City of Hart, Michigan
CITY COUNCIL AGENDA
August 11, 2020, 7:30 PM
Community Center, 409 State Street, Hart, Michigan

According to the Attorney General, interrupting a public meeting in Michigan with hate speech or profanity could result in criminal charges under several State statutes relating to Fraudulent Access to a Computer or Network (MCL 752.797) and/or Malicious Use of Electronics Communication (MCL 750.540). According to the US Attorney for Eastern Michigan, Federal charges may include disrupting a public meeting, computer intrusion, using a computer to commit a crime, hate crimes, fraud, or transmitting threatening communications. Public meetings are being monitored, and violations of statutes will be prosecuted.

1. Call to Order
2. Roll Call – LaPorte, Burillo, Frontiera, Hegedus, La Fever, Platt, Splane
3. Pledge of Allegiance
4. Approval of Agenda
5. Approval of Minutes from July 28, 2020.
6. Public Comments, Correspondence, Events, Presentations
    a. Presentation – UFS: Electric Cost of Service Study
7. Department Reports (* written report will be provided)
    a. Police b. BioPure c. Public Works d. Energy e. HEART
8. Reports of Boards, Commissions, and Committees (*** Minutes in the packet)
    1. Cemetery
    2. DPW
    3. Housing Board of Review
    4. Finance/Personnel
    5. Fire Board
    6. Historic
    7. Police
    9. Power
    10. Recreation
    11. Parks
    12. Library
    13. Planning
    14. TIFA
    15. ZBA
    16. Tax Abatement
    17. Water/BioPure
    18. Neglected/Dangerous Properties
    20. H.E.A.R.T***Draft
    21. Hart Lake Board
    22. Election Commission
    23. Starting Block Kitchen Incubator
    24. Compensation Com.
9. Bills, Claims, Payroll
10. Action Items
    a. Resolution 2020-47 Designate Vehicle with Trailer parking only at JGP Boat Launch
    b. Resolution 2020-48 Authorize temporary waiver of the prohibition of goods, wares, and merchandise on City Sidewalks
    c. Resolution 2020-49 Authorizing permit for fireworks display following the August 27th Music on the Commons Concert
11. Discussion Items
    a. Pocket Park Status Update
    b. Downtown Streetlight Heads
    c. Request to consider the sale of the property at 227 E Main
    d. Permission to alter work schedule on Mondays from Sept 7th through Dec 7th for HR Certification Class
12. City Manager Report
13. Communications from the Mayor and Council
    a. Resignation from H.E.A.R.T board – Lynne Ladner
14. Adjournment –

Access is provided through the Michigan Relay Service for individuals with speech or hearing impairments. https://hamiltonrelay.com/michigan/index.html

With advance notice of seven calendar days, the City will provide interpreter services at all public meetings, including language translation and signage for the hearing impaired. Call 231-873-2488. La Ciudad proporcionará servicio de intérprete para esta reunión pública si se pide con siete días de anticipación, lo cual incluye la traducción de idioma y letreros para los con una discapacidad auditiva. Llame al 231-873-2488.

PUBLIC NOTICE OF ELECTRONIC MEETING OF THE CITY OF HART CITY COUNCIL

PLEASE NOTE: THIS NOTICE IS GIVEN AND PUBLISHED PURSUANT TO SECTION 4 (b)(5) OF EXECUTIVE ORDER 2020-160 ISSUED BY GRETCHEN WHITMER, GOVERNOR FOR THE STATE OF MICHIGAN.

The City of Hart Council is meeting electronically as a result of the COVID-19 virus and to protect the health, safety and welfare of the citizens of Hart, Michigan of such virus, pursuant to law and the mandates of Executive Order 2020-154 issued by Governor Gretchen Whitmer.

Indoor social gatherings and events among persons not part of a single household are permitted, but may not exceed 10 people. – This includes City Staff and Council in the building. As such until further notice City Meetings will continue to be available to the public via the Zoom Virtual meeting platform.

When: Aug 11, 2020 07:30 PM Eastern Time (US and Canada)
Topic: City of Hart City Council

Please click the link below to join the webinar:
https://us02web.zoom.us/j/83991915987?pwd=Z3phc1pSSTZkN0VvYkR3SHBTK1c2Zz09
Passcode: 216529
Or iPhone one-tap :
US: +13017158592,,83991915987#,,,,,,0#,,216529# or +13126266799,,83991915987#,,,,,,0#,,216529#
Or Telephone:
Dial(for higher quality, dial a number based on your current location):
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International numbers available: https://us02web.zoom.us/u/kiJpoxbja

Access is provided through the Michigan Relay Service for individuals with speech or hearing impairments https://hamiltonrelay.com/michigan/index.html

Dated: August 4, 2020

Lynne Ladner, MPA
City Manager

CITY OF HART
407 S. STATE ST.
HART, MI 49420
COUNCIL PROCEEDINGS
JULY 28, 2020, 7:30 pm
MINUTES

PRESENT IN PERSON OR VIA ZOOM: Mayor Ron LaPorte, Councilors: Jason La Fever, Rob Splane, Catalina Burillo, Joe Frontiera, and Steve Hegedus
ABSENT: Vicki Platt
OTHERS PRESENT City Manager – Lynne Ladner, and Deputy City Clerk - Cheri Eisenlohr.

- Mayor LaPorte called the meeting to order at 7:30 pm, following the roll call, the mayor lead the Council in the pledge of allegiance.

AGENDA:

- Mr. La Fever made a motion to approve the agenda, supported by Mr. Hegedus, all ayes, the motion carried.
  - Ayes: 6 Nays: 0 Absent: 1

MINUTES:

- Mr. Hegedus made a motion to approve the minutes of the July 14, 2020 meeting, supported by Mr. La Fever, all ayes, the motion carried.
  - Ayes: 6 Nays: 0 Absent: 1

PUBLIC COMMENTS, CORRESPONDENCE, EVENTS, PRESENTATIONS:

- A discussion took place with business owner, Tammy Beggs, regarding the placement of merchandise on City sidewalks and amending the current ordinance, 670.09, which prohibits this action and has a misdemeanor violation attached to it. It was decided to approach other communities to determine how they handle this issue and bring it to a future Council meeting. This delay will not negate the currently issued misdemeanor ticket.
- Truth in Taxation Public Hearing
  - The hearing opened at 8:01 pm and was closed at 8:02 pm due to no comments.

DEPARTMENT REPORTS:

- *Police Chief, Juan Salazar:*
  - A written report was provided.
- *Energy Dept. Superintendent, Mike Schiller:*
  - A written report was provided.
- *BioPure Superintendent, Paul Cutter:* Attended via Zoom
  - Mr. Cutter advised the Council that diminishing the smell from the plant is still in process, but progress has been made.
  - The new blowers are in place and operational and have already produced a $2700.00 savings.
  - Irrigation is taking place efficiently.
    - Mayor LaPorte told Mr. Cutter job well done.
- *DPW Superintendent, Brad Whitney:*
  - A written report was provided.
- *HEART Director, Nichole Steel:*
  - A written report was provided.

BILLS, CLAIMS, & PAYROLL:

- Bills: $169,813.76 Payroll: $59,743.99 Grand Total: $229,557.75
  - Mr. Splane made a motion to approve, supported by Mr. Hegedus, the motion carried.
    - Ayes: 6 Nays: 0 Absent: 1

ACTION ITEMS:

Ms. Ladner addressed the following Action Items:

Memo
To: Mayor and Council
From: Lynne Ladner
Date: 07/24/20
Re: Resolution 2020-43 Worker's Comp ballot

Ladies and Gentlemen,
The City of Hart utilizes the Michigan Municipal League Worker's Compensation Insurance program to provide our worker's compensation insurance. At their annual meeting in 2020, there are two positions on the board of trustees open for election and two people nominated for the positions.
As a member of the fund, the City has the opportunity to vote in the election process, but the City's vote requires the action of the governing body.
It is my recommendation that the Council adopts Resolution 2020-43 Authorizing casting a vote on the Official Ballot for the Worker's Compensation Fund for Marlon Brown, City of Mason, and Penny Hill City of Traverse City.
Lynne

RESOLUTION 2020-43
City Council
City of Hart, Michigan

AUTHORIZING VOTE ON OFFICIAL BALLOT FOR WORKERS COMPENSATION FUND

WHEREAS, there are two Trustee positions open with four-year terms beginning October 1, 2020, for the Michigan Municipal League Workers' Compensation Fund; and

WHEREAS, Marlon Brown, City of Mason, appointee, and Penny Hill, the City of Traverse City, appointee, are seeking election; and

THEREFORE, BE IT RESOLVED that the City Manager be authorized, by the action of this governing body, to cast and mail a vote for the above persons to serve as trustees for four-year terms beginning October 1, 2020, for the Michigan Municipal League Workers' Compensation Fund

Moved by Mr. Splane, supported by Mr. Hegedus, and thereafter adopted by the Hart City Council at a regularly scheduled council meeting held on Tuesday, July 28, 2020.

Ayes 6 Nays 0 Absent 1

I hereby certify this to be a true and correct copy of the document on file with the office of the

Cheri Eisenlohr

Cheri Eisenlohr, Deputy City Clerk

Memo
To: Mayor and Council
From: Lynne Ladner
Date: 07/24/20
Re: Resolution 2020-44 Authorize amendment to Joint Fire Agreement and FY 21 allocation

Ladies and Gentlemen,
Hart Area, Fire Department board, is seeking to amend the Joint Fire Agreement to modify the language in Financing, Section 8 adoption of the budgets to read "The Board shall designate 15% or more of the annual revenue from the Parties, for capital improvement and shall maintain these funds in a separate and designated Capital Improvements Fund." They have also requested that each party to the agreement allocates the equivalent of one (1) mill of property taxes to the Hart Area Fire Department for FY 2021
The allocation of the equivalent of one (1) mill of property taxes has already been included in the FY 2021 budget

It is my recommendation the Council adopts Resolution 2020-44 to Authorize an amendment to Joint Fire Agreement and FY 21 allocation.
Lynne

RESOLUTION 2020-44
City Council
City of Hart, Michigan

AUTHORIZING AMENDMENT TO JOINT FIRE ADMINISTRATIVE BOARD AGREEMENT AND ALLOCATING OF THE EQUIVALENT OF ONE (1) MILL OF PROPERTY TAXES TO THE HART AREA FIRE DEPARTMENT FOR FY 2021

WHEREAS, the City of Hart participates in an interlocal multi-party agreement for the provision of fire protection services; and

WHEREAS, Joint Fire Administrative Board has determined the need to increase the amount of funds allocated for capital improvements to fund necessary equipment replacement; and

WHEREAS, the increased allocation of funds necessary for capital improvements necessitates the need to increase the amount of money contributed by each party in the agreement from the equivalent of 0.65 mills to 1.0 mills the maximum allowed in the agreement in order to maintain current operations and make the necessary capital improvement allocations;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Authorizes amendment to Financing, Section 8 adoption of the budgets to read "The Board shall designate 15% or more of the annual revenue from the Parties, for capital improvement and shall maintain these funds in a separate and disgnated Capital Improvements Fund." and

Allocates the equivalent of one (1) mill of property taxes to the Hart Area Fire Department for FY 2021

Moved by Mr. Hegedus, supported by Mr. La Fever, and thereafter adopted by the Hart City Council at a regularly scheduled council meeting held on Tuesday, July 28, 2020.

Ayes 6 Nays 0 Absent 1

I hereby certify this to be a true and correct copy of the document on file with the office of the

Cheri Eisenlohr

Cheri Eisenlohr, Deputy City Clerk

Memo
To: Mayor and Council
From: Lynne Ladner
Date: 07/24/20
Re: Resolution 2020-45 Authorize purchase of additional Electric Utility meters

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Ladies and Gentlemen,
The Electric Utility continues to add additional customers and accounts necessitating that the Utility has electric utility meters on hand to provide that service and the City has chosen to work with Eaton for the AMI systems for the Utility
It is my recommendation that the Council approve Resolution 202-45 Authorizing the purchase of 34 meters of various sizes and configurations as determined by the Utility Superintendent in the amount of $11,056.00 with the additional amount of $221.12 for freight for a total of $11,277.12
Lynne

RESOLUTION 2020-45
City Council
City of Hart, Michigan

AUTHORIZING PURCHASE OF ADDITIONAL ELECTRIC UTILITY METERS

WHEREAS, the City of Hart owns and operates a Municipal Electric Utility; and

WHEREAS, it is necessary to ensure that a timely response to customer requests and maintenance and repair needs to be associated with the placement of meters to account for electric power use; and

WHEREAS, the Electric Utility continues to add additional customers and accounts necessitating that the Utility has electric utility meters on hand to provide that service and the City has chosen to work with Eaton for the AMI systems for the Utility;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Authorizes the purchase of 34 meters of various sizes and configurations as determined by the Utility Superintendent in the amount of $11,056.00 with the additional amount of $221.12 for freight for a total of $11,277.12

Moved by Mr. Splane, supported by Mr. La Fever, and thereafter adopted by the Hart City Council at a regularly scheduled council meeting held on Tuesday, July 28, 2020.

Ayes 6 Nays 0 Absent 1

I hereby certify this to be a true and correct copy of the document on file with the office of the

Cheri Eisenlohr

Cheri Eisenlohr, Deputy City Clerk

Memo
To: Mayor and Council
From: Lynne Ladner
Date: 07/24/20
Re: Resolution 2020-46 Waive Bidding requirement and authorize Preventative Maintenance and SCADA system upgrades at the Diesel Plant

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Ladies and Gentlemen,
Due to requests for additional peak generation capacity throughout the state and the City's current capacity to provide back-up and peak generation which can be used to offset the City's power purchases during periods of peak or emergency need for the electric grid as well as increase system reliability requires that the City complete the work of bringing the plant and generators into current compliance.
In order to utilize our additional generation capacity – the diesel generators, preventative maintenance on the system at the Diesel Plant that has been deferred for more than twenty (20) years and needs to be completed before the safe operation of the generators at restart can be done. Additionally, the upgrades to the SCADA system can not be bid out as the equipment must integrate with the existing system which is sold and serviced by Utilities Instrumentation Service (UIS), and bidding would require the replacement of the entire SCADA system not just upgrades to the system at the Diesel Plant
It is my recommendation the Council approves Resolution 2020-46 Waiving the bidding requirement for the SCADA system preventative maintenance and upgrades at the Diesel Plant, and Authorizes the completion of preventative maintenance work at the Diesel Plant by UIS in the amount of $6,281 and system upgrades by UIS in the amount of $4,371 for a total project cost of $10,652.

