

*City of Hart, Michigan*  
CITY COUNCIL AGENDA – 2<sup>nd</sup> AMENDED  
**August 12<sup>th</sup>, 2025, 7:30 PM**  
**407 State St. – Council Chamber**  
**NOTICE OF PUBLIC MEETING**  
**REGULAR COUNCIL MEETING**

1. Call to Order
2. Roll Call – Burillo, Cunningham, Hodges, Mullen, Root, Thomson, Klotz
3. Pledge of Allegiance
4. Approval of Agenda
5. Public Comments – **Public comment on any matter other than a scheduled public hearing.**  
**We ask that you please limit your comments to 3 minutes.**
  - a. Correspondence, Events, Presentations
6. Consent Agenda:
  - a. Approval of Minutes from July 22<sup>nd</sup>, 2025
  - b. Bills, Claims, Payroll
  - c. Reports of Boards, Commissions, and Committees
  - d. Department Reports – Police/BioPure/Public Works/Energy/♥C&E Dvlp./Parks & Rec
7. Action Items
  - a. Resolution 2025-25 Appointment of Interim City Manager
  - b. Resolution 2025-26 Approve Amended and Restated Restrictive Covenants Industrial Park
  - c. Resolution 2025-27 DPW Service Truck Purchase
  - d. Ordinance 25-01 Proposed Chapter 1245 A-Residential Zoning amendments (2nd Reading)
  - e. Ordinance 25-02 Proposed Chapter 1246 A1-Residential Zoning amendments (2nd Reading)
  - f. Ordinance 25-03 Proposed Chapter 1243 Landscape Zoning Regulations amendment (2nd Reading)
  - g. Ordinance 25-04 Proposed Chapter 870 Food Truck Zoning (2nd Reading)
8. Discussion Items
  - a. Hart Energy – Diesel plant generation update
  - b. Double Haul Solutions – Salary Range for City Manager
9. City Manager Report
10. Communications from the Mayor and Council (Including board and committee updates)
11. Adjournment –

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**CITY OF HART  
407 S. STATE ST.  
HART, MI 49420  
REGULAR MEETING OF CITY COUNCIL - COUNCIL PROCEEDINGS  
JULY 22<sup>nd</sup>, 2025  
MINUTES – DRAFT**

**PRESENT:** Mayor Amanda Klotz, Councilors, Catalina Burillo, Jim Cunningham, Dean Hodges, Andrew Mullen, Betty Root and Karen Thomson

**ABSENT:** None

**OTHERS PRESENT:** City Manager – Rob Splane, Clerk/Treasurer – Karla Swihart, BioPure Superintendent – Paul Cutter, DPW Superintendent – Brad Whitney, Hart Police Chief – Juan Salazar, JGP Manager – Chris Ter Haar, Mitch Foster, Gayle Harris, Cristina Juska, Rolando Salgado, Rolando, Emily Sigler and Mike Stevens

**APPROVAL OF AGENDA:**

- B. Root motioned to approve the Agenda and was supported by K. Thomson
  - Ayes: 7 Nays: 0 Absent: 0

**PUBLIC COMMENTS:**

- Chris Ter Haar – Thank you to City of Hart Council and Staff, The last couple of weeks I've had personal things happening and I just wanted to let the Council know how much the staff has stepped up and helped out and for that I am thankful.

**CORRESPONDENCE, EVENTS, PRESENTATIONS:**

- Mitch Foster from Double Haul Solutions,
- Selecting the next City Manager is a pivotal opportunity for the City of Hart. It is a chance to shape the City's future leadership, strengthen civic engagement, and continue building on Hart's rich tradition of adaptability, growth, and community pride. This next leader must understand how to navigate the complexities of small-town governance with a big-picture mindset, grounded in transparency, collaboration, and a deep appreciation for what makes Hart unique.

At Double Haul Solutions (DHS), we specialize in municipal executive search and leadership development with a community-created, tailored approach that honors each client's identity, priorities, and long-term vision. Our team is committed to finding the right candidate while guiding a process that reflects the values and aspirations of Hart's elected officials, staff, and community.

Our process begins by listening. Through council interviews, staff engagement, and stakeholder input, we will build a candidate profile rooted in Hart's needs and goals. With this foundation, we will conduct a targeted, well-rounded search that leverages our statewide network, proven vetting methods, and an unwavering focus on public service excellence. From kickoff to onboarding, DHS will provide responsive support, clear communication, and the diligence required to ensure a successful hire.

We appreciate the opportunity to support the City of Hart in this important work. Please do not hesitate to reach out with any questions or to further discuss our proposal. We look forward to partnering with you in selecting a City Manager who will lead with integrity, strategic vision, and a genuine connections to the Hart community.

**CONSENT AGENDA:**

- Approval of minutes from July 8<sup>th</sup>, 2025
- Bills, Claims, Payroll
- Reports of Boards, Commissions, and Committees
- Department Reports – Police/BioPure/Public Works/Energy/C&E Dvlp
  - J. Cunningham motioned to approve Consent Agenda and supported by B. Root
    - Ayes: 7 Nays: 0 Absent: 0

**ACTION ITEMS:**

- Resolution 2025- 24 DPW Service Truck Purchase



WHEREAS, the DPW and Water Department have in their current fiscal year budget, the purchase of a new service pickup truck, and  
 WHEREAS, the DPW superintendent has performed due diligence in obtaining quotes for the replacement vehicle both locally and on the state purchasing consortium known as MiDeal; and  
 WHEREAS, the DPW and Water Department require dependable and functional equipment to ensure the proper delivery of services to residents and customers, and  
 WHEREAS, in order to secure the benefits of efficient self-government and to promote and protect our common interests and welfare, the City Council hereby declares:  
 NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL

*Accepts the submitted pricing of available inventory; and*  
*Authorizes the purchase of a 2025 Chevrolet Silverado from Berger Chevrolet in Gr.*  
*At a total cost of \$36,993.00 with delivery fee of \$2.45 a mile.*  
*Directs City staff to sign the purchase agreement and accept delivery of the vehicle.*

- J. Cunningham motioned to approve Resolution 2025-24 and supported by A. Mullen
  - Ayes: 7    Nays: 0    Absent: 0

