consonance with the purpose of this division. (Ord. No. 408-G, § 1.)

Sec. 2-6-5.11. Appeal.

Any person, aggrieved by any decision of the commission, may within thirty days after the commissioner of buildings and safety engineering has approved or denied the building permit, appeal to the common council, who shall hear all pertinent evidence and shall affirm such decision, unless it finds the basis of such decision to be unwarranted by the evidence or insufficient in law, or shall make such other decree as justice may require. (Ord. No. 408-G, § 1.)

Sec. 2-6-5.12. Acceptance of funds.

The city may contract with or accept any grant, loan or aid of any character from any source including federal, state, county or private sources, to be expended for the purposes contemplated by this division, including but not limited to the making of surveys, and the acquisition, restoration and possible resale of properties of historical or architectural significance. Sums received from the resale of such properties shall, with the approval of the common council, be budgeted by the commission for the acquisition and restoration of additional properties. (Ord. No. 408-G, § 1.)

Sec. 2-6-5.13. Budget.

There may be appropriated in the annual budget a sum of money which may be expended by the commission for historical and architectural preservation for, or in connection with:

(1) The preparation of surveys of buildings and structures in the city;

(2) The acquisition or restoration of buildings or structures of historical or architectural significance; or

(3) Subject to the approval of the common council, an incentive improvement program under which the commission may contract with the owner or lessee of a building or structure located in an historic district, or designated historic or cultural landmark to reimburse such owner or lessee up to twenty per cent of the actual cost incurred by him in the reconstruction, alteration, removal, repairs or painting of an exterior architectural feature in furtherance of the purposes of this division, as determined by the commission unless and until all of the work to be done and the estimated cost thereof has been first approved by the commission, and in any and all of such cases the commission shall have the absolute right to determine the actual cost of such work. (Ord. No. 408-G, § 1.)

Sec. 2-6-5.14. Provisions of division not retroactive.

Nothing in this division shall apply to nor affect a building permit issued by the city, which has been issued and is outstanding on the effective date of this division.[5a] The work authorized and covered by any such building permit may proceed as if this division had not been passed. (Ord. No. 408-G, § 1.)

[5a] **Editor's note.** — The ordinance from which this division derives became effective February 27, 1969.

Article VII. Boards, Commissions, Committees and Authorities.[6]

Division 1. Commission on Community Relations.

Sec. 2-7-1. Established.

There shall be a commission on community relations, which shall replace the interracial committee. (C. O. 1954, ch. 16, § 1.)

Sec. 2-7-2. Membership; chairman.

The commission on community relations shall consist of fifteen members, to be appointed by the mayor. The commission shall each year elect one of its members as chairman. (C. O. 1954, ch. 16, § 2; Ord. No. 579-F, § 1.)

Sec. 2-7-3. Term of office of members; vacancies; compensation; removal of members.

The members of the commission on community relations shall hold office for terms of three years; except, that of those first appointed, the terms shall expire as follows: Five on December 31 of the appointing year, five on December 31 of the next ensuing year and five on December 31 of the next ensuing year. Any vacancies shall be filled by the mayor for the remainder of the unexpired term. Members of the commission shall serve without compensation. The members of the commission may be removed by the mayor without cause assigned. (C. O. 1954, ch. 16, § 3; Ord. No. 579-F, § 1.)

Sec. 2-7-4. Secretary-director and other employees.

The commission on community relations shall, subject to approval by the mayor, appoint a secretary-director, and subject to the provisions of the Charter of the city relative to civil service, such other employees as may be necessary to carry on the work of the commission. The commission shall prescribe the duties of the director and other employees, and shall, subject to the approval of the common council, fix their compensation. The commission, with the approval of the mayor, may remove the director without cause assigned. (C. O. 1954, ch. 16, § 4.)

Sec. 2-7-5. Meetings; quorum.

The commission on community relations shall hold meetings regularly, at least once in each month, and shall designate the time and place thereof, and shall adopt its own rules of procedure and keep a record of its proceedings. Proper accounts shall be kept of the receipts and expenditures of money in accordance with established city procedure. Eight members shall constitute a quorum for the transaction of business. All regular

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[6] For charter provisions as to city planning commission, see Char., art. 4, ch. 4. As to civil service commission, see Char., § 6-505. As to advisory commissions, see Char., § 7-103. As to board of zoning appeals, see Char., § 7-403. As to environmental protection department advisory commission, see Char., § 7-702. As to fire department advisory commission, see Char., § 7-805. As to human rights commission, see Char., § 7-1002. As to board of police commissioners, see Char., §§ 7-1102 to 7-1104. As to public lighting commission, see Char., §§ 7-1203, 7-1204. As to recreation department advisory commission, see Char., § 7-1302. As to transportation department advisory commission, see Char., § 7-1402. As to board of water commissioners, see Char., § 7-1501. As to zoological park commission, see Char., § 7-1601. As to board of review for property tax assessments, see Char.. § 9-401.