



Saginaw City Council Agenda

1315 S. Washington Avenue
VIA TELECONFERENCE
PER EXECUTIVE ORDER 2020-154
August 10, 2020
6:30 p.m.

PRAYER AND PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

PUBLIC HEARINGS:

PUBLIC INPUT:

(A list will be provided following submittal deadline.)

REMARKS OF COUNCIL:

REPORTS FROM MANAGER:

CONSENT AGENDA:

1. Approve the July 27, 2020 regular council meeting minutes.
2. Approve the amendments to the FY 2021 Approved Budget to recognize changes that have occurred during the August period.
3. Approve the Coronavirus Emergency Grant through the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for \$184,048 for the Police Department.
4. Approve the purchase with various vendors for a total of \$330,464 for the annual supply of water main appurtenances for Maintenance and Service Division.
5. Approve the purchase with Edw. C. Levy Co., dba Ace-Saginaw Paving Company, for \$247,000 for FY 2021; and pending budget approval, for \$251,000 for FY 2022, for hot mix asphalt for the Maintenance and Service Division.
6. Approve the purchase with Edw. C. Levy Co., dba Ace-Saginaw Paving Company, for \$100,000 for FY 2021; and pending budget approval for FY 2022, for hot mix asphalt for the Streets Division.
7. Approve the purchase with National Business Furniture for \$2,167 for office furniture for the Public Services Department.
8. Ratification of the purchase with D'Aarcy Rousseau Mechanical for \$21,910 for replacement of the HVAC system at the Public Works building for the Facilities Division.
9. Approve the purchase with USA BlueBook for \$3,909 for Hach chemical reagents for the Water Treatment Division.

BOARD/COMMISSION/COMMITTEE REPORTS:

APPOINTMENT OF BOARD/COMMISSION/COMMITTEE MEMBERS:

1. Approve the Council appointment of Evelyn McGovern to the Saginaw Transit Authority Regional Services Board with a term to expire December 31, 2020.

ORDINANCE INTRODUCTION:

1. An ordinance to add §§118.01 through 118.22, Titled "Chapter 118: Licensing of Marihuana Establishments," of Title XI, "Business Regulations," of the City of Saginaw Code of Ordinances, O-204.
2. An ordinance to add §153.603 "Purpose," §153.605 "Applicability," §153.607 "Definitions," §153.609 "Approval Procedures For Marihuana Establishments," §153.611 "Authorized Marihuana Establishments," §153.613 "Consumption; Violations," §153.615 "Penalties," §153.617 "Rights," Titled "Marihuana Establishments" of Title XV, "Land Usage," of the City of Saginaw Code of Ordinances, O-204.
3. An ordinance to add §135.01 "Prohibition," of "Chapter 135: Prohibition of Use or Consumption of Marihuana in Public Place," of Title XIII, "General Offenses," of the City of Saginaw Code of Ordinances, O-204.
4. An ordinance to add §91.36, "Smoking in Parks, Regulations," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-204.

ORDINANCE CONSIDERATION AND ADOPTION:

RESOLUTIONS:

UNFINISHED BUSINESS:

MISCELLANEOUS BUSINESS:

1. Closed session for a strategy session connected with the negotiations of a collective bargaining agreement(s) per MCL 15.268(c) .

ADJOURNMENT:

Timothy Morales
City Manager

IF YOU ARE DISABLED AND NEED ACCOMMODATION TO PROVIDE YOU WITH AN OPPORTUNITY TO PARTICIPATE OR OBSERVE IN PROGRAMS, SERVICES, OR ACTIVITIES, PLEASE CALL THE SAGINAW CITY CLERK, 1315 S. WASHINGTON

A REGULAR MEETING OF THE COUNCIL OF THE CITY OF SAGINAW, MICHIGAN, WAS HELD MONDAY, JULY 27, 2020, AT 6:30 P.M. VIA VIDEO/TELECONFERENCE PER GOVERNOR WHITMER'S EXECUTIVE ORDER 2020-154. THE MEETING WAS STREAMED LIVE VIA THE CITY'S WEBSITE AND ON SGTV.

ROLL CALL

Mayor Kloc called the meeting to order. Council Members present: Reginald Williams II, Jamie Forbes, Annie Boensch, Brenda Moore, Autumn Scherzer, John Milne, Michael Balls, Bill Ostash, and Floyd Kloc: 9. Council Members absent: 0.

ANNOUNCEMENTS

City Clerk Janet Santos announced the following:

- City residents can still register to vote at the City Clerk's Office, Monday-Friday from 8:00 a.m. to 4:00 p.m. At the same time they can apply for an absentee ballot and vote.
- The Clerk's Office will be open Saturday, August 1 from 8:00 a.m. to 4:00 p.m. for voters that want an absentee ballot.
- Voters going to their precinct to vote are assured that Safe Voting procedures and personal protection equipment will be utilized.
- As of today the Clerk's Office has issued 5,406 Absentee Ballots with 52% returned. The City encourages those returning ballots to use the drop box in the parking lot behind City Hall. Ballots must be returned by Election Day next Tuesday, August 4.
- The City's Waste Convenience Station is open to City residents the second Saturday of the month from 8:00 a.m. to 12:00 p.m. City residents may dispose of items that are not picked up at curbside such as construction materials, excluding shingles. The City accepts recycling items of glass, plastic and paper. The next collection day will be Saturday, August 8.

PUBLIC HEARING

Clerk Santos announced the public hearing regarding the Community Development Block Grant and Emergency Solutions Grant COVID-19 Response Funds. Mayor Kloc called for public comments three times. No comments were given or submitted to the Clerk prior to the meeting.

Moved by Council Member Boensch, seconded by Mayor Pro Tem Moore to close the public hearing. 9 ayes, 0 nays, 0 absent. Motion approved.

PUBLIC INPUT

Public Input that addressed the Council was: Michael Noel, Roxanne Adamczyk, Benjamin Champagne, Colorgio Rosas, Zoraya Lada, Rebecca Gombac, Cathy Csercse, Deena Alhesan, Carly Hammond, Amy Spadafore, Charles Roach III, Jack Horrigan, and Hattie Norwood.

REMARKS OF COUNCIL

Remarks were heard from the following Council Members: Boensch, Forbes, Williams, Ostash, Balls, Milne, Scherzer, Moore, and Kloc.

