

ORDINANCE NO. 140
CALUMET VILLAGE HISTORIC DISTRICT ORDINANCE

AN ORDINANCE TO ESTABLISH A HISTORIC DISTRICT COMMISSION, TO PROVIDE FOR ITS POWERS AND DUTIES, TO PROVIDE FOR THE DESIGNATION OF HISTORIC DISTRICTS, TO PROVIDE FOR THE GRANTING OF CERTIFICATES OF APPROPRIATENESS, TO PROVIDE FOR THE ADOPTION OF COMMISSION STANDARDS AND GUIDELINES, TO PROVIDE FOR THE MAINTENANCE OF DESIGNATED PROPERTY, TO PROVIDE FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE, TO PROVIDE FOR APPEAL OF DECISIONS AND TO REPEAL ANY PROVISIONS IN CONFLICT WITH THIS ORDINANCE

THIS ORDINANCE IS A RESTATEMENT MADE ON June 27, 2013, OF VILLAGE ORDINANCE NO. 140 ORIGINALLY ADOPTED ON January 15, 2002.

THE VILLAGE OF CALUMET, HOUGHTON COUNTY, MICHIGAN ORDAINS:

That the Title and Chapter of the Calumet Village Code of Ordinances set forth below and originally adopted on January 15, 2002, is hereby restated as follows, to wit:

HISTORIC DISTRICTS

1. Purpose and Declaration of Public Policy

Historic preservation is declared to be a public purpose. The intent and purpose of this ordinance are to:

- (a) Safeguard the heritage of the Village of Calumet by preserving historic districts within the Village that reflect elements of its cultural, social, economic, political or architectural history;
- (b) Stabilize and improve property values within any historic district;
- (c) Foster civic beauty and pride;
- (d) Strengthen the local economy;
- (e) Recommend the establishment, creation and promotion of the historic districts for the education, pleasure and welfare of the residents of the Village and the State of Michigan;
- (f) Encourage property owners and residents to participate in preservation activities; and
- (g) Assist in the development of Keweenaw National Historical Park.

The Village Council finds that losses of historic resources, deterioration of historic resources, inappropriate alterations and inappropriate new construction have resulted in concern about the protection of the heritage of the Village and that resources having historic, architectural, or cultural value have been neglected, altered or destroyed notwithstanding the feasibility of preserving and using such resources and without adequate consideration of the irreplaceable loss to the residents of Calumet.

2. Definitions

The following definitions shall apply in the implementation of the Village's historic preservation program.

- (a) "Addition" means any construction which increases the square footage of a structure or which creates a new structure on the site.
- (b) "Alteration" means work that changes the detail of a resource but does not change its basic size or shape. An alteration shall include any construction, replacement or remodeling on a structure which changes the exterior structural parts, the location of exterior openings or the exterior appearance of the structure, but which does not increase its square footage. An alteration shall include a proposed sign.
- (c) "Certificate of Appropriateness" means the written approval by the Historic District Commission of a permit application for work that is appropriate and that does not adversely affect a resource.
- (d) "Commission" means the Historic District Commission created by the Village Council pursuant to Section 3.
- (e) "Committee" means the historic district study committee established pursuant to Public Act 169 of 1970, as amended, for the purpose of recommending the designation of a historic district, the modification of the boundaries of an existing district or the elimination of an existing district.
- (f) "Demolition" means the destruction, all or in part of a resource and includes, but is not limited to, demolition by neglect.
- (g) "Demolition by neglect" means neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.
- (h) "Denial" means the written rejection of a permit application for work that is inappropriate and that adversely affects a resource.
- (i) "Fire alarm system" means a system designed to detect and annunciate the presence of fire or byproducts of fire. Fire alarm system includes smoke alarms.

