City of Hart, Michigan
CITY COUNCIL AGENDA
April 22, 2025, 7:30 PM
407 State St. – Council Chamber
NOTICE OF PUBLIC MEETING
REGULAR COUNCIL MEETING

1. Call to Order
2. Roll Call – Burillo, Cunningham, Hodges, Mullen, Root, Thomson, Klotz
3. Pledge of Allegiance
4. Approval of Agenda
5. Public Comments – **Public comment on any matter other than a scheduled public hearing. We ask that you please limit your comments to 3 minutes.**
    a. Correspondence, Events, Presentations
        i. Fire Hydrant review and report – Brad Whitney, Water Department and DPW Superintendent
6. Consent Agenda:
    a. Approval of Minutes from April 08, 2025
    b. Bills, Claims, Payroll
    c. Reports of Boards, Commissions, and Committees
    d. Department Reports – Police/BioPure/Public Works/Energy/♥C&E Dvlp./Parks & Rec
7. Action Items
    a. Ordinance 25-01 Proposed Chapter 1245 A-Residential Zoning amendments (1st Reading)
    b. Ordinance 25-02 Proposed Chapter 1246 A1-Residential Zoning amendments (1st Reading)
    c. Ordinance 25-03 Proposed Chapter 1243 Landscape Zoning Regulations amendment (1st Reading)
    d. Ordinance 25-04 Proposed Chapter 870 Food Truck Zoning (1st Reading)
8. Discussion Items
    a. Mayoral Appointment – Appoint Interim Zoning Board of Appeals Members
    b. Consider Public Comment agenda item changes
9. City Manager Report
10. Communications from the Mayor and Council (Including board and committee updates.)
11. Adjournment –

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CITY OF HART
407 S. STATE ST.
HART, MI 49420
REGULAR MEETING OF CITY COUNCIL - COUNCIL PROCEEDINGS
APRIL 8TH 2025
MINUTES – DRAFT

PRESENT: Mayor Amanda Klotz, Councilors, Jim Cunningham, Dean Hodges, Andrew Mullen, and Betty Root

ABSENT: Catalina Burillo and Karen Thomson

OTHERS PRESENT: City Manager – Rob Splane City Clerk – Karla Swihart, BioPure Superintendent – Paul Cutter, Hart Energy Superintendent – Mike Schiller, Hart Police Chief – Juan Salazar, JGP Superintendent – Chris TerHaar, Tim Collins, Sharon Hallack, and Christina Juska

APPROVAL OF AGENDA:

- J. Cunningham motioned to approve the 1st Amended Agenda and was supported by B. Root
  - Ayes: 5 Nays: 0 Absent: 2

PUBLIC COMMENTS:

- Tim Collins - 88th Ave Hart Mi, Recently sold home and is renting a seasonal camp site at JGP. They have to be moved out of home by April 15th which they chose this date due to the Park opening up prior years on April 15th. But recently I found out that new policy and procedures for JGP was adopted in December and now the Park does not open until May 1st. Would like the City Council to consider this one-time amendment and allow the park to open on April 15th.

CORRESPONDENCE, EVENTS, PRESENTATIONS:

- Presentation – Ross Simpson, Eden Lakes Innovative Water Solutions –
  Ross, did a presentation on new alternative to get rid of bio soilds rather than having to haul them out every year.

CONSENT AGENDA:

- Approval of minutes from March 25th, 2025
- Bills, Claims, Payroll
- Reports of Boards, Commissions, and Committees
- Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp
  - B. Root motioned to approve Consent Agenda and supported by A. Mullen
    - Ayes: 5 Nays: 0 Absent: 2

ACTION ITEMS:

- Resolution 2025-09 – Resolve to Decertify/Vacate Hanson Street East
  WHEREAS, the City of Hart receives State Revenue sharing funds through ACT51 to maintain local and major streets within the City boundaries; and
  WHEREAS, any roads that are not open to public traffic are not subject to receive State funding; and
  Whereas, approximately 300 ft of Hanson Street that is owned privately for private access to a parcel 020-337-002-20 at or about 828 Griswold Street does not meet State criteria of a public right-of-way; and
  WHEREAS, the City shall decertify that portion of road to align with ACT51 criteria; and
  WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interest and welfare, the City Council hereby declares:
  NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:
  The Hart City Council does wish to decertify/vacate a portion of Hanson Street.
  The decertification/vacation of Hanson Street is located between Griswold Street and Oceana Drive for a total decertification/vacation length of 300 ft.
  - J. Cunningham motioned to approve Resolution 2025-09 and supported by B. Root
    - Ayes: 5 Nays: 0 Absent: 2
- Resolution 2025-10 Re-Adopt Master Plan

WHEREAS, the City of Hart is required to review and update its Master Plan periodically as required by the Michigan Planning Enabling Act, PA33 of 2008; and
WHEREAS, the City is currently a MEDC Redevelopment Ready Certified Community affording the community access to various grants and support not available to communities that do not hold this designation; and
WHEREAS, maintaining RRC status requires several standards including a 5-year review of the Master Plan; and
WHEREAS, the Planning Commission has recommended that City Council reaffirm and extend the existing Master Plan to help the City retain RRC designation; and
WHEREAS, a 42-day review period allowing the public and area agencies to offer comments on the proposed extension was performed as required to extend Master Plan; and
WWHEREAS, in order to secure the benefits of self-government and to promote and protect the common interests and welfare, the City Council hereby declares:
NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Has reviewed the existing Master Plan and readopts the document with the minor proposed date and expectation updates:

The Master Plan is now effective immediately and may serve as a standing reference through April 2030.