#### **DISCUSSION ITEMS:**

- Hart Commons Public Wireless Internet, The City received a letter from Spectrum regarding a complaint that the City's internet service was recently used to improperly copy, share or stream copyrighted content such as music, movies, or software using peer-to-peer or "torrenting" software.  
 The City reached out to our IT company and asked what we can do regarding this issue and was given two solutions
  1. Remove the system and cancel the service
  2. Invest in cybersecurity protection by adding a small firewall and protection software like what is installed in City Hall.
 The Council chose to invest in cybersecurity protection.
- Safe Routes to School Project, started back in 2018 when the City was approached to apply for a grant to extend the Hart-Montague bike trail. Fast forward to 2025 still moving towards extending the trail to 72<sup>nd</sup> Ave.
- Special Events Permit – Hispanic Heritage Celebration 2025 – Approved
- Special Events Permit – Hart Girls Basketball Donation Drive – Approved
- Special Events Permit – Oceana County Fair Food Truck – Denied

#### **CITY MANAGER'S REPORT:**

##### **Updates:**

- John Gurney Park revenues from campsite rent are currently up over 30% when compared to this time last year, signaling that we will meet or exceed our deficit elimination plan as filed with the Michigan Treasury.
- City of Hart was named a 2025 Community Excellence Award Finalist.  
 The League recognizes innovative solutions through the peer-nominated Community Excellence Award, a spirited competition we affectionately call "The Race for the Cup."  
 Submissions are accepted based on the community wealth building principles. Preliminary voting will be done by a small voting board. The top four projects selected will go on to compete at Convention, where they will present their projects on the main stage and market their projects at designated CEA finalist booths. Convention attendees will vote for their favorite project, with the project winning the most votes awarded the official Community Excellence Award during the closing general session.  
 This should be treated as a unique economic development opportunity with support from the City as well as the community.
- Thursdays on main continues through August with concerts at Hart Commons beginning at 6pm
- Friday night concerts at the Hart Historic District begin this Friday at 6pm and continue through August 8<sup>th</sup>.

##### **Legacy Topics:**

- Safe Routes to School trail project – some easement work is still left to be completed by construction in 2026 is hopeful.

**Upcoming Topics:**

- Redevelopment Ready Community re-certification in 2025  
Adopt Zoning Board of Appeals By-Laws (Pending Legal work)  
Adopt two new ordinances (July 22, 2025)
- Council review of rental inspection policies, procedures, and implementation.

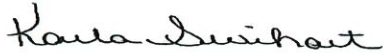
**COMMUNICATIONS FROM THE MAYOR AND COUNCIL:**

- C. Burillo – Cemetery Board Meeting update: The Hart Township millage is expired and up for renewal so will be on the ballot for the next election. Also, they are in need of part-time help so they will be putting an add out for that.  
Consumers Energy asked about running power lines in the right-of-way behind the Cemetery but according to GIS it was unsure who owns that property.  
Also was approached by a concerned seasonal at JGP regarding the local restaurants downtown. Seasonal campers would go downtown to eat and support the businesses versus campers that just come for a night or two.
- A. Mullen – Update on HEART. Lots of things are moving forward. Reviewing bylaws also reviewing Economic Development plan study which expired in 2024.
- J. Cunningham – Express thanks to Mayor Klotz for getting a letter out to Hilltop Drive residents regarding Pointe Park concerns.

**ADJOURN:**

- There being no further business to come before the Council, Mayor Klotz adjourned the meeting at 9:06pm. The next regularly scheduled meeting will be on August 12<sup>th</sup>, 2025, at 7:30 pm.