- (j) “Historic District” means an area, or group of areas, not necessarily having contiguous boundaries, that meets the criteria for designation contained in this ordinance and that has been designated by the Village. A district shall contain one resource or a group of resources that are related by history, architecture, archeology, engineering or culture.
- (k) “Historic preservation” means the identification, evaluation, establishment, and protection of resources significant in history, architecture, archeology, engineering or culture.
- (l) “Historic resource” means a publicly or privately owned building, structure, site, object, feature, or open space that is significant in the history, architecture, archeology, engineering, or culture of this state or of this Village or of the United States.
- (m) “Historic significance” means the importance of a property to the history, architecture, archeology, engineering, or culture of a community, state, or the nation. It is achieved through association with events, activities or patterns; association with important persons; distinctive physical characteristics of design, construction, or form; or potential to yield important information.
- (n) “Notice to proceed” means the written permission to issue a permit for work that is inappropriate and that adversely affects a resource, pursuant to a finding that the conditions described in section 9 (f) exist.
- (o) “Open space” means undeveloped land, a naturally landscaped area, or a formal or man-made landscaped area that provides a connective link or a buffer between other resources.
- (p) “Ordinary maintenance” means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for purposes of this ordinance.
- (q) “Proposed historic district” means an area, or group of areas not necessarily having contiguous boundaries, that has delineated boundaries and that is under review by a committee or a standing committee for the purpose of making a recommendation as to whether it should be established as a historic district or added to an established historic district.
- (r) “Rehabilitation” means the process of returning a resource to a state of utility which makes possible a contemporary use while preserving those portions of the resource which are significant to its historical, architectural and cultural value.
- (s) “Repair” means to restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for purposes of this ordinance.

- (t) “Resource” means one or more publicly or privately owned historic or non-historic buildings, structures, sites, objects, features, or open spaces located within a historic district.
- (u) “SHPO” means Michigan State Historic Preservation Office.
- (v) “Smoke Alarm” means a single-station or multiple-station alarm responsive to smoke and not connected to a system. As used in this subdivision, a “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.
- (w) “Work” means construction, addition, alteration, repair, moving, excavation, or demolition.

3. Historic District Commission

- (a) Pursuant to Public Act 169 of 1970, as amended, a commission, to be known as the Calumet Village Historic District Commission, is hereby established.
- (b) The Historic District Commission shall consist of five persons who reside in the Village and a majority of whom clearly demonstrate interest in or knowledge of historic preservation.
- (c) The commission shall include, if available, an architect registered in this state or a graduate of an accredited school of architecture who has two years of architectural experience.
- (d) One member of the commission shall be appointed from a list of citizens submitted by the Downtown Development Authority. One member shall be appointed from a list of citizens submitted by the Keweenaw National Historical Park Advisory Commission. One member of the commission shall be appointed from a list of citizens submitted by the Village Planning Commission.
- (e) Members shall be appointed by the President of the Village Council, with the approval of the Village Council. Appointments shall be made for three-year terms. Initial appointments shall be made within six months after the enactment of this ordinance and shall provide for two three-year terms, two two-year terms and one one-year term. Members shall be eligible for reappointment.
- (f) All terms shall end on January 1, except that a member shall continue in office until a successor is appointed and takes office. If a vacancy on the commission occurs, within sixty (60) calendar days the Council President shall make an interim appointment with the approval of the Village Council, to complete the unexpired term.

