



*City of Hart, Michigan*  
**PLANNING COMMISSION**

**January 8, 2026**

**AGENDA**

Hart Council Chambers, 407 State Street, Hart, MI 49420

**4:00 PM**

- 1. Call to order / Roll Call:**
  - a. Commissioners: Cunningham, Fout, LaPorte, Mullen, Root, Clark, Evans
- 2. Approval of Agenda**
- 3. Approval of Minutes**
  - a. December 4, 2025 Regular Meeting
- 4. Public Comments on Agenda Items**
- 5. Public Hearing**
- 6. Action Items**
- 7. Discussion Items**
  - a. Parcels Entering the City Upon Expiration of Act 425 Agreement
  - b. Sign Ordinance Gap for M-1 Medical/Institutional District
  - c. Data Center Land Use and Community Impacts
  - d. Review of Housing Rental Code Ordinance and Enforcement Discussion
  - e. Review of Dangerous Buildings Ordinance and Enforcement Discussion
- 8. Other Business and Communications from Commission members**
- 9. Public Comments (General)**
- 10. Adjourn**
  - a. *Next regular meeting February 5, 2025*

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# City Of Hart

407 S. State St

Hart, Mi 49420

Planning Commission

Thursday, December 4<sup>th</sup>, 2025

Minutes

**MEMBERS PRESENT:** Lisa Clark, Jim Cunningham, Diane LaPorte, Andrew Mullen, and Betty Root

**ABSENT:** Cynitha Fout

**OTHERS PRESENT:** City Manager Nichole Kleiner, City Clerk – Karla Swihart, Dave Hansen, and Jessica Molengraff

- D. LaPorte called the meeting to order at 4:00 pm.

## **APPROVAL OF AGENDA:**

- A. Mullen motioned to approve the agenda and was supported by B. Root
  - Ayes: 5 Nays: 0 Absent: 1

## **APPROVAL OF MINUTES:**

- L. Clark motioned to approve the minutes from November 6<sup>th</sup>, 2025 and was supported by J. Cunningham
  - Ayes: 5 Nays: 0 Absent: 1

## **PUBLIC COMMENTS ON AGENDA ITEMS:**

- NONE

## **PUBLIC HEARING:**

- None

## **ACTION ITEMS:**

- Consider Board Member Application – Jim Evans
  - A. Mullen motioned to recommend the appointment of Jim Evans to City Council for approval, and was supported by L. Clark
    - Ayes: 5 Nays: 0 Absent: 1
- Request for Interpretation – Dog Boarding/Grooming Use in the B-2 District (3730 W Polk Rd)

The City has received an inquiry from property owner Dave Hansen regarding the proposed conversion of 3730 W Polk Rd (formerly a laundromat/car wash) to dog grooming and potential dog boarding use. Before advising the applicant on next steps, request from the Planning Commission an interpretation of the Zoning Ordinance as it applies to this request.

Section 1250.02 (Permitted Uses in the B-2 General Business District) also does not list animal boarding, kennels, dog daycare, or similar animal-related uses among allowable uses.

Section 1250.03 (Special Land Uses in the B-2 District) also does not include dog boarding, kennels, or pet-related service establishments.

Because the ordinance allows only those uses explicitly listed, and “dog boarding” or “kennels” are not identified as either permitted or special land uses in the B-2 district, staff’s preliminary interpretation is that dog boarding is not currently allowed in this district.

There are two possible paths for the application:

  1. Zoning Board of Appeals Interpretation

The ZBA could be asked to interpret Section 1249.02(b), which permits “personal service establishments” within a completely enclosed building, such as repair shops, tailor shops, beauty parlors, decorators, photographers, and permanent cosmetic services.

Dog grooming may be considered similar in nature to other personal services. If the ZBA determines that grooming fits within this category, the use could potentially be permitted subject to conditions comparable to those placed on similar personal service uses.

This interpretation process would apply to grooming only. It is less likely that dog boarding would fit under this section.

## 2. Zoning Text Amendment

The Planning Commission could consider a zoning text amendment to add “dog boarding,” “animal kennels,” or similar uses as a special land use in the B-2 district. This would require a public hearing, Planning Commission recommendation, and City Council approval.

### **Guidance Requested**

I am requesting the Planning Commission’s directions on how to proceed so staff may advise the applicant appropriately.

Please advise on:

- Whether the Commission believes dog grooming could reasonably fit under the “personal service establishment” category with conditions;
- Whether dog boarding should be considered through a zoning text amendment process; and
- Any additional standards or concerns the Commission would like addressed.

### **DISCUSSION ITEMS:**

- Reschedule January Planning Commission Meeting (City hall is closed on Jan 1<sup>st</sup>, 2026.)  
The new scheduled date is January 8<sup>th</sup>, 2026
- Planning Commission Training Opportunities  
CM Kleiner- based upon the responses received, will sign up for - environmental planning, Housing Supply, and the last basic planning and zoning essentials. Will open the training to all boards and commissions to join.
- Act 425 Agreement – Status of Transferred Parcels Upon Agreement Expiration and Recommended Zoning Actions  
The Act 425 Agreement, executed March 15, 1996, conditionally transferred certain territory from Hart Township to the City for a term of 30 years for the purpose of providing water, sewer, and other governmental services. Under Article IV, Section 4.1, the term of the Agreement is 30 years. Under Section 4.3, the Agreement provides that upon termination after the initial 30-year term, the Transferred Area will automatically, unconditionally, and for all purposes be within the sole, complete, and permanent jurisdiction of the City.

Upon expiration of the Agreement:

- All parcels identified in the Transferred Area become fully and permanently part of the City’s jurisdiction.
- The temporary governance structure created under the Agreement ends.
- Zoning and land use authority transitions entirely to the City, under the City’s zoning ordinance, Planning Commission, and Zoning Board of Appeals.

### **Recommendation for Updating Zoning and the Zoning Map**

Once the parcels are fully incorporated into the City, the Planning Commission will need to ensure they are assigned an appropriate City zoning classification and shown correctly on the official zoning map. To accomplish this, I recommend the following process:

1. Review Existing Township Zoning Classifications  
Compile the current Hart Township zoning designations for all parcels in the Transferred Area so the Commission understands how the properties are presently regulated.
2. Evaluate Appropriate City Zoning Districts  
Compare the existing uses, parcel configurations, utilities, and surrounding development patterns with the City’s zoning districts to determine which City classifications best align with the Master Plan and land use goals.
3. Prepare a Zoning Map Amendment (Rezoning) Proposal  
Because these parcels are not currently assigned to a City zoning district, a rezoning is required. This should take the form of a comprehensive zoning map amendment affecting all parcels in the Transferred Area.
4. Conduct a Public Hearing

As required by the Michigan Zoning Enabling Act, the Planning Commission will hold a public hearing on the proposed zoning map amendment, followed by a recommendation to City Council

5. City Council Adoption

City Council will consider and act on the Planning Commission's recommendation to formally amend the zoning map and assign zoning districts to the parcels.

6. Update the Official Zoning Map

Once adopted, update the City's official zoning map and make it available on the City's website and in print.

These steps will ensure a smooth transition from Township zoning to City zoning and will provide clarity to property owners, developers, and the public regarding future land use regulation in the area.

Please let me know if the Commission would like staff to prepare a draft zoning map amendment or provide parcel-by-parcel zoning information for preliminary review.

**OTHER BUSINESS and COMMUNICATION FROM COMMISSION MEMBERS:**


- Hope everyone enjoyed the parade last week, It was cold but a lot of fun.

**PUBLIC COMMENTS GENERAL:**

- NONE

**ADJOURN:**

- There being no further business to come before the Planning Commission, the meeting adjourned upon a motion by D. LaPorte and supported by L. Clark. The next meeting scheduled will be held on January 8<sup>th</sup>, 2026.



Karla Swihart  
City Clerk

## **City of Hart Memo**

To: Hart Planning Commission

From: Nichole Kleiner, City Manager/Zoning Administrator

Date: December 4, 2025

Re: Act 425 Agreement – Status of Transferred Parcels Upon Agreement  
Expiration and Recommended Zoning Actions

The purpose of this memo is to summarize what will occur to the parcels located within the Act 425 “Transferred Area” upon expiration of the 1996 Conditional Transfer Agreement between the City of Hart and Hart Township, and to outline recommended steps for updating zoning and the zoning map once the parcels come fully into the City.