Respectfully Submitted



Karla Swihart, City Clerk



| Payables Date 08.13.2025                   | Description                                        | Total           | General +    | DPW          | Energy        | BPTF            | Water        |
|--------------------------------------------|----------------------------------------------------|-----------------|--------------|--------------|---------------|-----------------|--------------|
| Arctic Foods Inc.                          | Utility Deposit Refund                             | \$ 231.24       |              |              | \$ 231.24     |                 |              |
| Ascap+54;54A82;532;55A82;53                | License Renewal - Public Music                     | \$ 459.59       |              |              | \$ 459.59     |                 |              |
| Cannon Technologies                        | Annual Yukon Server Hosting Fee                    | \$ 19,288.00    |              |              | \$ 9,644.00   |                 | \$ 9,644.00  |
| Cedar Crest Dairy                          | Ice Cream - JGP Campstore                          | \$ 154.91       | \$ 154.91    |              |               |                 |              |
| Cintas                                     | Bathroom Supplies - JGP                            | \$ 245.05       | \$ 245.05    |              |               |                 |              |
| Cintas                                     | Bathroom Supplies - Hart Commons                   | \$ 63.17        | \$ 63.17     |              |               |                 |              |
| City of Hart                               | Utilities                                          | \$ 59,316.85    | \$ 5,953.35  | \$ 1,119.36  | \$ 3,200.66   | \$ 45,111.19    | \$ 3,932.29  |
| Cluchey, Terra                             | Utility Deposit Refund                             | \$ 92.20        |              |              | \$ 92.20      |                 |              |
| Command Communications                     | Updates/Repairs - Police Radios                    | \$ 1,444.98     | \$ 1,444.98  |              |               |                 |              |
| Curtis-Skowronski, Carmen                  | Utility Deposit Refund                             | \$ 188.12       |              |              | \$ 188.12     |                 |              |
| Custom Tree Service                        | Firewood Bundles - JGP                             | \$ 450.00       | \$ 450.00    |              |               |                 |              |
| DTE Energy                                 | Utility Bills                                      | \$ 789.52       | \$ 150.37    | \$ 22.66     | \$ 164.96     | \$ 99.41        | \$ 352.12    |
| Elliotts Home Services                     | Cleaning Services - JGP/Hart Commons               | \$ 910.00       | \$ 910.00    |              |               |                 |              |
| Empire Contractors LLC                     | Roofing Down Payment - Starting Block              | \$ 14,369.61    | \$ 14,369.61 |              |               |                 |              |
| ETNA Supply                                | Parts/Supplies                                     | \$ 97.00        |              |              |               | \$ 97.00        |              |
| FirstNet                                   | Police Modems                                      | \$ 88.46        | \$ 88.46     |              |               |                 |              |
| Gillison's Variety Fabrication, Inc        | Parts/Supplies                                     | \$ 103.08       |              |              |               | \$ 103.08       |              |
| Gonzalez, Rafael                           | Utility Deposit Refund                             | \$ 85.07        |              |              | \$ 85.07      |                 |              |
| Gracon Services                            | Annual Network Support Renewal                     | \$ 4,587.00     | \$ 1,529.00  | \$ 764.50    | \$ 764.50     | \$ 764.50       | \$ 764.50    |
| GRP                                        | Misc. Engineering                                  | \$ 321.25       |              |              | \$ 321.25     |                 |              |
| Hart Area Recreation Club                  | 2024 Recreation Fee                                | \$ 4,925.00     | \$ 4,925.00  |              |               |                 |              |
| Hart Cemetery Commission                   | Tax Disbursement #2 Batch #2                       | \$ 628.70       | \$ 628.70    |              |               |                 |              |
| Hart Cemetery Commission                   | Tax Disbursement #2 Batch #2 IFT                   | \$ 19.19        | \$ 19.19     |              |               |                 |              |
| Johnson, Jaycee                            | Utility Deposit Refund                             | \$ 106.31       |              |              | \$ 106.31     |                 |              |
| Juhl, Jonathan                             | Utility Deposit Refund                             | \$ 174.42       |              |              | \$ 174.42     |                 |              |
| Klotz Auto Parts                           | Parts/Supplies                                     | \$ 198.60       |              |              | \$ 48.70      | \$ 149.90       |              |
| Lara                                       | LIEAF Program                                      | \$ 934.38       |              |              | \$ 934.38     |                 |              |
| Larson's ACE Hardware                      | Parts/Supplies - June 2025 Statement               | \$ 2,774.97     | \$ 1,440.86  | \$ 263.94    | \$ 450.45     | \$ 619.72       |              |
| LEAF                                       | Copier Lease Fee - PD                              | \$ 49.61        | \$ 49.61     |              |               |                 |              |
| Linde Gas & Equipment                      | Cylinder Rentals                                   | \$ 250.55       |              | \$ 107.80    | \$ 142.75     |                 |              |
| Mc Kenna                                   | Planning Services                                  | \$ 1,000.00     | \$ 1,000.00  |              |               |                 |              |
| Mika Meyers                                | Legal Services                                     | \$ 345.00       | \$ 345.00    |              |               |                 |              |
| Mika Meyers                                | Legal Services                                     | \$ 69.00        | \$ 69.00     |              |               |                 |              |
| Mika Meyers                                | Legal Services                                     | \$ 69.00        | \$ 69.00     |              |               |                 |              |
| MMRMA                                      | Renewal - Retention Fund Policy 1st Installment    | \$ 9,000.00     | \$ 2,970.00  |              | \$ 3,870.00   | \$ 720.00       | \$ 1,440.00  |
| MMRMA                                      | Renewal - General Fund Policy 1st Installment      | \$ 37,096.50    | \$ 12,241.84 |              | \$ 15,951.50  | \$ 5,935.44     | \$ 2,967.72  |
| Model Coverall Services                    | Uniforms                                           | \$ 213.38       |              |              | \$ 87.42      | \$ 125.96       |              |
| MPPA                                       | Purchased Power - 7/22                             | \$ 32,693.60    |              |              | \$ 32,693.60  |                 |              |
| MPPA                                       | Purchased Power - 7/29                             | \$ 36,832.90    |              |              | \$ 36,832.90  |                 |              |
| MPPA                                       | Purchased Power - 8/5                              | \$ 40,886.85    |              |              | \$ 40,886.85  |                 |              |
| NCL of Wisconsin, Inc.                     | Lab Supplies                                       | \$ 2,226.73     |              |              |               | \$ 2,226.73     |              |
| Office Machines                            | Police Copier Lease Payment                        | \$ 48.60        | \$ 48.60     |              |               |                 |              |
| Pitney Bowes                               | Postage                                            | \$ 502.25       | \$ 125.57    |              | \$ 125.56     | \$ 125.56       | \$ 125.56    |
| Power Line Supply                          | Parts/Supplies                                     | \$ 526.75       |              |              | \$ 526.75     |                 |              |
| Power Line Supply                          | Parts/Supplies                                     | \$ 205.59       |              |              | \$ 205.59     |                 |              |
| Power Line Supply                          | Parts/Supplies                                     | \$ 49.64        |              |              | \$ 49.64      |                 |              |
| Power Line Supply                          | Parts/Supplies                                     | \$ 1,297.00     |              |              | \$ 1,297.00   |                 |              |
| Power Line Supply                          | Parts/Supplies                                     | \$ 826.00       |              |              | \$ 826.00     |                 |              |
| Power Line Supply                          | Credit Memo                                        | \$ (350.00)     |              |              | \$ (350.00)   |                 |              |
| Power Line Supply                          | Credit Memo                                        | \$ (2,962.22)   |              |              | \$ (2,962.22) |                 |              |
| Power Line Supply                          | Credit Memo                                        | \$ (708.00)     |              |              | \$ (708.00)   |                 |              |
| Power Line Supply                          | Parts/Supplies                                     | \$ 1,408.00     |              |              | \$ 1,408.00   |                 |              |
| Power Line Supply                          | Parts/Supplies                                     | \$ 675.20       |              |              | \$ 675.20     |                 |              |
| Power Line Supply                          | Parts/Supplies                                     | \$ 926.00       |              |              | \$ 926.00     |                 |              |
| Republic Services                          | Garbage Services - Bike Trail                      | \$ 59.96        | \$ 59.96     |              |               |                 |              |
| Republic Services                          | Solid Waste Contract                               | \$ 18,567.80    |              | \$ 18,567.80 |               |                 |              |
| Republic Services                          | Garbage Services - JGP/Historic                    | \$ 1,196.02     | \$ 1,196.02  |              |               |                 |              |
| Republic Services                          | Garbage Services - Starting Block                  | \$ 246.49       |              |              | \$ 246.49     |                 |              |
| Republic Services                          | Garbage Services - Washington Parking Lot Dumpster | \$ 216.37       |              | \$ 216.37    |               |                 |              |
| Ricoh                                      | Copier Overage Fees - City Hall                    | \$ 110.48       | \$ 110.48    |              |               |                 |              |
| Romine, Anne                               | Utility Deposit Refund                             | \$ 125.41       |              |              | \$ 125.41     |                 |              |
| Rotary Club of Hart                        | Dues: R. Splane                                    | \$ 197.00       | \$ 197.00    |              |               |                 |              |
| Silver Lake Electric                       | Electrical Upgrades JGP Campstore/Kitchen          | \$ 720.00       | \$ 720.00    |              |               |                 |              |
| State of Michigan - EGLE                   | Application Fee - M. Schiller                      | \$ 30.00        |              |              | \$ 30.00      |                 |              |
| Steve's Auto & Truck                       | Test Batteries/Charger - PD Speed Machine Trailer  | \$ 719.07       | \$ 719.07    |              |               |                 |              |
| Syncwave                                   | Internet Hosting                                   | \$ 394.70       | \$ 111.31    | \$ 91.75     |               | \$ 191.64       |              |
| Tanner Plumbing & Heating                  | Parts/Supplies                                     | \$ 36.88        |              |              |               | \$ 36.88        |              |
| Ter Haar, Chris                            | Reimbursement - Truck Parts                        | \$ 190.18       | \$ 190.18    |              |               |                 |              |
| Wadel Stabilization                        | Wastewater System Improvements - Application 3     | \$ 981,098.14   |              |              |               | \$ 981,098.14   |              |
| Wadel Stabilization                        | Hart DAM Drilling/Earthwork                        | \$ 31,765.00    |              |              | \$ 31,765.00  |                 |              |
|                                            | Sub-total                                          | \$ 1,311,898.10 | \$ 52,595.29 | \$ 21,154.18 | \$ 181,517.29 | \$ 1,037,405.15 | \$ 19,226.19 |
| <b>HAND CHECKS/ACH/EFT</b>                 |                                                    |                 |              |              |               |                 |              |
| Alerus                                     | City Share 401 Retirement                          | \$ -            | \$ -         |              |               |                 |              |
| US Postmaster                              | Postage/Tax Bills                                  | \$ -            | \$ -         |              |               |                 |              |
| AFLAC                                      | Insurance Premium                                  | \$ -            | \$ -         |              |               |                 |              |
| Guardian                                   | Insurance Premium                                  | \$ -            | \$ -         |              |               |                 |              |
| Delta Dental                               | Insurance Premium                                  | \$ -            | \$ -         |              |               |                 |              |
| MWGA/Amfirst                               | Insurance Premium                                  | \$ -            | \$ -         |              |               |                 |              |
| Blue Cross Blue Shield                     | Insurance Premium                                  | \$ -            | \$ -         |              |               |                 |              |
|                                            | TOTAL HAND CHECKS                                  | \$ -            | \$ -         | \$ -         | \$ -          | \$ -            | \$ -         |
| <b>Sub-Total Regular Bills/Hand Checks</b> |                                                    | \$ 1,311,898.10 | \$ 52,595.29 | \$ 21,154.18 | \$ 181,517.29 | \$ 1,037,405.15 | \$ 19,226.19 |
| Gross Payroll                              | PR240                                              | \$ 81,864.37    |              |              |               |                 |              |
| Gross Payroll                              |                                                    |                 |              |              |               |                 |              |
| Gross Payroll                              |                                                    |                 |              |              |               |                 |              |
|                                            | Sub-Total                                          | \$ 81,864.37    |              |              |               |                 |              |
|                                            | GRAND TOTAL                                        | \$ 1,393,762.47 | \$ 52,595.29 | \$ 21,154.18 | \$ 181,517.29 | \$ 1,037,405.15 | \$ 19,226.19 |