REPORTS FROM CITY MANAGER

City Manager Morales provided updates on several projects.

CONSENT AGENDA:

Mayor Kloc asked if there were any exceptions to the consent agenda. No exceptions were made.

1. Approve the July 13, 2020 regular council meeting minutes.
2. Approve the purchase with The Masters Touch, LLC for \$8,100 for the printing and mailing of utility bills for FY 2021.
3. Approve the purchase with Shred Experts, LLC for an annual amount not to exceed \$9,000 for city-wide shredding services for FY 2021; and pending budget approval for FY 2022.
4. Approve the third amendment to the Subrecipient HOME Agreement with Saginaw Shiawassee Habitat for Humanity for FY 2018-19 for the rehabilitation of 217 N. Andre.
5. Approve the amendment to the HOME Subrecipient Agreement with Saginaw Shiawassee Habitat for Humanity for FY 2019-20 to include the specific addresses and estimated funds for each project.
6. Approve the blanket purchase with Douglass Safety Systems for \$4,000 for annual maintenance of the air compressor systems for the Fire Department.
7. Approve the purchase with Champagne and Marx Excavating for \$4,200 for FY 2021; and pending budget approval, for \$4,288 for FY 2022, for screened top-soil for the Cemeteries Division.
8. Approve the purchase with Champagne and Marx Excavating for \$54,000 for FY 2021; and pending budget approval, for \$55,125 for FY 2022, for screened top-soil for the Maintenance and Service Division.
9. Approve to increase the purchase order with Edw. C. Levy Co., dba Ace-Saginaw Paving Company by \$165,595.75, for a new total of \$963,373, for the 2020 Mill and Resurface project for the Engineering Section, Right of Way Division.
10. Approve the contract with Wobig Construction Co. for \$221,886 for the Tuscola Street Pedestrian Pathway for the Engineering Section, Right of Way Division.
11. Approve the purchase with HESCO, a sole source, for \$2,750 for a power supply for the effluent Accusonics flow meter for the Wastewater Treatment Plant.
12. Approve the purchase with Hamlett Environmental Technologies, a sole source, for \$5,150 for a chlorine analyzer for the Wastewater Treatment Remote Facilities Division.
13. Approve the agreement with Dow Chemical Company for access to Wickes Park and the boat launch to conduct activities related to an environmental remediation project for the Engineering Section, Right of Way Division.

Moved by Council Member Milne, seconded by Council Member Balls to approve consent agenda items 1 through 13 as presented. 9 ayes, 0 nays, 0 absent. Motion approved.

BOARD/COMMISSION/COMMITTEE REPORTS

Council Member Ostash reported that the Human Rights Study Committee met and will meet again to continue their review.

ORDINANCE INTRODUCTION

Moved by Council Member Milne, seconded by Mayor Pro Tem Moore to introduce an ordinance to amend the official city map to rezone property known as 3304 State Street with the legal description of E. 74 ft. of S. 222.98 ft. of Outlot A, Davenside, City of Saginaw be rezoned from B-1, Local Business to B-2, General Business. 9 ayes, 0 nays, 0 absent. Motion approved.

Mayor Kloc announced that the ordinance will be laid over under Charter provision.

Moved by Mayor Pro Tem Moore, seconded by Council Member Milne to introduce an ordinance to amend the official city map to rezone property known 3307 Davenport with the legal description of E.117 ft. of N.150 ft. of E. 427 ft. of Outlot A, Davenside except a strip of land beg at NE'ly Cor. of said Outlot A Th N 89 deg 03'30" W 117 ft, Th S 00 deg 00'00" W 64.28 to POB, Th S 89 deg 02'14" E 6.08 ft. Th S 01 deg 09'08" W 81.31 ft, Th N 89 deg 02'14" W 4.44 ft, Th N 00 deg 00'00" E 81.32 to POB, City of Saginaw be rezoned from B-1, Local Business to B-2, General Business. 9 ayes, 0 nays, 0 absent. Motion approved.

Mayor Kloc announced that the ordinance will be laid over under Charter provision.

Moved by Council Member Milne, seconded by Council Member Boensch to introduce an ordinance to amend the official city map to rezone property known as 3325 Davenport with the legal description of E. 427 ft. of Outlot A, exc. E. 117 ft. of N.150 ft., and exc. E. 74 ft. of S. 222.98 ft. Lot 78, Davenside also a strip of land beg. at NE'ly Cor of said Outlot A Th N 89 deg 03'30" W 117 ft, Th S 00 deg 00'00" W 64.28 to POB, Th S 89 deg 02'14" E 6.08 ft. Th S 01 deg 09'08" W 81.31 ft, Th N 89 deg 02'14" W 4.44 ft, Th N 00 deg 00'00" E 81.32 to POB, City of Saginaw be rezoned City of Saginaw be rezoned from B-1, Local Business to B-2, General Business. 9 ayes, 0 nays, 0 absent. Motion approved.

Mayor Kloc announced that the ordinance will be laid over under Charter provision.

Moved by Mayor Pro Tem Moore, seconded by Council Member Boensch to introduce an ordinance to amend the official city map to rezone property known as 3430 State Street with the legal description of Outlot A exc. E. 427 ft. Davenside, also including n 20 ft of vacated State St lying adjacent thereto, City of Saginaw be rezoned from B-1, Local Business to B-2, General Business. 9 ayes, 0 nays, 0 absent. Motion approved.

Mayor Kloc announced that the ordinance will be laid over under Charter provision.

Moved by Council Member Milne, seconded by Mayor Pro Tem Moore to introduce an ordinance to amend the official city map to rezone property known as 3446 State Street with the legal description of S. 200 ft. of W.140 ft. of that part of W.1/2 of W.1/2 of S.1/2 of S.E.1/4 of S.W.1/4 of Sec.15, T.12, N. R.4, E. Lying N. of State St. & E. of Warwick

St., exc. a parcel viz. beg. at intersection of N. line of State St. & E. line of Warwick St. thence E. along N. line of State St. 10 ft., thence NWly. to a point on E. line of Warwick St., said point being 25 ft. N. of point of beg., thence S. along E. line of Warwick St. 25 ft. to point of beg., City of Saginaw be rezoned from B-1, Local Business to B-2, General Business. 9 ayes, 0 nays, 0 absent. Motion approved.