RESOLUTION 2020-46
City Council
City of Hart, Michigan

WAIVE BIDDING REQUIREMENT AND AUTHORIZING PREVENTATIVE MAINTENANCE AND UPGRADES TO SCADA SYSTEM AT DIESEL PLANT

WHEREAS, the City of Hart owns and operates a Municipal Electric Utility; and

WHEREAS, the SCADA system provides the valuable and necessary information to the City and Electric Utility employees to maintain, repair and monitor the utility's generation and distribution equipment; and

WHEREAS, due to requests for additional peak generation capacity throughout the state and the City's current capacity to provide back-up and peak generation which can be used to offset the City's power purchases during periods of peak or emergency need for the electric grid as well as increase system reliability; and

WHEREAS, preventative maintenance on the system at the Diesel Plant have been deferred for more than twenty (20) years and needs to be completed before the safe operation of the generators at restart; and

WHEREAS, the upgrades to the SCADA system can not be bid out as the equipment must integrate with the existing system which is sold and serviced by Utilities Instrumentation Service (UIS), and bidding would require the replacement of the entire SCADA system not just upgrades to the system at the Diesel Plant;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Waives the bidding requirement for the SCADA system preventative maintenance and upgrades at the Diesel Plant; and

Authorizes the completion of preventative maintenance work at the Diesel Plant by UIS in the amount of $6,281 and system upgrades by UIS in the amount of $4,371 for a total project cost of $10,652.

Moved by Mr. Frontiera, supported by Mr. Hegedus, and thereafter adopted by the Hart City Council at a regularly scheduled council meeting held on Tuesday, July 28, 2020.

Ayes 4 Nays 1 (Splane) Absent 2 (Burillo had audio difficulties)

I hereby certify this to be a true and correct copy of the document on file with the office of the

Cheri Eisenlohr

Cheri Eisenlohr, Deputy City Clerk

RESOLUTION 2020-47
City Council
City of Hart, Michigan

DESIGNATION OF VEHICLE AND TRAILER ONLY PARKING AT JOHN GURNEY PARK BOAT LAUNCH

WHEREAS, the City of Hart owns and maintains the public boat launch in John Gurney Park; and

WHEREAS, in the area adjacent to the boat launch the open air picnic pavilion, sandy beach area and four (4) paved parking spaces have been constructed; and

WHEREAS, additional parking has been designated in the grass area adjacent on the north side of the dirt street Kathryn for overflow vehicles using the public access to Hart Lake;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Designates the four (4) paved parking spaces adjacent to the boat launch and picnic pavilion for vehicles with trailer parking only.

Moved by _____, supported by _____, and thereafter adopted by the Hart City Council at a regularly scheduled council meeting held on Tuesday, July 28, 2020.

Ayes Nays Absent

I hereby certify this to be a true and correct copy of the document on file with the office of the

Cheri Eisenlohr, Deputy City Clerk

TABLED 7/28/2020

Mr. La Fever made a motion to table this resolution until Chief Salazar could be present for discussion, supported by Mr. Hegedus.
Ayes: 4 Nays: 2 (Splane & Burillo) Absent: 1

SPECIAL EVENTS PERMIT:

- None

DISCUSSION ITEMS:

- Insurance Coverage on buildings leased and subleased to other entities:
  - Library – Ms. Williams, the director, states that the City is responsible for insurance coverages as she stated that the City owns the building, and they just make the bond payment on it.
  - The Starting Block – the lease states that they are responsible for improvements/maintenance. The City has been supporting this entity for a few years now.
    - Further clarification will be sought in each case.

CITY ATTORNEY'S REPORT:

- No report was given/provided.

CITY MANAGER'S REPORT:

- Ms. Ladner has been asked to be on a sub-committee by the MPPA.
- The Primary is August 4, along with the ZBOA meeting at 5:30 pm.
- Mike Blackmer will be starting construction on a unit at the Creeks Development.
- The Council agreed that the City could sell individual lots to developers/residents. A resolution will be presented at the next Council meeting.

COMMUNICATIONS FROM THE MAYOR AND COUNCIL:

- Mr. La Fever asked if alcohol was permitted at the Historic District, Ms. Ladner, that are no City ordinances prohibiting it. If selling alcohol, they would need to purchase a permit from the State.
- Mr. Splane pointed out that Bob's Wood Shop (near the Historic District) needs to be maintained by its owner and no longer by the City as it was never the City's responsibility. Ms. Ladner will ask Mr. Dickman, City Code Enforcement Officer, to look into this matter.

There being no further business to come before the Council, the meeting adjourned at 8:56 pm upon a motion by Mr. Frontiera and supported by Mr. Hegedus. The next regularly scheduled meeting will be on August 11, 2020, at 7:30 pm, in the Hart Community Center.

Respectfully Submitted

Cheri Eisenlohr

Deputy City Clerk

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: August 11th, 2020

RECENT EVENTS

From Thursday, July 23rd, 2020, through Wednesday, August 5th, 2020, the Hart Police Department received 67 complaints ranging from Animal Complaints, Malicious Destruction of Property, Found Property, Disturbances, Child Neglect, Alarms, Larcenies, Criminal Sexual Conduct, Vehicle Violations, Medical Assists, Mental Health Complaints, Assist to Other Agencies, Civil Complaints, Suspicious Situations, and Property Damage Crashes.

On Saturday, July 25th, 2020, the Hart Police Department was dispatched to the 400 block of Washington Street, referencing a 2-year-old child who had been located walking the area with no shoes, pants or diaper on. After approximately one (1) hour, the father, a 23-year-old Hart man, was located. The man was unaware his child had left home. Oceana County Child Protective Services was notified of this incident. An investigation is ongoing.

On Sunday, July 26th, 2020, the Hart Police Department was dispatched to the 600 block of Woodland Court, regarding Criminal Sexual Conduct. A 20-year-old Hart man explained he had been sexually assaulted by a 44-year-old Hart man in the 700 block of East Main Street. An investigation is ongoing.

On Monday, July 27th, 2020, the Hart Police Department initiated a traffic stop on Washington Street near Hart Street, about defective equipment. A 24-year-old Hart woman was cited for Operating a Motor Vehicle without a License. The woman had a valid/active warrant for her arrest out of Newaygo County. While conducting an inventory search of the vehicle, a white rock-like substance was located within the vehicle. The rock-like substance is suspected to be Heroin or Methamphetamine. The substance will be sent to the Michigan State Police Crime Lab in Grand Rapids for further analysis.

On Wednesday, July 29th, 2020, the Hart Police Department was dispatched to the 10 block of State Street, referencing a breaking and entering in progress. A 56-year-old Hart man was attempting to gain entry into a 31-year-old Hart woman's window by sticking his arm through the window in an attempt to unlock a rear door. The man was very confrontational with officers at one point, making a finger gun gesture to one of the officers. A report will be submitted to the Oceana County Prosecutor's Office for their review.

On Saturday, August 1st, 2020, the Hart Police Department was dispatched to Hart Lake for a water emergency. Three (3) kayakers had fallen off of their kayaks and were struggling to swim to shore. Officers were assisted by the Hart Fire Department, LIFE EMS and the Oceana County Sheriff's Office Marine Division. A 30-year-old Hart man, 29-year-old Hart man, and a 27-year-old Shelby man were cited for not possessing personal floatation devices while on a watercraft. All individuals were evaluated at the scene by LIFE EMS.

On Saturday, August 1st, 2020, the Hart Police Department initiated a traffic stop on State Street near Wood Street, regarding an equipment violation. A 24-year-old Hart woman was cited for Operating a Motor Vehicle without a License. A passenger, a 31-year-old Hart man, was arrested and lodged at the Oceana County Jail on an outstanding felony warrant for his arrest out of the Oceana County Sheriff's Office.

Respectfully,

J. Salazar,
Chief of Police

7.C

DPW REPORT

August 11, 2020

- Check Wells/Towers/Booster Pump By-Weekly
- Church St. Water Main Project On Hold
- Fixed 4 Catch Basins
- Read Water & Electric Meters
- Monthly Water Samples
- 21 Miss Digs
- Mow & Clean Up Disc Golf Course
- Still Cutting Low Hanging Limbs on Streets & Sidewalks
- Pick Up Lawn Bags Weekly
- Grade Gravel Roads Weekly
- Brine Gravel Roads Last Week
- Street Sign Repair/Replace
- Cold Patch Weekly
- Playgrounds Sprayed Weekly With Disinfectant
- Weed Spraying Continues
- Street Sweeping Weekly
- Empty Garbage Cans Daily
- Mow Grass Every Day 40 Plus Hours a Week
- Painting Parking Strips and Curbs Complete
- John Gurney Paving Complete

7.d

Hart Energy Department
3907 N. Oceana Drive
Hart, Michigan 49420
Off: 231-873-5367
Mike Schiller, Superintendent
Email - mschiller@cityofhart.org

Council Report 8-11-2020

The Energy Department is doing well and staying healthy. We have been trying to keep our distance with other empolyees. We also continue our daily health checks.

The Energy Department continues to stay busy. We have been doing a lot of rightaway clearing. We cleared approximately 2 miles of overhead line. Dubois Tree & Land Management have completed there project- Resolution 2020-29.

The new line between Harrison Rd & Lever Rd is getting close to completion. This week we pulled in approximately 6000' of new over head conductor. We also have updated our software for the Dams communication, which is a huge benefit for us.

We recently had Scott VanAgtmael complete his schooling for his apprenticeship thru North West Line College . He soon will be a Journeyman Lineman once he completes his 7000 hrs.

Please feel free to call with any questions or concerns. 231-873-5367.

Thanks, Hart Energy Dept/Mike Schiller

7e

Heart Economic and Redevelopment Team
49 W State Street
Hart, MI 49420
231.301.8449

DIRECTOR'S REPORT

AUGUST 11, 2020

EVENTS

- August 13, 2020 - Music On The Commons featuring Yesterday's Wine @ 7pm
- Hart Sparks is tentatively rescheduled for Thursday, August 27th following Music on the Commons. HEART moved its next board meeting to Aug 12th to make a final determination on the event.

UPDATES

- HEART approved a formal motion at its July meeting to request that Hart Main Street banners downtown, be replaced with Hart Pirate banners.
- Coordinated a downtown cleanup project with West Shore Bank to pull weeds & freshen up the mulch around approximately 20 treescapes.
- HEART strategic planning discussions on the topics of Education and Destination/Marketing took place (committee reports available upon request). Infrastructure, Regional Collaboration and Industry Activities Committees will meet in August.
- Framework of new HEART website is in place. Site will provide economic tools, resources, incentives, available properties, relocation information, demographic studies and much more.
- Working to get band shelter project completed in 2020.
- Attended Financial Empowerment for your Community (CEDAM) & Roadmap for Redevelopment (EDA) webinars.
- Scottville Clown Band cancelled all of their shows for this summer so we have replaced them at Music on the Commons with The Rocket Fuel Haulers.
- H.E.A.R.T. e-newsletter went out on 08/04/20 for 480 subscribers.

Respectfully Submitted,

Nichole Steel
Economic & Community Development Director

8.20

CITY OF HART
407 S. STATE ST.
HART, MI 49420
Hart Economic and Redevelopment Team (H.E.A.R.T.)
July 15, 2020, at 4:00 pm
MINUTES – DRAFT

Members Present via Zoom or in person:

- Rob Splane, Lynne Ladner, Jake Tufts (late), Vicki Platt, Brandon Bruce (late), Lynne Ladner, Brandi Bruch, and Tracey Lipps

Members absent: Scott Beal

Others present:

- Community and Economic Development Director – Nichole Steel, Deputy City Clerk – Cheri Eisenlohr

Call to Order:

- Mr. Splane called the meeting to order at 4:00 pm. Rollcall was then taken.

Public Comments:

- None

Consent Agenda:

- Approval of June 3, and June 17, 2020, meeting minutes as well as the current agenda:
    - Ms. Ladner made a motion to approve, with Ms. Lipps supporting, all ayes, the motion carried.

Executive Director's Report:

- Ms. Steel gave a re-cap of her written report.
    - Ms. Steel stated that there are 480 subscribers to the e-newsletter.
    - The State Farm Grant – the window of opportunity was missed to apply due to the heavy volume of applicants.

Action Items:

- Music on the Commons
    - Cluster Pluck is to perform on 7/16/2020; this is the concert with the food drive.
        - Ms. Steel will be at the 7/16 performance; Mr. Splane expects to be there as well. Mr. Tufts volunteered the use of his State Farm tent.
    - The Scottville Clown band has canceled their performance date of 8/27/2020.
        - Ms. Lipps will contact the Rocket Fuel Haulers to see if they can fill that date.
- Hart Sparks
    - As previously discussed, this event will be held at the August 27, 2020 concert if permitted by the State.

Discussion Items:

- Hart Beautification Committee Update
    - Members consist of Brandi Bruch, Vicki Platt, Nichole Steel, and Lynne Ladner. Ms. Gail Zieger as asked to be on the committee as well.
        - The first meeting was held on July 13, 2020.
            - Topics discussed ranged from the lake, tree trimming, need for volunteers, light poles, and signage.
            - Ms. Bruch made a motion to remove all old banners and replace them with new Hart Pirate banners, Ms. Ladner supported, all ayes, the motion carried.

- Economic Development Strategy Teams
    - A worksheet was distributed to all members covering this topic.
    - It was decided that each committee would take turns submitting their report at a regular meeting.
    - Ms. Ladner advised that the City, along with other MPPA entities, were awarded a feasibility study for high-speed broadband.
- Pocket Part Construction
    - The anticipated completion is the end of October. Materials are being delivered. Existing plantings/flower boxes will need to be removed from the area.