- A. Mullen motioned to approve Resolution 2025-10 and supported by B. Root
  - Ayes: 5 Nays: 0 Absent: 2

- Resolution 2025-11 Re-Adopt Recreation Plan
  WHEREAS, the City of hart is required to review and update its Recreation Plan every four years to remain eligible for DNR Trust Fund Grants and other funding opportunities; and
  WHEREAS, the City is currently a MEDC Redevelopment Ready Certified Community affording the community access to various grants and support not available to communities that do not hold this designation; and
  WHEREAS, maintaining RRV status requires several standards including a 4-year review of the Recreation Plan; and
  WHEREAS, the Planning Commission has recommended that City Council reaffirm and extend the existing Recreation Plan to help the City retain RRC designation; and
  WHEREAS, in order to secure the benefits of self-government and to promote and protect the common interests and welfare, the City Council hereby declares:
  NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

  Has reviewed the existing Recreation Plan and readopts the document with the minor proposed date and expectation updates.

  The Recreation Plan is now effective immediately and may serve as a standing reference through April 2029.

  - J. Cunningham motioned to approve Resolution 2025-11 and supported by A. Mullen
    - Ayes: 5 Nays: 0 Absent: 2

- Councilman Dean Hodges motioned to open John Gurney Park for this year April 15th. There were a number of seasonal campers unaware of the new changes made and the park opening up May 1st.
  Disclaimer the park isn't 100% ready and campers need to be aware that by opening up on April 15th there may be some delays as there will be power but might not have water/sewer hookup just yet.
  - D. Hodges motioned opening the campground up April 15th, 2025, for seasonal's and supported by J. Cunningham
    - Ayes: 5 Nays: 0 Absent: 2

DISCUSSION ITEMS:

- Mayoral Appointment – Appoint Interim Zoning Board of Appeals Members
- Consider Public Comment agenda item changes
- Fire Hydrant review and report – April 22, 2025
- Parks and Recreation Steering Committee

CITY MANAGER'S REPORT:

Updates:

- **NONE**

Legacy Topics:

- Safe Routes to School trail project – work with MDOT is on-going – [Cadaver Dog right-of-way search being scheduled]

Upcoming Topics:

- Redevelopment Ready Community re-certification in 2025
  Adoption of 5-year Park and Rec Master Plan
  Reaffirmation of the City Master plan
  TIFA By-Laws
  Zoning Drawings – add to ordinances
  Adopt Zoning Board of Appeals By-Laws
  Review proposal to have council members serve as ZBA
- Council review of rental inspection policies, procedures, and implementation.

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- D. Hodges shot out to the City for doing a good job getting the City cleaned up already after all the fall storms and long winter.

ADJOURN:

- There being no further business to come before the Council, Mayor Klotz adjourned the meeting at 8:35pm. The next regularly scheduled meeting will be on April 22nd, 2025, at 7:30 pm.