The Act 425 Agreement, executed March 15, 1996, conditionally transferred certain territory from Hart Township to the City for a term of 30 years for the purpose of providing water, sewer, and other governmental services. Under Article IV, Section 4.1, the term of the Agreement is 30 years. Under Section 4.3, the Agreement provides that upon termination after the initial 30-year term, the Transferred Area will automatically, unconditionally, and for all purposes be within the sole, complete, and permanent jurisdiction of the City.

Upon expiration of the Agreement:

- All parcels identified in the Transferred Area become fully and permanently part of the City’s jurisdiction.
- The temporary governance structure created under the Agreement ends.
- Zoning and land use authority transitions entirely to the City, under the City’s zoning ordinance, Planning Commission, and Zoning Board of Appeals.

### **Recommendation for Updating Zoning and the Zoning Map**

Once the parcels are fully incorporated into the City, the Planning Commission will need to ensure they are assigned an appropriate City zoning classification and shown correctly on the official zoning map. To accomplish this, I recommend the following process:

1. Review Existing Township Zoning Classifications  
Compile the current Hart Township zoning designations for all parcels in the Transferred Area so the Commission understands how the properties are presently regulated.

2. Evaluate Appropriate City Zoning Districts

Compare the existing uses, parcel configurations, utilities, and surrounding development patterns with the City's zoning districts to determine which City classifications best align with the Master Plan and land use goals.

3. Prepare a Zoning Map Amendment (Rezoning) Proposal

Because these parcels are not currently assigned a City zoning district, a rezoning is required. This should take the form of a comprehensive zoning map amendment affecting all parcels in the Transferred Area.

4. Conduct Public Hearing

As required by the Michigan Zoning Enabling Act, the Planning Commission will hold a public hearing on the proposed zoning map amendment, followed by a recommendation to City Council.

5. City Council Adoption

City Council will consider and act on the Planning Commission's recommendation to formally amend the zoning map and assign zoning districts to the parcels.

6. Update the Official Zoning Map

Once adopted, update the City's official zoning map and make it available on the City's website and in print.

These steps will ensure a smooth transition from Township zoning to City zoning and will provide clarity to property owners, developers, and the public regarding future land use regulation in the area.

Please let me know if the Commission would like staff to prepare a draft zoning map amendment or provide parcel-by-parcel zoning information for preliminary review.

## **MEMORANDUM**

**To:** Hart Planning Commission

**From:** Nichole Kleiner, City Manager

**Date:** January 8, 2026

**Re:** Sign Ordinance Gap – M-1 Medical/Institutional District

### **Purpose**

This memo is intended to initiate a discussion regarding a gap in the City's Sign Ordinance as it relates to the M-1 Medical/Institutional Zoning District. Chapter 1259 (Signs) does not include sign standards that clearly apply to the M-1 district, creating uncertainty for applicants and staff.

### **Background**

The Sign Ordinance establishes standards by zoning category (residential, commercial, and industrial). The M-1 Medical/Institutional District is not expressly addressed in those sections. As a result, there are no clear regulations governing permitted sign types, size, height, illumination, or placement within this district.

### **Discussion Topics**

The Planning Commission is asked to consider:

1. Whether the M-1 district should have standalone sign standards or be aligned with an existing district (e.g., commercial or industrial).
2. Whether medical and institutional uses warrant unique sign allowances or limitations.
3. What approach best balances visibility, functionality, and neighborhood compatibility?

### **Recommended Next Steps**

1. Planning Commission discussion and direction on how to address the omission.
2. Staff preparation of draft ordinance language consistent with Commission guidance.
3. Planning Commission review and recommendation following a public hearing.

## CHAPTER 1259

### Signs

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- 1259.01 Purpose.
- 1259.02 Definitions.
- 1259.03 Signs permitted in all districts.
- 1259.04 Residential districts.
- 1259.05 Commercial districts.
- 1259.06 Industrial districts.
- 1259.07 Design, construction and location standards.
- 1259.08 Portable or movable signs.
- 1259.09 Measurement of signs.
- 1259.10 Nonconforming signs and signs accessory to nonconforming signs.
- 1259.11 Sign permits.
- 1259.12 Prohibition of obscene material displayed on signs.

#### **1259.01 PURPOSE.**

The purpose of this chapter is to provide a framework within which the identification and informational needs of business and industry can be harmonized with the desires and aesthetic standards of the general public. It is intended through the provisions contained in this chapter to give recognition to the legitimate needs of business, industry, and other activities in attaining their identification and informational objectives. Unrestricted signage does not benefit either the private sector or the community at large.

(Ord. 182. Passed 5-12-98; Ord. 19-05. Passed 11-26-19.)

#### **1259.02 DEFINITIONS.**

The following words shall have the meanings as set forth below.

- (a) "Banner" means a piece of cloth, plastic, or similar material, generally of a long rectangular shape affixed at both ends.
- (b) "Community special event sign" means a portable sign which is erected for a limited time that is sponsored by a governmental agency, school or other group which is non-profit and whose purpose is charitable, philanthropic, religious or benevolent.
- (c) "Flag" means a piece of cloth or bunting of a square or short rectangular shape affixed at one end.
- (d) "Free standing sign" means a sign which is not attached to any other structure.
- (e) "Ground sign" means a type of freestanding sign in which the entire bottom is in contact with the ground or is very close to the ground, such as on a constructed foundation or a brick or block base.
- (f) "Governmental flag" means a flag bearing the name, logo, or other official design of a nation, state, municipality, nonprofit institution, or nonprofit organization.
- (g) "Illuminated sign" means a sign that provides artificial light directly or indirectly from a source of light.
- (h) "Institutional bulletin board" means a bulletin board established by a non-profit agency, church, public agency, city, township, county, state, or federal government.
- (i) "Marquee sign" means a sign attached to a marquee, canopy, or awning projecting from and supported by a building, above sidewalk level.
- (j) "Monument sign." See "ground sign."
- (k) "Pole sign" is a type of free standing sign mounted on or more poles, posts or pylons, other than a constructed foundation or base, so that the bottom edge of the sign face is elevated above the average grade.
- (l) "Portable sign" means a free standing structure not permanently anchored or secured to either a building or the ground, capable of being moved from place to place.
- (m) "Projecting sign" means a double-faced sign attached to a building or wall that extends in a perpendicular manner



more than 12 inches, but not more than 48 inches from the face of the wall or building.

(n) "Sandwich board sign" means a temporary sign structure placed on the ground that consists of two (2) back-to-back sign faces that are hinged together at the top and separated at the base a sufficient distance to solidly support the structure in an upright position.

(o) "Temporary yard sign" means a sign that is not permanently affixed to the ground and is of a design and construction that is not intended to be of a permanent nature.

(p) "Wall sign" means a sign attached directly to or painted upon a building parallel to the building wall.

(q) "Window sign" means copy or emblems that are painted or otherwise attached to the window surface.

(r) "Electronic display sign" means a sign or portion of a sign with a fixed or changing display composed of a series of lights that may be changed in color or intensity through electronic means.

(Ord. 182. Passed 5-12-98; Ord. 2012-03. Passed 7-24-12; Ord. 2013-06. Passed 11-26-13; Ord. 19-05. Passed 11-26-19.)

### **1259.03 SIGNS PERMITTED IN ALL DISTRICTS.**

The following signs shall be permitted in all districts without requiring a building or sign permit, subject to the requirements stated below.

(a) Wall signs on homes and buildings not exceeding four square feet in surface display area.

(b) Governmental flags.

(c) Traffic or other municipal signs and notices. Private traffic control signs which conform to the Michigan Manual of Uniform Traffic Control Devices.

(d) Institutional bulletin boards not exceeding thirty-two square feet in surface display area.

(e) Park, playground, and other governmental signs.

(f) Community special event signs are permitted in any district, subject to the following restrictions:

(1) One community special event sign located on the lot on which the special event is held. Up to two such signs however may be located off the premises.