Mayor Kloc announced that the ordinance will be laid over under Charter provision.

ORDINANCE CONSIDERATION AND ADOPTION

Moved by Council Member Milne, seconded by Council Member Williams to adopt an ordinance to repeal Ordinance O-142 of "Table II: Street Vacations," of "Table of Special Ordinances," of the City of Saginaw Code of Ordinances, O-204. 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Mayor Pro Tem Moore, seconded by Council Member Williams to adopt an ordinance to repeal Ordinance O-143 of "Table II: Street Vacations," of "Table of Special Ordinances," of the City of Saginaw Code of Ordinances, O-204. 9 ayes, 0 nays, 0 absent. Motion approved.

RESOLUTIONS

Moved by Mayor Pro Tem Moore, seconded by Council Member Boensch to adopt the resolution to approve the Homeless Assistance Program Emergency Solutions COVID-19 Grant Program Submission for FY 2021 for an estimated amount of \$644,300. 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Mayor Pro Tem Moore, seconded by Council Member Milne to adopt the resolution to approve the Homeless Assistance Program Emergency Solutions COVID-19 Grant Program Submission for FY 2021 for a second allocation of an estimated amount of \$795,509. 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Mayor Pro Tem Moore, seconded by Council Member Boensch to adopt the resolution to approve the Community Block Grant COVID-19 Program Submission for FY 2021 for an estimated amount of \$1,272,030. 9 ayes, 0 nays, 0 absent. Motion approved.

Moved by Council Member Ostash, seconded by Council Member Boensch to adopt the resolution establishing a study committee to research the creation of the Pere Marquette Potter Street Station Local Historic District. 9 ayes, 0 nays, 0 absent. Motion approved.

ADJOURNMENT

Moved by Council Member Boensch, seconded by Council Member Scherzer to adjourn the meeting at 8:12 p.m. 9 ayes, 0 nays, 0 absent. Motion approved.

As recorded by

Janet Santos, MiPMC/MMC
City Clerk

From: Timothy Morales, City Manager
Subject: August Budget Adjustment
Prepared by: Yolanda M. Jones, Office of Management and Budget

Manager's Recommendation:

I recommend approval of the amendments to the 2020/2021 Approved Budget for the listed funds. This adjustment is required to recognize any errors, omissions, or changes that have occurred within the month of August.

Justification:

The 2020/2021 annual budget will be adjusted in accordance with Public Act 2 of 1968, Uniform Budgeting and Accounting Act, the City Charter; and the approved 2021 Budget Resolution, which states that the City Manager must provide budget adjustments to City Council quarterly and/or as needed. As a result of the City Manager's monthly analysis for August, the below-mentioned budget adjustments take into consideration any errors, omissions, or changes in the funding levels and expenditures approved by City Council as prescribed by the City Charter.

In review of the General Fund, it is recommended that this fund be increased by a net \$98,831, from \$36,541,170 to \$36,639,851.

- In June 2020, city council approved purchase order 0508432 to Signature Ford for the purchase of an Interceptor for the Community Public Safety - Police. The vehicle is expected to be delivered in FY 2021. A budget adjustment is required to recognize the carryover of this purchase in the amount of \$37,541. These funds will be recognized in the Community Public Safety – Police, Police Building Maintenance Division, Vehicles Account No. 101-3514-982.000 and will be offset by use of assigned fund balance.
- In February 2020, city council approved purchase order 0507825 for the purchase of two Interceptors and one Responder for the Community Public Safety - Police. All three vehicles are expected to be delivered in FY 2021. Therefore a budget adjustment in this fund in the amount of \$36,865 is required to carryover funds into FY 2021. These funds will be recognized in the Community Public Safety – Police, Police Building Maintenance Division, Vehicles Account No. 101-3514-982.000 and will be offset by use of assigned fund balance. The remaining two vehicles will be recognized in the DOJ – JAG Grant Fund.
- In September 2019, city council approved purchase order 0506837 to CPG Armor Company for the purchase of ballistic helmets for the Community Public Safety - Police. The equipment was delivered in FY 2021 due to delay because of the COVID – 19 pandemic. A budget adjustment is required to recognize the purchase in the amount of \$941. These funds will be recognized in the Community Public Safety – Police, Police Building Maintenance Division, Parts and Supplies Account No. 101-3514-742.000 and will be offset by use of assigned fund balance.

- In December 2019, city council approved purchase order 0507503 to West Side Decorating Center for carpet installation in the records storage area of Community Public Safety – Police. This work has not yet been completed due to complications from the COVID-19 pandemic. This budget adjustment is to recognize the carryover of purchase order 0507503 in the amount of \$4,335. Expenditures will be recognized in the Community Public Safety – Police, Police Building Maintenance Division, Repairs and Replacements Account No. 101-3514-974.000. An appropriation of fund balance will offset the increase in expenditures.
- Community Public Safety - Police has received reimbursement for security work at Bridgton Place on Vestry Drive in the amount of \$8,583. A budget adjustment is required to recognize these funds. Revenues will be recognized in the General Fund Revenues, Police Department Services Account No. 101-0000-632.000 and expenditures will be recognized in the Community Public Safety – Police, Police Patrol Division, Billable Overtime Account No. 101-3511-704.001.
- In February 2020, city council approved purchase order 0507829 to McDonald Ford for the purchase of 4 F-250 Pickup Trucks. Delivery for one of these trucks occurred in July 2020 and therefore a budget adjustment of \$10,416 is required to carryover these funds to FY 2021. Funds will be recognized in the Department of Public Services, Abatement of Nuisances Division, Vehicles Account No. 101-7571-982.000 and will be offset by use of fund balance.

The Major Streets Fund (202) should be increased from \$7,648,779 to \$7,872,676. This represents a \$223,897 increase.

- In October 2019, city council approved purchase order 0507055 to Truck & Trailer Specialties, Inc. for the purchase of upfitting of a single-axle hook loader plow and salt truck. Delivery is expected in August 2020. Therefore this budget adjustment is to recognize the carryover of purchase order 0507055 in the amount of \$216,890, of which \$151,823 will be recognized in the Routine Maintenance Division's Vehicles Account No. 202-4651-982.000 and \$65,067 will be recognized in the Winter Maintenance Division's Vehicles account No. 202-4655-982.000. These funds will be offset by use of fund balance.
- In February 2020, city council approved purchase order 0507829 to McDonald Ford for the purchase of 4 F-250 Pickup Trucks. Delivery for one of these trucks occurred in July 2020 and therefore a budget adjustment of \$7,007 is required to carryover these funds to FY 2021. Funds will be recognized in the Routine Maintenance Division's Vehicles Account No. 202-4651-982.000 and will be offset by use of fund balance.

