

**Meeting Agenda**  
*Owosso Downtown Historic District Commission*  
Wednesday, August 21, 2024, 6:00 p.m.

**Call to order and roll call:**

**Review and approval of agenda:** August 21, 2024

**Review and approval of minutes:** June 20, 2024

**Communications:**

**Public Comments:**

**Committee Reports:** None

**Public Hearings:** None

**Items of Business:**

- 1) RESOLUTION – Approve HDC Violation Enforcement Procedure  
Master Plan Goals: 1.12, 2.3, 2.6, 4.3, 4.7

**Public Comments:**

**Board Comments:**

- 1) Discussion
- 2) Next Meeting: September 18, 2024

**Adjournment:**

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MINUTES FOR REGULAR MEETING  
**OWOSSO HISTORIC DISTRICT COMMISSION**  
Wednesday, June 20, 2024 at 6:00 p.m.  
City Hall Conference Room

**MEETING CALLED TO ORDER:** at 6:13 p.m. by Chairperson Steven Teich.

**ROLL CALL:** was taken by City Manager Nathan Henne.

**PRESENT:** Chairperson Steven Teich, Commissioner Byrne, Secretary Hathaway, Commissioner Powell

**ABSENT:** Commissioner VanEpps, Commissioner Gallinger (attended via phone – no votes), Vice Chair Omer

**OTHERS IN ATTENDANCE:** City Manager Nathan Henne

**AGENDA APPROVAL:** June 20, 2024.

**MOTION FOR APPROVAL OF THE AGENDA AS AMENDED BY COMMISSIONER POWELL.  
SECONDED BY COMMISSIONER BYRNE.**

**AYES ALL. MOTION CARRIED.**

**MINUTES APPROVAL:** May 15, 2024.

**MOTION FOR APPROVAL OF MINUTES AS PRESENTED BY SECRETARY HATHAWAY.  
SECONDED BY COMMISSIONER POWELL.**

**AYES ALL. MOTION CARRIED.**

**COMMUNICATIONS:** None.

**PUBLIC/COMMISSIONER COMMENTS:** None.

**PUBLIC HEARINGS:** None.

**ITEMS OF BUSINESS:**

**1. Certificate of Appropriateness – 207 N Washington St – Façade replacement (First Floor)**

City Manager Henne recommended the Commission approve the certificate of appropriateness for the replacement of the wooden façade at 207 N Washington St.

**MOTION BY SECRETARY HATHAWAY TO APPROVE THE CERTIFICATE OF APPROPRIATENESS  
FOR 207 N WASHINGTON ST**

**MOTION SECONDED BY COMMISSIONER BYRNE**

**AYES ALL.**

**MOTION CARRIED.**

**2. Approve HDC Enforcement Procedure and Policy**

City Manager Henne outlined the policy that was tabled from the last meeting so that board members could review. He did not receive any feedback but made a few changes to the notice timelines. The commission commented on the language of the policy and suggested some changes.

**MOTION BY COMMISSIONER POWELL TO TABLE THE APPROVAL OF THE POLICY TO THE AUGUST HDC MEETING SO THAT THE CITY MANAGER CAN PRESENT THE FINAL DRAFT.**

**MOTION SECONDED BY SECRETARY HATHAWAY**

**AYES ALL**

**MOTION CARRIED**

**PUBLIC COMMENTS:** None

**BOARD COMMENTS:** The board wished to know if the Masonic Temple replaced the top floor windows. Commissioner Gallinger had concerns about some buildings within the district. Chairman Teich commented that the Senior Center repairs are now complete. Secretary Hathaway announced that this would be his last meeting and thanked the Commission for their hard work. The Commission thanked Mr. Hathaway for his years of service to the city and his dedication to historic preservation.