4. Officers of the Commission and Its Procedures

- (a) The Historic District Commission shall each year elect from its membership a Chairperson and a Vice-Chairperson. The Chairperson shall preside at meetings of the commission and shall have the right to vote. The Chairperson shall lead the commission in carrying out its duties and shall be the spokesperson for the commission in presenting its policies to the public. In the absence or disability of the Chairperson, the Vice-Chairperson shall preside at commission meetings and perform the other duties of the Chairperson. The Village government shall provide staff assistance to carry out the purposes of this ordinance.
- (b) The Historic District Commission shall hold monthly public meetings at a regularly scheduled time, and special commission meetings shall be called anytime they become necessary. Public notice of the time, date, and place of each meeting shall be given as required by the Michigan Open Meetings Act. The notice shall include a meeting agenda and listing of each permit application to be reviewed or considered by the Commission.
- (c) All meetings of the commission shall be open to the public and shall conform to the Michigan Open Meetings Act. Any person shall be entitled to appear and be heard on any matter before the commission prior to its reaching a decision. All decisions by the commission shall be made at a public meeting, and applicants shall be given notice of the commission's meetings and its decision on their application.
- (d) The commission shall adopt rules of procedure providing for its organization and the conduct of its business. A quorum shall consist of a majority of the commission, who may take action under the provisions of this ordinance. A majority of the total membership of the commission shall be required for the approval or denial of applications and issuance of a Certificate of Appropriateness, Denial, or a Notice to Proceed.
- (e) The commission shall prepare and keep on file, available for public inspection, minutes of its meetings containing all decisions of the commission and the reasons for these decisions. The procedures, guidelines and criteria and similar material used by the commission shall be available to the public for review and comment under the Michigan Freedom of Information Act. The commission shall submit an annual report of its activities to the Village Council. The report shall also summarize historic preservation activities of the Village.
- (f) In accordance with the provisions of State laws, no member of the commission shall vote on any matter that may affect the property, income, or business interests of that member. Any member who abstains from voting because of a conflict of interest shall not be considered as part of the total membership for that vote.

5. Powers and Duties of the Commission

- (a) The Historic District Commission shall:

- (1) Administer the provisions of this ordinance and preserve the historic district(s) established under the procedures of Public Act 169 of 1970, as amended;
 - (2) Maintain a system for the survey and inventory of historic and architectural resources in coordination with the survey work of the State;
 - (3) Review applications requesting Certificates of Appropriateness for exterior work involving all property within a historic district and issue Certificates of Appropriateness, Notices to Proceed, or Denials;
 - (4) Adopt design review standards and guidelines to carry out its duties;
 - (5) Contract, with Village Council approval, with persons, firms, corporations or organizations for expert assistance in carrying out its duties under this ordinance and State and Federal laws;
 - (6) Work with and advise the State and Federal governments and other departments of Village government;
 - (7) Act as the agent of the Village to administer grants from the State or Federal governments for historic preservation purposes and from public or private contributions for similar purposes and participate in State and Federal programs that benefit historic preservation;
 - (8) Collect and distribute information on historic preservation and provide technical assistance to property owners and other persons and groups, including business and neighborhood organizations, who are interested in historic preservation;
 - (9) Establish goals for its preservation program and recommend additional areas to be studied for designation and preservation as historic districts; and
 - (10) Perform such other duties as are required elsewhere in this ordinance or delegated to it under the Certified Local Government program or provided for in State and Federal laws.
- (b) The Historic District Commission shall pass only on exterior features of a resource and shall not review and act upon interior arrangements unless specifically authorized to do so by the Village Council.
- (c) The Historic District Commission may:
- (1) Prepare a plan for the preservation of historic properties in the Village and plans for the rehabilitation of individual historic resources;

- (2) Delegate to a qualified person on the Village staff the approval of Certificates of Appropriateness for minor alterations and repairs that have been included among the commission's written guidelines, provided that each quarter the commission reviews the certificates issued by the staff to determine whether or not the delegated responsibilities should be continued;
- (3) Make recommendations to the Village Council regarding the acquisition of historic properties;
- (4) Maintain publicly-owned historic properties using its own funds, if not specifically earmarked for other purposes, or those public funds committed for this use by the Village Council or recommend to the Village Council the selling of resources acquired under this ordinance with protective easements included in the property transfer documents;
- (5) Assist public and private groups in the registration and marking of historic properties and in the application for grants for the rehabilitation of those properties; and
- (6) Undertake or assist educational and research programs including the collection of historical records and photographs, the preparation of publications, and the conducting of special events relating to the Village's history.