Communications from Members:

- Ms. Ladner made a motion to move the next meeting from its regularly scheduled date of August 19th to the 12th, Ms. Bruch supported, all ayes, the motion carried.
- Ms. Platt asked Ms. Steel how the site tour of the Creeks and other redevelopment ready properties went. Ms. Steel stated that the parties involved were more interested in the redevelopment ready areas than the Creeks.
- Ms. Steel would like to update the TakeMeToHart website to a full-on economic development site.
- Ms. Ladner advised the board that she is resigning as the board should have an odd number of members; she will continue to act as the advisor for the board. A new vice chair will have to be chosen.
- Ms. Lipps asked for an update on the annual car show, no one knows at this time. Ms. Ladner did state that most communities have canceled similar events due to COVID-19.
- Mr. Splane asked about the financials, Ms. Ladner stated that they are almost finalized and should be available for the August meeting and will cover the month of July.
- Ms. Bruch thanked Ms. Steel for her reports and the work on the e-newsletter. The Oceana County Alliance will be formatting their own e-newsletter after Ms. Steel's version to be distributed countywide.

Ms. Platt made a motion to adjourn the meeting at 4:49 pm, supported by Ms. Bruch, all ayes, the motion carried, and the meeting adjourned.

The next regularly scheduled meeting is on Wednesday, August 12, 2020, at 4:00 pm. A special meeting will be held if needed sooner.

Payables Date: 8/11/2020	Description	Total	General +	DPW	Energy	BPTF	Water
Adams, Matthew	Phone Reimbursement	$ 35.00		$ 35.00			
Anderson, Shawn	Phone Reimbursement	$ 35.00	$ 35.00				
Brimmer, Linda	Election Worker	$ 94.50	$ 94.50				
Ceres Solutions	UPS	$ 12.00		$ 12.00			
Ceres Solutions	Sprayer/Spreader Parts	$ 14.20				$ 14.20	
Ceres Solutions	Fuel	$ 640.79				$ 640.79	
Chase, Rick	MOC - 8/13/2020 Concert	$ 500.00	$ 500.00				
City of Hart	Utilities	$ 52,689.29	$ 1,337.52	$ 1,097.16	$ 1,764.05	$ 45,237.61	$ 3,252.95
Cunningham, Alice	Election Worker	$ 217.38	$ 217.38				
Dacott Energy	June, 2020 Purchase Report	$ 650.00			$ 650.00		
Dave's Party Store	Fuel	$ 1,833.37	$ 651.09	$ 539.15	$ 596.48	$ 46.65	
DTE	Natural Gas	$ 148.95		$ 59.68	$ 89.27		
DuBois Tree & Land Mgmt	Power Line Clearance work	$ 7,175.00			$ 7,175.00		
Eisenlohr, Mike	Phone Reimbursement	$ 35.00		$ 35.00			
Fish Window Cleaning	HEART Office	$ 12.00	$ 12.00				
Forner, Gayle	Rent - HEART office	$ 400.00	$ 400.00				
Foster, Helen	Election Worker	$ 120.75	$ 120.75				
Foster, Linda	Election Worker	$ 57.75	$ 57.75				
Freed Mgmt	JGP Pmt #9	$ 3,570.00	$ 3,570.00				
Frontier	Diesel Plant	$ 89.93			$ 89.93		
Goldberg, Gale	Election Worker	$ 141.75	$ 141.75				
Gowell, Nate	Phone Reimbursement	$ 35.00			$ 35.00		
HACH	Lab Supplies	$ 268.05				$ 268.05	
Hart Heritage Group	Sponsor o Concert	$ 250.00	$ 250.00				
Haynor, Deb	Election Worker	$ 89.25	$ 89.25				
Horizon Comm. Planning	Planning Services	$ 1,299.20	$ 1,299.20				
Huizing, Maureen	Election Worker	$ 94.50	$ 94.50				
Huntington Credit Card	Various Charges	$ 3,367.03	$ 2,454.86	$ 245.76	$ 420.65	$ 245.76	
HydroCorp	Cross Connection Control Program	$ 750.00					$ 750.00
Ingalls, Joe	Phone Reimbursement	$ 35.00	$ 35.00				
Kerr, Thomas	Utility Deposit Refund	$ 153.44			$ 153.44		
Kies, Chris	Phone Reimbursement	$ 35.00				$ 35.00	
Klotz Agency/Farm Bureau	Utility Deposit Refund	$ 65.13			$ 65.13		
Klotz Auto Parts	Auto Parts/Supplies	$ 686.70		$ 196.10	$ 2.00	$ 488.60	
Ladner, Lynne	Monthly Car Allowance	$ 300.00	$ 300.00				
LARA	LIEAF Program	$ 1,091.39			$ 1,091.39		
Louis Gelder	Signage	$ 16.00		$ 16.00			
Louis Gelder	Parts/Supplies	$ 994.17				$ 994.17	
Ludington Daily News	Publications/advertising	$ 1,752.80	$ 1,752.80				
Malarney, Nancy	Election Worker	$ 240.88	$ 240.88				
Mantyck, Elizabeth	Phone Reimbursement	$ 35.00	$ 35.00				
Michigan Election Resources	Ballot Stock	$ 18.39	$ 18.39				
Michigan Rural Water Assoc.	Membership	$ 735.00					$ 735.00
Model Coverall Svc	Uniforms/Rugs/Rags	$ 713.55	$ 136.58	$ 222.65	$ 120.85	$ 233.47	
Monroe Truck & Auto	Golf Cart 2014 Yamaha	$ 3,950.00	$ 3,950.00				
MPPA	Purchased Power	$ 28,089.20			$ 28,089.20		
Munetrix	Level 3 Municipal License	$ 2,605.00	$ 651.25		$ 651.25	$ 651.25	$ 651.25
Northern Clinical & Diagnostics	Psych Eval - Police	$ 475.00	$ 475.00				
Oceana Builders Supply	Building Supplies	$ 139.04		$ 139.04			
Oceana County Admin.	Assessing Services S-O-N 2020	$ 8,160.00	$ 8,160.00				
Power Line Supply	Parts/Supplies	$ 24.00			$ 24.00		
Power Line Supply	Work Pants	$ 212.00			$ 212.00		
Power Line Supply	Work Pants	$ 144.00			$ 144.00		
Power Line Supply	Work Pants	$ 212.00			$ 212.00		
Power Line Supply	Parts/Supplies	$ 171.00			$ 171.00		
Power Line Supply	Parts/Supplies	$ 943.55			$ 943.55		
Pranger Property Mgmt	Cleaning Services	$ 168.00	$ 168.00				
Praxair	Cyclinder Rentals	$ 91.74		$ 39.45	$ 52.29		
Quill	Office Supplies	$ 553.95	$ 553.95				
Republic Services	The Starting Block - Garbage Svc	$ 179.28			$ 179.28		

--OVER--

Payables Date: 8/11/2020	Description	Total	General +	DPW	Energy	BPTF	Water
Ricoh	Copy fees	$ 102.13	$ 102.13				
Riggs, Jason	Phone Reimbursement	$ 35.00		$ 35.00			
Salazar, Juan	Phone Reimbursement	$ 35.00	$ 35.00				
Schad, Tina	Election Worker	$ 94.50	$ 94.50				
Schiller, Mike	Phone Reimbursement	$ 35.00			$ 35.00		
Skipski, Kevin	Phone Reimbursement	$ 35.00	$ 35.00				
Skipski, Kevin	Reimburse License Renewal Fee	$ 25.00	$ 25.00				
Smith, Joan	Election Worker	$ 120.75	$ 120.75				
SyncWave	Internet Hosting	$ 503.14	$ 141.73	$ 87.17	$ 87.18	$ 187.06	
Trace Analytical	Water Testing	$ 205.00				$ 205.00	
TruGreen	Lawn Service	$ 45.42	$ 45.42				
UIS SCADA	kpsi Level Transducer	$ 760.00			$ 760.00		
USA BlueBook	Nitrile Gloves	$ 103.50			$ 103.50		
USA BlueBook	Pipe Locator/Defense Gloves	$ 134.08			$ 134.08		
Van Agtmael, Scott	Reimburse Housing for School	$ 685.67			$ 685.67		
VanAgtmael, Scott	Phone Reimbursement	$ 35.00			$ 35.00		
VanZoeren, Andy	Phone Reimbursement	$ 35.00			$ 35.00		
Volpp, Janice	Election Worker	$ 204.25	$ 204.25				
Windridge	T-Shirts/BioPure Gear	$ 342.00				$ 342.00	
Wittman, Peggy	Election Worker	$ 89.25	$ 89.25				
WL Construction Supply	Blades	$ 819.99		$ 819.99			
		$ -					
		$ -					
		$ -					
		$ -					
		$ -					
	Subtotal	$ 132,060.58	$ 28,695.43	$ 3,579.15	$ 44,807.19	$ 49,589.61	$ 5,389.20
HAND CHECKS/ACH							
Alerus - ACH	*City Share 401 Retirement*	$ 2,906.49	$ 2,906.49				
US Postmaster	Postage	$ 465.06			$ 302.29	$ 139.52	$ 23.25
Freed Mgmt	JGP Pmt #8	$ 3,570.00	$ 3,570.00				
Betts, Jacob	Music at the Commons 7/30/2020 pmt	$ 500.00	$ 500.00				
Ingalls, Joe	Replace Deposit	$ 50.00	$ 50.00				
Statewide Party Rentals	Tent for ZBA	$ 400.65	$ 400.65				
Ingalls, Joe	Replace Deposit	$ 50.00	$ 50.00				
Whitney, Brad	Reimburse Insurance Prem.	$ 596.88	$ 596.88				
		$ -					
	TOTAL HAND CHECKS	$ 8,539.08	$ 8,074.02	$ -	$ 302.29	$ 139.52	$ 23.25
	Sub-Total Regular Bills/Hand Checks	*$ 140,599.66*	*$ 36,769.45*	*$ 3,579.15*	*$ 45,109.48*	*$ 49,729.13*	*$ 5,412.45*
Gross Payroll	490	$ 57,035.02					
	Sub-Total	$ 57,035.02					
	GRAND TOTAL	*$ 197,634.68*	$ 36,769.45	$ 3,579.15	$ 45,109.48	$ 49,729.13	$ 5,412.45

--OVER--

PAYROLL AMOUNTS					
08/06/20					
Pay 490		GROSS PAY	OVERTIME	ETO BUYBACK	BASE PAY
Employee Code	Dept.		PAY		
FULL-TIME					
DIR.	MSM	$1,971.20	$0.00	$0.00	$1,971.20
DPW1	DPW	$2,181.53	-$163.93	$0.00	$2,017.60
DPW2	DPW	$2,383.29	-$163.93	$0.00	$2,219.36
DPW3	DPW	$2,352.47	-$96.15	$0.00	$2,256.32
DPWS	DPW	$2,436.00	$0.00	$0.00	$2,436.00
ENERGY1	Energy	$3,284.72	-$30.14	$0.00	$3,254.58
ENERGY2	Energy	$3,495.66	$0.00	$0.00	$3,495.66
ENERGYS	Energy	$3,860.00	$0.00	$0.00	$3,860.00
ENERGY3	Energy	$3,102.00	$0.00	$0.00	$3,102.00
ENERGY4	Energy	$2,477.58	-$323.18	$0.00	$2,154.40
DCC	Office	$1,595.20	$0.00	$0.00	$1,595.20
MGR.	Office	$3,640.80	$0.00	$0.00	$3,640.80
CC	Office	$2,018.40	$0.00	$0.00	$2,018.40
DCC	Office	$1,416.00	$0.00	$0.00	$1,416.00
PO	Police	$2,170.56	-$20.16	$0.00	$2,150.40
PO	Police	$2,150.40	$0.00	$0.00	$2,150.40
PO	Police	$2,068.00	$0.00	$0.00	$2,068.00
PC	Police	$2,524.80	$0.00	$0.00	$2,524.80
DS	Police	$2,208.00	$0.00	$0.00	$2,208.00
BIOS	WW	$2,886.40	$0.00	$0.00	$2,886.40
BIOS	WW	$2,219.36	$0.00	$0.00	$2,219.36
BIOS	WW	$2,656.95	-$400.63	$0.00	$2,256.32
TOTAL		**$55,099.32**	**-$1,198.12**	**$0.00**	**$53,901.20**
COUNCIL					
CC1		$0.00	$0.00	$0.00	$0.00
CC2		$0.00	$0.00	$0.00	$0.00
CC3		$0.00	$0.00	$0.00	$0.00
CC4		$0.00	$0.00	$0.00	$0.00
CC5		$0.00	$0.00	$0.00	$0.00
CC6		$0.00	$0.00	$0.00	$0.00
CC7		$0.00	$0.00	$0.00	$0.00
TOTAL		**$0.00**	**$0.00**	**$0.00**	**$0.00**
PART-TIME					
MGR.	HHD	$893.20	$0.00	$0.00	$0.00
EW	Office	$0.00	$0.00	$0.00	$0.00
DPW	DPW-PT	$892.50	$0.00	$0.00	$0.00
CEO	Office	$0.00	$0.00	$0.00	$0.00
PPO	POL-PT	$0.00	$0.00	$0.00	$0.00
PPO	POL-PT	$150.00	$0.00	$0.00	$0.00
TOTAL		**$1,935.70**	**$0.00**	**$0.00**	**$0.00**
TOTAL PAYROLL		**$57,035.02**	**-$1,198.12**	**$0.00**	**$53,901.20**

Item 9

07/31/2020

Employee Hours and Gross by GL Number Report
For Payroll ID: 100
For Selected Pay Code(s): 15X, 2X, 225X

Pay Code ID	Distribution	Ot Hours	OT Gross	Gross	Check Date
108HPD - INGALLS, JR., JOSEPH P					
15X	101-301.000-702.900	3.00	120.96	120.96	07/23/2020
225X	101-301.000-702.900	11.50	695.52	695.52	07/23/2020
	Employee Totals:	14.50	816.48	816.48	
113HPD - MANTYCK, ELIZABETH A					
225X	101-301.000-702.900	8.00	465.28	465.28	07/23/2020
	Employee Totals:	8.00	465.28	465.28	
85HPD - ANDERSON, SHAWN T					
225X	101-301.000-702.900	10.00	604.80	604.80	07/23/2020
	Employee Totals:	10.00	604.80	604.80	
16WWP - RIGGS, JASON J					
15X	101-441.000-702.900	1.00	38.46	38.46	07/23/2020
15X	202-463.000-702.900	2.00	76.92	76.92	07/23/2020
15X	203-463.000-702.900	1.00	38.46	38.46	07/23/2020
2X	101-441.000-702.900	1.00	51.28	51.28	07/23/2020
	Employee Totals:	5.00	205.12	205.12	
32DPW - ADAMS, MATTHEW T					
15X	203-463.000-702.900	2.00	75.66	75.66	07/23/2020
	Employee Totals:	2.00	75.66	75.66	
41DPW - EISENLOHR, MICHAEL D					
15X	202-463.000-702.900	3.00	113.49	113.49	07/23/2020
2X	101-441.000-702.900	3.00	151.32	151.32	07/23/2020
2X	591-547.100-702.900	2.00	100.88	100.88	07/23/2020
	Employee Totals:	8.00	365.69	365.69	
19WWP - KIES, CHRISTOPHER A					
15X	590-527.100-702.900	4.00	151.32	151.32	07/23/2020
2X	590-527.100-702.900	2.50	126.10	126.10	07/23/2020
	Employee Totals:	6.50	277.42	277.42	
46DPW - LLOYD, FRANKLIN J					
15X	590-527.100-702.902	4.75	182.69	182.69	07/23/2020
2X	590-527.100-702.900	5.50	282.04	282.04	07/23/2020
	Employee Totals:	10.25	464.73	464.73	
Distribution Totals:					
	Grand Totals:	64.25	3,275.18	3,275.18	

10,a

Memo

To: Mayor and Council
From: Lynne Ladner
Date: 08/4/20
Re: Resolution 2020-47 Designate Vehicle with Trailer parking only at JGP Boat Launch

---

Ladies and Gentlemen,

As you may remember, this resolution was tabled at the last meeting so that Chief Salazar could be available to answer questions. This resolution was placed before the Council at the request of Councilmember Frontiera.