# 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 22<sup>nd</sup>, 2025

## RECENT EVENTS

From Thursday, June 19<sup>th</sup>, 2025, through Wednesday, July 16<sup>th</sup>, 2025, the Hart Police Department received 143 complaints ranging from Property Damage Crashes, Alarms, Medical Assists, Well-Being Checks, Assist to Other Agencies, Motorist Assists, Larcenies, Juvenile Complaints and Mental Health Complaints.

On Sunday, June 22<sup>nd</sup>, 2025, the Hart Police Department was dispatched to the 50 block of State Street, referencing a Disorderly Conduct complaint. It was reported that a 53-year-old Hart woman was yelling, had her pants down, and swinging her arms around in the area. The woman was run in LEIN (Law Enforcement Information Network), which showed that she had two (2) valid/active warrants for her arrest out of the Muskegon County Sheriff's Office and the Fruitport Township Police Department. The woman was turned over to the Muskegon County Sheriff's Office without incident.

On Monday, June 23<sup>rd</sup>, 2025, the Hart Police Department was dispatched to the 500 block of Dryden Street, regarding a Disturbance/Mental Health Complaint. A 31-year-old Hart man reported a 29-year-old Hart woman being in a "manic" state and damaging the interior of the home. The woman was highly emotional with the officers, at times advancing towards them. The responding officer was able to have the woman receive assistance from LIFE EMS, who was requested to the scene to transport her to Trinity Health Mercy Hospital in Muskegon for a mental health evaluation. The woman was turned over to LIFE EMS without incident.

On Saturday, June 28, 2025, the Hart Police Department arrested a 46-year-old Hesperia man in the 200 block of Lincoln Street, referencing an active warrant for his arrest out of the Hart Police Department. The man was lodged at the Oceana County Jail.

On Sunday, June 29<sup>th</sup>, 2025, the Hart Police Department was dispatched to the 4000 block of Polk Road, regarding a Disturbance. A 41-year-old man from Pentwater was refusing to leave the drive-thru line because he wanted to be served breakfast. As soon as the man was able to place his order, the menu options changed to the lunch menu. The man was provided with the corporate telephone number for the local business and was asked to leave the property by the on-duty manager. The man left the area without incident.

On Monday, June 30<sup>th</sup>, 2025, the Hart Police Department was dispatched to the 2000 block of Oceana Drive, referencing an Embezzlement. A 41-year-old man from Hesperia had employed a 34-year-old man from Hesperia to operate a fireworks stand in his absence. The man is alleged to have taken/stolen over \$400.00 from the cash register. The man is also alleged to have taken/stolen over \$200.00 in merchandise. An investigation is ongoing.



On Tuesday, July 1st, 2025, the Hart Police Department was dispatched to the 800 block of Griswold Street, regarding a 53-year-old Pentwater woman being in the area that had two (3) active/valid warrants for her arrest out of the Mason County Sheriff's Office and Michigan State Police, Hart Post. The woman was taken into custody and turned over to the Mason County Sheriff's Office without incident.

On Tuesday, July 1st, 2025, the Hart Police Department was dispatched to the 300 block of North Griswold Street, regarding an Assault & Battery. A 17-year-old Hart boy alleges to have been assaulted by being struck in the face with a closed fist and being tackled to the ground by a 15-year-old Bitley girl after an argument. A report will be submitted to the Oceana County Prosecutor's Office for his review.

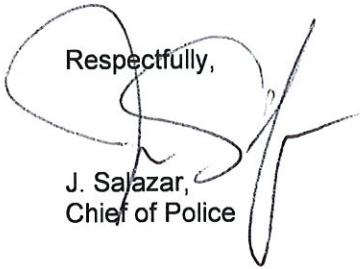
On Thursday, July 3rd, 2025, the Hart Police Department conducted a traffic stop on State Street near Chatauaa Street, referencing an equipment violation. The operator, a 40-year-old Hart man, was run in LEIN (Law Enforcement Information Network) and showed a valid/active warrant for his arrest out of the Oceana County Sheriff's Office. The man was arrested and lodged at the Oceana County Jail.