**NEXT MEETING:** August 21, 2024

**MOTION BY COMMISSIONER BYRNE TO ADJOURN. SECONDED BY COMMISSIONER POWELL.**

**AYES ALL. MOTION CARRIED - MEETING ADJOURNED AT 6:41 P.M.**



DATE: 8.19.24  
TO: Historic District Commission  
FROM: City Manager  
SUBJECT: HDC Violation Enforcement Procedure

## **BACKGROUND:**

**Section 8-208(i)** says that *“When work has been done upon a resource without a permit, and the commission finds that the work does not qualify for a certificate of appropriateness, the commission may require an owner to restore the resource to the condition the resource was in before the inappropriate work or to modify the work so that it qualifies for a certificate of appropriateness. If the owner does not comply with the restoration or modification requirement within a reasonable time, the commission may seek an order from the circuit court to require the owner to restore the resource to its former condition or to modify the work so that it qualifies for a certificate of appropriateness.”*

**Section 8-215** says that *“A person, individual, partnership, firm, corporation, organization, institution, or agency of government, including the historic district commission, that violates this act is responsible for a civil violation and may be fined not more than five thousand dollars (\$5,000.00).”*

## **RECOMMENDATION:**

I recommend establishing a procedure to enforce and correct existing and future violations to Article X (Historic Districts) of the City Ordinance. A draft of the enforcement policy is included in this packet.

**HISTORIC DISTRICT COMMISSION RESOLUTION NO. 2024-\_\_\_\_\_**

**RESOLUTION ESTABLISHING HISTORIC DISTRICT VIOLATION ENFORCEMENT  
PROCEDURE**

WHEREAS, Article X Section 8-208 grants the Historic District Commission powers of enforcement to correct violations of the Ordinance; and

WHEREAS, Article X Section 8-215 establishes a civil violation and \$5000 fine for violation of the Ordinance; and

WHEREAS, the Historic District Commission wishes to establish an enforcement procedure giving reasonable time for violations to be corrected; and

WHEREAS, the City Master Plan encourages enforcements to educate and provide reasonable time for correction.

NOW THEREFORE BE IT RESOLVED by the Historic District Commission of the City of Owosso, Shiawassee County, Michigan that:

FIRST: That the Historic District Commission create a policy for enforcing Article X within District boundaries.

NOTE: All letters and fines to be shared with the Building Department and the City Attorney. Copy of Policy included in August 21, 2024 HDC meeting packet.

Moved: \_\_\_\_\_

Supported: \_\_\_\_\_

*Owosso Downtown Historic District Commission*  
**Violation Enforcement Policy**

**Objective:** The enforcement policy is designed to ensure compliance with Owosso historic district ordinances and regulations to safeguard historical resources within the Owosso Historic District. Violations of these ordinances may result in penalties and corrective actions as outlined below.

**Enabling Statute:** Michigan Public Act 169 of 1970, also known as the "Local Historic Districts Act," allows municipalities in Michigan to create local historic districts and establish Historic District Commissions (HDCs) to oversee and protect the historical and architectural integrity of properties within these districts. The Act grants these commissions the authority to review and approve or deny proposed changes to the exterior appearance of properties within the district to ensure they are consistent with historical standards. It also provides a framework for enforcement, including penalties for non-compliance, and allows for the preservation of historically significant sites and structures through local ordinance.

**Enforcement Steps:**

**1. Initial Notification:**

- Upon discovery of a violation, a letter shall be issued to the property owner, citing the specific ordinance violated and the nature of the violation.
- The letter shall provide the owner with a period of thirty (30) business days to respond, either by submitting an application for a certificate of appropriateness or by initiating corrective actions to address the violation.

**2. Final Warning:**

- If no response is received (or corrective action is initiated) within the initial thirty (30) business-day period, a final warning letter shall be sent to the owner.
- The final warning letter shall provide the owner with a period of sixty days to rectify the violation so that it aligns with the requirements for a certificate of appropriateness.

**3. Civil Violation Notice:**

- If the violation persists beyond the thirty (30) day period specified in the final warning letter, the Building Department shall issue a civil violation notice to the owner.
- The civil violation notice shall impose a fine of up to \$5,000 in accordance with Article X, Section 8-215 of the Owosso City ordinances.

**4. Court Order for Corrective Action:**

- Following the issuance of a civil violation notice, the Historic District Commission (HDC) shall seek a court order, as authorized by Article X, Section 8-208(i) of the Owosso city ordinances, to compel corrective action.
- The court order may authorize the city to enter the premises and undertake necessary corrective measures to address the violation.
- The costs incurred for such corrective measures may be charged to the violating property owner or assessed as a special assessment against the property taxes.

**Compliance and Review:** The enforcement policy shall be implemented consistently across all cases of historic district violations. Regular reviews and assessments of enforcement actions shall be conducted by the Owosso Historic District Commission to ensure adherence to applicable laws and regulations.