Respectfully Submitted

Karla Swihart

Karla Swihart, City Clerk

Payables Date 04.23.2025	Description	Total	General +	DPW	Energy	BPTF	Water
ACE 1 Port-A-Potties	Portable Restroom- JGP Boat Launch	$ 100.00	$ 100.00				
ACE 1 Port-A-Potties	Portable Restroom - Vets Park	$ 175.00			$ 175.00		
ACE 1 Port-A-Potties	Portable Restroom - Hydro Disc Golf Course	$ 100.00			$ 100.00		
Blue Cross Blue Shield	Retirees Medical Insurance	$ 4,003.50	$ 2,001.75	$ 400.35	$ 1,601.40		
BS&A Software	TS/Tax/Online Annual Renewals	$ 1,084.00	$ 619.44		$ 154.86	$ 154.85	$ 154.85
C & D Fuehring Farms	Hauling - Biosolids April 11-17th	$ 90,002.50				$ 90,002.50	
Charter	Phone/Inernet - Starting Block	$ 185.00			$ 185.00		
Charter	Inernet - Hart Commons	$ 125.00			$ 125.00		
Command Communications	Updates/Repairs - Police Radios	$ 1,634.97	$ 1,634.97				
Custom Tree Service	Tree Services - JGP	$ 1,700.00	$ 1,700.00				
Custom Tree Service	Tree Services - Energy Dept	$ 1,375.00			$ 1,375.00		
Field Environmental Instruments Inc	Parts/Supplies	$ 1,194.00				$ 1,194.00	
First Net	Police Modems	$ 88.46	$ 88.46				
First Net	Department Hotspots/Equipment	$ 2,393.30	$ 341.90		$ 1,367.60	$ 341.90	$ 341.90
Frontier	Phone - DAM	$ 122.86			$ 122.86		
Gracon	Godaddy,com 2 YR Renewal	$ 165.83	$ 165.83				
Hammond, Kyle	JGP Storage Fee Refund	$ 300.00	$ 300.00				
Kelley, Stephen	Reimbursements - School/Training	$ 419.29			$ 419.29		
Keystone Cooperative	Fuel	$ 903.01				$ 903.01	
Lara	LIEAF Payment	$ 934.38			$ 934.38		
Lawson-Fisher Associates	DAM Licensing Requirements	$ 2,333.37			$ 2,333.37		
Mc Kenna	Planning/Zoning Services	$ 843.75	$ 843.75				
Michigan Municipal Electric Association	2025 Membership Dues	$ 7,446.00			$ 7,446.00		
Michigan Municipal Treasurer Association	2025 Conference - K. Swihart	$ 379.00	$ 379.00				
Mika Meyers	Legal Services	$ 286.40	$ 286.40				
Mika Meyers	Legal Services	$ 1,000.00	$ 1,000.00				
Mika Meyers	Legal Services	$ 625.91	$ 625.91				
Mika Meyers	Legal Services	$ 207.00	$ 207.00				
MPPA	April 2025 Summary - Purchased Power	$ 88,996.75			$ 88,996.75		
MPPA	Purchased Power	$ 47,050.58			$ 47,050.58		
MPPA	Purchased Power	$ 11,449.48			$ 11,449.48		
Pentwater Painting LLC	Painting Services 1/2 Down Payment- JGP	$ 6,300.00	$ 6,300.00				
Pitney Bowes	Postage	$ 502.25	$ 125.56		$ 125.57	$ 125.56	$ 125.56
Power Line Supply	Parts/Supplies	$ 927.29			$ 927.29		
Power Line Supply	Parts/Supplies Order 2	$ 927.29			$ 927.29		
Power Line Supply	Credit Memo	$ (1,697.28)			$ (1,697.28)		
Power Line Supply	Parts/Supplies	$ 314.94			$ 314.94		
Power Line Supply	Parts/Supplies	$ 707.35			$ 707.35		
Power Line Supply	Parts/Supplies	$ 255.18			$ 255.18		
Power Line Supply	Parts/Supplies	$ 1,285.80			$ 1,285.80		
Prein & Newhof	2200777 Drinking Water Asset Mgmnt	$ 202.00					$ 202.00
Prein & Newhof	2221059 BioPure Facility Construction Phase	$ 19,923.10				$ 19,923.10	
Prein & Newhof	2220218 Dam Monitoring 2022-2024	$ 2,119.75			$ 2,119.75		
Prein & Newhof	2221070 Dryden & Wood St Reconstruction	$ 1,111.00		$ 1,111.00			
Quill	City Hall Supplies	$ 97.58	$ 97.58				
Schmieding, Kevin	DOT Physical Reimbursement	$ 75.67			$ 75.67		
Spectrum Printers Inc	Election	$ 54.73	$ 54.73				
Swihart's Septic	Pump Out - DPW	$ 350.00		$ 350.00			
T & R Electric	Single Phase Pole Mounts W/O Taps	$ 2,366.21			$ 2,366.21		
T & R Electric	Single Phase Pole Mounts W/O Taps	$ 7,493.25			$ 7,493.25		
T & R Electric	Single Phase Pole Mounts W/O Taps	$ 1,688.63			$ 1,688.63		
Ter Haar, Chris	Reimbursement - Tractor Supply	$ 42.39	$ 42.39				
TNT Enterprize	Grounds Assistance - Parks & Rec	$ 3,420.00	$ 3,420.00				
Verizon	Office Phones	$ 484.56	$ 396.42	$ 29.38	$ 29.38	$ 29.38	
Verizon	Department Phones	$ 482.32	$ 82.21	$ 142.09	$ 175.81	$ 82.21	
Wadel Stabilization	Green Dump Truck Repairs - DPW	$ 5,983.15		$ 5,983.15			
Wells Fargo Vendor	Ricoh Copier Renewal - City Hall	$ 286.40	$ 286.40				
West Michigan Criminal Justice	MCOLES Spring 2025 Distribution	$ 364.87	$ 364.87				
Wightman, Mike	JGP Reservation Refund	$ 765.00	$ 765.00				
	Sub-total	**$ 324,457.77**	**$ 22,229.57**	**$ 8,015.97**	**$ 180,631.41**	**$ 112,756.51**	**$ 824.31**
HAND CHECKS/ACH/EFT							
Alerus	City Share 401 Retirement - PR 194	$ -	$ -				
US Postmaster	Postage/Tax Bills						
AFLAC	Insurance Premium	$ -	$ -				
Guardian	Insurance Premium	$	$				
Delta Dental	Insurance Premium	$	$ -				
MWG/Amfirst	Insurance Premium	$ -	$ -				
Blue Cross Blue Shield	Insurance Premium	$ -	$ -				
	TOTAL HAND CHECKS	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
Sub-Total Regular Bills/Hand Checks		***$ 324,457.77***	***$ 22,229.57***	***$ 8,015.97***	***$ 180,631.41***	***$ 112,756.51***	***$ 824.31***
Gross Payroll	PR233						
Gross Payroll							
Gross Payroll							
	Sub-Total	**$ -**					
	GRAND TOTAL	***$ 324,457.77***	**$ 22,229.57**	**$ 8,015.97**	**$ 180,631.41**	**$ 112,756.51**	**$ 824.31**

HART AREA FIRE

ADMINISTRATIVE BOARD

Meeting Minutes - March 27, 2025

The Hart Area Fire Administrative Board Meeting was called to order by Chairman Gary Beggs at 7:00PM. Others present for the meeting were, Jake Whelpley, Jerry Schaner, John Williams,Jay McGhan Mike Potter, John Williams and Undersigned.

Others present for the meeting was Asst Chief Tubbs, Lt Jonathan Hughart

Absent from the meeting was Mike Powers, Bill Kolenda, Chief Dwight Fuehring

Motion was made by Doran and supported by Schaner to approve the agenda as presented. Voice Vote, all yes. Motion carried.

Lt Hughart is in charge of the of the rescue calls for the department. He presented to the board a chart of the rescue calls for all of 2024 as to locations between the three townships. He also presented for the first two months of 2025. He advised the calls are running about the same when comparing the two years so far. He advised the number of FF responding to rescue calls is between 3 to 4 calls per run. Discussion and answered board members questions.