(2) The display of such signs shall be limited to the fourteen days immediately preceding the special event which is being advertised.

(3) Such signs shall have a maximum size of thirty-two square feet in area, and a maximum height above ground level of six feet and shall be set back from any side or rear property line a minimum of fifteen feet. The front setback shall be as required for signs in the district in which the sign is to be located.

(4) Such signs shall be removed within forty-eight hours of the conclusion of the special event which is being advertised.

(g) One temporary sign not exceeding thirty-two square feet in surface display area per subdivision development, which shall be removed upon the sale of ninety percent of the lots in the development.

(h) Sandwich board signs. Placement and size to be determined as to not impede traffic, right of way, or vision of traffic.

(i) Temporary yard signs.

(1) Maximum number. Two per lot or parcel. However, within a timeframe from thirty days prior to an election to three days after, there is no restriction on the number of temporary yard signs. During this timeframe, the maximum size of each temporary yard sign is thirty-two square feet and the maximum height is six feet. Signs related to elections are prohibited within one-hundred feet of an entrance to a polling place.

(2) Maximum size. Twelve square feet total for all signs.

(3) Maximum height. Four feet.

(4) Illumination. Not permitted.

(5) Per Section 1259.07(c), temporary yard signs are prohibited in public right-of-way.

(Ord. 182. Passed 5-12-98; Ord. 19-05. Passed 11-26-19.)

### **1259.04 RESIDENTIAL DISTRICTS.**

Any sign not expressly permitted is prohibited.

(a) One non-illuminated wall sign identifying a home occupation not exceeding four square feet in surface display area.

(b) One permanent development entry sign, not exceeding thirty-two square feet in surface display area, limited to the

name of the development or developer, providing the sign is harmonious in appearance with the existing and intended character of the general vicinity and within the community as a whole.

(c) One wall sign placed on the main building of the apartment development. Such sign shall not exceed thirty-two square feet in surface display area and may be illuminated.

(d) For permitted uses other than dwellings, one ground sign per parcel not exceeding thirty-two square feet and eight feet in height. Such sign shall be setback at least five feet from the edge of the right-of-way line.

(Ord. 182. Passed 5-12-98; Ord. 19-05. Passed 11-26-19.)

#### **1259.05 COMMERCIAL DISTRICTS.**

Any sign not expressly permitted is prohibited.

(a) One free standing sign per parcel, unless otherwise stated, subject to the following standards:

(1) Pole sign not exceeding 64 square feet in sign face surface display area. Pole signs shall be located in the front yard. The leading edge of the sign may be placed at the right of way line. The bottom of such signs shall be at least eight feet from the average grade with the top of the sign no higher than 20 feet. This sign may be illuminated.

(2) Ground sign not exceeding 48 square feet in sign face surface display area. Ground signs shall be located in the front yard. The sign and base setback is ten feet from any lot line. The top of the sign shall be no higher than six feet above the average grade. This sign may be illuminated. A second ground sign subject to the same standards is allowed on corner lots, but signs shall be located on separate road frontages. Along Polk Road, ground signs are limited to 90 square feet in sign face surface area and a height no higher than ten feet above the average grade.

(b) Wall signs shall not exceed twenty percent of the building face to which it is attached. Such signs shall not extend more than six inches from the building surface and shall not extend above the cornice or roof line. Wall signs shall be placed only upon the principal building and shall face public streets or parking areas which are on the same premises. These signs may be illuminated.

(c) One temporary banner per building not exceeding sixteen square feet in surface display area.

(d) One flag per lot not to exceed thirty square feet in surface display area. When displayed, such flags shall be affixed to a building or placed in the ground in a permanent mounting. Flags shall be located in a manner that does not interfere with the safe use and operation of motor vehicles or in pedestrian use of public areas, nor create a nuisance to the general public in any way. Advertising flags under this section do not require a sign permit.

(e) One marquee sign per marquee not exceeding twenty percent of the marquee surface to which it is attached. These signs may be illuminated.

(f) One projecting sign per building with the surface display area not exceeding one and one-half square feet for each lineal foot of building frontage up to a maximum of sixty-four square feet. Projecting signs shall be attached directly to a building by means of building mounts or from a mast arm. Projecting signs must project at a ninety degree angle to the building surface to which it is attached and shall not project above the cornice or roof line. The lowest point of a projecting sign, including guy wires and metal framework shall not be less than ten feet above the ground level. Projecting signs shall not extend beyond the minimum required setback line or into and over a public right-of-way, except for projecting signs in the B-2 Zone.

(g) A gasoline service station may, in addition to the above, have one, two-sided, on- premise sign indicating price and grade of fuel not exceeding thirty-two square feet in surface display area. Directional signs over individual doors or bays not exceeding three square feet per sign are also permitted. Customary lettering, insignias or symbols which are a permanent or structural part of the gasoline pump shall also be allowed.

(h) One parking lot directional sign at each point of ingress or egress for the enterprise it is intended to serve. Each sign shall not exceed four square feet in surface display area.

(i) One, double or single sided, on premise electronic display sign in all business and commercial areas.

(j) Window signs shall be permitted.

(Ord. 182. Passed 5-12-98; Ord. 2012-03. Passed 7-24-12; Ord. 2013-06. Passed 11-26-13; Ord. 19-05. Passed 11-26-19.)

#### **1259.06 INDUSTRIAL DISTRICTS.**

Any sign not expressly permitted is prohibited.

(a) Signs in the D-1 Zone shall be subject to the following regulations:

(1) One free standing sign per parcel, unless otherwise stated, subject to the following standards:

A. Pole sign not exceeding 200 square feet in sign face surface display area. Such signs shall be located in the front yard with the leading edge of the sign at least 20 feet back of the right of way line. The bottom of such sign shall not be any lower than two feet nor any higher than ten feet from ground level. This sign may be illuminated.

B. Ground sign not exceeding 48 square feet in sign face surface display area. Ground signs shall be located in the front yard. The sign and base setback is ten feet from any lot line. The top of the sign shall be no higher than six feet above the average grade. This sign may be illuminated. A second ground sign subject to the same standards is allowed on corner lots, but signs shall be located on separate frontages.

(2) One wall sign per building face, not exceeding two per building, with the surface display area not exceeding twenty percent of the building face to which it is attached. Such signs shall not extend more than six inches from the building surface and shall not extend above the cornice or roof line. Wall signs shall be placed only upon the main building and may only face public streets or parking areas which are on the same premises. These signs may be illuminated.

(3) One marquee sign per marquee not exceeding twenty percent of the marquee surface to which it is attached. These signs may be illuminated.

(4) One directional parking lot sign at each point of ingress or egress shall be permitted for the enterprise it is intended to serve. Surface display area, per sign, shall not exceed four square feet.

(5) One free standing sign identifying the development near the entrance to an industrial complex. Such signs shall not exceed 200 square feet in surface display area. The bottom of these signs shall not be any higher than two feet nor any higher than ten feet from ground level and shall be a minimum of twenty feet from any street right-of-way.

(b) Signs in the D-2 Zone shall be subject to the following regulations:

(1) Freestanding signs shall be setback a minimum of fifteen feet from the front lot line and shall not exceed thirty square feet in area or four feet in height.

(2) Signs attached to the building shall be attached flat to the building and shall not exceed 100 square feet in area.

(c) Window signs shall be permitted.

(Ord. 182. Passed 5-12-98; Ord. 2013-06. Passed 11-26-13; Ord. 19-05. Passed 11-26-19.)

#### **1259.07 DESIGN, CONSTRUCTION AND LOCATION STANDARDS.**

(a) All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair or as a result of the effects of the weather.

(b) Signs may be internally or externally illuminated. The source of the light shall be enclosed and directed to prevent the source of light from shining directly or indirectly onto traffic or adjacent or nearby properties.

(c) Signs shall not be placed in, upon or over any public right-of-way, alley, or other place, except as may be otherwise permitted by the City or Michigan Department of Transportation.

(d) A sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or constitute a nuisance.

(e) A sign shall not contain any moving or animated parts except for barber poles.

(f) A sign and its supporting mechanism shall not extend beyond any lot lines of the property on which it is located.

(g) Corner clearance and visibility.