On Sunday, July 6th, 2025, the Hart Police Department was dispatched to the 100 block of Woodlawn Avenue, regarding a Death Investigation. A 20-year-old Hart woman was found deceased by her family in her home. An investigation is ongoing.

On Wednesday, July 9th, 2025, the Hart Police Department was dispatched to the 100 block of Lincoln Street, referencing an Assault & Battery. A 64-year-old Hart man alleges to have been assaulted by water being thrown in his face and punched in the face with a closed fist by a 55-year-old Hart woman during a meeting. A report will be submitted to the Oceana County Prosecutor's Office for his review.

Respectfully,

J. Salazar,  
Chief of Police





# 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 12<sup>th</sup>, 2025

## RECENT EVENTS

From Thursday, July 17<sup>th</sup>, 2025, through Wednesday, August 6<sup>th</sup>, 2025, the Hart Police Department received 109 complaints ranging from Vehicle Violations, Retail Frauds, Well-Being Checks, Alarms, Medical Assists, Suspicious Situations, Assist to Other Agencies, Animal Complaints, Family Trouble, Malicious Destruction of Property and Domestic Assaults.

On Thursday, July 17<sup>th</sup>, 2025, the Hart Police Department was dispatched to the 2000 block of Oceana Drive, referencing a Fraud Complaint. A 26-year-old Mason County Man was alleged to have passed a payroll check at a local business, which had already been mobile deposited in a checking account. An investigation is ongoing.

On Sunday, July 20<sup>th</sup>, 2025, the Hart Police Department was dispatched to the 100 block of West Main Street, referencing a Domestic Assault. A 16-year-Hart boy alleges to have been tackled by his father, a 35-year-old Hart man. The boy stated that the man put his arms around him, similar to a bear hug, and took him down to a couch. The boy at this time disclosed being "choked" by the man. The boy admitted to having a difficult time breathing as the man was also placing his body weight on his chest. A report will be submitted to the Oceana County Prosecutor's Office.

On Tuesday, July 22<sup>nd</sup>, 2025, the Hart Police Department was dispatched to the 100 block of Apple Street, referencing a Well-Being Check. It was reported that the last contact made with a 59-year-old Hart woman was on Friday, July 18<sup>th</sup>, 2025. The complainant reported the woman being part of an online writing group, and it being unusual for the woman not to attend writing sessions. The officer arrived on the scene and had no answer at home. After speaking with several neighbors, the neighbors reported not seeing the woman as of Friday, July 18<sup>th</sup>, 2025. The officer gained entry into the home via an open rear door and announced his presence several times. A faint voice could be heard coming from inside the home. The woman was located in the living room area, face down, and was unable to get back on her feet. The woman had suffered a medical episode on Friday and had been in the same location since then. LIFE EMS responded to the scene and transported the woman to Trinity Health Mercy Hospital in Muskegon for further evaluation.

On Tuesday, July 22<sup>nd</sup>, 2025, the Hart Police Department was dispatched to the 1000 block of Parmington Avenue, referencing a Medical Assist. A 65-year-old Hart man reported sustaining a laceration to an unknown location on his right leg. The officers arrived on the scene and located a large pool of blood under the man, with numerous puddles in the driveway and surrounding area where the man was seated. The officer was able to locate the injury location and wrapped pressure gauze around the affected area. LIFE EMS responded to the scene and transported the man to Corwell Health Hospital in Ludington for further evaluation.



On Friday, July 26th, 2025, the Hart Police Department was dispatched to the 10 block of Lincoln Street, regarding a Retail Fraud that occurred on Wednesday, July 23rd, 2025. A 39-year-old Hart man is alleged to have stolen approximately \$20.00 worth of items from the store. The man was located and interviewed. A report will be submitted to the Oceana County Prosecutor's Office for his review.

Thursday, July 31st, 2025, D/Sgt. Skipski presented a magic performance to the Migrant students at Spitler Elementary. D/Sgt. Skipski interacted with the students and staff and reassured a fun environment for all present.

On Sunday, August 3rd, 2025, the Hart Police Department was dispatched to the 400 block of Union Street, regarding an Unlawful Driveaway of a Motor Vehicle. A 47-year-old Hart man reported his 2008 Ford Explorer had been taken/stolen from his home between 3:00 a.m. and 9:00 a.m. Sunday. On Monday, August 4th, 2025, the vehicle was located in the Allegan County Gaming Area by a Michigan DNR Conservation Officer. An investigation is ongoing.

On Tuesday, August 5th, 2025, the Hart Police Department was dispatched to the 200 block of Dryden Street, regarding a Disorderly Conduct. A 53-year-old Hart woman was reported to be outside a home yelling. Officers located the woman who was intoxicated. The woman was run in LEIN (Law Enforcement Information Network) and was shown to be on conditional bond, and a condition of the bond was not to consume alcohol. The woman was arrested and lodged at the Oceana County Jail for a Conditional Bond Violation. A report will be submitted to the Oceana County Prosecutor's Office for Disorderly Conduct – Drunk.

On Tuesday, August 5th, 2025, members of the Hart Police Department, along with many other police departments in Oceana County, attended the National Night Out event at the Shelby Township Park. National Night Out is an annual community-building campaign that promotes police-community partnerships and neighborhood camaraderie to make our neighborhoods safer, more caring places to live. National Night Out enhances the relationship between the community and law enforcement while bringing back a true sense of community. Millions of communities from all fifty states, U.S. territories, and military bases worldwide participated in National Night Out on the first Tuesday of August.



Respectfully,

J. Salazar,  
Chief of Police



**RESOLUTION NO. 2025-25**

**CITY COUNCIL**

***City of Hart, Michigan***

***Oceana County***

**Appointment of Interim City Manager**

WHEREAS, the Hart City Council recognizes the need for stable, experienced administrative leadership following the unexpected vacancy in the City Manager position; and

WHEREAS, Nichole Kleiner brings significant experience in municipal administration, economic development, and community leadership, including prior service to the City of Hart; and

WHEREAS, the City Council desires to appoint Nichole Kleiner as Interim City Manager, effective immediately, to ensure continuity of city operations during the search for a permanent city manager; and

WHEREAS, the terms and conditions of employment for the Interim City Manager are set forth in the Interim City Manager Employment Agreement, including provisions for a remote work period, transition to full-time on-site service, hourly and salaried compensation, full benefits, and an initial vacation bank of two weeks with continued accrual consistent with city personnel policy;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Hart City Council hereby appoints Nichole Kleiner as Interim City Manager of the City of Hart, effective August 12, 2025.
2. The appointment shall be governed by the terms outlined in the Interim City Manager Employment Agreement, attached to and incorporated into this resolution by reference.
3. The Mayor and/or City Clerk are authorized to execute the employment agreement and take any necessary actions to carry out this appointment.
4. This resolution shall take immediate effect.