I do not have a recommendation for this resolution.

Lynne

10.a
Item 7a

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: July 28th, 2020

JOHN GURNEY PARK BOAT LAUNCH

During the first several weeks in July 2020, the Hart Police Department has received two (2) separate complaints of vehicles parking alongside the roundabout, causing a traffic hazard at the John Gurney Park boat launch. The vehicles attempting to utilize the boat launch are unable to load and unload their boats due to these parking issues.

The department also has received complaints of vehicles with boat trailers parked on the West side of the roundabout in what was vehicle/boat trailer parking. In what was the vehicle/boat trailer parking area, this allowed trailers to be far enough into the roundabout blocking/hindering traffic flow of other vehicles/boat trailers attempting to utilize the roundabout.

By erecting the "no parking" and directional vehicle/boat trailer signs for boat trailer parking in the roundabout, this has cleared the traffic congestion with vehicle/boat trailer traffic. The vehicle/boat trailer parking is now located on Katheryn Street East of Woodlawn Street, which is East of the boat launch entrance. The department also has received no further complaints of traffic flow issues in the area.

By placing vehicle parking spaces on the West side of the roundabout, which is currently being conducted, in where the vehicle/boat trailer parking was located, has allowed vehicles to utilize the day-use area near the boat launch. This again, has cleared traffic congestion in the area.

Respectfully,

J. Salazar,
Chief of Police

10.a

TABLED 7/28/2020

RESOLUTION 2020-47
City Council
City of Hart, Michigan

DESIGNATION OF VEHICLE AND TRAILER ONLY PARKING AT JOHN GURNEY PARK BOAT LAUNCH

WHEREAS, the City of Hart owns and maintains the public boat launch in John Gurney Park; and

WHEREAS, in the area adjacent to the boat launch the open-air picnic pavilion, sandy beach area and four (4) paved parking spaces have been constructed; and

WHEREAS, additional parking has been designated in the grass area adjacent on the north side of the dirt street Kathryn for overflow vehicles using the public access to Hart Lake;

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Designates the four (4) paved parking spaces adjacent to the boat launch and picnic pavilion for vehicles with trailer parking only.

Moved by _____, supported by _____, and thereafter adopted by the Hart City Council at a regularly scheduled council meeting held on Tuesday, July 28, 2020.

Ayes Nays Absent

I hereby certify this to be a true and correct copy of the document on file with the office of the

_____
Cheri Eisenlohr, Deputy City Clerk

10.b

Memo

To: Mayor and Council
From: Lynne Ladner
Date: 08/4/20
Re: Resolution 2020-48 Authorize temporary waiver of the prohibition of goods, wares, and merchandise on City Sidewalks

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Ladies and Gentlemen,

As requested by the Council, I have sought information from other communities regarding prohibitions of goods, wares, and merchandise on City Sidewalks. Your packet includes email responses and copies of ordinances from several communities around the state and locally, both larger, similarly sized, and smaller.

Some communities prohibit the placement on public sidewalks; others permit it only during designated sidewalk sales; others require a permit, and lastly, some permit it within a specified distance from the building face in which the business is operating.

As this is an issue that can not be resolved without considerably more discussion regarding the direction in which the Council would like to proceed Resolution 2020-48 authorizes a temporary waiver of the prohibition of goods, wares, and merchandise through December 31, 2020, extending up to 36 inches from the building face as long as at least 5 feet of sidewalk remains to the back of the street curb.

I do not have a recommendation for this resolution.

Lynne

10.b

From: managementforum@listserv.mml.org on behalf of Lynne Ladner
To: managementforum@listserv.mml.org
Subject: Merchandise on sidewalks
Date: Thursday, July 30, 2020 8:32:03 AM

This message was sent by Lynne Ladner LLadner@cityofhart.org

Good morning everyone,

I hope that everyone is having a good week and have found time to attend the MME virtual conference yesterday and today. I am hoping to collect some information from other communities to present to my council regard allowing businesses to place merchandise on the public sidewalk, primarily in the downtown but in other commercial areas as well. Our current ordinance prohibits the storage of "any goods, wares or merchandise upon said sidewalks , or any fixtures or equipment for the purpose of displaying any such goods, wares or merchandise upon said public sidewalks" this language has been in place since 1940 so you can understand as I do that it could be considered outdated. We have a local business that since re-opening began to take to the extreme the placement of merchandise on the public sidewalk in front of her location in the downtown. Previously the store had placed a few items on the sidewalk near the building face and as the downtown sidewalks are approximately 10 ft in width in that block we had ignored the violation (she was open about 18 months prior to the pandemic). After re-opening we began receiving multiple complaints from other downtown businesses about the merchandise on the sidewalk and with good reason. At the point we began to address the violation with the owner the merchandise had encroached as much as 6 feet out onto the sidewalk. The items would be returned inside the store when it was closed but each morning it would be brought back out onto the sidewalk. The business owner has approached the council (approached is the polite term she told the council they either allow her to put the merchandise on the side walk or she would close permanently and relocate out of town) and requested a change. I have been tasked with finding out what other communities allow in terms of placement of merchandise for sale on the public sidewalk. So I have a few questions I am hoping that if you have time you can quickly answer and if possible include either the language or a link to where in your Code you address this issue. Thank you in advance for your help on this issue. Questions are below:

1. Do you prohibit or permit businesses to place merchandise and goods on the public sidewalk?
2. If you prohibit merchandise on the sidewalk does your community organize sidewalk sale events? How many times a year?
3. If you permit it are there any restrictions or conditions to regulate the use of the public sidewalk (how many feet from building front, limited number of days per week/month/year)
4. If you permit merchandise on the sidewalks do you limit the time of year (such as permitted from April 1 through October 15)
5. Do you have require the business to have a permit? Is the permit an annual permit or good for as long as the business is in that location? Is there a fee for the permit?
6. Do you limit the zoning districts that permit this or are the regulations different for different zoning districts?

Lynne Ladner MPA (she/her)
City Manager

Sec. 50-5. - Storage, display of goods on sidewalks.

No person shall use any sidewalk within the city for the storage, keeping or destroying of any goods, wares, merchandise, produce, boxes, barrels or other things except within a distance of three feet from the side of the building used or occupied by such person.

(Code 1979, § 30.007)

Coloma, Michigan

10.a

1281.05 PERMITTED ACCESSORY USES.

(a) Temporary outdoor sales or outdoor display of goods and services that are sold on a regular basis from within the principal building on the same lot, if the following standards are met:

(1) The outdoor sales or outdoor display area shall not exceed 10% of the gross floor area of the principal building and shall be designated on an approved site plan.

(2) The activity shall not be located in any required front, side or rear open space and shall not interfere with pedestrian circulation.

(b) The Village Council may, by resolution, designate certain dates and locations as special events temporary outdoor sales areas. Said resolution shall include conditions and standards of conduct to be in force for outdoor sales and displays on private property.

(Ord. 2001-5. Passed 11-12-01; Ord. 2015-1. Passed 4-13-15.)

Dimondale, Michigan

10.b

Sec. 46-80. - Merchandise display.

On sidewalks adjacent to properties zoned under the zoning ordinance of the city as CBD, WCB, WM1, WM2, C-1, C-2 and MC, adjoining owners, lessees or occupants may use the sidewalks in accordance with the provisions of this article for open air display of dry goods, sporting goods (except equipment utilizing projectiles), tools, small equipment, flowers and similar merchandise, and for temporary seating and tables to the extent that such uses are accessory to the adjoining properties as defined by the zoning ordinance of the city, subject to the following restrictions:

(1) Display of merchandise shall be limited to an area no more than 34 inches from the face of the building or right-of-way line adjoining the street.

(2) Chairs and tables for outdoor dining areas shall be in accordance with the Downtown Ludington Outdoor Dining Design Guidelines.

(3) All displays, including shelving and/or racks, chairs and tables, shall be removed from the sidewalk when the adjoining retail operation is closed, except that chairs, tables and barriers required by the Downtown Ludington Outdoor Dining Design Guidelines may remain on the sidewalk overnight but shall not be stored outside of the restaurant for extended periods of non-use and during the off-season.

(4) Any display or seating area that interferes with the safe passage of pedestrians shall be relocated or removed. Any combination of display and/or seating area shall provide a minimum pedestrian right-of-way of five feet.

(5) All areas shall be well maintained and cleaned regularly by the adjoining property owner, lessee or occupant.

(6) Activities conducted in state of Michigan highway right-of-way between the curb and the right-of-way line shall be in accordance with the rules, regulations and conditions listed on the city's annual miscellaneous operations permit.

(7) No items may be placed in the area at street corners or alley/street corners created by extending the building lines to the traveled portion of the streets or alleys.

(Ord. No. 324-16, § 1, 4-10-2016; Ord. No. 381-18, 8-12-2018)

Chapter 674
Safety Sanitation and Health

Manistee

674.01	Open burning; permit required; issuance by Director of Public Safety	674.07	Snow and ice removal from sidewalks in Central Business District
674.02	Emission of noxious odors; burning of garbage	674.08	Snow and ice removal from private property; obstructing sidewalks and streets
674.03	Abandoned refrigerators; open cesspools, septic tanks and wells; other attractive nuisances; correction of violations	674.09	Littering; obstructing ditches, drains, culverts or gutters
674.04	Barricades or fences required around uncovered cellars or excavations near streets	674.10	Dust from coal, sand or gravel operations
674.05	Obstructing streets, alleys and sidewalks; exceptions for construction and firewood	674.11	Storage of building materials; accumulation of junk, trash, rubbish or refuse; correction of violations; noncompliance; remedies of City
674.06	Obstructions to be lighted at night	674.99	Penalty

CROSS REFERENCES
Health and sanitation generally - see Mich. Const. Art. 4, Sec. 51; M.C.L.A. Secs. 325.1 et seq., 327.1 et seq., 750.466 et seq.
Abatement of dangerous, unsightly or unsanitary conditions - see CHTR. Ch. 13, Sec. 13-2; B. & H. 1454.01 et seq.
Health Officer - see CHTR. Ch. 13, Sec. 13-4
Board of Health - see CHTR. Ch. 13, Sec. 13-9; Ch. 256
Local health departments - see M.C.L.A. Sec. 333.2401 et seq.
Nuisances generally - see M.C.L.A. Secs. 600.3801 et seq.; GEN. OFF. Ch. 654
Public safety generally - see M.C.L.A. Secs. 750.493 et seq.
Director of Public Safety - see ADM. Ch. 232
Dogs and other animals running at large; nuisance conditions - see GEN. OFF. 606.02
Nuisance trees on private property - see S.U. & P.S. 1026.09
Placement of hazardous waste for collection as garbage and rubbish - see S.U. & P.S. 1060.09
Responsibility of occupants of rental properties re sanitation - see B. & H. 1482.05

674.01 OPEN BURNING; PERMIT REQUIRED; ISSUANCE BY DIRECTOR OF PUBLIC SAFETY

A. No person shall burn or cause to be burned outside of any dwelling, leaves, lawn clippings, debris or rubbish on public or private property in the City, except under a permit issued by the City Manager. (Ord. Unno. Passed 9-6-88.)

B. No person shall burn or cause to be burned outside of any structure, any solid waste materials, including building materials, junk, refuse or miscellaneous debris.

C. No person shall burn or cause to be burned outside of any structure, any brush, stumps, wood or other similar matter, except after having received a permit to do the same from the Director of Public Safety. The Director of Public Safety shall not issue said permit unless or until he or she has satisfied himself or herself that such burning will not cause any public nuisance from smoke, odor or other factors and that said burning shall not create any public safety hazard through threat of the fire spreading.

D. Nothing in this section shall be interpreted to limit barbecues, cooking fires or other similar fires suitably contained on private property or in established stoves or fixtures on public property. (Ord. Unno. Passed 8-23-90.)

674.02 EMISSION OF NOXIOUS ODORS; BURNING OF GARBAGE

No person shall cause or allow noxious odors to be emitted into the open air in such a manner as to annoy or offend the public. This prohibition shall apply to the burning of garbage outside of a building or dwelling as provided in Section 674.01. (Ord. Unno. Passed 12-17-63.)

674.03 ABANDONED REFRIGERATORS; OPEN CESSPOOLS, SEPTIC TANKS AND WELLS; OTHER ATTRACTIVE NUISANCES; CORRECTION OF VIOLATIONS

A. No person shall leave outside of any building or dwelling or in any unlocked building or dwelling, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other box or container having a capacity of over one and one-half cubic feet, of the type or kind which has a snap lock or other automatic locking device, without first removing the locking device or the doors from such ice box, refrigerator or container.