(1) Signs shall not be erected, established or maintained on a corner lot that will obstruct the view of a driver in a vehicle approaching the intersection.

(2) At a street intersection, an unobstructed corner shall mean the triangle formed by a line connecting two points, located on the intersecting right-of-way lines, measured 25 feet from their point of intersection.

(3) At a driveway/street intersection, a sign shall not be erected, established or maintained where it will obstruct vision between a height of three and ten feet within a triangle formed by the intersection of the right-of-way line and a driveway. This triangle is defined by a line connecting two points, one located on the right-of-way line and the other on the edge of the driveway. The two points shall be located 15 feet from the intersection point of the right-of-way line and the edge of the driveway.

(Ord. 182. Passed 5-12-98; Ord. 2013-06. Passed 11-26-13; Ord. 19-05. Passed 11-26-19.)

#### **1259.08 PORTABLE OR MOVABLE SIGNS.**

Any sign, excluding those specifically provided for, not permanently anchored or secured to either a building or the ground, including but not limited to "A" frame, "T" frame, inverted "T" frame, or those mounted on wheeled trailers shall be prohibited.

(Ord. 182. Passed 5-12-98; Ord. 19-05. Passed 11-26-19.)

#### **1259.09 MEASUREMENT OF SIGNS.**

(a) The area of a sign shall be measured as the area within a single, continuous perimeter composed of any straight line

geometric figure which encloses the extreme limits of writing, representation, emblem, logo, or any other figure of similar character, together with any frame of other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding only the pedestal, poles or other structure necessary to support the sign.

(b) The area of a freestanding or projecting sign that has two or more faces shall be measured by including the area of all sign faces, except if two such faces are placed back-to-back and are of equal size, and are no more than two feet apart at any point the area of the two back-to-back faces shall be counted as one face. If the two back-to-back faces are of unequal size, the larger of the two sign faces shall be counted as the one face.

(c) The height of a sign shall be measured as the vertical distance from the highest point of the sign to the finished grade of the ground immediately beneath the sign excluding any artificially constructed earthen berms.

(Ord. 182. Passed 5-12-98; Ord. 19-05. Passed 11-26-19.)

#### **1259.10 NONCONFORMING SIGNS AND SIGNS ACCESSORY TO NONCONFORMING USES.**

(a) Every legal permanent sign which does not conform to the height, size, area or location requirements of this chapter as of the date of the adoption of this chapter, is hereby deemed to be nonconforming.

(b) Nonconforming signs may not be altered, expanded, enlarged, or extended; however, nonconforming signs may be maintained, repaired and restored so as to continue the useful life of the sign.

(c) For the purposes of this chapter, a nonconforming sign may be diminished in size or dimension or the copy of the sign amended or changed without jeopardizing its status as a legal nonconforming sign.

(d) If a nonconforming sign is damaged or destroyed by fire, explosion, flood, wind or other calamity, the sign may be restored to the condition exactly as it existed immediately prior to the damage or destruction, unless the estimated cost of restoration or replacement exceeds fifty percent of the appraised replacement cost of the entire sign prior to the loss, as determined by the City. If the estimated cost of restoration or replacement exceeds fifty percent of that appraised replacement cost, the right to continue using the nonconforming sign shall thereupon terminate and the sign shall be brought into full compliance with all applicable provisions and requirements of this chapter prior to further use.

(Ord. 182. Passed 5-12-98; Ord. 19-05. Passed 11-26-19.)

#### **1259.11 SIGN PERMITS.**

(a) No sign shall be erected, replaced, altered, enlarged, illuminated, changed in purpose, or relocated without first obtaining a sign permit. Permits shall not be required for signs specifically exempted, temporary yard signs, window signs, banners, and the copy of changeable letter signs. Signs exceeding thirty-two square feet in surface display area shall require a building permit prior to erection. An electrical permit shall be required for any sign utilizing electricity.

(b) An application for a sign permit shall be made through the City Clerk by submission of a form provided by the City. The application can be made by the owner of the property or by any other interested party with the owner's consent.

(c) The Zoning Administrator shall review all sign permit applications and issue permits only for those applications fully meeting ordinance requirements. The Zoning Administrator shall, absent extenuating circumstances, render a decision within five full working days of receipt of a completed application submittal.

(Ord. 182. Passed 5-12-98; Ord. 19-05. Passed 11-26-19.)

#### **1259.12 PROHIBITION OF OBSCENE MATERIAL DISPLAYED ON SIGNS.**

In accordance with Act 343 of 1984, no sign shall include obscene material that can be read or observed, as defined by Act. Obscene material is that which meets all of the following criteria:

(a) The average individual, applying contemporary community standards, would find the material, taken as a whole, appeals to the prurient interest.

(b) The reasonable person would find the material, taken as a whole, lacks serious literary, artistic, political, or scientific value.

(c) The material depicts or describes sexual conduct in a patently offensive way.

(Ord. Unno. Passed 4-1-21.)

TO: Planning Commission  
FROM: Nichole Kleiner, City Manager  
DATE: January 8, 2026  
RE: Initial Discussion – Data Center Land Use and Community Impacts

### **Purpose**

This agenda item is intended to introduce data center development as an emerging land use and to begin a policy-level discussion about potential community impacts. This is not a review of a specific proposal, but a proactive conversation to assess whether the City's current zoning and land-use framework is adequate.

### **Overview**

Data centers are increasingly locating in smaller communities due to available land and access to power and fiber infrastructure. While these facilities can add taxable value, they often involve high utility demands and limited on-site employment. Communities without clear standards may face pressure to make land-use decisions without adequate policy guidance.

### **Key Discussion Areas**

- Zoning and land-use compatibility
- Electrical, water, and infrastructure capacity impacts
- Fiscal impacts versus public costs
- Noise, lighting, buffering, and visual impacts
- Public safety and emergency service considerations

### **Potential Next Steps**

Depending on discussion direction, next steps may include:

- Defining data centers in the zoning ordinance
- Identifying appropriate zoning districts or standards
- Requiring utility or infrastructure impact analysis
- Scheduling a future study session or coordinating with City Council

### **Conclusion**

This discussion will help determine whether proactive planning measures are needed to ensure future data center development aligns with the City's long-term goals.

## TITLE FOUR - Housing Rental Code

Chap. 1440. General Provisions and Definitions.

Chap. 1442. Rental Property Standards.

Chap. 1444. Responsibilities of Owners and Occupants.

Chap. 1446. Administration and Enforcement.

### CHAPTER 1440

#### General Provisions and Definitions

1440.01 Short title.

1440.02 Purpose.

1440.03 Scope.

1440.04 Definitions.

##### **CROSS REFERENCES**

State Housing Code - see M.C.L.A. Secs. 125.401 et seq.

Municipal Housing Act - see M.C.L.A. Secs. 125.651 et seq.

Municipal housing commissions - see M.C.L.A. Secs. 125.653 et seq.

Adoption, promulgation and publication of rules - see M.C.L.A. Sec. 125.694b

Board of Tenant Affairs - see M.C.L.A. Secs. 125.699 et seq.

Acquisition and maintenance of housing projects - see M.C.L.A. Secs. 125.731 et seq.

Hotels, boarding and lodging houses - see M.C.L.A. Secs. 427.1 et seq.

Housing Commission - see ADM. Ch. 278

Dwelling conversions - see P. & Z. 1260.03

Dwelling area requirements - see P. & Z. 1266.06

##### **1440.01 SHORT TITLE.**

This Title Four of Part Fourteen of this Building and Housing Code shall be known as the "Housing Rental Code," may be cited as such, and will be referred to herein as "this Code."

(Ord. 157. Passed 7-26-88.)

##### **1440.02 PURPOSE.**

The purpose of this Code is to provide minimum requirements for the protection of life, limb, health, property, safety and welfare for the general public and the owners and occupants of certain residential buildings.

(Ord. 157. Passed 7-26-88.)

##### **1440.03 SCOPE.**

(a) Application. This Code shall apply to all rented or leased buildings or any portions thereof that are used or intended to be used for human habitation as a two-family dwelling or a multifamily dwelling. This Code shall apply to any single-family dwellings which are leased or rented by the owner for more than six months.