The Local Streets Fund (203) should be increased from \$2,057,148 to \$2,064,155. This represents a \$7,007 increase. In February 2020, city council approved purchase order 0507829 to McDonald Ford for the purchase of 4 F-250 Pickup Trucks. Delivery for one of these trucks occurred in July 2020 and therefore a budget adjustment of \$7,007 is required to carryover these funds to FY 2021. Funds will be recognized in the Routine Maintenance

Division's Vehicles Account No. 203-4651-982.000 and will be offset by use of fund balance.

The Downtown Development Authority (DDA) 2011 Fund (259) should be increased from \$251,270 to \$286,040. This represents a \$34,770 increase.

- At the Downtown Development Authority meeting on June 23, 2020, the board agreed to contribute funds towards a project placing historical markers that is being undertaken by the Riverfront Commission. An appropriation of available fund balance will be utilized to cover this project in the amount of \$7,970. In addition, expenditures will be recognized in the DDA Fund, 2 Mill Levy Division, Fixtures Account No. 259-1777-985.000.
- A budget adjustment in the amount of \$26,800 is required to cover the costs that were omitted from the budget for Police Patrols in the DDA area, consulting services, and internet services for cameras placed downtown. \$25,000 of these funds will be recognized in the DDA Fund, 2 Mill Levy Division, Professional Services Account No. 259-1777-801.000 and the remaining \$1,800 will be recognized in the Service Fees Account No. 259-1777-824.000. These funds will be offset by use of fund balance.

The Department of Justice – JAG Fund (263) should be increased from \$0 to \$82,311. In February 2020, city council approved purchase order 0507825 for the purchase of two Interceptors and one Responder. All three vehicles are expected to be delivered in FY 2021. Therefore a budget adjustment in this fund in the amount of \$82,311 is required to carryover these funds into FY 2021. \$53,779 will be recognized in the JAG 2018 Division, Vehicles Account No. 263-3337-982.000 and \$28,532 will be recognized in the JAG 2019 Division, Vehicles Account No. 263-3338-982.000. These funds will be offset by use of fund balance.

The Public Works Building Fund (641) should be increased by \$3,977 from \$567,612 to \$571,589. In February 2020, city council approved purchase order 0507829 to McDonald Ford for the purchase of 4 F-250 Pickup Trucks. Delivery for one of these trucks occurred in July 2020 and therefore a budget adjustment of \$3,977 is required to carry over these funds to FY 2021. Funds will be recognized in the Routine Maintenance Division's Vehicles Account No. 641-4439-982.000 and will be offset by an increase in Contributions from Other Funds.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager

Subject: U.S. Department of Justice, Office of Justice Programs, BJA FY 20
Coronavirus Emergency Supplemental Funding Program, FY 20
Coronavirus Emergency Grant

Prepared by: Brian Rowell, Community Public Safety – Police

Manager's Recommendation:

I recommend the approval of the Coronavirus Emergency Grant through the U.S. Department of Justice, Office of Justice Programs, and Bureau of Justice Assistance for \$184,048 for the Police Department.

Justification:

The Coronavirus Emergency Supplemental Funding (CESF) Program allows for the support of a broad range of activities to prevent, prepare for, and respond to the coronavirus. Funded projects or initiatives may include, but are not limited to, overtime, equipment (including PPE), hiring, supplies (such as gloves, masks, and sanitizer), training, and travel expenses, particularly related to the distribution of resources to the most impacted areas. The period of this grant is from January 20, 2020 through January 31, 2022.

I have approved the agreement as to substance and the City Attorney as to form.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Water Main Appurtenances
Prepared by: Wayne Tornberg II, Public Services Department

Manager's Recommendation:

I recommend approval of purchases with Ferguson Waterworks for \$201,428.05, ETNA Supply for \$79,020.36 and Core & Main for \$50,014.94 totaling \$330,463.35 for the annual supply of water main appurtenances for the Maintenance and Service Division.

Justification:

On June 26, 2020, the Maintenance and Service Division received bids for the annual supply of water main appurtenances. The City decided to split the bid between the vendors in each bid group to maximize saving, by splitting the bid instead of going with the overall lowest bid, there was an additional savings of \$14,249.98. There are 70 Sub-Groups and over 3,000 pieces that are used in the maintenance repair and construction of the Water Distribution and Transmission System on an as needed basis. A cost comparison shows an average increase of 5% compared to the previous year's bid. The following is a tabulation of the bids received, with Ferguson Waterworks awarded items #1, #2, #3, #7, #10 and #12, Etna Supply items #5, #6 and #9 and Core & Main items #4, #8, and #11.

<u>Bid Groups:</u>	<u>Ferguson Waterworks Flushing, MI</u>	<u>Etna Supply Saginaw, MI</u>	<u>Core & Main LP Canton, MI</u>
#1 Water Service Boxes	\$ 68,237.78	\$ 85,295.00	\$ 73,930.35
#2 Valve Service Boxes	\$ 58,766.55	\$ 68,700.00	\$ 59,101.50
#3 Resilient Wedge Cut Valves	\$ 40,687.41	\$ 45,874.85	\$ 39,383.01
#4 Bell Clamps	\$ 7,278.31	\$ 5,609.00	\$ 5,356.90
#5 Type Duo Solid Sleeves	\$ 56,964.44	\$ 50,772.96	\$ 57,244.44
#6 20" OAL Cut in Sleeves	\$ 16,376.96	\$ 15,042.40	\$ 16,061.64
#7 MJ Ductile Iron Caps	\$ 2,135.26	\$ 5,403.90	\$ 6,629.06
#8 Mega Lug Glands	\$ 1,376.65	\$ 2,205.90	\$ 1,360.56
#9 Smith Blair Repair Clamps	\$ 13,235.22	\$ 13,205.00	\$ 20,467.58
#10 Resilient Wedge Tapping	\$ 10,957.54	\$ 11,185.00	\$ 11,147.08
#11 MJ Butterfly Valves	\$ 48,053.70	\$ 48,959.00	\$ 43,297.48
#12 Hymax Couplers	\$ 20,643.51	\$ 20,880.00	\$ 21,065.28
TOTAL	\$ 201,428.05	\$ 79,020.36	\$ 50,014.94

Awarded bid based on lower quote for each Group.