B. No person shall have on his, her or its premises accessible to children an open cesspool, septic tank, sewer, well, pit or hole or a cesspool, septic tank, sewer, well, pit or hole covered with a weak, insecure and unsafe cover or lid which can be easily removed by a child or which might or could break through easily. No person shall have in places accessible to children overhanging lumber, cement or other material which is insecure and unsafe, or have any condition on his or her or its premises which could or might attract and allure children and cause them to play about such condition, the natural or probable result of which might or could cause injury or death to such children.

C. Immediately upon the discovery of any of the dangerous conditions described in this section, it shall be the duty of any employee of the City to notify the owner of the premises or person in possession thereof to forthwith correct such condition. Such City employee

shall forthwith notify the City Manager of the condition and give him or her the name of the person and the time such person was requested to correct the condition complained of. Should the owner of the premises or person in possession thereof fail, neglect or refuse to correct such dangerous condition, or if no one appears to be in possession of such premises, then the City shall correct the dangerous condition and charge to the owner of the premises the cost of such repairs. If the owner neglects or refuses to pay for such repairs, such charges shall be assessed against the premises and collected in the same manner as are general City real estate taxes. Such charges shall be in addition to the penalty provided in Section 674.99. (Ord. Unno. Passed 10-20-53.)

674.04 BARRICADES OR FENCES REQUIRED AROUND UNCOVERED CELLARS OR EXCAVATIONS NEAR STREETS

When any cellar or other excavation is left uncovered by the burning or removal of the building there from, and is adjacent to any street, the owner or occupant of the premises shall immediately thereafter surround the same with a sufficient fence or barrier to prevent accidents. (Ord. Unno. Passed 6-3-14.)

674.05 OBSTRUCTING STREETS, ALLEYS AND SIDEWALKS; EXCEPTIONS FOR CONSTRUCTION AND FIREWOOD

No person shall place or cause to be placed any stone, brick, timber, logs, lumber, lath, shingles, slabs, sand, weeds or other materials whatsoever, or any dumpster for the containment thereof, in or upon any street, alley or sidewalk in the City, unless for the purpose of building, and then only for such period of time as shall be prescribed by the City Manager or Council in a written permission to be granted for that purpose, except that firewood may be allowed to remain in the street or on the sidewalk in front of any residence or place of business not longer than forty-eight hours at any one time, when so placed as not to be an obstruction to travel.

674.06 OBSTRUCTIONS TO BE LIGHTED AT NIGHT

It shall be the duty of any person placing any of the substances set forth in Section 674.05, or any dumpster for the containment thereof, in or upon any street, alley or sidewalk, to display thereon, from one hour after sunset until one hour before sunrise the following morning, a lighted lamp which shall throw off a visible red or amber light.

674.07 SNOW AND ICE REMOVAL FROM SIDEWALKS IN CENTRAL BUSINESS DISTRICT

A. Central Business District Defined. For the purpose of this section, the Central Business District is defined as follows: River Street, from Cypress Street to Pine Street; Water Street, from Pine Street to Greenbush Street; Clay Street, from Greenbush Street to Division Street; Division Street, from River Street to First Street; Maple Street, from River Street to Water Street; Poplar Street, from River Street to Water Street; Greenbush Street, from River Street to Water Street.

B. Duties of Owners. The owner or occupant of any occupied or unoccupied business, building or vacant lot within the Central Business District, as defined in this section, shall keep sidewalks adjacent to his or her property clear of snow and ice and not allow the same to accumulate for more than twenty-four hours.

C. Enforcement. If the owner of any such occupied or unoccupied business, building or vacant lot shall fail to clear adjacent sidewalks within twenty-four hours, either by his or her own action or that of his or her tenant, the City Manager or his or her agent may cause the sidewalks to be cleared at the expense of the owner of such property. The cost of clearing the sidewalks shall be set by resolution of the City Council, and the same may be revised from time to time as conditions may warrant. If the owner shall refuse or neglect to pay the fee set forth by such Council resolution, a lien shall be set against the property and collected the same as other taxes or assessments are collected within the City. (Ord. Unno. Passed 7-2-74.)

674.08 SNOW AND ICE REMOVAL FROM PRIVATE PROPERTY; OBSTRUCTING SIDEWALKS AND STREETS

Owners or operators of used car lots, private parking lots, hospitals and other such privately-owned or operated expansive areas shall be totally responsible for the removal of snow and ice from these areas. No person shall deposit such snow and ice within the boundaries of a public street or alley. No person shall, while removing snow or ice from private property not included in the foregoing categories, deposit the same on any sidewalk, on the roadway portion of any street, in any area between the sidewalk and the curb line or between the sidewalk and the roadway, except in such area as is adjacent to the property from which the snow is removed, and then only in such quantity as will not create a traffic hazard. (Ord. Unno. Passed 12-17-63.)

674.09 LITTERING; OBSTRUCTING DITCHES, DRAINS, CULVERTS OR GUTTERS

A. No person shall place, deposit, throw, scatter or leave on any street, highway, lane, alley, public place, public square or private property, any tree or bush trimmings, grass clippings, leaves, refuse, waste or such other materials, provided, however, that such materials may be deposited on City streets at such times and as directed by the City during designated City-wide clean-up periods or leaf pick-up by the City.

B. No person shall transport, dump or deposit any refuse or other waste materials in such a manner as to cause the littering of any stream, public place or private property, or to cause the obstruction of any public ditch, drain, culvert or gutter. (Ord. Unno. Passed 12-17-63.)

674.10 DUST FROM COAL, SAND OR GRAVEL OPERATIONS

A. No person engaged in the wholesaling or retailing of coal in or near a residential area shall unload coal from railroad cars or trucks, or load the same into railroad cars or trucks, unless the coal is dampened sufficiently to prevent coal dust from being blown beyond the confines of the coal yard. This provision shall not be construed as to prevent the operator of the coal yard from adopting other suitable measures to prevent the coal dust from becoming a public nuisance.

B. No person engaged in the handling, storing, hauling or sale of sand or sand and gravel, whose stockpiles are in or near a residential area, shall unload these materials from railroad cars or trucks until suitable measures have been taken to prevent sand and dust from being blown into or onto the residential area. (Ord. Unno. Passed 12-17-63.)

674.11 STORAGE OF BUILDING MATERIALS; ACCUMULATION OF JUNK, TRASH, RUBBISH OR REFUSE; CORRECTION OF VIOLATIONS; NONCOMPLIANCE; REMEDIES OF CITY

A. Except in a completely enclosed building, the storage of building materials upon any property shall not be permitted, unless there is in force a valid building permit issued by the City for construction upon said property and said materials are intended for use in connection with such construction. As used in this section "building materials" shall include, but shall not be limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring and equipment, heating ducts and equipment, shingles, mortar, concrete, cement, nails, screws or any other materials used in construction. Except where such building materials are part of the stock in a trade or business located on said property, such building materials shall be removed within seven days.

B. The storage or accumulation of junk, trash, rubbish or refuse of any kind, except domestic refuse stored in such a manner as not to create a public nuisance, shall be permitted for a period not to exceed seven days. The term "junk" shall include parts of machinery or motor vehicles, boat hulls, unused stoves or other appliances, remnants of wood, metal or other material or other cast-off material of any kind, stored in the open, whether or not the same could be put to any reasonable use.

C. The owner, occupant, lessee, mortgagee or any other person in charge of any dwelling or property where a violation of subsection (a) or (b) hereof exists shall be notified by certified mail or personal service by any officer acting on behalf of the City. The notice shall cite the violation and inform the person that the violation must be corrected within seven days. In the event that the property is occupied by a person other than the owner, the owner shall also be notified by certified mail or personnel service by any officer acting on behalf of the City at the address on record in the City Assessor's office.

D. Any owner or occupant of such lands notified in accordance with subsection (c) hereof who disputes the alleged violation shall so indicate, in writing, the reasons therefor, said response to be delivered by certified mail or personal service to the City Manager within seven days of the date of the notice by the City. In the event that the City Manager does not concur with the owner or occupant, said matters shall be remedied in accordance with subsection (e) hereof.

E. In addition to the penalty provided in Section 674.99, in the event that a nuisance exists, it shall be lawful for an officer or employee of the City to enter upon any such land used for the storage of building material or for the accumulation of junk, trash, rubbish or refuse of any kind and cause the same to be properly disposed of at the expense of the owner of the land. A schedule of the cost for this work shall be set by resolution of the City Council and may be revised from time to time as conditions may warrant. If the owner of such land refuses or neglects to pay the fee set forth by the Council's resolution, a lien shall be set against the land and collected the same as other taxes or assessments are collected within the City. (Ord. Unno. Passed 6-7-88.)

10.b

VILLAGE OF PENTWATER
COUNTY OF OCEANA
STATE OF MICHIGAN

Ordinance No. 02 of 2019

AN ORDINANCE TO AMEND "CHAPTER 93: STREETS AND SIDEWALKS" TO REGULATE STREETS, SIDEWALKS, AND PUBLIC RIGHTS-OF-WAY IN THE VILLAGE.

THE VILLAGE OF PENTWATER ORDAINS:

Section 1. The title of Chapter 93 of the Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to provide as follows:

CHAPTER 93: STREETS, SIDEWALKS, AND PUBLIC RIGHTS-OF-WAY.

Section 2. Sections 93.01 through 93.11 of the Village of Pentwater, Michigan, Code of Ordinances, are hereby renumbered to be Sections 9.30 through 9.40. The language of the aforementioned Sections is affirmed in its entirety.

Section 3. Section 93.01 of the Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to provide as follows:

§ 93.01 DEFINITIONS.

Unless the context specifically indicates otherwise, the following definition shall apply in the interpretation of this chapter:

> "Street" means the entire width of land subject to an easement for a public right-of-way or owned in fee by the Village, county or state, of every way or place, of whatever nature, regardless of whether any part thereof is open to the use of the public as a matter of right for purposes of public travel, and includes lawn extensions and sidewalks and the area reserved therefor where sidewalks are not yet constructed.

Section 4. Section 93.02 of the Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to provide as follows:

§ 93.02 DAMAGE AND OBSTRUCTION PROHIBITED.

No person shall make any excavation in, or cause any damage to, any street in the Village, except under the conditions and in the manner permitted in this chapter. No person shall place any article, thing, or obstruction in any street, except under the conditions and in the manner permitted in this chapter; but this provision shall not be deemed to prohibit such temporary obstructions as may be incidental to the expeditious movement of articles and things to and from abutting premises, or to the lawful parking of vehicles within the part of

the street reserved for vehicular traffic.

Section 5. Section 93.03 of the Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to provide as follows:

§ 93.03 PERMITS AND BONDS.

(A) Where permits are authorized in this chapter, they shall be obtained upon application to the Village Manager, upon such forms as he shall prescribe, and there shall be a charge as established from time to time by the Village Council for each such permit. Such permit shall be revocable by the Village Manager for failure to comply with this chapter, rules and regulations adopted pursuant hereto, and the lawful orders of the Village Manager or his duly authorized representative, and shall be valid only for the period of time endorsed thereon. Application for a permit under the provisions of this chapter shall be deemed an agreement by the applicant to promptly complete the work permitted, observe all pertinent laws and regulations of the Village in connection therewith, repair all damage done to the street surface and installations on, over, or within such street, including trees, and protect and save harmless the Village from all damages or actions at law that may arise or may be brought on account of injury to persons or property resulting from the work done under the permit or in connection therewith. Where liability insurance policies are required to be filed in making application for a permit, they shall be in not less than the following amounts, except as otherwise specified in this chapter:

(1) On account of injury to, or death of, any person in any one accident,$250,000.00;

(2) On account of any one accident resulting in injury to, or death of, more than one person, $500,000.00;

(3) On account of damage to property in any one accident, $100,000.00;

A duplicate executed copy or photostatic copy of the original of such insurance policy shall be filed with the Village Clerk.

(b) Where cash deposits are required with the application for any permit under this chapter, such deposit shall be in an amount specified in a fee schedule to be determined by the Village Council by resolution, and such deposit shall be used to defray all expenses to the Village arising out of the granting of the permit and work done under the permit or in connection therewith. Three months after completion of the work done under the permit, any balance of such cash deposit unexpended shall be refunded. In any case where the deposit does not cover all costs and expenses of the Village, the deficit shall be paid by the applicant.

Section 6. Section 93.04 of the Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to provide as follows:

§ 93.04 STREET OPENINGS.

No person shall make any excavation or opening in or under any street without first obtaining a written permit from the Village Manager. No permit shall be granted until the applicant shall post a cash deposit and file a liability insurance policy, as required by § 93.03.

Section 7. Section 93.05 of the Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to provide as follows:

§ 93.05 EMERGENCY OPENINGS.

The Village Manager may, if the public safety requires immediate action, grant permission to make a necessary street opening in an emergency, provided that a permit shall be obtained on the following business day and the provisions of this chapter shall be complied with.

Section 8. Section 93.06 of the Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to provide as follows:

§ 93.07 BACKFILLING.

All trenches in a public street or other public place, except by special permission, shall be backfilled with approved granular material to within 12 inches of the surface. On main thoroughfares, this material shall contain one 80-pound sack of cement per yard of fill. The remaining portion shall be filled with road gravel, as specified by the Village Manager.

Section 9. Section 93.07 of the Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to provide as follows:

§ 93.08 UTILITY POLES.

Utility poles may be placed in such streets as the Village Manager shall prescribe and shall be located thereon in accordance with the directions of the Village Manager. Such poles shall be removed or relocated as the Village Manager shall, from time to time, direct.

Section 10. Section 93.08 of the Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to provide as follows:

§ 93.08 MAINTENANCE OF INSTALLATIONS IN STREETS.

Every owner of, and every person in control of, any property maintaining a sidewalk vault, coal hole, manhole, or any other excavation, or any post, pole, sign, awning, wire, pipe, conduit, or other structure in, under, over, or upon any street which is adjacent to or a part of his/her property, shall do so only on condition that such maintenance shall be considered as an agreement on his part with the Village to keep the sidewalk vault, coal hole, manhole, or any other excavation, or any post, pole, sign, awning, wire, pipe, conduit, or other structure, and the covers thereof, and any gas and electric boxes and tubes thereon, in good

repair and condition at all times during his ownership or control thereof, and to indemnify and save harmless the Village against all damages or actions at law that may arise or be brought by reason of such excavation or structure being under, over, in, or upon the street, or being unfastened, out of repair, or defective during such ownership or control.