6. Designation of Historic Districts

- (a) Under Public Act 169 of 1970, as amended, the Village Council shall appoint a Historic District Study Committee to start the process of designating a historic district. The committee shall make recommendations concerning the area to be included in the proposed historic district. The committee shall contain a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation. It shall contain representation from one or more duly organized local historic preservation organizations. The committee shall do all of the following:
 - (1) Conduct a photographic inventory of resources within each proposed historic district following procedures established or approved by the Center.
 - (2) Conduct basic research on each proposed historic district and the 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 follow:

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- (i) That are associated with events that have made a significant contribution to the broad patterns of our history; or
- (ii) That are associated with the lives of persons significant in our past; or
- (iii) That embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (iv) That have yielded, or may be likely to yield, information important in prehistory or history.

The committee shall also be guided by criteria established or approved by the Michigan State Historic Preservation Office, if any.

- (4) Prepare a preliminary Historic District Study Committee report that addresses at a minimum all of the following:
 - (i) The charge of the committee.
 - (ii) The composition of the committee membership.
 - (iii) The historic district or districts studied.
 - (iv) The boundaries for each proposed district in writing and on maps.
 - (v) The history of each proposed historic district.
 - (vi) 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 Village Planning Commission, to the Center, to the Michigan Historical Commission, and to the State Historic Preservation Review Board.
- (6) Make copies of the preliminary report available to the public pursuant to section 6(e).

- (b) Not less than sixty (60) calendar days after the transmittal, the Committee shall hold a public hearing on its report and recommendations after giving due notice in the manner required by Act no. 267 of the Public Acts of 1976, as amended. Additional written notice shall be given by first-class mail not less than fourteen (14) calendar days before the hearing to the owners of properties to be included in the historic district. Written notice shall be considered sufficient when it is mailed to the person listed on the tax rolls of the Village.
- (c) After the public hearing, the committee and the Village Council shall have not more than one year to take the following actions:
 - (1) The committee shall prepare and submit to the Village Council a final report with its recommendations and the recommendations, if any, of the Village Planning Commission. If the recommendation is to establish a historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances.
 - (2) After receiving a final report that recommends the establishment of a historic district or districts, the Village Council, at its discretion, may introduce and pass or modify and pass or reject an ordinance or ordinances. If the Council passes an ordinance or ordinances establishing one or more historic districts, the Council shall file with the Register of Deeds a copy of that ordinance or those ordinances, including a legal description of the property or properties within the historic district or districts, so that the designation of each property within the district or districts will be recorded in the land records of the County. Notice shall also be given to the State Departments of Transportation and Environmental Quality.
- (d) The Council shall not pass an ordinance establishing a contiguous historic district less than sixty (60) days after a majority of the property owners within the proposed historic district, as listed on the tax rolls of the Village, have approved the establishment of the historic district pursuant to a written petition.
- (e) A writing 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 state law.
- (f) Additional historic districts may be designated, and the designation of an existing historic district may be amended or rescinded through the same procedures used for the original designation. Previously written committee reports shall be considered. To eliminate a historic district, a committee shall show one or more of the following:
 - (1) The historic district has lost those physical characteristics that enabled establishment of the district.
 - (2) The historic district was not significant in the way previously defined.
 - (3) The historic district was established pursuant to defective procedures.

7. Effect of Designation

- (a) A Certificate of Appropriateness or Notice to Proceed from the Commission shall be required before undertaking construction, addition, alteration, repair, moving, excavation, or demolition affecting the exterior appearance of a resource in a historic district.
- (b) No work shall be started unless the Commission has issued a Certificate of Appropriateness or a Notice to Proceed.
- (c) 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.
- (d) The Commission shall review and act upon only exterior features of a resource and shall not review and act upon interior arrangements unless specifically authorized to do so by the Village Council.
- (e) In the event work is being performed without the required Certificate of Appropriateness, the Commission shall ask that a Stop Work Order be issued. In the event work is being performed which is not in accordance with its Certificate of Appropriateness, the Commission shall also ask that a Stop Work Order be issued. In addition to other penalties and remedies, the Village shall issue a Stop Work Order, and all work shall cease on the designated property. No additional work shall be undertaken as long as such Stop Work Order shall continue in effect. The Village may apply for an injunction to enforce its Stop Work Order.
- (f) When work has been done upon a resource without a certificate, 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. If the owner does not comply or cannot comply with the order of the court, the Commission or its agents may enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a Certificate of Appropriateness in accordance with the court's order. The costs of the work shall be charged to the owner, and may be levied by the Village as a special assessment against the property. When acting pursuant to an order of the Circuit Court, a Commission or its agents may enter a property for purposes of this section.