These vendors meet all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Water Operations and Maintenance Fund, Lead & Copper Service Line Maintenance Division, Parts and Supplies Account No. 591-4722-742.000 \$68,237.78, Water Operations and Maintenance Fund, Maintenance and Service Division's, Parts and Supplies Account No. 591-4721-742.000 \$262,225.57.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Annual Supply of Hot Mix Asphalt
Prepared By: Joshua Hoffman, Public Services Department

Manager's Recommendation:

I recommend the approval of a purchase with Edw. C. Levy Co., dba Ace-Saginaw Paving Company, for \$247,000.00 for FY 2021; and pending budget approval, for \$251,000 for FY 2022, for hot mix asphalt.

Justification:

On July 21, 2020, the Maintenance and Service Division received a two-year bid for hot mix asphalt. The Maintenance and Service Division uses an average of 4,000 tons of various asphalt mixes to excavate approximately 900 water and sewer repairs annually in the City's Right of Way (ROW) that requires hot mix asphalt used to make permanent street repairs in the City's ROW. The following is a tabulation of the bid received:

<u>Vendor</u>		<u>FY 2021</u>	<u>FY 2022</u>
Ace-Saginaw Paving	Hot Mix 13A/Ton	\$61.50 /ton	\$62.50 /ton
Saginaw, MI (out city)	Hot Mix 36A/Ton	\$62.50 /ton	\$63.50 /ton

These prices represent a decrease/increase in unit bid prices from FY 2020 as listed below:

	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Hot Mix 13A/Ton	\$55.00 /ton	11% Increase	12% Increase
Hot Mix 36A/Ton	\$55.00 /ton	13% Increase	14% Increase

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Water Operation and Maintenance Fund, Lead & Copper Service Line Maintenance Division's, Street and Road Materials Account No. 591-4722-743.000 \$98,500.00, Water Operation and Maintenance Fund, Maintenance and Service Division's Street and Road Materials Account No. 591-4721-743.000 \$74,100.00 and Sewer Operations and Maintenance Fund, Maintenance and Service Division's Street and Road Materials Account No. 590-4821-743.000 \$74,100.00 for FY2021 and will be budgeted in the same accounts for Fiscal Year 2022 pending budget approval.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Annual Supply of Hot Mix Asphalt
Prepared by: Beth D. London, Public Service Department

Manager's Recommendation:

I recommend the approval of a purchase with Edw. C. Levy Co., dba Ace-Saginaw Paving Company, for \$100,000.00 for FY 2021, and pending budget approval for FY 2022, for hot mix asphalt for the Streets Division.

Justification:

On July 21, 2020, the City received one two-year bid for hot mix asphalt. The Streets Division uses approximately 1,600 tons of hot mix asphalt for street overlays and pavement repairs throughout the year. The following is a tabulation of the bid received:

<u>Vendor</u>		<u>FY 2021</u>	<u>FY 2022</u>
Ace-Saginaw Paving	Hot Mix 13A	\$61.50 /ton	\$62.50 /ton
Saginaw, MI (out city)	Hot Mix 36A	\$62.50 /ton	\$63.50 /ton

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Major Streets Fund, Routine Maintenance Division's Street and Road Material Account No. 202-4651-743.000 \$35,255.00 and Local Streets Fund, Routine Maintenance Division's Street and Road Materials Account No. 203-4651-743.000 \$64,745.00 for FY 2021, and will be budgeted in the same accounts for FY 2022, pending budget approval.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Public Services Office Furniture Purchase
Prepared by: Beth London, Public Services Department

Manager's Recommendation:

I recommend the approval of a purchase with National Business Furniture for \$2,166.20 for office furniture for the Public Services Department.

Justification:

On April 6, 2020, Council approved a purchase with National Business Furniture (NBF) for Phase I of the replacement of the Public Services Department Administration Staff office furniture. On July 6, 2020, NBF provided a quote for the second phase of the replacement of the Public Services Department Administration Staff office furniture. NBF's furniture has proven to be durable and of high quality. Their products also come with a lifetime guarantee.

The items included in this quote are desks with hutches and lateral files. This furniture will replace furniture that is over 30 years old and not suitable for computers and current office equipment requirements.

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Major Street Fund, Streets Administration Division's Capital Outlay less than \$5,000 Account No. 202-4650-971.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Ratification of HVAC System
Prepared by: Jay Gustin, Public Services Department

Manager's Recommendation:

I recommend ratification of the purchase with D'Aarcy Rousseau Mechanical for \$21,910.00 for replacement of the HVAC system at the Public Works Building for the Facilities Division.

Justification:

On July 17, 2020, the City received two quotes for replacement of the HVAC unit in the Public Works Building. Emergency purchase order 508964 was issued to the low quote from D'Aarcy Rousseau Mechanical to replace the HVAC Unit at the Public Works Building. This unit was originally installed in 1995 and stopped working on July 8, 2020; it exceeded its life expectancy of 15 years. The following is a tabulation of the quotes received:

<u>Vendor</u>	<u>Cost</u>
D'Aarcy Rousseau Mechanical Saginaw, MI (out-city)	\$21,910.00
G W Heating & Air Conditioning, Co. Saginaw, MI (in-city)	\$25,588.00

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Public Works Building Fund, Repairs and Replacement Account No. 641-4439-974.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Timothy Morales, City Manager
Subject: Hach Brand Reagent Pick and Ship Plan
Prepared by: Amanda Kiel, Water and Wastewater

Manager's Recommendation:

I recommend approval of a purchase with USA BlueBook for \$3,908.66 for Hach chemical reagents for the Water Treatment Division.