Motion was made by Doran and supported by McGhan to approve the minutes of the February 27, 2025 meeting as presented. Voice Vote, All Yes. Motion Carried.

Treasurer advised that we had total bills for the month of $2,346.94. A total fund balance is reported at $547,757.86. A motion was made by Schaner and supported by Whelpley to pay the bills and accept the treasurers report. Roll Call vote. All Yes. Motion Carried.

Treasurer added that the Hart Lions had donated $1,749.00 to purchase some specific equipment for the department.

An amendment to the budget was made by moving $8,000.00 from Equipment Purchase to Truck Maintenance. The motion was made by Schaner and supported by Whelpley. Roll call vote. All Yes. Motion Carried.

Asst Chief Tubbs advised we have responded to 44 fire calls and 55 medicals so far this year. Chief Fuehring is out of town for the meeting.

Under Old business Chairman Beggs advised that he had talked with Chief Fuehring and the Officers had discussed the issue of getting a vehicles to run rescue calls rather then use truck 171. The Officers at this time feel 171 is the vehicle to use for rescue calls. There are other needs that are coming up in the near future. Also the officers are working on a long range plan for the department which should be presented next month.

There being no further business the meeting was adjourned at 7:25PM.

Respectfully Submitted,

Daniel Leimback, Sec/Treasurer

City of Hart Police Department

407 State Street Ph. (231)873-2488 Fax (231)873-0100 Hart, MI 49420-1259

Juan Salazar, Chief

TO: City of Hart Mayor, City Council, and City Manager
FROM: Juan Salazar, Chief of Police
DATE: April 22nd, 2025

RECENT EVENTS

From Thursday, April 3rd, 2025, through Wednesday, April 16th, 2025, the Hart Police Department received 70 complaints ranging from Peacekeeping, Assist to Other Agencies, Domestic Assaults, Medical Assistsz, Suspicious Situations, Retail Frauds, Harassment Complaints, Assault & Batteries, Disorderly Conducts, Juvenile Complaints and Larceny Complaints.

Officer Schoedel has been employed with the City of Hart Police Department for five (5) years. Officer Schoedel reached her five (5) year mark in March 2025. I want to thank Officer Schoedel for her continued dedication to the City of Hart residents and visitors. Officer Schoedel has been an asset to the department and is a valuable team member.

On Thursday, April 3rd, 2025, the Hart Police Department was dispatched to the 400 block of Dryden Street, referencing a Domestic Assault. A 44-year-old Mears man alleges to have been assaulted by a 17-year-old Hart man by being slapped and punched in the face by the Hart man. All parties and witnesses were interviewed. The Mears man volunteered to leave the residence for the day. A report will be submitted to the Oceana County Prosecutor's Office.

On Sunday, April 6th, 2025, the Hart Police Department was dispatched to the 50 block of State Street, regarding an Assault & Battery. A 39-year-old Fountain woman stated she had been awoken by a 64-year-old Hart man yelling at her. The man demanded the woman leave the home. As the woman was leaving with her belongings, the woman alleges to have been assaulted and shoved out of the home, and the man refused to give the woman her suitcase that contained her belongings. The man refused to speak with the responding officer and had thrown the woman's suitcase in the hallway area of the apartment before the officer's arrival. A report will be submitted to the Oceana County Prosecutor's Office.

On Monday, April 7th, 2025, the Hart Police Department was dispatched to the 1000 block of State Street, referencing a Retail Fraud. The local business manager provided the responding officer surveillance footage from Sunday, March 30th, 2025, of a 42-year-old Hart woman and a 36-year-old Walkerville man taking/stealing items from the business. An investigation is ongoing.

On Wednesday, April 9th, 2025, D/Sgt. Skipski conducted a hands-only CPR class for Mrs. Eisenlohr's health class students. The students were instructed in the hands-only CPR version of the American Heart Association, which entailed a lecture and hands-only testing. The class will be presented in two parts.

On Thursday, April 10th, 2025, the Hart Police Department initiated a traffic stop on Wood Street near Dryden Street, regarding a vehicle violation. The driver, a 45-year-old Hart man, was run in LEIN (Law Enforcement Information Network), which showed an active/valid warrant for his arrest out of the Little River Band of Ottawa Indians Public Safety Department in Manistee. The man was arrested and lodged at the Oceana County Jai.

On Friday, April 11th, 2025, D/Sgt. Skipski presented two separate drug and alcohol lectures to the health classes at Hart High School. The classes consisted of a lecture on the dangers of drugs, their effects, and long-term health concerns, as well as a visual display of actual drug devices. The lecture concluded with a question-and-answer session with students.

On Friday, April 11th, 2025, the Hart Police Department was dispatched to the 100 block of Peach Street, referencing a Domestic Assault. A 16-year-old Hart juvenile alleges to have been assaulted by being shoved/struck in the chest area by a 37-year-old Hart woman. A report will be submitted to the Oceana County Prosecutor's Office for review.

On Tuesday, April 15th, 2025, the Hart Police Department was dispatched to the 600 block of Water Street, referencing a 911 hand-up call. Mason/Oceana Central Dispatch received a telephone call from a woman, later identified as a 28-year-old Mears woman, crying and then hanging up. Officers were able to locate the woman who alleges to have been assaulted by a 35-year-old Hart man with whom the woman has a child in common. The man is reported to have "headbutted" the woman in the face area. The man also showed to be on probation out of Oceana County. The man was arrested and lodged at the Oceana County Jail on Domestic Assault and Probation Violation.