- (g) The regulations under a historic district designation shall be in addition to the provision of existing land use regulations, and the regulations of a historic district shall prevail over conflicting regulations to the extent of any conflict. Any land use permitted by right shall be permitted.

8. Certificate of Appropriateness

- (a) When a person wishes to undertake any exterior work within a historic district, that person shall apply to the Village for approval of the work. For purposes of this ordinance, persons required to apply shall include individuals, partnerships, firms, corporations, organizations, institutions or agencies of government. The application together with the plans pertaining to the work shall immediately be referred to the Historic District Commission. The application must be complete in order for the review by the Commission to begin.
- (b) The Commission shall hold a public hearing on each application for a Certificate of Appropriateness at its next regular meeting when a complete application has been filed at least seven (7) calendar days before the meeting. The Commission shall make a decision on each application within sixty (60) days after the receipt of a completed application. Upon mutual written consent between the Commission and the applicant, the decision on the application may be extended. If the Commission fails to act in 60 days after receipt of a completed application, it constitutes approval of the project.
- (c) Applicants shall be notified and public notice shall be given in accordance with the Open Meetings Act of all hearings and meetings where applications for Certificate of Appropriateness will be considered. Applicants shall be informed in writing of the Commission's decision.
- (d) The Commission shall approve or disapprove each application for a Certificate of Appropriateness. The Commission may suggest modifications to an applicant at its meeting and may then approve a Certificate of Appropriateness providing for revisions in the plans submitted.
- (e) The Commission shall file Certificates of Appropriateness, Notices to Proceed, and denials of applications with the Village. If a permit application is denied, the decision shall be binding on the building inspector or other authority. A denial shall be accompanied with a written explanation by the Commission of the reasons for denial and, if appropriate, a notice that an application may be resubmitted for Commission review when suggested changes have been made. The denial shall also include notification of the applicant's rights of appeal to the State Historic Preservation Review Board and to the Circuit Court. The failure of the Commission to act within sixty (60) calendar days after the date a complete application is filed with the Commission, unless an extension has been agreed upon in writing by the applicant and the Commission, shall be considered to constitute approval.

- (f) An applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal with the State Historic Preservation Review Board. The appeal shall be filed within sixty (60) days after the decision is furnished to the applicant. The appellant may submit all or part of the appellant's evidence and arguments in written form. A permit applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the circuit court.

9. Commission Standards and Guidelines; Saving Threatened Resources

- (a) In reviewing plans, the Commission shall follow the United States Secretary of the 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 the Interior's Standards and Guidelines and are established or approved by the Michigan State Historic Preservation Office.
- (b) The Commission shall also consider all of the following:
 - (1) The historical 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 design, arrangement, texture, and materials proposed to be used; and
 - (4) Other factors, including aesthetic value, that the Commission considers pertinent.
 - (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.
- (c) If an application is for work that adversely affects the exterior appearance of a resource that the Commission considers so valuable to the Village, State, or Nation that its alteration or loss adversely affects the public purpose of the Village, State, or Nation, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.
- (d) Upon a finding by the Commission that a historic resource within a historic district or proposed historic district subject to its review and approval is threatened with demolition by neglect, the Commission may do either of the following:

- (1) Require the owner of the resource to repair all conditions contributing to demolition by neglect.
 - (2) If the owner does not make repairs within a reasonable time, the Commission or its agents may enter the property and make such repairs as are necessary to prevent demolition by neglect. The costs of the work shall be charged to the owner, and may be levied by the Village as a special assessment against the property. The Commission or its agents may enter the property for purposes of this section upon obtaining an order from the Circuit Court.
- (e) If all efforts by the Historic District Commission to preserve a resource fail, or if it is determined by the Village Council that public ownership is most suitable, the Council, if considered to be in the public interest, may acquire the resource using public funds, public or private gifts, grants, or proceeds from the issuance of revenue bonds. The acquisition shall be based upon the recommendation of the Commission. The Commission is responsible for maintaining publicly owned resources using its own funds, if not specifically designated for other purposes, or public funds committed for that use by the Council. Upon recommendation of the Commission, the Village may sell resources acquired under this provision with protective easements included in the property transfer document, if appropriate.
- (f) An application for work adversely affecting the exterior appearance of a resource, shall be approved by the Commission through the issuance of a Notice to Proceed, if any of the following conditions exist and if the Commission makes a finding that it is necessary to improve or correct these conditions:
- (1) The resource constitutes a hazard to the safety of the public or its occupants;
 - (2) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary approvals, financing, and environmental clearances;
 - (3) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God, or other events beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the historic district, have been attempted and exhausted by the owner.
 - (4) Retaining the resource would not be in the interest of the majority of the community.

10. Review of Applications within Proposed District; Emergency Moratorium

- (a) Upon receipt of substantial evidence showing the presence of historic, architectural, archaeological, engineering, or cultural significance of a proposed historic district, the Village Council may, at its discretion, adopt a resolution requiring that all applications for permits within the proposed historic district be

referred to the Commission as prescribed in sections 7, 8, and 9. The Commission shall review permit applications with the same powers that would apply if the proposed historic district was an established historic district. The review may continue in the proposed historic district for not more than one (1) year, or until such time as the Village Council approves or rejects the establishment of the historic district by ordinance, whichever occurs first.

- (b) If the Village Council determines that pending work will cause irreparable harm to resources located within an established historic district or a proposed historic district, the Council may by resolution declare an emergency moratorium of all such work for a period not to exceed six (6) months. The Council may extend the emergency moratorium for an additional period not to exceed six (6) months upon finding that the threat of irreparable harm to resources is still present. Any pending application concerning a resource subject to an emergency moratorium may be summarily denied.

11. Maintenance of Designated Resources

Ordinary maintenance or repair may be undertaken without a Certificate of Appropriateness provided this work on a resource in a historic district does not change its exterior appearance.

12. Appeals

Any citizen or duly organized historic preservation organization in the Village, as well as a property owner in a historic district, who is aggrieved by a decision of the Historic District Commission, may appeal the decision to the Circuit Court except that an applicant objecting to a decision on an application for a Certificate of Appropriateness may not appeal to the court without first exhausting the right to appeal to the State Historic Preservation Review Board.

13. Penalties

- (a) A person, individual, partnership, firm, corporation, organization, institution or agency of government that violates the provisions of this ordinance or that fails to comply with a Certificate of Appropriateness or any of the regulatory measures of the Historic District Commission adopted pursuant to this ordinance is responsible for a civil violation and may be fined a sum not to exceed \$100.00. Each day such violation continues shall be deemed a separate offense provided the fines do not exceed \$5000.00.
- (b) A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates the provisions of this ordinance or that fails to comply with a Certificate of Appropriateness or any of the regulatory measures of the Historic District Commission adopted pursuant to this ordinance 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.

14. Sevarability

If any section of this ordinance shall be declared void or unconstitutional, the remaining provisions shall continue to have full force and effect.

15. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

16. Savings Clause

The repeal provided herein shall not affect any act taken or any litigation pending prior to the effective date of this ordinance.

17. Effective Date

This ordinance shall take effect after its adoption by the Village Council and its publication following the adoption.

18. Calumet Village Civic and Commercial Historic District

The following described area is hereby designated a historic district and shall be subject to the terms, conditions, and requirements of Historic District Ordinance No.140 of the Calumet Village code of ordinances:

Boundary Description.