Moved by \_\_\_\_\_, supported by \_\_\_\_\_, and thereafter adopted by the Hart City Council at a regularly scheduled meeting held on August 12, 2025.



Ayes: \_\_ Nays: \_\_ Absent: \_\_

#### CERTIFICATION

I, the undersigned, City Clerk of the City of Hart, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Hart City Council at a regular meeting held on August 12, 2025, the original of which is on file in my office.

---

Karla Swihart, City Clerk  
City of Hart, Michigan

## **INTERIM CITY MANAGER EMPLOYMENT AGREEMENT**

### **City of Hart, Michigan**

This Agreement is entered into this 12th day of August 2025, by and between the City of Hart, Michigan, a Michigan municipal corporation ("City"), and Nichole Kleiner ("Interim City Manager").

#### **1. Appointment & Term**

The City hereby appoints Nichole Kleiner to serve as Interim City Manager, effective August 12, 2025, to perform the duties and responsibilities of the City Manager as defined in the City Charter, ordinances, and applicable laws.

This appointment shall remain in effect until such time that:

- A City Manager is hired and begins employment, or
- The appointment is otherwise terminated by either party under the terms of this agreement.

#### **2. Work Schedule & Location**

- From August 12 through September 7, 2025, the Interim City Manager will perform duties on a remote/as-needed basis, with availability via phone, email, or video conferencing.
- Starting September 8, 2025, the Interim City Manager shall work full-time, on-site in Hart, Michigan.

#### **3. Compensation**

- Remote Period (August 12 – September 7, 2025):  
The Interim City Manager shall be compensated at a rate of \$40.00 per hour, not to exceed 25 hours per week unless additional hours are pre-approved by the Mayor or City Council.
- Full-Time Period (Beginning September 8, 2025):  
The Interim City Manager shall receive a salary of \$85,000.00 per year, paid in accordance with the City's standard payroll schedule and subject to all deductions required by law and the City of Hart's policies.

#### **4. Benefits**

Beginning September 8, 2025, the Interim City Manager shall be eligible for the following benefits, consistent with current City policy:



As the employment is at – will the Interim City Manager’s employment and this agreement may be terminated:

- By either party, with or without cause, upon fourteen (14) days' written notice to the other party, provided, however the City may elect to terminate the employment and this Agreement and the Interim City Manager’s duties by paying compensation for the fourteen (14) day notice period or whatever portion of that period has not been exhausted:
- Immediately by the City in the event of insubordination gross misconduct, malfeasance, or violation of law or of the City’s policies.

Upon termination, the Interim City Manager shall be paid for all authorized work performed to date, including any accrued but unused vacation time in accordance with policy.

#### 7. Personnel Policies

The Interim Manager is subject to the policies and personnel policy manual of the City as modified from time to time.

#### 8. At-Will Status

As provided above the Interim City Manager shall serve at the will of the City Council, and nothing in this agreement shall be construed as a guarantee of continued employment beyond the interim period.

#### 9. Entire Agreement

This document represents the entire agreement between the parties and supersedes any prior oral or written agreements. It may only be amended in writing and approved by both parties.

#### 10. Governing Law

This Agreement shall be governed by the laws of the State of Michigan.

#### SIGNATURES

CITY OF HART, MICHIGAN

By: \_\_\_\_\_

Amanada Klotz, Mayor

Date: \_\_\_\_\_

## **City of Hart – Interim City Manager Salary Justification**

Presented to Hart City Council | August 12, 2025

### **Proposed Full-Time Salary:**

\$85,000 annually, effective September 8, 2025

(Equals \$40/hour remotely through September 7)

Why This Rate?

- Falls within standard compensation range for city/village managers in Michigan communities of similar size (\$70,000–\$95,000).
- Represents cost-effective leadership during a time of transition — no need to hire multiple part-time or contract roles.

### **Expanded Scope of Responsibilities:**

In addition to the traditional City Manager duties, this interim role will also absorb:

- Zoning Administrator – interpreting and enforcing zoning ordinances, supporting permitting, and responding to land use questions. *Average part-time wage \$18,000*
- TIFA Administrator – managing tax increment financing district planning, reporting, and projects. *Current salary \$22,000*
- HEART (Hart Economic & Redevelopment Team) – facilitating economic development, HEART board meeting packets, partnerships, and downtown initiatives. *Previous full-time salary \$56,000*
- Planning Commission Support – preparing agendas, providing guidance, and managing follow-up on planning-related decisions. *Consultant \$75/hour*
- Power Board Coordination – serving as the liaison and preparing agendas for the city's power board.

These are typically distributed across several roles or consultants in other municipalities. Consolidating them temporarily under one person ensures continuity and saves administrative costs.

### **Additional Notes:**

- Full-time role includes full benefits (consistent with city staff policy).
- Begins with a 2-week vacation bank, then accrues per personnel policy.
- Term is open-ended until a permanent City Manager is hired.



**RESOLUTION NO. 2025-26**  
**City Council**  
***City of Hart, Michigan***  
***Oceana County***

**RESOLUTION TO APPROVE THE AMENDED AND RESTATED RESTRICTIVE  
COVENANTS FOR THE HART INDUSTRIAL PARK AND MATTERS RELATED  
THERE TO**

WHEREAS, in 1990, the City of Hart (the “City”) recorded the plat establishing Hart Industrial Park (the “Industrial Park”) with the Oceana County Register of Deeds; and

WHEREAS, in 1990, the City recorded Restrictive Covenants for the Industrial Park (the “Restrictive Covenants”); and

WHEREAS, in 1993 the City further amended the Restrictive Covenants and recorded the Restrictive Covenants, as amended with the Oceana County Register of Deeds; and

WHEREAS, in the years following, several businesses have purchased and sold lots within the Industrial Park; and

WHEREAS, in order to promote the Industrial Park as a desirable industrial area with uniform and suitable architectural designs and uses, the City has prepared Amended and Restated Restrictive Covenants for the Industrial Park (the “Amended Covenants”) in the form on file with the City Clerk; and

WHEREAS, the Restrictive Covenants may be amended with the written and recorded consents from seventy-five percent (75%) of the owners of the parcels and lots within the Industrial Park; and

WHEREAS, the Amended Covenants have been presented to the City Council in the form on file with the City Clerk.