Respectfully,

J. Salazar,
Chief of Police

(a) Corner Lots. The setback along the principal street shall be the minimum required by this section while the setback along the secondary street shall be at least fifteen feet. The Zoning Administrator shall determine which is the principal and which is the secondary street. Generally, the principal street will have a greater volume of traffic than the secondary street. Corner lots shall have two front lot lines and two side lot lines and no rear lot line.

(b) Maximum height - 35 feet.

(c) Minimum floor area:

(1) One story - ~~720~~ 400 square feet.

(2) Two story - ~~600~~ 500 square feet on the ground floor.

(3) Split level, bi-level and raised ranch – ~~800~~ 700 square feet total.

(4) Two-family dwelling – ~~720~~ 600 square feet per dwelling.

(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99; Ord. 06-02. Passed 11-28-06; Ord. 2007-04. Passed 11-13-07.)

1245.05 ADDITIONAL REGULATIONS.

(a) Off-street parking shall be regulated by Chapter 1260.

(b) Signs shall be regulated by Chapter 1259.

(c) Site plan review as regulated by Chapter 1258 is required for all special land uses.

(d) Site condominiums shall be regulated by Chapter 1257.

(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99.)

CHAPTER 1246
A-1, Residential Zone

1246.01 Purpose.

1246.02 Permitted uses.

1246.03 Special uses.

1246.04 District regulations.

1246.05 Additional regulations.

CROSS.REFERENCES

Zoning and planning in home rule cities - see M.C.L.A. Sec. 117.4i

Regulation of location of trades, buildings and uses by local authorities - see M.C.L.A. Sec. 125.581

Regulation of buildings; authority to zone - see M.C.L.A. Sec. 125.582

Regulation of congested areas - see M.C.L.A. Sec. 125.583

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. Sec. 125.583a

Effect of zoning ordinance or zoning decision in presence of demonstrated need for certain land use - see M.C.L.A. Sec. 125.592

1246.01 PURPOSE.

This district allows for single family dwellings as the predominant land use on minimum lot sizes which are larger than those required in the A Zone.

(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99.)

1246.02 PERMITTED USES.

Land and structures in the A-1 Residential Zone may be used for the following purposes only.

(a) Single family detached dwellings.

(b) Child and adult day care homes with no more than six minor children and adults.

(c) State licensed adult foster care family homes with no more than six adults. Such facilities shall be at least 1500 feet apart as measured between property lines.

(d) Home occupations.

(e) Private communication antenna not exceeding twenty-five feet in height as regulated by Section 1243.18.

(f) Accessory uses, buildings and structures customarily incidental to any of the above uses as regulated by Section 1243.16.

(g) Essential public service equipment.

(h) Two-family dwellings (duplexes) including the conversion of single family dwellings to a two-family dwelling. Two off-street parking spaces for each dwelling shall be provided on the same parcel as the two-family dwelling. Such dwelling shall have the exterior appearance of a one-family dwelling.

(i) Churches, synagogues or other similar places of worship and customary related uses.

(j) Public and institutional uses.

(k) Public and private schools and school administration buildings.

(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99.)

1246.03 SPECIAL USES.

The following uses may be permitted as special land use subject to the applicable general and specific requirements and standards of Chapter 1256.

(a) Antennae and towers exceeding a height of twenty-five feet as regulated by Section 1243.18.

(b) Non-commercial parks, playgrounds and play fields.

(c) Essential public service buildings and structures.

(d) Housing for the elderly, retired or those requiring assisted care including nursing homes.

(e) Public and private golf courses.

(f) Child day care homes which provide care to more than six but not more than twelve minor children.

(g) Child day care centers.

(h) Bed and breakfast establishments.

(i) Accessory apartments as regulated by Section 1243.25.

(j) Foster care group home for seven or more children or adults.

(k) Domestic farm animals and fowls penned and housed more than 200 feet from any dwelling other than the dwelling occupied by the owner of the farm animals or fowls, and located on a parcel of land containing three acres or more.

(l) Boarding houses.

(m) Buildings containing 3 or 4 dwelling units.

(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99; Ord. 2014-01. Passed 1-7-14.)

1246.04 DISTRICT REGULATIONS.

Buildings and structures shall not be erected or enlarged unless the following requirements are met and maintained.

(a) Minimum lot area and width.

(1) Single family dwellings: 12,000 square feet and 100 feet of lot width.

(2) Non-residential uses: 15,000 square feet and 100 feet of lot width.

(b) Minimum required building setbacks.

(1) Front yard - 25 feet.

(2) Side yard. For dwelling units a total of 30 feet provided no side setback shall be less than 10 feet. For all other uses 25 feet on each side.

(3) Corner lots. The setback along the principal street shall be a minimum of 25 feet while the setback along the secondary street shall be at least 15 feet. The Zoning Administrator shall determine which is the principal and which is the secondary street. Generally, the principal street will have a greater volume of traffic than the secondary street. Corner lots shall have two front lot lines and two side lot lines and no rear lot line.

(4) Rear yard - 25 feet.

(c) Maximum building height - 35 feet.

(d) Minimum floor area:

(1) One story - ~~720~~ 400 square feet.

(2) Two story - ~~600~~ 500 square feet on the ground floor.

(3) Split level, bi-level and raised ranch – ~~800~~ 700 square feet total.

(4) Two-four unit ~~family~~ dwellings – ~~720~~ 600 square feet per dwelling unit.

(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99; Ord. 2007-04. Passed 11-13-07.)

1246.05 ADDITIONAL REGULATIONS.

(a) Off-street parking shall be regulated by Chapter 1260.

(b) Signs shall be regulated by Chapter 1259.

(c) Site plan review as regulated by Chapter 1258 is required for all special land uses.