Section 11. Section 93.09 of the Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to provide as follows:

§ 93.09 CURB CUTS.

No opening in or through any curb of any street shall be made without first obtaining a written permit from the Village Manager. Curb cuts and sidewalk driveway crossings to provide access to private property shall comply with the following:

(1) No single curb cut shall exceed 25 feet nor be less than ten feet.

(2) The minimum distance between any curb cut and a public crosswalk shall be five feet.

(3) The minimum distance between curb cuts, except those serving residential property, shall be 25 feet.

(4) The maximum number of lineal feet of sidewalk driveway crossings permitted for any lot, parcel of land, business, or enterprise shall be 45 percent of the total abutting street frontage, up to and including 200 lineal feet of street frontage, plus 20 percent of the lineal feet of street frontage in excess of 200 feet.

(5) The necessary adjustments to utility poles, light standards, fire hydrants, catch basins, street or railway signs, signals, or other public improvements or installations shall be accomplished without cost to the Village.

(6) All construction shall be in accordance with plans and specifications approved by the Village Manager.

Section 12. Section 93.10 of the Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to provide as follows:

§ 93.10 SIDEWALK OBSTRUCTIONS.

No person shall occupy any street with any materials or machinery incidental to the construction, demolition, or repair of any building adjacent to such street, or for any other purpose, without first obtaining a permit from the Village Manager. No permit shall be granted until the applicant shall post a cash deposit and file a liability insurance policy, as required by § 93.03.

Section 13. Section 93.11 of the Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to provide as follows:

§ 93.11 PEDESTRIAN PASSAGE.

A passageway at least six feet wide shall be kept clean and clear for the free passage of pedestrians and, if the building operations are such that such free passageway is impracticable, a temporary plank sidewalk with substantial railings or sidewalk shelter shall be provided around such obstruction.

Section 14. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add a Section 93.12, which shall provide as follows:

§ 93.12 SAFEGUARDS.

All openings, excavations, and obstructions shall be properly and substantially barricaded and railed off, and at night shall be provided with red or amber warning lights. Warning lights perpendicular to the flow of traffic shall not be more than three feet apart, and parallel to the flow of traffic not over 15 feet apart.

Section 15. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add a Section 93.13, which shall provide as follows:

§ 93.13 SHORING EXCAVATIONS.

All openings and excavations shall be properly and substantially sheeted and braced as a safeguard to workmen and to prevent cave-ins or washouts which would tend to injure the thoroughfare or subsurface structure of the street

Section 16. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add a Section 93.14, which shall provide as follows:

§ 93.14 HOUSE MOVING.

No person shall move, transport, or convey any building or other similar bulky or heavy object, including machinery, trucks, and trailers, larger in width than 14 feet, into, across, or along any street, alley, or other public place in the Village without first obtaining a permit from the Village Manager. Such permit shall specify the route to be used in such movement and no person shall engage in such movement along a route other than that specified in the permit. No house moving permit shall be granted until the applicant shall post a cash deposit in the amount established from time to time by the Village Council and file a liability insurance policy, as required by § 93.03.

Section 17. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add a Section 93.15, which shall provide as follows:

§ 93.15 REMOVAL OF ENCROACHMENT.

Encroachments and obstructions in the street may be removed and excavations refilled, and the expense of such removal or refilling charged to the abutting property owner when made or permitted by him/her or allowed to remain by him/her otherwise than in accordance with the terms and conditions of this chapter. If the property owner fails to pay the bill within the specified 30-day period, the Village Clerk shall forward the cost to the assessor, who shall place the same on the next tax roll. The assessor shall then add an additional ten percent to the cost and place the total amount as an assessment upon the property. The assessment shall be subject to lien against the property and collected in the same manner as general Village taxes.

Section 18. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add a Section 93.16, which shall provide as follows:

§ 93.16 TEMPORARY STREET CLOSINGS.

The Village Manager shall have authority to temporarily close any street, or portion thereof, when he shall deem such street to be unsafe or temporarily unsuitable for use for any reason. The Village Manager shall cause suitable barriers and signs to be erected on such street, indicating that the street is closed to public travel. When any street, or portion thereof, shall have been closed to public travel, no person shall drive any vehicle upon or over such street, except as the vehicle may be necessary incidentally to any street repair or construction work being done in the area closed to public travel. No person shall move or interfere with any sign or barrier erected pursuant to this section without authority from the Village Manager.

Section 19. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add a Section 93.17, which shall provide as follows:

§ 93.17 PLACEMENT OF LEAVES AND OTHER MATERIAL.

The owner and/or occupant, or his agent or employee, of any parcel of property shall not place any leaves and/or other debris or material, or snow or ice upon the streets or public rights-of-way of the Village or upon any property not his own, unless permission has been obtained for such placement. The owner and/or occupant of any parcel of property from which any such item as specified above originates shall be responsible for the proper placement of such item as called for in this section.

Section 20. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add a Section 93.18, which shall provide as follows:

§ 93.18 DRAINAGE TILES BENEATH DRIVEWAYS.

Whenever an existing open ditch must be spanned for the purpose of constructing a driveway between private premises and a public street within the Village, a permit shall first be

obtained from the Village Manager and such permit shall not be issued, unless all of the following conditions are met:

(1) Tile will be installed and size determined by the Village;

(2) Cost of the tile will be paid by the property owner;

(3) Location of the proposed driveway must be approved by the Village Manager and shall not detrimentally affect the interest of adjacent property owners;

(4) Property owner will cover the installed tile with acceptable driveway construction materials which are approved by the village manager;

(5) Property owner will maintain the drainage tile and the driveway in a safe and reasonable manner;

(6) Property owner will keep both ends of the drainage tile free from obstructions so as to insure free flow and normal drainage by the ditch; and

(7) Continued maintenance and upkeep of the drainage tile and the driveway will be the obligation of the property owner, his heirs, or assigns.

Section 21. The Village of Pentwater, Michigan, Code of Ordinances, is hereby amended to add a Section 93.50, which shall provide as follows:

§ 93.50 EXTENSIONS AND IMPROVEMENTS OF STREETS AND UTILITIES.

(A) Purpose and intent. From time-to-time persons may desire to extend or improve Village streets or utilities to provide new or improved service to properties within the Village, especially in connection with a new development, with the intention of dedicating such streets and utility facilities to the Village. The Village engages engineers and, on occasion, other consultants to review the plans and specifications for such projects and to inspect the construction and installation in order to assure that they meet Village requirements.

(B) Fees and escrow.

(1) In addition to any other applicable fees and charges all persons wishing to construct and install streets, water lines and facilities, sanitary sewer lines and facilities, or storm water drainage ditches, lines and facilities, for dedication to the Village shall pay all costs incurred by the village to review and approve the plans and specifications therefor and to inspect the construction and installation thereof, including, without limitation, fees paid to engineers, architects, environmental consultants, traffic consultants, attorneys and others. The Village shall not charge fees or assess costs for the time expended by Village employees (except when authorized under appropriate provisions of the Freedom on Information Act) or for incidental costs and expenses, but may charge or assess for all other reasonable costs

and expenses incurred by the Village during and in connection with the review process and other related proceedings, whether or not the plans and specifications are approved, and whether or not the construction or installation occurs.

(2) The person seeking to construct, install and dedicate such streets and utilities shall deposit with the Village the amount of $2,500 prior to the review by the Village of any plans and specifications and an additional $2,500 prior to receiving a permit to start construction and installation. Such amounts shall be held in escrow and the actual costs incurred by the Village shall be invoiced to the applicant to be paid within 14 days of the date of invoice. The escrow funds shall be used to pay any invoice that is not timely paid. Except for use in the payment of the last invoice after the work is done and accepted by the Village, if the escrow drops below $2,500 during the plan review and approval stage or below $5,000 at the construction and installation stage, a stop work order may be issued. All amounts must be paid in full before the Village accepts the dedication of any streets or utilities subject to this chapter and no connections to the utility lines by individual users will be permitted until such fees are paid in full. The payment in full of such fees shall also be a condition for the issuance of a certificate of occupancy of any structure fronting on a street for which such fees are due. Any monies paid or deposited which are not used or spent by the Village shall be refunded to the party seeking the approval.

Section 22. All ordinances or part of ordinances in conflict with this ordinance are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 23. This ordinance shall take effect and be in force 20 days from and after its enactment as provided by the Village Council.

AYES: Members: Burdick, Griffis, Nugent, Palmer, Ressel-Hodan, Hodges.

NAYS:Members:None.

ABSENT: Members:Angell-Powell.

ORDINANCE DECLARED ADOPTED.

Jeffrey Hodges, Village President
Village of Pentwater

Rande S. Listerman, Village Clerk
Village of Pentwater

STATE OF MICHIGAN)
) ss.
COUNTY OF OCEANA)

I hereby certify that the foregoing is a true and complete copy of an ordinance adopted by the Village Council of the Village of Pentwater at a regular meeting held on June 10, 2019, and I further certify that public notice of such meeting was given as provided by law.

Rande S. Listerman, Village Clerk
Village of Pentwater

10.6

From: managementforum@listserv.mml.org on behalf of Ted E.Dearing
To: managementforum@listserv.mml.org
Subject: RE: Merchandise on sidewalks
Date: Thursday, July 30, 2020 12:41:59 PM

This message was sent by Ted E. Dearing TEDearing@battlecreekmi.gov

Lynne,

From Battle Creek:
1. Do you prohibit or permit businesses to place merchandise and goods on the public sidewalk? Our Ordinances in Battle Creek speak to what is allowed in the right-of-way and because there is no specific allowance for merchandise or fixtures (those that would help facilitate a "sidewalk" sale) we consider them prohibited
2. If you prohibit merchandise on the sidewalk does your community organize sidewalk sale events? How many times a year? We do not organized sidewalks sales however we do have a seasonal pop-up market space where merchandise is often display outside of the pop-up unit.
3. If you permit it are there any restrictions or conditions to regulate the use of the public sidewalk (how many feet from building front, limited number of days per week/month/year) See above.
4. If you permit merchandise on the sidewalks do you limit the time of year (such as permitted from April 1 through October 15) See above.
5. Do you have require the business to have a permit? Is the permit an annual permit or good for as long as the business is in that location? Is there a fee for the permit? It is possible for a merchant to request a special event permit that would allow for a use in the right-of-way not specifically address in our ordinance. In this case a permit is issued.
6. Do you limit the zoning districts that permit this or are the regulations different for different zoning districts? There is no zoning district restriction on special event permits which are limited to city-owned property.

-----Original Message-----
From: managementforum@listserv.mml.org <managementforum@listserv.mml.org>
Sent: Thursday, July 30, 2020 8:29 AM
To: managementforum@listserv.mml.org
Subject: Merchandise on sidewalks

Email sent from outside of the City of Battle Creek. Use caution before clicking links/attachments.

This message was sent by Lynne Ladner LLadner@cityofhart.org

Good morning everyone,

I hope that everyone is having a good week and have found time to attend the MME virtual conference yesterday and today. I am hoping to collect some information from other communities to present to my council regard allowing businesses to place merchandise on the public sidewalk, primarily in the downtown but in other commercial areas as well. Our current ordinance prohibits the storage of "any goods, wares or merchandise upon said sidewalks , or any fixtures or equipment for the purpose of displaying any such goods, wares or merchandise upon said public sidewalks" this language has been in place since 1940 so you can understand as I do that it could be considered outdated. We have a local business that since re-opening

began to take to the extreme the placement of merchandise on the public sidewalk in front of her location in the downtown. Previously the store had placed a few items on the sidewalk near the building face and as the downtown sidewalks are approximately 10 ft in width in that block we had ignored the violation (she was open about 18 months prior to the pandemic). After re-opening we began receiving multiple complaints from other downtown businesses about the merchandise on the sidewalk and with good reason. At the point we began to address the violation with the owner the merchandise had encroached as much as 6 feet out onto the sidewalk. The items would be returned inside the store when it was closed but each morning it would be brought back out onto the sidewalk. The business owner has approached the council (approached is the polite term she told the council they either allow her to put the merchandise on the side walk or she would close permanently and relocate out of town) and requested a change. I have been tasked with finding out what other communities allow in terms of placement of merchandise for sale on the public sidewalk. So I have a few questions I am hoping that if you have time you can quickly answer and if possible include either the language or a link to where in your Code you address this issue. Thank you in advance for your help on this issue. Questions are below:

1. Do you prohibit or permit businesses to place merchandise and goods on the public sidewalk?
2. If you prohibit merchandise on the sidewalk does your community organize sidewalk sale events? How many times a year?
3. If you permit it are there any restrictions or conditions to regulate the use of the public sidewalk (how many feet from building front, limited number of days per week/month/year)
4. If you permit merchandise on the sidewalks do you limit the time of year (such as permitted from April 1 through October 15)
5. Do you have require the business to have a permit? Is the permit an annual permit or good for as long as the business is in that location? Is there a fee for the permit?
6. Do you limit the zoning districts that permit this or are the regulations different for different zoning districts?

Lynne Ladner MPA (she/her)
City Manager
City of Hart, MI
231-873-2488
www.cityofhart.org
[cid:image001.jpg@01D66647.30E95EC0]
LinkedIn<https://www.linkedin.com/in/lynne-ladner-1203436/> |
Twitter<https://twitter.com/elladner> | Facebook<https://www.facebook.com/cityofhart

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Michigan Municipal League 1675 Green Road Ann Arbor, MI 48105-2530 USA

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From: managementforum@listserv.mml.org on behalf of Mark L.Heydlauff
To: managementforum@listserv.mml.org
Subject: RE: Merchandise on sidewalks
Date: Thursday, July 30, 2020 8:44:53 AM

This message was sent by Mark L. Heydlauff markh@charlevoixmi.gov

Lynne-
We have similar prohibitions in Charlevoix and the ordinance allows one period of "sidewalk sales" each year to be set by the City Manager. In response to the COVID social distancing and retail limitations, our mayor proposed an amendment to the ordinance that would allow businesses to do this. Many of the businesses actually rejected it and claimed it would ruin the aesthetic of the community and they worried about the need for extra staff to monitor the outdoor sales. Ultimately, Council rejected the amendment and maintained the status quo. We will not be having sidewalk sales this year either due to concerns about congestion on the sidewalks. Outside of the Central Business District, I believe outdoor selling is more easily permitted under our code though the subject rarely comes up.