Justification:

On July 21, 2020, the City received bids for Hach chemical reagents. The Water Treatment Division performs Turbidity and Free Chlorine Residual (Cl-) analyses using Hach Company's on-line and benchtop instruments. Turbidity analysis is an indication of water quality. The Environmental Protection Agency (EPA) and Michigan Department of Environment, Great Lakes, and Energy (EGLE) require continuous and periodic monitoring of these parameters. The requested reagents are on a one-year Reagent Pick and Ship Plan for automatic quarterly delivery and include shipping costs. Following is a tabulation of the bids received and reviewed by the Purchasing Committee:

USA BlueBook Waukegan, IL	\$3,908.66
Hach Company Loveland, CO	\$4,084.92

This vendor meets all requirements of §14.33, "Vendors," of "Purchasing, Contracting, and Selling Procedure," of Chapter 14, "Finance and Purchasing," of Title I, "Administrative Code," of the Saginaw Code of Ordinances, O-204.

Funds are budgeted in the Water Operation and Maintenance Fund, Treatment and Pumping Division's Operating Services Account No. 591-4730-805.000.

Council Action:

Motion to approve the recommendation of the City Manager.

From: Tim Morales, City Manager

Subject: Opt In Ordinances – Adult Use Marihuana Establishments

Prepared by: Amy L. Lusk, City Attorney

Manager's Recommendation:

I recommend the introduction of the ordinance detailed in the justification section below.

Justification:

In 2019, City Council adopted an ordinance temporarily opting out of allowing the development of adult use marihuana establishments in the City of Saginaw. In adopting that ordinance, Council also instructed staff to prepare ordinances for their consideration that would allow the City to opt in. Staff has prepared a package of ordinances that contains the following:

- Title XI Business Regulations, Chapter 118 Licensing of Marihuana Establishments, §§118.01-118.22. This ordinance sets forth the requirements for application and business licensing of marihuana establishments in the City. Adoption of this ordinance would repeal the current opt out ordinance.
- Title XV Land Usage, Chapter 153 Zoning Code, §§153.601-153.617 Marihuana Establishments. This ordinance sets forth the zoning classifications in which marihuana establishments may be located, the setback requirements from sensitive uses, and the approval processes for the siting of such facilities.
- Title XIII General Offenses, Chapter 135 Prohibition of Use or Consumption of Marihuana in a Public Place, §135.01. This ordinance prohibits the use or consumption of marihuana in a public place. Violations of the ordinance are deemed a public nuisance and a Class C municipal civil infraction.
- Title IX General Regulations, Chapter 91 Cemeteries and Parks, §91.36 Smoking in Parks; Regulation. This ordinance prohibits the smoking of any marihuana or tobacco product in any City park. Violations of the ordinance are a municipal civil infraction, punishable by a fine of \$50.00 or community service.

The Planning Commission held a public hearing on June 23, 2020, and July 28, 2020, regarding the proposed amendment to the Zoning Code and all interested parties were given the opportunity to be heard. The Planning Commission voted to recommend approval of the Zoning Code amendment to City Council.

Council Action:

This Council Communication is for explanation purposes of the ordinances to be introduced and enacted according to the City Charter, Section 22, titled "Ordinances."

Moved by Council Member _____, seconded by Council Member _____ to introduce an Ordinance entitled and reading as follows:

O- _____

AN ORDINANCE TO ADD §§118.01 THROUGH 118.22, TITLED "CHAPTER 118: LICENSING OF MARIHUANA ESTABLISHMENTS," OF TITLE XI, "BUSINESS REGULATIONS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-204.

Laid over under the Charter Provision.

Moved by Council Member _____, seconded by Council Member _____ that an ordinance introduced August 10, 2020, be taken up and enacted, entitled and reading as follows:

O-_____

AN ORDINANCE TO ADD §§118.01 THROUGH 118.22, TITLED "CHAPTER 118: LICENSING OF MARIHUANA ESTABLISHMENTS," OF TITLE XI, "BUSINESS REGULATIONS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-204.

The City of Saginaw Ordains:

Section 1. §§118.01 through 118.22, Titled "Chapter 118: Licensing of Marihuana Establishments," of Title XI, "Business Regulations," of the City of Saginaw Code of Ordinances, O-204, is hereby added to read as follows:

CHAPTER 118: LICENSING OF MARIHUANA ESTABLISHMENTS

§118.01 PURPOSE.

The purpose of this chapter is to license and regulate recreational or adult use marihuana establishments to the extent they are licensed under the Michigan Regulation and Taxation of Marihuana Act, being Initiated Law 1 of 2018, MCL 333.27951 *et seq*, as amended. The City does not intend that licensing and regulation under this chapter be construed as a finding that such businesses are legal under state or federal law. Although some specific uses of medical marihuana are allowed by the Michigan Medical Marihuana Act, marihuana continues to be classified as a schedule 1 controlled substance under federal law and as such, growing, distributing, and possessing marihuana, other than as part of a federally authorized research program, as well as other activities as set forth in federal law, is a violation of federal law. By requiring a license and compliance with requirements as provided in this chapter, the City intends to protect, to the extent possible, the public health, safety, and welfare of the residents of and visitors to the City that may result from the activities of persons who unilaterally, or on the advice of their own attorney, determine that they may legally operate a recreational or adult use marihuana establishment.

The operation of a licensed marihuana establishment is a revocable privilege and not a right in the City. Nothing in this chapter is to be construed to grant a property right for an individual or business entity to apply for, obtain, or have renewed, a City-issued license to engage in the use, distribution, cultivation, production, possession, transportation or sale of recreational or adult use marihuana as a commercial enterprise in the City.

§118.02 DEFINITIONS.

(A) For purposes of this Chapter 118, the following words, terms and phrases shall be defined as follows:

Act shall mean the Michigan Regulation and Taxation of Marihuana Act, being Initiated Law 1 of 2018, MCL 333.27951 *et seq*, as amended, and its corresponding emergency and/or administrative rules.

Chief Inspector shall mean the Chief Inspector of the City of Saginaw or their designee.

City Clerk shall mean the City Clerk of the City of Saginaw or their designee.

Delivery business shall mean a person licensed to delivery marihuana products sold by a licensed retailer on behalf of the licensed retailer, collect payment for the marihuana product, and return payment to the licensed retailer. A delivery business is not subject to the licensing requirements of this chapter, but is subject to the general business licensing requirements of Chapter 110 of this Code.

Excess grower shall mean a person licensed to hold 5 class C grower licenses and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

Grower shall mean a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

LARA shall mean the Michigan Department of Licensing and Regulatory Affairs or its designee or successor, including the Marijuana Regulatory Agency.