(d) Site condominiums shall be regulated by Chapter 1257.

(Ord. 182. Passed 5-12-98; Ord. 184. Passed 5-25-99.)

GENERAL PROVISIONS RELATING TO ALL DISTRICTS:

1243.22 LANDSCAPE REGULATIONS.

(a) The intent of this section is to set forth minimum standards for landscaping. Landscaped areas are intended to maintain or improve air quality, stabilize soils, increase groundwater infiltration, decrease wind velocity, reduce noise, and create zones of privacy.

(b) For site plans requiring Planning Commission review, buffer strips shall be required where an industrial use abuts any other nonindustrial use or where any parking lot exceeding fifteen parking spaces abuts residential, public, or religious use. Where a landscape buffer strip or greenbelt is required, the following minimum landscape requirements shall be observed.

(1) Two trees plus one additional tree for each twenty-five feet in length of the buffer strip measured along the outer periphery of the required landscape area.

(2) One shrub for every twenty feet in length of the buffer strip measured along the outer periphery of the required landscape area.

(3) All plantings in the buffer strip shall be maintained in a neat and orderly manner. Dead plant materials shall be replaced within a reasonable period of time but no longer than one growing season.

(c) Landscaping shall be located so it does not obstruct the vision of drivers or pedestrians entering or leaving a site.

(d) Parking area landscaping.

(1) All parking areas more than 5,000 square feet in area, except those parking areas for industrial uses which are located in the rear yard, shall be landscaped with one canopy and one evergreen tree for every ten parking spaces, with a minimum of two trees shall be planted, adjacent to the parking area.

(2) Landscape islands or peninsulas shall be installed at the end of those parking rows which are more than twenty spaces long. Within such rows a landscaped island shall be installed every twenty spaces.

(3) Landscape islands or peninsulas at the end of parking rows shall be a minimum of ten feet in width by the length of the parking space or spaces, with an appropriate curb radius. Islands within parking rows shall be a minimum of six feet wide by the length of the parking space or spaces. Islands shall be separated from the parking area by a rolled or stand-up curb.

(4) Each island or peninsula within a parking area shall contain a minimum of one canopy tree.

(5) Landscaping in and adjacent to parking areas shall be of a height and location which will not block the vision of drivers or pedestrians.

(e) Limitations on Removing Existing Trees.

(1) Applicability. The tree removal regulations in this Section shall apply when compliance with other landscaping standards is required under Section 1243.22. The regulations of this section shall not apply to any construction project that does not require approval from the Planning Commission or Administrative Site Plan Review Committee. Lots containing one single family home shall also be exempt from this section.

(2) Exempt Activities. The following activities shall be exempt for this section.

(a) Tree trimming and other routine maintenance that does not result in the destruction, relocation, or cutting of a tree so that no portion larger than a stump remains intact on the site, or the mutilation of a tree to the point of near certain death.

(b) Removal or trimming made necessary by emergency caused by natural events, such as tornado, windstorm, flood, or other natural disaster, in which the removal of the tree would prevent injury or damage to persons or property.

(c) The removal or trimming of dead trees, diseased trees or discouraged species.

(3) Exempt Organizations. The following organizations shall be exempt for this section.

(a) Public Utilities. The removal or trimming of trees necessitated by the installation, repair or maintenance work performed in a public utility easement or approved private easement for public utilities grants such permission.

(b) Public Agencies. The removal or trimming of trees if performed by or on behalf of the City, County, State or other public agencies in a public right-of-way, on public property or on an easement for public utilities in connection with a publicly awarded construction project, such as the installation of public streets or public sidewalks.

(c) Tree Farms, where the primary purpose of the operation is to grow trees for wholesale or retail.

(4) Tree Removal Restriction. Any tree greater than twelve (12) inches in Diameter at Breast Height (DBH), except those exempted by Sections 1243.22e(2-3), shall be replaced in accordance with Section 1243.22e(5) if it is removed from a site. “Removed” shall mean the destruction, relocation, or cutting of a tree so that no portion larger than a stump remains intact on the site, or the mutilation of a tree to the point of near certain death.

(5) Replacement Requirement. Replacement Trees shall be provided to replace each tree to be removed in accordance with the following schedule. When the number of Replacement Trees results in a fraction, any fraction up to one-half shall be disregarded, and any fraction over and including one-half shall require one Replacement Tree. The minimum size at planting for Replacement Trees is 8 feet in height for coniferous trees and 2.5 inches DBH for deciduous trees.

(a) If the replacement trees are coniferous trees:

(i) A replacement tree under 6 feet tall replaces 0.5 removed trees.

(ii) A replacement tree between 6 and 8 feet tall replaces 1 removed tree.

(iii) A replacement tree between 8 and 10 feet tall replaces 1.5 removed trees

(iv) A replacement tree over 10 feet tall replaces 2 removed trees

(b) If the replacement trees are deciduous trees:

(i) A replacement tree under 2.5 inches DBH replaces 0.5 removed trees.

(ii) A replacement tree between 2.5 and 3.5 inches DBH feet tall replaces 1 removed tree.

(iii) A replacement tree between 3.5 and 4.5 inches DBH replaces 1.5 removed trees

(iv) A replacement tree over 4.5 inches DBH replaces 2 removed trees

(6) Standards for Replacement Trees. Replacement trees must meet the requirements of Section 1243.22b-c.

(7) Relationship to Landscape Requirements. Replacement trees may be counted as required trees for other requirements of this section, provided they are located in such a way as to fulfill the requirement in question.