MH

Mark L. Heydlauff
City Manager

From: "managementforum" <managementforum@listserv.mml.org>
To: "managementforum" <managementforum@listserv.mml.org>
Sent: Thursday, July 30, 2020 8:29:06 AM
Subject: Merchandise on sidewalks

This message was sent by Lynne Ladner LLadner@cityofhart.org

Good morning everyone,
I hope that everyone is having a good week and have found time to attend the MME virtual conference yesterday and today. I am hoping to collect some information from other communities to present to my council regard allowing businesses to place merchandise on the public sidewalk, primarily in the downtown but in other commercial areas as well. Our current ordinance prohibits the storage of "any goods, wares or merchandise upon said sidewalks , or any fixtures or equipment for the purpose of displaying any such goods, wares or merchandise upon said public sidewalks" this language has been in place since 1940 so you can understand as I do that it could be considered outdated. We have a local business that since re-opening began to take to the extreme the placement of merchandise on the public sidewalk in front of her location in the downtown. Previously the store had placed a few items on the sidewalk near the building face and as the downtown sidewalks are approximately 10 ft in width in that block we had ignored the violation (she was open about 18 months prior to the pandemic). After re-opening we began receiving multiple complaints from other downtown businesses about the merchandise on the sidewalk and with good reason. At the point we began to address the violation with the owner the merchandise had encroached as much as 6 feet out onto the sidewalk. The items would be returned inside the store when it was closed but each morning it would be brought back out onto the sidewalk. The business owner has approached the council (approached is the polite term she told the council they either allow

her to put the merchandise on the side walk or she would close permanently and relocate out of town) and requested a change. I have been tasked with finding out what other communities allow in terms of placement of merchandise for sale on the public sidewalk. So I have a few questions I am hoping that if you have time you can quickly answer and if possible include either the language or a link to where in your Code you address this issue. Thank you in advance for your help on this issue. Questions are below:

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6. Do you limit the zoning districts that permit this or are the regulations different for different zoning districts?

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10,K

From: managementforum@listserv.mml.org on behalf of Village Manager
To: managementforum@listserv.mml.org
Subject: RE: Merchandise on sidewalks
Date: Thursday, July 30, 2020 10:03:23 AM

This message was sent by Village Manager dimondalemanager@gmail.com

Lynne,

Here is our code; 1281.05:
<https://files.mail-list.com/m/managementforum/72714645.html>

Answers:
1. Do you prohibit or permit businesses to place merchandise and goods on the public sidewalk? Temp outdoor sales allowed with Council approval. (special event approved by council)
2. If you prohibit merchandise on the sidewalk does your community organize sidewalk sale events? How many times a year? Once or twice/year.
3. If you permit it are there any restrictions or conditions to regulate the use of the public sidewalk (how many feet from building front, limited number of days per week/month/year) Per event basis. Restrictions based on pedestrian movement.
4. If you permit merchandise on the sidewalks do you limit the time of year (such as permitted from April 1 through October 15) No.
5. Do you have require the business to have a permit? Is the permit an annual permit or good for as long as the business is in that location? Is there a fee for the permit? No permit, Council approves temp sidewalk sales.
6. Do you limit the zoning districts that permit this or are the regulations different for different zoning districts? Only allowed in Town Center.

Good luck!

Best,
James P. Gallagher
Village Manager
Village of Dimondale
P.O. Box 26
Dimondale, MI 48821
517.646.0230

On Thu, Jul 30, 2020 at 8:31 AM Lynne Ladner LLadner_at_cityofhart.org <managementforum@listserv.mml.org> wrote:

> This message was sent by Lynne Ladner LLadner@cityofhart.org
>
> Good morning everyone,
> I hope that everyone is having a good week and have found
> time to attend the MME virtual conference yesterday and today. I am
> hoping
> to collect some information from other communities to present to my
> council
> regard allowing businesses to place merchandise on the public sidewalk,
> primarily in the downtown but in other commercial areas as well. Our

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> began to take to the extreme the placement of merchandise on the public

Truncated 2561 characters in the previous message to save energy.

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<https://member.mail-list.com/u?ln=managementforum&nm=lladner%40cityofhart.org>

10.b

From: managementforum@listserv.mml.org on behalf of William Cooper
To: managementforum@listserv.mml.org
Subject: RE: Merchandise on sidewalks
Date: Thursday, July 30, 2020 8:43:03 AM

This message was sent by William Cooper vllg398@elkrapids.org

In Elk Rapids they need a permit to place merchandise outside, in front of their store. The primary requirement is that they must keep a 5' wide walkway for people to walk along the sidewalk. Permits are for specific events, not an annual license. We often have 2 events every year that allow for sidewalk sales. This is only allowed in our downtown area.

Due to current events we have loosened up our permit requirements to allow stores to draw potential customers where there is little or no room in their store. We still have the pathway requirement on the sidewalk, but are trying to help our businesses function during these times. Masks and social distancing are still in place.

-----Original Message-----
From: managementforum@listserv.mml.org <managementforum@listserv.mml.org>
Sent: Thursday, July 30, 2020 8:29 AM
To: managementforum@listserv.mml.org
Subject: Merchandise on sidewalks

This message was sent by Lynne Ladner LLadner@cityofhart.org

Good morning everyone,
I hope that everyone is having a good week and have found time to attend the MME virtual conference yesterday and today. I am hoping to collect some information from other communities to present to my council regard allowing businesses to place merchandise on the public sidewalk, primarily in the downtown but in other commercial areas as well. Our current ordinance prohibits the storage of "any goods, wares or merchandise upon said sidewalks , or any fixtures or equipment for the purpose of displaying any such goods, wares or merchandise upon said public sidewalks" this language has been in place since 1940 so you can understand as I do that it could be considered outdated. We have a local business that since re-opening began to take to the extreme the placement of merchandise on the public sidewalk in front of her location in the downtown. Previously the store had placed a few items on the sidewalk near the building face and as the downtown sidewalks are approximately 10 ft in width in that block we had ignored the violation (she was open about 18 months prior to the pandemic). After re-opening we began receiving multiple complaints from other downtown businesses about the merchandise on the sidewalk and with good reason. At

Truncated 2030 characters in the previous message to save energy.

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10.b

Print

Saugatuck, MI Code of Ordinances

CHAPTER 110: GENERAL BUSINESS REGULATIONS

Section

110.01 Definitions

110.02 Regulations

110.99 Penalty

Cross-reference:

Garbage collector's license, see § 50.09

Marihuana establishments and facilities, see §§ 98.01 through 98.04

Mechanical amusement devices, licensing, see §§ 111.01 through 111.11

Public entertainment licensing, see §§ 111.25 through 111.33

Special event liquor licensing, see §§ 90.20 through 90.30

GENERAL PROVISIONS

§ 110.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BICYCLE. A device propelled exclusively by human power upon which a person may ride, having either two or three wheels arranged in a tandem or tricycle fashion.

BUSINESS. Any person, group, corporation, partnership or organization which engages in the manufacture, production, fabrication, development of, or sales, whether retail or wholesale, of goods or products and is subject to ad valorem tax, or is subject to personal property tax or provides a service for a fee and is exempt from sales tax; and who own or rent within a structure permitted by the local zoning ordinance, and has obtained the necessary permits from the Health Department and other cognizant agencies. The ***BUSINESS*** is not classified as a hawker or peddler defined in §§ 113.01 and 113.02.

CONSPICUOUS DISPLAY. Any occurrence in which a vehicle is parked and identified by signage or other printed or graphic matter for the purpose of (i) advertising or offering the rental or sale of the vehicle (or other vehicles of a same or similar type offered for sale or rental of the same person or business), or (ii) advertising the person or business at which such vehicles can be rented or purchased, and in either case so located as likely to be seen by passing motorists, pedestrians or the general population.

VEHICLE. Any passenger car, truck, motorcycle, farm or garden implement or recreation vehicle, including travel trailers, motor homes, pick-up campers, off-road vehicles, boats and/or boat trailers, mopeds, motorized bicycles, or bicycles, and any other vehicles for travel or transportation which are towed by another vehicle.

VEHICLE VENDOR. Any store, person or business entity of any type that offers vehicles for sale or rental, irrespective of whether such sale or rental activity is a principal or accessory part of the business activities of the store, person or business entity.

(Ord. passed 4-25-1994; Am. Ord. 090413-1, passed 4-27-2009; Am. Ord. 100412-1, passed 4-12-2010)

§ 110.02 REGULATIONS.

(A) The following regulations shall apply to businesses operating in the city:

(1) A business may not display any merchandise, signs, banners, racks or tables in a public right-of-way, park or easement without first receiving a license from the city.

(2) Vehicle vendors may not engage in the conspicuous display of a vehicle in any public right-of-way, park or public easement or other publicly-owned lands.

(3) A business that displays merchandise outside of its structure may only display merchandise that is part of the inventory of the business and can be verified by invoices of purchase from a supplier or wholesaler.

(4) A business may display merchandise outside its structure in an area not to exceed 20% of the floor space (square feet) on the ground floor of the structure or rented area dedicated to the sale of merchandise; provided, however that this division shall not apply to landscaping and similar businesses.

(B) An exemption to the prohibitions contained in this section may be granted by the City Council for an approved community event, sidewalk sale, or other similar function as determined by the City Council.

(Ord. 100412-1, passed 4-12-2010; Am. Ord. 140714-2, passed 7-14-2014; Am. Ord. 180611-1, passed 6-11-2018)

§ 110.99 PENALTY.

(A) Any person, firm, corporation, trust, partnership or other legal entity which violates or refuses to comply with any provision of this chapter shall be responsible for a municipal civil infraction and shall be punished by a civil fine in accordance with § 10.21 of this code and shall further be liable for the payment of the costs of prosecution in an amount of not less than $9 and not more than $500.

(B) Each day that a violation continues to exist shall constitute a distinct and separate offense, and shall make the violator liable for the imposition of fines for each day.

(C) The foregoing penalties shall be in addition to the abatement of the violating condition and injunctive or other relief which may be ordered by the court as prescribed by the laws of the State of Michigan for the abatement of a city ordinance designated as a municipal civil infraction.

(Ord. passed 4-25-1994; Am. Ord. passed 8-9-1999)

10.b

CHAPTER 96: STREETS, SIDEWALKS AND PUBLIC WAYS

SECTION

General Provisions

§ 96.01 PLACEMENT OF INSTALLATIONS, DEBRIS OR BARRIERS WHICH ENDANGER PUBLIC TRAVEL PROHIBITED
§ 96.02 BURNING MATERIALS ON PAVED SURFACES; INTERFERING WITH PROPER CURING OF STREET PAVEMENT
§ 96.03 OBSTRUCTIONS AND ENCROACHMENTS
§ 96.04 USE OF STREETS FOR DISPLAY OF GOODS, WARES AND MERCHANSIDE; PERMIT REQUIRED
§ 96.05 AWNINGS
§ 96.06 USE OF SKATE BOARDS, ROLLER SKATES AND STREET SKATES
§ 96.07 PLACEMENT OF DUMPSTERS RESTRICTED
§ 96.08 STREET SIGNS AT INTERSECTIONS
§ 96.09 CONSTRUCTION PERMIT REQUIRED

Sidewalk Construction and Repair

§ 96.20 PURPOSE
§ 96.21 DEFINITIONS
§ 96.22 LINE AND GRADE STAKES
§ 96.23 SIDEWALK SPECIFICATIONS
§ 96.24 PERMIT REVOCATION
§ 96.25 FAILURE TO COMPLY; CONSTRUCTION BY CITY
§ 96.26 MAINTENANCE OF SIDEWALKS
§ 96.27 SIDEWALK REPAIR
§ 96.28 REMOVAL OF SNOW AND ICE FROM SIDEWALK

Private Roads

§ 96.40 PURPOSE
§ 96.41 DESIGN REQUIREMENTS
§ 96.42 APPLICATION
§ 96.43 EXISTING PRIVATE ROADS
§ 96.44 FEES
§ 96.45 INDEMNIFICATION
§ 96.46 STREET ACCESS

§ 96.01 PLACEMENT OF INSTALLATIONS, DEBRIS OR BARRIERS WHICH ENDANGER PUBLIC TRAVEL PROHIBITED

Hereafter it shall be unlawful for any person, firm or corporation to leave, place or erect, or cause the same to be left, placed or erected, any fence or other installation, debris or barrier in, on, or along the right-of-way of any street or alley or any other public way, park or public property in the city, or any material which by reason of its construction or otherwise, is dangerous in itself, or by reason of its location cause an obstruction on said street alley or public way, and thereby endangers public travel.
(Ord. 41, passed 6-1-61) Penalty, see § 10.99

§ 96.02 BURNING MATERIALS ON PAVED SURFACES; INTERFERING WITH PROPER CURING OF STREET PAVEMENT

It shall be unlawful for any person, firm or corporation to burn garbage, rubbish, leaves, or any other material, upon the paved portion of any street, alley, or highway in this city and it shall also be unlawful for any person, firm or corporation through the use of oil, water, or any other substance or material, by sprinkling or by any other means, to interfere with the proper curing of street paving, or damage, injure or deface any such improvement.
(Ord. 41, passed 6-1-61) Penalty, see § 10.99

§ 96.03 OBSTRUCTIONS AND ENCROACHMENTS

It is provided that the restrictions against obstructions and encroachments set out in § 96.01 and 96.02 shall not apply to acts of this municipality in serving the public uses and to uses authorized and permitted by the City Manager, in consultation with the City Council, upon application for emergencies or necessities, not inconsistent with the use of streets, highways and alleys for their primary purposes and for limited periods, such as the loading and unloading of goods and passengers, construction work, play streets and public parades, but no such grant of necessity or privilege shall be authorized for a time beyond the temporary need existing therefore.
(Ord. 41, passed 6-1-61, Am. Ord. 16-05, passed 12-13-16)

§ 96.04 USE OF STREETS FOR DISPLAY OF GOODS, WARES AND MERCHANSIDE; PERMIT REQUIRED

No person, firm or private corporation, their employees or agents, shall cause or permit the placement of any goods, wares, or merchandise or other articles including, but not limited to, newspaper vending machines (other than is herein permitted) on any city sidewalk, city right-of-way, or on any city property; provided, however, that temporary stands or fixtures displaying merchandise for sale during special events such as festivals, arts and crafts shows, and sidewalk sales may be placed on sidewalks, city right-of-ways, or city property by first obtaining permission therefor from the City Council.
(Ord. 41, passed 6-1-61; Am. Ord. passed 10-23-90) Penalty, see 10.99

§ 96.05 AWNINGS

No awning or awnings shall hereafter be placed in front of any building that shall drop down at the ends or sides lower than six feet and six inches from the sidewalk.