Marihuana establishment or *establishment* shall mean a grower, safety compliance facility, processor, retailer, secure transporter, or excess grower licensed by the state in accordance with the Act. Though contemplated by the Act, as used in this Chapter 118, *marihuana establishment* or *establishment* does not include microbusinesses, designated consumption establishments, marihuana event organizers, temporary marihuana events, marihuana delivery business, or any facility contemplated by the Michigan Medical Marihuana Facilities Licensing Act, Public Act 281 of 2016.

Owner means any person who has equitable or legal title to any portion of property on which a license is being sought under this chapter.

Person shall mean an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

Processor shall mean a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

Qualified applicant means an applicant whose application has not been denied as provided in this chapter and the zoning requirements of this Code and has been approved by the City Clerk to be eligible for a license.

Retailer shall mean a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

Secure transporter shall mean a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

Safety compliance facility shall mean a person licensed to test marihuana, including certification for potency and the presence of contaminants.

(B) All other terms and phrases used herein shall be defined consistent with the Act.

§118.03 LICENSE REQUIRED.

(A) No person shall own or operate a marihuana establishment within the City without first obtaining a license as required by this chapter and a valid state operating license.

(1) No establishment purporting to produce, manufacture, test, transfer or transport marihuana prior to the adoption of this chapter shall be considered a lawful use or lawful nonconforming use.

(2) The license requirement in this chapter applies to all marihuana establishments operated for profit or not for profit.

(3) The license requirement in this chapter shall be in addition to any other requirements imposed by any other state or local law.

(B) A marihuana establishment shall meet all conditions of this chapter and other applicable ordinances and laws. Additionally, a marihuana establishment license shall be issued subject to the following conditions:

(1) A marihuana establishment shall be inspected at the time of application; shall be compliant with applicable building, electrical, fire, plumbing and other codes; and shall be inspected yearly by the Chief Inspector.

(2) If the applicant is not the owner of the property upon which the marihuana establishment is to be located, the application shall include the property owner's written consent to the use of the property as a marihuana establishment.

(3) A license issued under this chapter is valid only for the location of the establishment and type of establishment that is listed on the license application and is valid only for the operation of the establishment at that location by the license applicant, provided the establishment remains in compliance with all of the requirements of this chapter.

§118.04 PROCEDURE FOR APPLICATION.

(A) Any person wishing to operate a marihuana establishment in the City shall file a marihuana establishment license application with the City Clerk.

(1) License applications for marihuana establishments shall be received by the City Clerk beginning January 4, 2021.

(2) Except as provided in this section, the City Clerk shall be responsible for establishing the procedure for receiving, reviewing and processing license applications.

(3) Any person desiring to secure a license shall make application to the City Clerk upon a form provided by the City Clerk. All license applicants must be prequalified for a marihuana establishment license by LARA before submitting an application.

(4) A copy of all applications received shall be distributed by the City Clerk to any other necessary City departments for review to determine that the application is complete. If an application is incomplete or missing information, the City Clerk shall notify the applicant of the incomplete or missing information in writing by mail or electronic mail sent to the address provided by the applicant in the application. The applicant shall have ten (10) business days from the date of mailing of the written notice to provide the incomplete or missing information to the City Clerk. If the applicant shall fail to timely provide such incomplete or missing information, the application shall be deemed withdrawn.

(5) Information requested in the application shall be provided for the applicant, any person who controls, directly or indirectly, the operation of the marihuana establishment, and each stockholder or other person having a ten percent (10%) or greater beneficial interest in the proposed marihuana establishment. The application for a license shall include, at a minimum, the information and documentation listed below:

(a) The name, business address, business telephone number, social security number, and, if applicable, federal tax identification number of the applicant and other persons included in the application.

(b) All residential addresses of the applicant and other persons included in the application.

(c) A copy of the application submitted to LARA for prequalification and documentation evidencing that the applicant has been prequalified for a marihuana establishment license by LARA.

(d) Whether the applicant or other persons included in the application have previously violated this chapter or a substantially similar ordinance in another municipality preceding the date of the application.

(e) A comprehensive operating plan for the marihuana establishment for which the application is being submitted that includes all of the information required for the marihuana establishment plan to be submitted under the Act, the operational standards in this chapter, as applicable, and the following at a minimum:

(i) As required by the Act, the identity of any person who controls, either directly or indirectly, the proposed marihuana establishment;

(ii) Financial and tax information as required by the Act;

(iii) Business organizational documents as required by the Act;

(iv) A description of the type of marihuana establishment applied for and its location.

(v) A diagram of the marihuana establishment including, but not limited to, all of the following: the proposed establishment's size and dimensions, the location of common entryways, doorways, and passageways, means of public entry and exit, limited access areas and restricted access areas, and an indication of the distinct areas or structures for separate marihuana establishments at the same location.

(vi) A detailed floor plan and layout that includes, minimally, all of the following: dimensions of interior and exterior rooms, maximum storage capabilities, number of rooms, dividing structures, fire walls, entrances and exits, locations of hazardous material storage, and quantities of hazardous materials.

(vii) Means of egress, including but not limited to, delivery and transfer points.

(viii) Construction details for structures and fire-rated construction for required walls.

(ix) Building structure information, including, but not limited to, new, pre-existing, freestanding, or fixed.

(x) Building type information, including, but not limited to, commercial, warehouse, industrial, retail, converted property, house, mercantile building, pole barn, greenhouse, laboratory, or center.

(xi) Zoning classification and zoning information.

(xii) If the proposed marihuana establishment is in a location that contains multiple tenants and any applicable occupancy restrictions.

(xiii) A comprehensive security plan for the marihuana establishment for which the application is being submitted that includes all of the information required for the security plan to be submitted under the Act and that addresses the ability to meet all security measures required by the Act.

(xiv) For growers, processors, and safety compliance facilities, a ventilation system plan for the marihuana establishment describing in detail the equipment or systems that will be used to mitigate noxious gasses or other fumes used or created as part of any production process or operation.

(xv) A staffing plan that addresses the number of persons estimated to be employed at the establishment, employee training, and includes an employee training manual that includes, but is not limited to, employee safety procedures, employee guidelines, security protocol, and educational training, including, but not limited to, marihuana product information, dosage and purchasing limits, or educational materials.