NOW THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL HEREBY:

1. Approves the Amended Covenants in the form on file with the City Clerk.
2. The fact of approval of the Amended Covenants shall be endorsed on the Amended Covenants where indicated by the signature of the Mayor and the City Clerk.
3. The Mayor and City Clerk are hereby authorized to execute and deliver copies of a consent form, in the form on file with the City Clerk, to the current lot and parcel owners within the Industrial Park as evidence of the City's approval of and consent to the Amended Covenants.
4. Following execution of the Amended Covenants and written consent from seventy-five percent (75%) of the current lot and parcel owners within the Industrial Park, the Amended Covenants shall be recorded with the Oceana County Register of Deeds.
5. All resolutions and parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

Moved by \_\_\_\_\_, supported by \_\_\_\_\_, and thereafter adopted by the Hart City Council at a regular council meeting held on August 12<sup>th</sup>, 2025

\_\_\_\_\_  
Karla Swihart, City Clerk  
City of Hart

STATE OF MICHIGAN     )  
                                      )ss.  
CITY OF HART             )

I, the undersigned, the duly qualified and acting Clerk of the City of Hart, Oceana County, Michigan (the "City"), do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a public meeting on August \_\_, 2025, the original of which is on file in my office. Public notice of said meeting was given pursuant to and in compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen (18) hours prior to the time set for the meeting.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on the \_\_\_\_ day of August, 2025.



---

Karla Swihart, City Clerk  
City of Hart

HART INDUSTRIAL PARK  
LOT AND PARCEL OWNER'S CONSENT TO THE  
AMENDED AND RESTATED RESTRICTIVE COVENANTS

I, \_\_\_\_\_, the owner or authorized representative of \_\_\_\_\_ ("Owner") located at \_\_\_\_\_, hereby state that the above named company owns a lot or parcel (described herein) within the Hart Industrial Park Lot (the "Industrial Park") and, having received and reviewed proposed Amended and Restated Restrictive Covenants for the Industrial Park (the "Amended Covenants"), hereby consent and agree to the Amended Covenants for the Industrial Park, a copy of which is attached hereto. Pursuant to this consent, the Owner hereby represents and warrants to the City of Hart that they are the owner of the real property (the "Property") described as:

[Property Description]

The Owner agrees to be subject to the Amended Covenants and acknowledges that the Amended Covenants run with the Property and are binding on any subsequent holder of an ownership interest in the Property. The Owner further represents and warrants to the City of Hart that Owner has notified every bank, person or other entity holding a mortgage, lien or other encumbrance on the Property of the Amended Covenants attached and are responsible for any of these parties' violations of the terms stated therein.

\_\_\_\_\_  
Owner or Authorized Representative

Name of Business Entity: \_\_\_\_\_

Address: \_\_\_\_\_

Parcel No.: \_\_\_\_\_

Date: \_\_\_\_\_, 202\_\_\_\_\_

**RESOLUTION 2025-27**  
**City Council**  
***City of Hart, Michigan***  
***Oceana County***

**DPW / Water Department service truck purchase authorization**

WHEREAS, the DPW and Water Department have in their current fiscal year budget, the purchase of a new service pickup truck, and

WHEREAS, the DPW superintendent has performed due diligence in obtaining quotes for the replacement vehicle both locally and on the state purchasing consortium known as MiDeal; and

WHEREAS, the DPW and Water Departments require dependable and functional equipment to ensure the proper delivery of services to residents and customers,

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

*NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL*

*Accepts the submitted pricing of available inventory; and*  
*Authorizes the purchase of a new truck not to exceed price \$47,000 plus delivery fee.*  
*Directs city staff to sign the purchase agreement and accept delivery of the vehicle.*

Moved by \_\_\_\_\_, supported by \_\_\_\_\_, and thereafter adopted by the Hart City Council at a regularly scheduled meeting held on August 12<sup>th</sup>, 2025.

Ayes:    Nays:    Absent:

Karla Swihart, City Clerk



## BID PER ENCLOSED SPECIFICATIONS

Cost per vehicle \$41,454.00

Number of units 1

\$41,454.00

Vehicle Description:

Year 2025

Make Chevrolet

Model 1500 Silverado w/t  
reg cab 4wd

Vendor:

Berger Chevrolet Inc.

Address 2525 28th Street S.E.

Grand Rapids, MI 49512

Phone (616) 575-9629

Fax (616) 988-9178

Bid Prepared For :

City of Hart

Price includes title fee and delivery. Price based on  
Municipal discount in the State of Michigan.

Signature *Robert Evans*

Printed Signature Robert M. Evans

Date 8/11/2025

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

(b) Maximum height - 35 feet.

(c) Minimum floor area:

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

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

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

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

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

#### **1245.05 ADDITIONAL REGULATIONS.**

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

(b) Signs shall be regulated by Chapter 1259.

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

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

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

## **CHAPTER 1246**

### **A-1, Residential Zone**

1246.01 Purpose.

1246.02 Permitted uses.

1246.03 Special uses.

1246.04 District regulations.

1246.05 Additional regulations.

#### **CROSS.REFERENCES**

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

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

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

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

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

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

#### **1246.01 PURPOSE.**

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

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

#### **1246.02 PERMITTED USES.**

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

(a) Single family detached dwellings.

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

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



(d) Home occupations.

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

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

(g) Essential public service equipment.

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

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

(j) Public and institutional uses.

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

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

### **1246.03 SPECIAL USES.**

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

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

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

(c) Essential public service buildings and structures.

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

(e) Public and private golf courses.

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

(g) Child day care centers.

(h) Bed and breakfast establishments.

(i) Accessory apartments as regulated by Section [1243.25](#).

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

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

(l) Boarding houses.

(m) Buildings containing 3 or 4 dwelling units.

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

#### **1246.04 DISTRICT REGULATIONS.**

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

(a) Minimum lot area and width.

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

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

(b) Minimum required building setbacks.

(1) Front yard - 25 feet.

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

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

(4) Rear yard - 25 feet.

(c) Maximum building height - 35 feet.

(d) Minimum floor area:

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

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

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

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

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

#### **1246.05 ADDITIONAL REGULATIONS.**

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

(b) Signs shall be regulated by [Chapter 1259](#).

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

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

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



## **GENERAL PROVISIONS RELATING TO ALL DISTRICTS:**

### **1243.22 LANDSCAPE REGULATIONS.**

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

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

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

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

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

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

(d) Parking area landscaping.