(Ord. 41, passed 6-1-61) Penalty, see § 10.99

§ 96.06 USE OF SKATE BOARDS, ROLLER SKATES AND STREET SKATES

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ROLLER SKATES and ***STREET SKATES.*** Small wheels near the toe and heel of the shoe or frame that would attach to a shoe which are used for gliding on a hard surface such as a floor or sidewalk, etc.

SKATEBOARDS. An item consisting of a short board, generally oblong, with small wheels at each end, for riding on a hard surface such as a floor or sidewalk.

TO ROLLER SKATE. To skate on any type of roller skates or street skates.

(B) *Skateboards, Roller Skates and Street Skates Regulated.* No person shall roller skate, ride, or operate a skateboard within the city without complying with the terms of this subchapter:

(1) No person shall ride:

(a) Or cause to ride, or operate any form of roller skates or skateboard for any purpose on any public way, street, sidewalk, plaza, or parking area in the downtown business district which is described as an area within the following boundary: beginning at the south right-of-way (R.O.W.) of Hanson Street at Thompson intersection, then east on Hanson to the west R.O.W. of Livingston Street, then south on Livingston to the north R.O.W. of Spring Street, then west on Spring to the east R.O.W. of Lake Street, then northwest on Lake to the north R.O.W. of Colby Street, then east on Colby to the west R.O.W. of Thompson, then north on Thompson to a point which would be the south R.O.W. of Hanson Street extended to the west R.O.W. of Thompson, then east on the south R.O.W. of Hanson to the point of beginning.

(b) On any step, wall, bench, table, or any other public or private fixture or surface not intended for use as a walking surface by pedestrians.

(c) In a careless, reckless, or acrobatic manner upon any public way or publicly-owned property.

(d) At a speed greater than a walking or pedestrian speed upon a crosswalk or when crossing the roadway or overtaking a pedestrian on a sidewalk.

(e) In any manner so as to destroy, deface, mark, damage, or injure any public or private property of another.

(f) So as to assault, molest, touch, annoy, harass, frighten, or abuse any person in any public place or private place open to the public, or so as to obstruct the free, uninterrupted passage of the public.

(g) Other than single file when approaching or passing any pedestrian on any sidewalk or other pedestrian way.

(h) In any manner which would likely result in injury or harm to any person or place.

(i) On private property without first obtaining permission of the owner.

(j) Within any city park.
(Ord. passed 7-11-89; Am. Ord. Passed 7-10-90) Penalty, see § 10.99

§ 96.07 PLACEMENT OF DUMPSTERS RESTRICTED

(A) No person, firm, or private corporation, their employees or agents, shall cause or permit the placement of any garbage dumpster or refuse dumpster on any city sidewalk, right-of-way, or on any city property.

(B) Any such garbage or refuse dumpster on private property within any commercially-zoned area as shown on the city zoning map shall be located within an area surrounded by a solid fence at least six feet in height and constructed in a manner and of wood materials so as to shield the dumpster from the view of passersby. A site plan showing the location of the dumpster and detailing the materials of which the fence will be constructed must be approved by the Zoning Administrator prior to its installation.

(C) Any dumpster on private property located within any commercially zoned area which existed before the adoption of the ordinance on which this section is based shall be fenced in as above by June 1, 1991.

(D) The foregoing restrictions notwithstanding, upon obtaining approval of the Zoning Administrator, a dumpster may be placed on private or public property on a temporary basis, not exceeding 60 days, for utilization by the occupant of the premises during periods of construction, demolition, or making of improvements.
(Ord. passed 10-23-90)

§96.08 STREET SIGNS AT INTERSECTIONS

The City Council is hereby authorized to cause the erection of signs designating the names of streets, avenues and other public highways, except alleys, and at all street and avenue intersections in the city.
(Ord. 3, passed 6-18-47)

§ 96.09 CONSTRUCTION PERMIT REQUIRED

No person shall construct, rebuild or repair in or upon any street or public right-of-way except in accordance with the Department of Transportation Highway Standards, nor without first obtaining a written permit from the Department. Said permit shall be prominently displayed on the construction site.
(Ord. 40A, passed 10-22-85) Penalty, see § 10-99

10.b

RESOLUTION 2020-48
City Council
City of Hart, Michigan

AUTHORIZE THE TEMPORARY PLACEMENT OF GOODS, WARES, AND MERCHANDISE ON THE PUBLIC SIDEWALK

WHEREAS, the City of Hart currently prohibits the placement of goods wares and merchandise on the public sidewalk; and

WHEREAS, the City has been asked to consider amending the ordinance to permit this practice; and

WHEREAS, with the COVID pandemic the City believes that short term action while comprehensively reviewing possible changes is in the best interest of the City's business community; and

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL:

Temporarily through December 31, 2020, waives the prohibition of the placement of goods, wares, and merchandise on the public sidewalk in an area no greater than thirty-six (36) inches from the front of the building face of the business while retaining a minimum of five (5) feet of a clear walkway between the items placed upon the sidewalk and the back of the street curb;

Moved by _____, supported by _____, and thereafter adopted by the Hart City Council at a regularly scheduled council meeting held on Tuesday, August 11, 2020.

Ayes Nays Absent

I hereby certify this to be a true and correct copy of the document on file with the office of the

Cheri Eisenlohr, Deputy City Clerk

Memo

To: Mayor and Council
From: Lynne Ladner
Date: 08/4/20
Re: Resolution 2020-49 Authorize fireworks permit for delayed Hart Sparks Fireworks display

---

Ladies and Gentlemen,

With the pandemic restrictions on outdoor gatherings, the traditional July 2, 2020, Hart Sparks Fireworks display was delayed with the new date set for August 27th and a rain date of Sept. 6th. We have received the paperwork from Wolverine Fireworks Display, which includes the permit application for submission to the State with authorization from the Governing Body for the permit.

This event is approximately two weeks away, and under EO 2020-160, we remain at a limitation of 100 persons at an outdoor event. The band scheduled to perform that evening is the Rocket Fuel Haulers

It is my recommendation that the Council adopts Resolution 2020-49 Authorizing fireworks permit for the Hart Sparks Fireworks Display on August 27th with a rain date of Sept. 6th.

Lynne

10.C

RESOLUTION 2020-49
City Council
City of Hart, Michigan
Oceana County

FIREWORKS PERMIT

WHEREAS, the Hart Economic and Revitalization Team have secured a Special Events Permit for the Music on the Commons series; and

WHEREAS, the annual fireworks display associated with Hart Sparks was unable to take place as scheduled due to COVID restrictions but has been rescheduled to take place on Thursday, August 27th following the MOC performance by the Rocket Fuel Haulers; and

WHEREAS, Wolverine Fireworks Display has applied for a fireworks display permit in accordance with MSP Fire Marshall regulations; and

WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interests and welfare:

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL

Approves the MSP Fire Marshall permit for the fireworks display on August 27, 2020, at Hart Lake, Hart, MI

Authorizes and directs the City Manager to sign the permit on behalf of the City of Hart.

Moved by , supported by , and thereafter adopted at the regular City of Hart City Council meeting on June 11, 2019.

Ayes: Nays: Absent:

I hereby certify this to be a true and correct copy of the document on file with the office of the City of Hart Clerk.

Cheri Eisenlohr, Deputy City Clerk

10.c

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 8/4/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER The Partners Group Ltd 11225 SE 6th St., Suite 110 Bellevue WA 98004	CONTACT NAME: Janet Nau PHONE (A/C, No, Ext): 425-455-5640 FAX (A/C, No): 425-455-6727 E-MAIL ADDRESS: jnau@tpgrp.com
INSURED 14347 Wolverine Fireworks Display, Inc. 205 West Seidlers Road Kawkawlin MI 48631	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A : T.H.E. Insurance Company — 12866 INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :

COVERAGES — CERTIFICATE NUMBER: 456092182 — REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY	Y		CPP010729700	2/1/2020	2/1/2021	EACH OCCURRENCE	$ 1,000,000
	[X] COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
	[ ] CLAIMS-MADE [X] OCCUR						MED EXP (Any one person)	$ Excluded
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ 10,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PRODUCTS - COMP/OP AGG	$ 2,000,000
	[X] POLICY [ ] PRO-JECT [ ] LOC							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	[ ] ANY AUTO						BODILY INJURY (Per person)	$
	[ ] ALL OWNED AUTOS [ ] SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	[ ] HIRED AUTOS [ ] NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	$
								$
A	[X] UMBRELLA LIAB [X] OCCUR			ELP001317400	2/1/2020	2/1/2021	EACH OCCURRENCE	$ 9,000,000
	[ ] EXCESS LIAB [ ] CLAIMS-MADE						AGGREGATE	$ 9,000,000
	[ ] DED [X] RETENTION $ 0							$ GL ONLY
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y / N						[ ] WC STATU-TORY LIMITS [ ] OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? [ ]	N / A					E.L. EACH ACCIDENT	$
	(Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

The following are Additional Insured on General Liability as their interest may appear as respects to operations performed by or on behalf of the Named Insured, as required by written contract:
City of Hart
Date of Event: 8-27-2020 Rain Date: 9-6-2020 Display Location: Veteran's Memorial Park in Hart, MI 49420
* Cancels and Replaces the Certificate Issued on 8-3-2020

CERTIFICATE HOLDER

City of Hart
407 State St.
Hart MI 49420

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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10.c

2020 Permit for Fireworks Other than Consumer or Low Impact

Authority: 2011 PA 256	The **LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD** will not discriminate against any individual or group because of race, sex, religion, age, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this Legislative Body of City, Village or Township Board.

This permit is not transferable. Possession of this permit authorizes the herein named person to possess, transport and display fireworks in the amounts, for the purpose of and at the place listed below only through permit expiration date.

TYPE OF PERMIT(S) (Select all applicable boxes)

☐ Agricultural or Wildlife Fireworks ☐ Articles Pyrotechnic ☑ Display Fireworks

☐ Public Display ☐ Private Display

☐ Special Effects Manufactured for Outdoor Pest Control or Agricultural Purposes

FOR USE BY LEGISLATIVE BODY OF CITY, VILLAGE OR TOWNSHIP BOARD ONLY.

PERMIT(S) EXPIRATION DATE
(ENTER DATE OF EXPIRATION)

NAME OF PERSON PERMIT ISSUED TO
Wolverine Fireworks Display, Inc.

AGE (18 YEARS OR OLDER) ☑ YES ☐ NO

ADDRESS OF PERSON PERMIT ISSUED TO
205 W. Seidlers Rd., Kawkawlin, MI 48631

NAME OF ORGANIZATION, GROUP, FIRM OR CORPORATION
City of Hart

ADDRESS
407 State St., Hart, MI 49420

NUMBER AND TYPES OF FIREWORKS (Please attach additional pages if necessary)

See Proposal

EXACT LOCATION OF DISPLAY OR USE
Veteran's Memorial Park, Hart, MI 49420

CITY, VILLAGE, TOWNSHIP
City of Hart

DATE
8/27/2020 RD 9/6/2020

TIME
9:00 pm

BOND OR INSURANCE FILED
☑ YES ☐ NO

AMOUNT
$10,000,000.00

Issued by action of the Legislative Body of a

☐ City ☐ Village ☐ Township of _____ on the _____ day of

_____
(Signature and Title of Legislative Body Representative)

THIS FORM IS VALID UNTIL THE DATE OF EXPIRATION OF PERMIT

BFS-416 (Rev 09/15)

11,b

Memo

To: Mayor and Council
From: Lynne Ladner
Date: 08/4/20
Re: Request to consider the sale of 227 E Main property

Ladies and Gentlemen,

I have been approached by Brooke Bechtel regarding interest in purchasing the 227 E Main property from the City. As of this time, the City has stated that it is our intent to develop and publish a Request for Qualifications (RFQ) from developers interested in redeveloping the property. As one of our priority sites for redevelopment, we are currently working with representatives from the MEDC and RRC programs to develop that RFQ, which is one of the free services that we receive as an RRC community.

If the City decides that they are interested in considering an offer prior to the completion of the RFQ and subsequent solicitation process, it would require that the City publish a notice of the sale of public land a minimum of four days prior to considering the issue.

As I have stated since I originally brought the potential purchase to the Council, I believe that this is a property that has significant redevelopment opportunities and that the City's ownership of the property makes it more attractive to potential developers.

Lynne

11.C

Memo

To: Mayor and Council
From: Lynne Ladner
Date: 08/4/20
Re: Request to alter work schedule from Sept. 7 through Dec. 7

Ladies and Gentlemen,

I am seeking your permission to alter my work schedule from Sept. 7th through Dec. 7th to permit me to take at my own cost a certification preparatory class for the Society of Human Resources Management Certified Professional Exam.

I would need to leave work on Mondays at 1:30; I would make up the three and a half hours from Mondays by coming in early and staying late as needed to enable me to work my full 40 hours per week or more as needed to complete my work.

Lynne

13.a

City of Hart

407 State Street • Hart, MI 49420 • www.cityofhart.org

August 3, 2020

Mayor Ron LaPorte
407 State St.
Hart, MI 49420

Dear Mr. Mayor.

Please accept my resignation from the HEART board effective immediately. The HEART board has made great strides since its inception and I believe that they are ready to stand on their own with seven (7) great members working toward the goals of the City. I will still act in an advisory role for the Board as City Manager.

Respectully,

Lynne Ladner

Lynne Ladner
City Manager