(b) Relocation. Buildings which are moved or relocated shall be considered new buildings and shall comply with all the requirements of this Code.

(Ord. 157. Passed 7-26-88.)

##### **1440.04 DEFINITIONS.**

The following definitions shall apply in the interpretation and enforcement of this Code:

(a) "Basement" means a story in a building having more than three of its four walls or more than seventy-five percent of

its circumference below the average grade of the adjoining ground. A basement shall not be counted as a story for height measurement.

(b) "Cellar" means a portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

(c) "Dwelling" means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants, provided that temporary housing as hereinafter defined shall not be regarded as a dwelling.

(d) "Dwelling unit" means any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

(e) "Garbage" means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(f) "Habitable room" means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, pantries, foyers or communicating corridors, closets and storage space.

(g) "Health officer" means the legally designated health authority of the City of Hart, Michigan, or his or her authorized representative.

(h) "Infestation" means the presence, within or around a dwelling, of any insects, rodents or other pests.

(i) "Multiple dwelling" means any dwelling containing more than two dwelling units.

(j) "Occupant" means any person, over one year of age, living, sleeping, cooking or eating in, or having actual possession of, a dwelling unit or rooming unit.

(k) "Operator" means any person who has charge, possession or control of a building, or part thereof, in which dwelling units or rooming units are let.

(l) "Ordinary minimum winter conditions" means the temperature fifteen degrees fahrenheit above the lowest recorded temperature for the previous ten-year period.

(m) "Owner" means any person who, alone or jointly or severally with others:

(1) Shall have legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

(2) Shall have charge, possession or control of any dwelling or dwelling unit, as owner or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Code and of rules and regulations adopted pursuant thereto, to the same extent as if he or she were the owner.

(n) "Person" means and includes any individual, firm, corporation, association or partnership.

(o) "Plumbing" means and includes, but is not limited to, the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

(p) "Rubbish" means combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust.

(q) "Bedroom or room occupied for sleeping purposes" means a room with the following characteristics:

(1) A room not normally used for the preparation or consumption of food;

(2) A room with solid swing-type doors with stop moldings to afford privacy; and

(3) A room with adequate ventilation.

(Ord. 157. Passed 7-26-88.)

## **CHAPTER 1442**

### **Rental Property Standards**

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1442.01 Exterior appearance.

1442.02 Plumbing generally.

1442.03 Plumbing standards.



- 1442.04 Electrical wiring in general.
- 1442.05 Electrical standards.
- 1442.06 Lighting in public halls.
- 1442.07 Exits; locking devices on exterior doors.
- 1442.08 Smoke detectors.
- 1442.09 Space and occupancy requirements.
- 1442.10 Parking.
- 1442.11 Nuisances.

### **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

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

### **1442.01 EXTERIOR APPEARANCE.**

(a) All buildings, fences or similar structures shall be maintained in a structurally sound condition, in good repair and, when necessary to prevent deterioration or decay, an exterior wood surface shall be protected by application or reapplication of paint or other preservatives or by other means acceptable to the enforcing agency. If paint or another preservative has been applied to an exterior surface, it shall be repainted, refinished or otherwise treated in a manner acceptable to the enforcing agency, if its condition has deteriorated or its condition is a blighting influence on the surrounding area. All foundations, walks and roofs shall be maintained in a workmanlike state of maintenance and repair so that all foundations adequately support the building at all points. All exterior walls shall be free of breaks, holes, loose or rotting boards or timbers or any other conditions that might admit rain or cause dampness to the interior portions of the building. All roofs shall be structurally sound, tight and have no defects that might admit rain and roof drainage and shall be adequate to prevent rain water from causing dampness in the walls or interior portions of the building. All stairs, porches, railings, handrails or appurtenances attached to the building shall be firmly fastened, structurally safe and capable of supporting any load required for them by the County Building Code. Every exterior door, window, basement or hatchway shall be substantially tight and kept in sound condition and repair, with all panes fully supplied with glass or an approved substitute. Doors shall fit reasonably well in the frame with hinges and latch maintained in good condition.

(b) The exterior property area shall be maintained in a clean and sanitary condition, free from an accumulation of rubbish, garbage, refuse, abandoned or inoperative automobiles and other offensive or hazardous material. Plants, including grass or weeds, shall be cut or trimmed periodically and maintained in a neat condition. Without limiting this requirement, grass and weeds on an exterior property area shall not exceed nine inches.

(c) Foundations shall be maintained in good condition. Mortar joints shall be in good condition so that there are no breaks in the joints. Bows, sags and tilts in foundation walls shall be considered defective when such conditions exist to the extent that it is likely to have failure of the wall.

(d) All exterior attachments to structures, including gutters, downspouts, chimneys, antennas or awnings, shall be maintained so that they are properly anchored.

(e) All exterior property areas shall be graded so water will flow away from buildings and not pool or become stagnant.

(f) Vacant property shall be maintained in the same manner as if occupied and in compliance with this Code.

(Ord. 157. Passed 7-26-88.)

### **1442.02 PLUMBING GENERALLY.**

(a) All existing plumbing previously installed shall be deemed to meet the requirements of this Code, unless a health hazard exists.

(b) This section shall not be interpreted to allow the construction or reconstruction of any system regulated by the County Plumbing Code. All new equipment, fixtures and pipes shall be installed as required for new work and as regulated in the County Plumbing Code.

(Ord. 157. Passed 7-26-88.)

### **1442.03 PLUMBING STANDARDS.**

(a) Every dwelling unit shall be connected to public water and sanitary waste system, unless such system is located more



than 200 feet from the dwelling. When such system is more than 200 feet, private water and sewer systems approved by the County Health Department may be used.

(b) All plumbing fixtures shall be supplied with hot and cold water lines, except for water closets, which shall be provided with water.

(c) Water service shall be protected from backflow, contamination from heating boilers, water closets and underground lawn sprinkler systems. Backflow devices will not be required on bathtubs, laundry tubs, sinks, lavatories or hose bibbs. Fillers on bathtubs may be located below the rim of the fixture if an overflow is located below the water inlet.

(d) All piping systems shall be installed in accordance with good workmanship standards. Materials which cause electrolysis shall be insulated from each other by a dielectric coupling. Bends and elbows shall be of the type which do not cause obstructions in the lines.

(e) All pipes and fixtures shall be free of leaks. Leaky water faucets and hose bibbs shall not be considered leaks as used in this requirement.

(f) A stop valve shall be located on the service side of the meter.

(g) All waste lines shall be free of obstructions and free flowing. Secondary traps and sagging lines shall be prohibited.

(h) All fixtures shall be vented. Revents shall not be required.

(i) Each dwelling unit shall contain a complete bathroom, which contains a flush water closet, lavatory and a bathtub or shower. Every dwelling shall contain a kitchen sink. Kitchen sinks are not required to be compartmentalized.

(j) Fixtures shall be nonabsorbent and easily cleanable. Porcelain or other glazing shall be intact. Porcelain chips may be reglazed so as to seal cracks or chips. Minor irregularities, such as hairline cracks on the exterior of a fixture, shall not be considered as unsanitary.

(k) All fixtures shall be connected to sanitary waste lines. Laundry facilities shall be arranged so that clothes washers shall either dispose of wastewater into a properly installed and trapped waste line or into a stationary tub which may drain into a trapped fixture as an indirect waste. Floor drains may be used to drain existing stationary tubs if the floor drain capacity is sufficient to prevent flooding.

#### **1442.04 ELECTRICAL WIRING IN GENERAL.**

Existing wiring systems which are in good condition, even though not meeting the current standards of the County Electrical Code, are deemed to be acceptable if they do not create a health or safety hazard.

(Ord. 157. Passed 7-26-88.)

#### **1442.05 ELECTRICAL STANDARDS.**

(a) All residential buildings shall be provided a minimum of sixty amperes service.

(1) Multifamily dwelling structures shall be provided additional service if the demand for power exceeds the capability of the service. This shall not require that separate service be provided for each dwelling unit. Evidence of insufficient power shall be the blowing of overprotection devices.