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

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

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

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

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

(e) Limitations on Removing Existing Trees.

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

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

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

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

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

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

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

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

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



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

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

(a) If the replacement trees are coniferous trees:

- (i) A replacement tree under 6 feet tall replaces 0.5 removed trees.
- (ii) A replacement tree between 6 and 8 feet tall replaces 1 removed tree.
- (iii) A replacement tree between 8 and 10 feet tall replaces 1.5 removed trees
- (iv) A replacement tree over 10 feet tall replaces 2 removed trees

(b) If the replacement trees are deciduous trees:

- (i) A replacement tree under 2.5 inches DBH replaces 0.5 removed trees.
- (ii) A replacement tree between 2.5 and 3.5 inches DBH feet tall replaces 1 removed tree.
- (iii) A replacement tree between 3.5 and 4.5 inches DBH replaces 1.5 removed trees
- (iv) A replacement tree over 4.5 inches DBH replaces 2 removed trees

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

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



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

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

**CITY OF HART ORDINANCE NO. \_\_\_\_\_**

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

**THE CITY OF HART ORDAINS:**

**Section 1.     Purpose**

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

**Section 2.     Definition**

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

**Section 3.     Permit Requirements**

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

#### **Section 4. Permit Exceptions**

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

1. Operating at a single location for less than 2 hours;
2. The operator is a USA veteran licensed to sell goods under Mich. Public Act 359 of 1921 or is otherwise exempt from the permitting requirements of this Ordinance under state or federal law;
3. The operator is operating under the invitation of a special event permit holder, or a special event held by the City of Hart, or one of its agencies.

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

#### **Section 5. Applications**

1. A person requesting a Transitory Food Service Unit permit must submit a written application no more than 6 months in advance, and no less than 7 days prior to the proposed operation date.
2. Applications are to be on forms provided by the City and must state under oath such facts as may be required for, or applicable to, the granting of the permit. The City reserves the right to request additional information or documentation regarding the application to ensure proper compliance with this Ordinance and the safety of the general public.
3. The applicant must pay a fee of in an amount set by City Council from time to time by resolution. Fees must be made payable to "The City of Hart". All payments must be made by cash, check, credit card, or electronic fund transfers.
4. The application fee is nonrefundable and does not guarantee approval by the City.
5. Permits are valid for 14 consecutive days. Each additional period of 14 days or less requires an additional application submitted in the same manner as an original application. Longer-term permits may be granted only by city council resolution.
6. A Transitory Food Service Unit that is engaged in the business of selling prepared food that is cooked or heated with a device or appliance using any gas or liquid may not receive a permit until and unless the motor vehicle, conveyance, cart, stand, booth or other similar structure or fixture, device or appliance is reviewed or inspected by the Oceana County Health Department.
7. Application Process
  - A. Applications must be submitted to: City of Hart, 407 South State Steet, Hart MI 49455 in accordance with the requirements this Ordinance for approval by either the City Manager or the Chief of Police.



- B. The City reserves the right to deny the application for incompleteness. No permit may be granted to any person owing any personal property taxes, money judgments, or any other indebtedness to the city, except for real property taxes and special assessments, or to any person using any personal property in the operation of a business upon which personal property taxes are delinquent.
- C. If, within 14 days from application submission, the applicant is unable to furnish any required or requested initial or supplemental documentation and/or delinquent payments, the application will be considered abandoned.

## **Section 6.      Regulations**

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

1. Transitory Food Service Units may operate in zoning districts B-1 and B-2, as designated by the current City of Hart Zoning Map on private property. Those applying for a permit to operate on public property may only operate in designated areas under an approved special event permit or otherwise approved by city council.
2. No Transitory Food Service Unit may operate within the vicinity of a hospital entrance or within 100 ft of the main entrance of a brick-and-mortar food service establishment unless the unit is an accessory use of the restaurant.
3. Transitory Food Service Units may operate within the hours of 7:00 am and 10:00 pm on Sundays through Thursdays and 7:00 am and 12:00 am on Fridays and Saturdays unless the City Council approves additional permitted hours upon request of a Transitory Food Service Unit.
4. No Transitory Food Service Units may be left overnight, or unattended on public property, unless authorized by city council by resolution or under an approved special event permit.
5. No Transitory Food Service Unit may block, obstruct, restrict, or otherwise interfere with the movement of vehicular traffic, or designated public parking.
6. No Transitory Food Service Unit may block, obstruct, restrict, or otherwise interfere with the flow of pedestrian foot traffic, movement or access to public walkways, trails or public amenities.
7. No furnishings are allowed on curbs, sidewalks, trails, in roads, pedestrian or vehicular right of ways. This includes, but is not limited to, lights, signs, banners, chairs, tables, or external waste receptacles.
8. The City of Hart reserves the right to permit furnishings on any public lawn, lot, park, or space. All furnishings must be included on a site plan and submitted with application

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

9. No liquid, solid, or food waste, or debris will be permitted to emit from the Transitory Food Service Unit. The permittee must keep the premises whereon said Transitory Food Service Unit is located free from their own rubbish, waste products, cans, bottles and debris including napkins, straws, paper cups and plates and other waste material.
10. Only reasonable vapors, steam or exhaust will be permitted to emit from the Transitory Food Service Unit.
11. Use of generators may be prohibited if its use, location, or condition is anticipated to create a nuisance to neighbors or pedestrians.
12. The Transitory Food Service Unit must comply with all local, state, and federal laws set forth by the Michigan Food Code, Michigan Health Department, USDA, Michigan Department of Agriculture, Michigan Secretary of State, Michigan Liquor Control Code, Internal Revenue Service, Oceana County Health Department, or any other agency or entity with lawful jurisdiction over the Transitory Food Service Unit, its operation, and product sales.
13. Transitory Food Service Unit must comply with all regulations herein, and subsequent recommendations by the City of Hart. The Transitory Food Service Unit must furnish all documents as outlined, and any other proofs, or documents requested by Chief of Police.

#### **Section 7.     Indemnification**

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

#### **Section 8.     Insurance**

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

#### **Section 9.     Impoundment**

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



**Section 10. Non-exclusivity:**

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

**Section 11. Revocation, Suspension, or Refusal; Appeal**

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

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

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

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



**Section 12. Other Permits**

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

**Section 13. Validity and Severability**

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

**Section 14. Repealer Clause**

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

**Section 15. Violation**

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

**Section 16. Effective Date**

This ordinance is effective 30 days after publication.