(fe) Landscape modifications. The landscape requirements of this section may be modified by the Planning Commission or Zoning Administrator in consideration of existing trees on site, proposed building setbacks, existing and proposed uses on adjacent lands, topographical elevations on a site and on adjacent lands. In deciding whether to modify the landscape regulations of this section the Planning Commission or Zoning Administrator shall determine that the intent of the regulations will still be met if modifications are allowed.

(Ord. 182. Passed 5-12-98.)

CITY OF HART ORDINANCE NO. _____

AN ORDINANCE TO REGULATE THE OPERATION OF TRANSITORY FOOD SERVICE UNITS AND THE ISSUANCE OF PERMITS, LICENSES, OR APPROVALS FOR TRANSITORY FOOD SERVICE UNITS

THE CITY OF HART ORDAINS:

Section 1. Purpose

The purpose of this Ordinance is to establish a policy to regulate and manage Transitory Food Service Units in the City of Hart (the "City"); to permit and regulate Transitory Food Service Units in the City; to reduce vehicular and pedestrian traffic congestion; to encourage new business; and to protect the health, safety, and welfare of the City's business district and the City's people.

Section 2. Definition

Transitory Food Service Unit means a motorized vehicle, including pulled mobile trailer, a temporary food service station, cart, smoker, grill, freezing or cutting unit, or similar apparatuses that engages in the storage, preparation, service, sale, or distribution of ready-to-eat or immediately consumable food items to the public directly from the unit. Transitory Food Service Unit includes a "special transitory food unit" and a "temporary food establishment" as defined under the Michigan Food Law, MCL 289.1111.

Section 3. Permit Requirements

Except as otherwise authorized under this Ordinance, no Transitory Food Service Unit may engage in the preparation, service, sale, or distribution of food in the City on public or private property without first obtaining a permit from the City in the manner prescribed in this ordinance. The application fee will be set from time to time by resolution of the City Council. All fees must be paid to the City Treasurer at the time the application is submitted. All permits issued pursuant to this Ordinance must be available on site for inspection upon request by the City Zoning Administrator or law enforcement officer. Permits must be conspicuously displayed on the premises or any cart, stand, booth, motorized vehicle, mobile trailer, or similar apparatus used in the business at all times. No person may carry or display any expired, suspended, or revoked permit, or any license or permit for which a duplicate has been issued. Additionally, the Transitory Food Service Unit must comply with all applicable state licensing requirements, including but not limited to filing a Notification of Intent to Operate a Special Transitory Food Unit, and must further comply with all applicable requirements of the Oceana County Health Department. Failure to comply with all applicable licensing and regulatory requirements may result in revocation of the permit by the City.

Section 4. Permit Exceptions

A Transitory Food Service Unit may engage in the preparation, service, sale, or distribution of food in the City on public or private property without a permit required under Section 3 of this Ordinance if:

1. Operating at a single location for less than 2 hours;

2. The operator is a USA veteran licensed to sell goods under Mich. Public Act 359 of 1921 or is otherwise exempt from the permitting requirements of this Ordinance under state or federal law;

3. The operator is operating under the invitation of a special event permit holder, or a special event held by the City of Hart, or one of its agencies.

The City reserves the right to request documentation in support of any exemption.

Section 5. Applications

1. A person requesting a Transitory Food Service Unit permit must submit a written application no more than 6 months in advance, and no less than 7 days prior to the proposed operation date.

2. Applications are to be on forms provided by the City and must state under oath such facts as may be required for, or applicable to, the granting of the permit. The City reserves the right to request additional information or documentation regarding the application to ensure proper compliance with this Ordinance and the safety of the general public.

3. The applicant must pay a fee of in an amount set by City Council from time to time by resolution. Fees must be made payable to "The City of Hart". All payments must be made by cash , check, credit card, or electronic fund transfers.

4. The application fee is nonrefundable and does not guarantee approval by the City.

5. Permits are valid for 14 consecutive days. Each additional period of 14 days or less requires an additional application submitted in the same manner as an original application. Longer-term permits may be granted only by city council resolution.

6. A Transitory Food Service Unit that is engaged in the business of selling prepared food that is cooked or heated with a device or appliance using any gas or liquid may not receive a permit until and unless the motor vehicle, conveyance, cart, stand, booth or other similar structure or fixture, device or appliance is reviewed or inspected by the Oceana County Health Department.

7. Application Process

    A. Applications must be submitted to: City of Hart, 407 South State Steet, Hart MI 49455 in accordance with the requirements this Ordinance for approval by either the City Manager or the Chief of Police.

B. The City reserves the right to deny the application for incompleteness. No permit may be granted to any person owing any personal property taxes, money judgments, or any other indebtedness to the city, except for real property taxes and special assessments, or to any person using any personal property in the operation of a business upon which personal property taxes are delinquent.

C. If, within 14 days from application submission, the applicant is unable to furnish any required or requested initial or supplemental documentation and/or delinquent payments, the application will be considered abandoned.

Section 6. Regulations

All the following regulations must be followed at all times by any Transitory Food Service Unit operating in the City:

1. Transitory Food Service Units may operate in zoning districts B-1 and B-2, as designated by the current City of Hart Zoning Map on private property. Those applying for a permit to operate on public property may only operate in designated areas under an approved special event permit or otherwise approved by city council.

2. No Transitory Food Service Unit may operate within the vicinity of a hospital entrance or within 100 ft of the main entrance of a brick-and-mortar food service establishment unless the unit is an accessory use of the restaurant.

3. Transitory Food Service Units may operate within the hours of 7:00 am and 10:00 pm on Sundays through Thursdays and 7:00 am and 12:00 am on Fridays and Saturdays unless the City Council approves additional permitted hours upon request of a Transitory Food Service Unit.