Contiguous portion of the district as follows: Beginning at the center point of the intersection of Scott Street and the alley between Sixth and Seventh Streets, proceed northward along the centerline of the alley to the parcel at 612-614 Portland Street (parcel # 31-041-110-009-00). Proceed westward along the southern lot line of the parcel at 612-614 Portland Street to the centerline of Seventh Street, then northward along the centerline of Seventh Street to the center point of the intersection of Seventh Street and Portland Street. Proceed eastward along the centerline of Portland Street to the center point of the intersection of Portland Street with the alley between Sixth and Seventh Streets. Proceed northward along the centerline of the alley to the parcel at 618 Oak Street (parcel # 31-041-102-009-00). Proceed westward along the southern lot line of the parcel at 618 Oak Street to the centerline of Seventh Street, then northward along the centerline of Seventh Street, across Oak Street, to the parcel at 613 Oak Street (parcel # 31-041-131-011-50). Proceed eastward along the northern lot line of the parcel at 613 Oak Street to the centerline of the alley between Sixth and Seventh Streets.

Proceed northward along the centerline of the alley between Sixth and Seventh Streets to the center point of the intersection of that alley with Elm Street. Proceed westward along the centerline of Elm Street to the center point of the intersection of Elm Street and Seventh Street. Proceed northward along the centerline of Seventh Street to the parcel at 414 Seventh Street (parcel # 31-041-132-021-00). Proceed eastward along the northern lot line of the parcel at 414

Seventh Street to the centerline of the alley between Sixth and Seventh Streets. Proceed southward along the centerline of the alley to the parcel at 401 Sixth Street (parcel # 31-041-132-019-00). Proceed eastward along the northern lot line of the parcel at 401 Sixth Street to the centerline of Sixth Street.

Proceed northward along the centerline of Sixth Street to the parcel at 416 Sixth Street (parcel # 31-041-129-013-00). Proceed eastward along the northern lot line of the parcel at 416 Sixth Street to the centerline of the alley between Fifth and Sixth Streets. Proceed northward along the centerline of the alley to the parcel at 436 Sixth Street (parcel # 31-041-129-020-00). Proceed westward along the southern lot line of the parcel at 436 Sixth Street to the centerline of Sixth Street. Proceed northward along the center line of Sixth Street, then eastward following the northern lot line of the parcel at 436 Sixth Street to the center line of the alley between Fifth Street and Sixth Street. Proceed northward along the centerline of the alley to the center point of the intersection of the alley and Pine Street.

Proceed eastward along the centerline of Pine Street to the center point of the intersection of Pine Street and Fifth Street. Proceed northward along the centerline of Fifth Street to the parcel at 451 Pine Street (parcel # 31-041-121-010-30). Proceed eastward along the northern lot line of the parcel at 451 Pine Street to its northeast corner, then southward along the eastern lot line of that parcel to the centerline of Pine Street. Proceed eastward along the centerline of Pine Street to the parcel at 444-448 Pine Street (parcel # 31-041-105-004-00). Proceed southward along the eastern lot line of the parcel at 444-448 Pine Street to its southeast corner, then westward along the southern lot line of that parcel to the northeast corner of parcel # 31-041-420-118-00. Proceed southward along the eastern lot line of that parcel to parcel # 31-041-420-119-00. Proceed southward along the eastern lot line of that parcel to where it meets the village boundary.

Continue southward along the village boundary to the northeast corner of parcel #31-041-420-127-00, then eastward along the village boundary line to the point where it intersects with the centerline of Fourth Street. Proceed southward along the centerline of Fourth Street to the village boundary at Red Jacket Road. Proceed northwest along the village boundary/Red Jacket Road to the intersection with Fifth Street. Proceed northward along the village boundary/Fifth Street to the intersection with Scott Street. Proceed westward along the village boundary/Scott Street to the beginning point at the intersection between Scott Street and the alley between Sixth Street and Seventh Streets.

Non-contiguous portions of the district as follow:

- 706 Oak Street (parcel # 31-041-103-001-20)
- 808 Oak Street (parcel # 31-041-104-010-00)
- 412 Pine Street (parcel # 31-041-105-001-40)
- 417 Pine Street (parcel # 31-041-120-010-00)
- 423 Pine Street (parcel # 31-041-120-010-20)