(2) Electrical service shall be grounded to the water service. The ground shall be continuous. All metal pipes shall be bonded to the ground. The water meter shall be jumpered so as to form a continuous ground. The grounding strap or bonding strap shall be Number Six wire or equivalent and shall be bonded to both sides.

(b) All circuits shall be provided with overprotection devices rated for the allowable ampacity of the circuit. Each circuit shall have the capacity to carry the reasonably expected load.

(c) All overprotection devices for circuits within a dwelling shall be accessible to the occupants of that dwelling. If located in the basement, the occupants of each dwelling unit shall be provided with a key to the basement.

(d) All fuses shall be of the "S" type.

(e) Each bedroom, living room, recreation room, kitchen, dining room and basement shall be equipped with two sources of power, either two convenience outlets or a light and a convenience outlet. Whenever the distance traveled would create exposure to physical hazards, the required light shall be controlled by a switch located at the entrance to the room.

(f) The use of extension cords as permanent wiring shall be prohibited. This shall include strip receptors, but not wire mold.

(g) All nonhabitable rooms, such as laundry rooms and storage rooms (not including closets, basements and attics, which are accessible by stairway), shall be illuminated. The amount of light is not specified; however, illumination shall be sufficient so as to prevent a safety hazard from existing. Attached garages shall be illuminated.

Entrances shall have a weather-tight light fixture outside. It shall be operated by a switch that is conveniently accessible. When the entrance is from an open porch, the porch light may meet this requirement.

All stairways shall be provided with a light controlled by a switch. When the stairway is located so as to provide access to the second or higher floors, the light must be controlled by a three-way switch. Such switch shall be located at the top and bottom of the stairway.

(h) All wiring shall be protected from mechanical damage.

(i) All wiring containing open splices or which has damaged insulation shall be considered dangerous.

(j) Light fixtures which are loose or broken shall be determined unsafe. This shall include convenience receptors and switch boxes which are not flush with the interior surface of the wall. Globes on light fixtures shall not be required, except when the fixture is subject to dampness or is within easy reach.

(k) Wiring subjected to dampness shall be of the proper type. Electrical wiring subjected to mechanical damage, such as hanging wires, shall be considered dangerous.

(l) Each bathroom shall be provided with a lighting fixture and at least one duplex receptacle.

(Ord. 157. Passed 7-26-88.)

#### **1442.06 LIGHTING IN PUBLIC HALLS.**

(a) Halls and stairways in structures devoted solely to dwelling purposes and serving four or less dwelling units or nine or less rooms, shall be supplied with lighting which may be switched on and off at the following locations:

- (1) Entryways;
- (2) At the top and bottom of all stairways; and
- (3) In every hallway.

(b) Such lighting shall provide a minimum of five foot-candles of light at every point in every such hall and stairway measured at the floor.

(c) Every hall and stairway in every multifamily dwelling, rooming dwelling, boarding dwelling, lodging dwelling, tourist dwelling, hotel or motel serving five or more dwelling units or serving ten or more rooms shall be continuously lighted at every point in said halls and stairways with a minimum of five foot-candles of light measured at the floor.

(Ord. 157. Passed 7-26-88.)

#### **1442.07 EXITS; LOCKING DEVICES ON EXTERIOR DOORS.**

Exits shall be continuous and shall not be blocked by the storage of materials or equipment. Exterior doors shall have locking devices. However, locking devices shall not require the use of keys from inside the dwelling.

(Ord. 157. Passed 7-26-88.)

#### **1442.08 SMOKE DETECTORS.**

A smoke detector shall be installed so as to be audible in the sleeping areas.

(Ord. 157. Passed 7-26-88.)

#### **1442.09 SPACE AND OCCUPANCY REQUIREMENTS.**

No unit shall have more than three occupants per sleeping quarter. Any person in continuous occupancy for more than seventy-two hours shall be considered a tenant.

(Ord. 157. Passed 7-26-88.)

#### **1442.10 PARKING.**

When parking is provided with rental housing, a proper and designated space shall be provided.

(Ord. 157. Passed 7-26-88.)

#### **1442.11 NUISANCES.**

The following shall be defined as nuisances:

(a) Any public nuisance known at common law or in equity jurisprudence;

(b) Any attractive nuisance which may prove detrimental to children, whether on the premises, in the building on the premises, or upon an unoccupied lot. This includes, but is not limited to, objects or conditions such as abandoned wells, cisterns, shafts, basements, excavations, mounds of gravel or earth, abandoned refrigerators/freezers, abandoned and/or inoperative motor vehicles or parts thereof, structurally unsound structures or fences, trash, debris or vegetation which may

prove a hazard to inquisitive minors;

- (c) Anything dangerous to human life or detrimental to health;
- (d) Overcrowding a room with occupants, using this Code as a standard;
- (e) Insufficient ventilation or illumination, using this Code as a standard;
- (f) Inadequate, inoperative or unsanitary plumbing facilities or sewers, using this Code as a standard;
- (g) Uncleanliness, according to the standard of cleanliness (for the specific dwelling) under State law or City or County ordinances; and
- (h) Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the Health Officer.

(Ord. 157. Passed 7-26-88.)

## **CHAPTER 1444**

### **Responsibilities of Owners and Occupants**

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1444.01 Responsibilities of owners.

1442.02 Responsibilities of occupants.

#### **CROSS REFERENCES**

State Housing Code - see M.C.L.A. Secs. 125.401 et seq.

Municipal Housing Act - see M.C.L.A. Secs. 125.651 et seq.

Municipal housing commissions - see M.C.L.A. Secs. 125.653 et seq.

Adoption, promulgation and publication of rules - see M.C.L.A. 125.694b

Board of Tenant Affairs - see M.C.L.A. Secs. 125.699 et seq.

Acquisition and maintenance of housing projects - see M.C.L.A. Secs. 125.731 et seq.

Hotels, boarding and lodging houses - see M.C.L.A. Secs. 427.1 et seq.

Housing Commission - see ADM. Ch. 278

Dwelling conversions - see P. & Z.1260.03

Dwelling area requirements - see P. & Z. 1266.06

#### **1444.01 RESPONSIBILITIES OF OWNERS.**

Every owner shall, in addition to providing and maintaining the facilities required by other provisions of this Code:

- (a) Following a change of all tenants of a dwelling unit, provide new tenants with a clean, healthful and safe dwelling unit;
- (b) Exterminate insects, rodents or other pests in a building or on the premises used for human habitation whenever a dwelling unit or public or shared area is infested;
- (c) Maintain the public or shared areas of a dwelling or the premises in a clean, safe and sanitary condition;
- (d) Maintain and repair any equipment specified in this Code which he or she supplies or is required to supply;
- (e) Maintain in good repair every dwelling and premises and all parts thereof, including, but not limited to, plumbing, heating, ventilating and electrical systems, and the interiors and exteriors of dwellings and dwelling units;
- (f) Maintain all fixtures, furniture and furnishings that are furnished by the owner in a safe condition and good repair; and
- (g) Maintain all buildings and structures on the premises in a clean, orderly and well-painted manner to prevent neighborhood blight, deterioration and decay.

(Ord. 157. Passed 7-26-88.)

#### **1444.02 RESPONSIBILITIES OF OCCUPANTS.**

- (a) No occupant of any dwelling unit or building shall allow any refuse, debris or other offensive substance to accumulate in the dwelling unit or building or any other area over which said occupant has use or possession thereof.

- (b) Every occupant shall notify the owner or his or her agent in writing of any condition believed to be in violation of this Code, which directly affects the dwelling unit, within a reasonable time of discovery of said condition.
  - (c) Every occupant shall notify and file in writing with the enforcing agency a signed description of any condition believed to be in violation of this Code within a reasonable time of discovery of said condition.
  - (d) Every occupant shall properly use all facilities and maintain them in a clean and sanitary manner.
  - (e) An occupant shall not sublet or allow any portion of the dwelling unit to be occupied in such a manner that any of the provisions of this Code are violated.
  - (f) Occupants of one and two-family dwellings are required to supply the garbage and rubbish storage facilities required by these Codified Ordinances unless other arrangements are made in the lease.
  - (g) Every occupant shall properly use the designated parking area provided.
  - (h) Occupants of any dwelling unit or building shall be responsible jointly and/or severally for any violation of this section.
  - (i) Violation of the above tenant responsibilities shall be grounds for eviction.
- (Ord. 157. Passed 7-26-88.)