4. No Transitory Food Service Units may be left overnight, or unattended on public property, unless authorized by city council by resolution or under an approved special event permit.

5. No Transitory Food Service Unit may block, obstruct, restrict, or otherwise interfere with the movement of vehicular traffic, or designated public parking.

6. No Transitory Food Service Unit may block, obstruct, restrict, or otherwise interfere with the flow of pedestrian foot traffic, movement or access to public walkways, trails or public amenities.

7. No furnishings are allowed on curbs, sidewalks, trails, in roads, pedestrian or vehicular right of ways. This includes, but is not limited to, lights, signs, banners, chairs, tables, or external waste receptacles.

8. The City of Hart reserves the right to permit furnishings on any public lawn, lot, park, or space. All furnishings must be included on a site plan and submitted with application

and must be in good quality condition. Furnishings are subject to approval by the City Manager or Chief of Police.

9. No liquid, solid, or food waste, or debris will be permitted to emit from the Transitory Food Service Unit. The permittee must keep the premises whereon said Transitory Food Service Unit is located free from their own rubbish, waste products, cans, bottles and debris including napkins, straws, paper cups and plates and other waste material.

10. Only reasonable vapors, steam or exhaust will be permitted to emit from the Transitory Food Service Unit.

11. Use of generators may be prohibited if its use, location, or condition is anticipated to create a nuisance to neighbors or pedestrians.

12. The Transitory Food Service Unit must comply with all local, state, and federal laws set forth by the Michigan Food Code, Michigan Health Department, USDA, Michigan Department of Agriculture, Michigan Secretary of State, Michigan Liquor Control Code, Internal Revenue Service, Oceana County Health Department, or any other agency or entity with lawful jurisdiction over the Transitory Food Service Unit, its operation, and product sales.

13. Transitory Food Service Unit must comply with all regulations herein, and subsequent recommendations by the City of Hart. The Transitory Food Service Unit must furnish all documents as outlined, and any other proofs, or documents requested by Chief of Police.

Section 7. Indemnification

A Transitory Food Service Unit permit holder, and private property owner, agrees to hold harmless and indemnify the City of Hart, its agencies, its employees, or agents in all matters arising from the permitted application, and/or the operation of the Transitory Food Service Unit.

Section 8. Insurance

A Transitory Food Service Unit permit holder, operating on public property, must have no less than $1,000,000.00 business liability insurance naming the City of Hart as an additional insured for approved dates of operation. Proof of business insurance must be submitted with permit application. Proof of insurance is due prior to the Transitory Food Service Unit permitted operation dates.

Section 9. Impoundment

Any equipment associated with a Transitory Food Service Unit that is not in compliance with this Ordinance and is left on public property may be impounded at the owner's sole expense.

Section 10. Non-exclusivity:

No provision in this chapter limits or intends to limit in any way the Transitory Food Service Unit, or its operator the right to offer or sell its products to the general public, other business entities, municipalities, or agencies before, during or after the operation permitted herein. The permit does not limit the City of Hart from freely engaging other persons, organizations, or businesses to provide the same or similar products or services at any time. Approval for a permit does not constitute approval or agreement to approve future applications.

Section 11. Revocation, Suspension, or Refusal; Appeal

Once a permit has been issued, the Zoning Administrator may, at any time, revoke or suspend a license for failure to comply with the provisions of this Ordinance or any rules or regulations promulgated by the City included, but not limited to one or more of the following reasons:

1. Failure to pay all required fees;
2. Fraud, misrepresentation or false statement contained in the application for a permit;
3. Fraud, misrepresentation or false statement made in the operation of a business;
4. Any violation amounting to a felony, or misdemeanor involving moral turpitude, resulting from or related to operation of a business in the City;
5. Conducting a business in an unlawful manner or in such manner as to constitute a breach of the peace or to constitute a nuisance per se to the health, safety or welfare of the public;
6. Failure to comply with an requirement of any authorized city official as it relates to the operation or business pertaining to the permit;
7. The failure of any applicant or permittee (including all employees, agents and representatives of the applicant or permittee) to meet and satisfy any provision of this Code or any other duly established rule or regulation of the city applicable to the business for which the permit has been requested or granted;
8. Failure to obtain any other required license or permit for the business from any federal, state or local agency or authority and lack of any evidence that such state license or permit has been obtained and proof that all fees pertaining thereto have been paid;
9. Failure to provide any information reasonably requested by the Zoning Administrator related to the application;
10. Failing to comply with this Ordinance.

The City must provide a permittee with reasonable notice and an opportunity to be heard before revoking or suspending a permit.

If a permit application is denied or a permit is revoked or suspended, the aggrieved party may appeal to the City Council in writing within ten days. If no appeal is timely filed, then the denial, revocation, or suspension is final.

Section 12. Other Permits

A permit obtained does not relieve any Transitory Food Service Unit of its responsibility for obtaining any other permit or license or authorization required by any other ordinance, statute, law or administrative rule promulgated by any entity with jurisdiction over the location or conduct considered within this Ordinance.

Section 13. Validity and Severability

Should any portion of this Ordinance be found invalid for any reason, such holding will not be construed as affecting the validity of the remaining portions of this Ordinance.

Section 14. Repealer Clause

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

Section 15. Violation

A violation of this ordinance is a municipal civil infraction and, in addition, the City of Hart is entitled to enforce this ordinance by seeking injunctive relief or any other remedy allowed by law.

Section 16. Effective Date

This ordinance is effective 30 days after publication.