## **CHAPTER 1446**

### **Administration and Enforcement**

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- 1446.01 Inspections.
- 1446.02 Establishment of time limit on repairs.
- 1446.03 Special assessment.
- 1446.04 Inspection costs.
- 1446.05 Housing Board of Review.
- 1446.06 Compliance with repair notices required.
- 1446.07 Violations as nuisances.
- 1446.99 Penalty.

#### **CROSS REFERENCES**

- State Housing Code - see M.C.L.A. Secs. 125.401 et seq.
- Municipal Housing Act - see M.C.L.A. Secs. 125.651 et seq.
- Municipal housing commissions - see M.C.L.A. Secs. 125.653 et seq.
- Adoption, promulgation and publication of rules - see M.C.L.A. 125.694b
- Board of Tenant Affairs - see M.C.L.A. Secs. 125.699 et seq.
- Acquisition and maintenance of housing projects - see M.C.L.A. Secs. 125.731 et seq.
- Hotels, boarding and lodging houses - see M.C.L.A. Secs. 427.1 et seq.
- Housing Commission - see ADM. Ch. 278
- Dwelling conversions - see P. & Z. 1260.03
- Dwelling area requirements - see P. & Z. 1266.06

#### **1446.01 INSPECTIONS.**

Any rental dwelling may be inspected by a designate of the Mayor if violations are suspected to be present. A request may come from the City, a tenant, or a resident of the City. After an inspection, either a certificate of compliance, good for three years, or a notice of repair listing the deficiencies shall be issued.

(Ord. 157. Passed 7-26-88.)

#### **1446.02 ESTABLISHMENT OF TIME LIMIT ON REPAIRS.**

If deficiencies are discovered, the City, after discussion with the landlord, shall establish a reasonable time to repair and correct the same.

(Ord. 157. Passed 7-26-88.)

#### **1446.03 SPECIAL ASSESSMENT.**

If the repairs required by this chapter are not made in a timely manner, such failure shall be reported by the City Manager to the Council, which may, by further resolution, direct that the specified repairs be performed at the City's expense by private contractors after competitive bidding and that the costs thereof be reported to the City Assessor for placement on the tax rolls as a special assessment upon the premises in question.

(Ord. 157. Passed 7-26-88.)

#### **1446.04 INSPECTION COSTS.**

Any inspection cost shall be borne by the owner-landlord of property if a violation is found to be valid. If the complaint is determined to be invalid, the complaining party shall bear the inspection cost.

(Ord. 157. Passed 7-26-88.)

#### **1446.05 HOUSING BOARD OF REVIEW.**

A Housing Board of Review is hereby established, consisting of five members to be appointed by the Mayor, not less than two of whom shall be landlords and one of whom shall be a member of City Council. The initial terms of the appointees shall be as follows: one member, one year; two members, two years; two members, three years. Thereafter, each appointee shall serve a three-year term. Any disagreements as to necessary repairs or related grievances may be appealed by the landlord to the Housing Board of Review within fourteen days of issuance of a notice of repair order from the City. The appeal shall be filed with the City Manager and shall be heard by the Housing Board of Review within fourteen days after it is filed. The Board may enforce, deny or moderate the ruling of the City's agents.

(Ord. 157. Passed 7-26-88.)

#### **1446.06 COMPLIANCE WITH REPAIR NOTICES REQUIRED.**

No person shall fail to comply with a notice of repair issued pursuant to this chapter.

#### **1446.07 VIOLATIONS AS NUISANCES.**

Any violation of this Housing Rental Code is hereby declared to be a nuisance. In addition to any other relief provided by this Code, the City Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this Code. Such application for relief may include seeking a temporary restraining order, temporary injunction or a permanent injunction.

(Ord. 157. Passed 7-26-88.)

#### **1446.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

## CHAPTER 1426

### Dangerous Buildings

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- 1426.01 Public nuisance defined; prohibited.
- 1426.02 Abatement.
- 1426.03 Remedies severable.
- 1426.04 Vermin.
- 1426.05 Dangerous buildings defined.
- 1426.06 Notice of dangerous conditions; hearing officer; service.
- 1426.07 Hearing; determination to close proceedings or order building demolished, made safe, properly maintained; noncompliance; cost of compliance as lien; priority.
- 1426.08 Enforcement of judgment; lien for judgment amount; priority.
- 1426.09 Failure or refusal to comply with order; misdemeanor.
- 1426.10 Appeals.

#### **1426.01 PUBLIC NUISANCE DEFINED; PROHIBITED.**

(a) Whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream; or in any way renders the public insecure in life or property is hereby declared to be a public nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of this chapter.

(b) No person shall commit, create or maintain any nuisance.

(Ord. 181. Passed 8-28-01.)

#### **1426.02 ABATEMENT.**

Where no other procedure is made specifically applicable by another provision of this chapter, any structure, condition or activity prohibited by this chapter may be abated by the City Manager in accordance with the following procedure. The City Manager shall first investigate the existence of the alleged nuisance to determine whether or not a nuisance as defined in Section 1426.01 exists and to further determine the person who has created or is committing or maintaining such nuisance. He or she shall then give written notice to the person or persons responsible for the creation, commission or maintenance of such nuisance, specifying in particular the nature thereof, the corrective action to be taken to abate the same and the time limit for abatement of such nuisance, which shall be a reasonable time but not to exceed fifteen days from the time the notice is served. Such notice shall be served by registered mail, return receipt requested. If, at the expiration of the time limit in the notice, the person responsible for the commission, creation or maintenance of any nuisance shall not have complied with the requirements thereof, the City Manager shall, after proper resolution of the Council, carry out the requirements of the notice. The cost of such abatement shall be a debt owed the City by the person responsible for the commission, creation or maintenance of such nuisance and if the nuisance is attributable to the use, occupancy or ownership of any land or premises within the City, shall be charged against such premises in accordance with said use, occupancy or ownership of said premises.

(Ord. 181. Passed 8-28-01.)

#### **1426.03 REMEDIES SEVERABLE.**

Any action taken by the City to abate any nuisance under the provisions of Section 1426.02 or any other provision of the Code, shall not affect the right of the City to institute proceedings against the person committing, creating or maintaining any nuisance for violation of this Code nor affect the imposition of the penalty prescribed for such violation. As an additional remedy, upon application by the City to any court of competent jurisdiction, the court may order the nuisance abated and/or the violation, or threatened violation, restrained and enjoined.

(Ord. 181. Passed 8-28-01.)

#### **1426.04 VERMIN.**

Owners and/or occupants of buildings and/or property shall take effective measures to protect against the entrance into their buildings and the breeding or presence on their property of vermin.

(Ord. 181. Passed 8-28-01.)

#### **1426.05 DANGEROUS BUILDINGS DEFINED.**

"Dangerous building" means a building or structure that has one or more of the following defects or is in one or more of the following conditions:

- (a) A door, aisle, passageway, stairway or other means of exit, which does not conform to the State Fire Code.
- (b) A portion of the building or structure is damaged by fire, wind, flood or other cause so that the structural strength or stability of the building or structure is appreciably less than it was before the occurrence of the causal event and does not meet the minimum requirements of the State Building Code for a new building or structure, purpose or location.
- (c) A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.
- (d) A portion of the building or structure has settled to such an extent that walls or other structural parts of the building or structure have materially less resistance to wind than is required in the case of new construction by the State Building Code.
- (e) The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, or the removal or movement of some portion of the ground necessary for the support, or for other reasons, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.
- (f) The building, structure, or a part of the building or structure is manifestly unsafe for the purpose for which it is used, or was last previously used.
- (g) The building or structure is damaged by fire, wind or flood or is dilapidated or deteriorated and becomes an attractive nuisance to children, or becomes a harbor for persons, enabling them to resort thereto to commit an unlawful act.
- (h) A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement or otherwise, is unsanitary or unfit for human habitation, or is in a condition that is likely to cause sickness or disease, or is likely to injure the health, safety, or general welfare of people living in the dwelling.
- (i) A building or structure is vacant, dilapidated, and open at door or window, leaving the interior of the building or structure exposed to the elements or accessible to entrance by trespassers.
- (j) A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease, or rent with a real estate broker licensed by the State of Michigan. For the purposes of this subsection, "building or structure" includes, but is not limited to, a commercial building or structure. This subsection shall not apply to either of the following:
  - (1) A building or structure as to which the owner or agent does both of the following:
    - A. Notifies the City Manager that the building or structure will remain unoccupied for a period of 180 consecutive days. The notice shall be given not more than thirty days after the building or a structure becomes unoccupied.
    - B. Maintains the exterior of the building or structure and adjoining grounds in accordance with the Building Code and any other applicable City ordinance.
  - (2) A secondary dwelling of the owner that is regularly unoccupied for a period of 180 days or longer each year, if the owner notifies the City Manager that the dwelling will remain unoccupied for a period of 180 consecutive days or more each year. An owner who has given the notice prescribed by this paragraph shall notify the City Manager not more than thirty days after the dwelling no longer qualifies for this exception. As used in this paragraph, "secondary dwelling" means a dwelling such as a vacation home, hunting cabin or summer home, that is occupied by the owner or a member of the owner's family during part of a year.
- (k) A building or structure which is partially completed unless such building or structure is in the course of construction in accordance with a valid and existing building permit issued by the Oceana County building inspector and unless such construction is completed within six months.

(Ord. 181. Passed 8-28-01.)

#### **1426.06 NOTICE OF DANGEROUS CONDITIONS; HEARING OFFICER; SERVICE.**

- (a) Notwithstanding any other provision of this chapter, if a building or structure is found to be a dangerous building, the City shall issue a notice that the building or structure is a dangerous building.
- (b) The notice shall be served on the owner, agent, or lessee and any financial institution having a security interest, that is registered with the City under M.C.L.A. 125.525. If an owner, agent, or lessee is not registered under M.C.L.A. 125.525, the notice shall be served on each owner or party in interest in the building or structure in whose name the property appears on the last local tax assessment records.
- (c) The notice shall specify the time and place of a hearing on whether the building or structure is a dangerous building. The person to whom the notice is directed shall have the opportunity to show cause at the hearing why the hearing officer should not order the building or structure to be demolished, otherwise made safe, or properly maintained.



(d) The hearing officer shall be appointed by the Mayor, and confirmed by Council, to serve at their pleasure. The hearing officer shall be a person who has expertise in housing matters including, but not limited to, an engineer, architect, building contractor, building inspector, or member of a community housing organization. An employee of the City shall not be appointed as hearing officer. The City shall file a copy of the notice that the building or structure is a dangerous building with the hearing officer.

(e) The notice shall be in writing and shall be served upon the person to whom the notice is directed either personally or by certified mail, return receipt requested, addressed to the owner or party in interest at the address shown on the tax records. If a notice is served on a person by certified mail, a copy of the notice shall also be posted upon a conspicuous part of the building or structure. The notice shall be served upon the owner or party in interest at least ten days before the date of the hearing included in the notice.

(Ord. 181. Passed 8-28-01.)

**1426.07 HEARING; DETERMINATION TO CLOSE PROCEEDINGS OR ORDER BUILDING DEMOLISHED, MADE SAFE, PROPERLY MAINTAINED; NONCOMPLIANCE; COST OF COMPLIANCE AS LIEN; PRIORITY.**

(a) At a hearing prescribed by Section 1426.06, the hearing officer shall take testimony of the City, the owner of the property, and any interested party. Not more than five days after completion of the hearing, the hearing officer shall render a decision either closing the proceedings or ordering the building or structure demolished, or otherwise made safe, or properly maintained.

(b) If the hearing officer determines that the building or structure should be demolished, otherwise made safe, or properly maintained, the hearing officer shall so order, fixing a time in the order for the owner, agent, or lessee to comply with the order. If the building is a dangerous building under Section 1426.05(j), the order may require the owner or agent to maintain the exterior of the building and adjoining grounds owned by the owner of the building including, but not limited to, the maintenance of lawns, trees, and shrubs.

(c) If the owner, agent, or lessee, or party otherwise interested in such building, fails to appear or neglects or refuses to comply with the order issued under subsection (b) hereof, the hearing officer shall file a report of the findings and a copy of the order with the City Council, not more than five days after noncompliance by the owner and request that necessary action to be taken to enforce the order. A copy of the findings and order of the hearing officer shall be served on the owner, agent, or lessee, or party otherwise interested in such building, in the manner prescribed in Section 1426.06.

(d) The City Council shall fix a date not less than thirty days after the hearing prescribed in Section 1426.06, a hearing on the findings and order of the hearing officer and shall give notice to the owner, agent, or lessee in the manner prescribed in Section 1426.06 of the time and place of the hearing. At the hearing, the owner, agent, or lessee shall be given the opportunity to show cause why the order should not be enforced. City Council shall either approve, disapprove, or modify the order. If City Council approves or modifies the order, Council shall take all necessary action to enforce the order. If the order is approved or modified, the owner, agent, or lessee shall comply with the order within sixty days after the date of the hearing under this subsection. In the case of an order of demolition, City Council determines that the building or structure has been substantially destroyed by fire, wind, flood, or other natural disaster, and the cost of repair of the building or structure will be greater than the state equalized value of the building or structure, the owner, agent, or lessee shall comply with the order of demolition within twenty-one days after the date of the hearing under this subsection.

(e) The cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure, or grounds adjoining the building or structure incurred by the City to bring the property into conformance with this chapter shall be reimbursed to the City, by the owner or party in interest in whose name the property appears.

(f) The owner or party in interest in whose name the property appears upon the last local tax assessment records shall be notified by the assessor of the amount of the cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure by first class mail at the address shown on the records. If the owner or party in interest fails to pay the cost within thirty days after mailing by the assessor of the notice of the amount of the costs, the City shall have a lien for the cost incurred by the City, to bring the property into conformance with this chapter. The lien shall not take effect until notice of the lien has been filed or recorded as provided by law. A lien provided for in this subsection does not have priority over previously filed or recorded liens and encumbrances. The lien for the cost shall be collected and treated in the same manner as provided for property tax liens under the General Property Tax Act, Act No. 206 of the Public Acts of 1893, being Sections 211.1 to 211.157 of the Michigan Compiled Laws.

(g) In addition to other remedies under this chapter, the City may bring an action against the owner of the building or structure for the full cost of the demolition, of making the building safe, or of maintaining the exterior of the building or structure or grounds adjoining the building or structure. The City shall have a lien on the property for the amount of a judgment obtained pursuant to this subsection. The lien provided for in this subsection shall not take effect until notice of the lien is filed or recorded as provided by law. The lien does not have priority over prior filed or recorded liens and encumbrances.

(Ord. 181. Passed 8-28-01.)

**1426.08 ENFORCEMENT OF JUDGMENT; LIEN FOR JUDGMENT AMOUNT; PRIORITY.**

(a) A judgment in an action brought pursuant to Section 1426.07 may be enforced against assets of the owner other than



the building or structure.

(b) The city shall have a lien for the amount of a judgment obtained pursuant to Section 1426.07(g) against the owner's interest in all real property located in this state that is owned in whole or in part by the owner of the building or structure against whom the judgment is obtained. A lien provided for in this section does not take effect until notice of the lien is filed or recorded as provided by law, and the lien does not have priority over prior filed or recorded liens and encumbrances.

(Ord. 181. Passed 8-28-01.)

#### **1426.09 FAILURE OR REFUSAL TO COMPLY WITH ORDER; MISDEMEANOR.**

A person who fails or refuses to comply with an order approved or modified by the City Council under Section 1426.07 within the time prescribed by that section is guilty of a misdemeanor, punishable by imprisonment for not more than ninety days, or a fine of not more than five hundred dollars (\$500.00), or both.

(Ord. 181. Passed 8-28-01.)

#### **1426.10 APPEALS.**

An owner aggrieved by any final decision or order of the City Council may appeal the decision or order to the circuit court by filing a petition for an order of superintending control within twenty days from the date of the decision.

(Ord. 181. Passed 8-28-01.)