(xvi) A marketing plan that, at a minimum, details how the marihuana establishment will comply with all municipal ordinances and state laws regulating signs and

advertising; and provides that marihuana products must not be marketed or advertised to minors aged 20 years or younger.

(f) Proof that the applicant or other persons included in the application have or will have lawful possession of the property proposed for the marihuana establishment for the period during which the license will be issued, which proof may consist of a deed, a lease, a real estate contract contingent upon successful licensing, or a letter of intent by the owner of the property indicating an intent to lease the property to the applicant contingent upon the applicant successfully obtaining a state operating license and local license.

(g) The mailing address and electronic address at which the applicant desires to receive notices required under this chapter, and phone numbers at which the applicant desires to be contacted.

(h) Whether the applicant or other persons included in the application have ever applied for or have been granted any commercial license or certificate issued by LARA or any other jurisdiction concerning medical or adult use marihuana that has been denied, restricted, suspended, revoked or not renewed, and a statement describing the facts and circumstances concerning the application, denial, restriction, suspension, revocation, or nonrenewal, including the licensing authority, the date each action was taken, and the reason for each action.

(i) Whether the applicant or other persons included in the application have an interest in any other application for a license or approved license under this chapter at the time of application.

(j) Whether the applicant or other persons included in the application have an interest in any other marihuana facility or establishment under the Act or the Michigan Medical Marihuana Facilities Licensing Act, and if so the type of facility or establishment, its name, and the location of the facility or establishment the applicant or other person has an interest in.

(k) A statement that the applicant and other persons included in the application will not violate any of the laws of the State of Michigan or the ordinances of the City in conducting the business in which the license will be used, and that such a violation may be cause for nonrenewal of a license issued under this section or for revocation of the license.

(l) A statement that the applicant and other persons included in the application understand that the issuance of a license under this section is not intended to grant, nor shall be construed as granting, immunity from criminal prosecution for the growing, sale, consumption, use, distribution, or possession of marihuana in any form or manner.

(m) A statement that the applicant and other persons included in the application understand and agree to be bound by the indemnification provision of this chapter.

(n) A statement by the applicant and other persons included in the application indicating acceptance of a license from the City under this chapter constitutes consent by the licensee, and its owners, managers and employees, for the City to conduct inspections of the establishment as provided in §118.14.

(o) A statement by the applicant and other persons included in the application acknowledging that all marihuana establishments licensed to operate in the City shall at all times maintain in full force and effect insurance and/or bonds in an amount and coverage type as required by the Act.

(p) A statement as to whether the applicant or other persons included in the application have been served with a complaint or other notice filed with any public body regarding the payment of any tax required under federal, state, or local law that has been delinquent for one or more years.

(q) Any other information as required by LARA.

(5) Applicants have a continuing duty to provide the City with up-to-date information and shall notify the City Clerk in writing of any material changes to any of the information contained in the application, including mailing addresses, phone numbers, electronic mail addresses or other contact information, within 10 days of any such change occurring.

(6) The City Clerk shall issue a license to an applicant within 90 days after receipt of the application, unless the City Clerk finds and notifies the applicant that the applicant is not in compliance with this Code or the Act.

(7) The City Clerk may from time to time establish other requirements for the application process, which shall then be provided in writing to prospective applicants with the application form.

(8) The annual license fee shall be established by Council and on file in the Office of the City Clerk. This fee shall be in addition to, and not in lieu of, any other fees for licensing or licensing requirements, including but not limited to site plan review, zoning, or building licenses.

§118.05 ACCEPTANCE OR DENIAL OF APPLICATION.

(A) Applications received may be denied by the City Clerk if the applicant, upon written notice, fails to provide missing or incomplete information within the time specified in this section.

(B) The City Clerk may deny an application for any of the following reasons:

(1) The applicant has not been prequalified for a marihuana establishment state license by LARA.

(2) The applicant did not pay the required application fee at the time of submission of the application.

(3) The applicant has not provided satisfactory proof that the applicant has or will have lawful possession of the property proposed for the location of the marihuana establishment for the period during which the license will be issued.

(4) The applicant's proposed location does not comply with the City's zoning requirements as set forth in this Code.

(5) The applicant has not satisfactorily complied with all of the application requirements in this chapter.

(6) The applicant has a suspended or revoked state or local medical or adult use marihuana license in another jurisdiction.

(7) The City Clerk determines that the applicant has submitted an application containing false, misleading, or fraudulent information, or has intentionally omitted pertinent information on the application.

(8) The applicant is delinquent in the payment of any taxes, fees or other charges owed to or collected by the City.

(9) The operating plan submitted by the applicant with the application does not comply with the requirements for a marihuana establishment plan as required by the requirements of this chapter or the Act.

(10) It is a duplicative application.

(C) Notice of denial of an application shall be sent to the applicant in writing by mail or electronic mail to the last known address of the applicant on file with the City. If a license is denied by the City Clerk, the applicant may appeal as set forth in §118.12.

(D) All applications for establishments that are not denied as provided herein, and comply with all of the requirements for an application in this chapter and the zoning requirements of this Code, shall be accepted by the City Clerk as a qualified applicant.

§118.06 PROVISIONAL LICENSE.

(A) Provisional licenses will be issued by the City Clerk to qualified applicants whose applications have been accepted.

(B) A provisional license does not authorize the applicant to operate a marihuana establishment without first obtaining a state operating license for the establishment, and obtaining all other licenses, inspections, and approvals required by this chapter and all other applicable provisions of this Code. Issuance of a provisional license only means that the applicant has

submitted a valid application for an establishment license and is eligible to receive the appropriate license from LARA.

(C) Upon issuance of a provisional license, the City Clerk is authorized to execute an affirmation to accompany an application for an establishment license that discloses that the City has adopted an ordinance pursuant to the Act, a description of the City zoning regulations that apply, and any other information that may be required by the Act for such an attestation.

(D) A provisional license will lapse and be void one year from the date it has been issued if a state operating license, and/or all inspections and other licenses and approvals required by this Code, are not obtained, or if an applicant is denied a state operating license. The City Clerk shall notify LARA of all applicants whose provisional licenses have lapsed or become void. A provisional license may be extended, in the sole discretion of the City Clerk, upon a showing of good cause that any delay is not the fault of the applicant, for an additional period not to exceed six months.

(E) A provisional licensee has a continuing duty to provide the City Clerk with up-to-date information including contact information or material changes to any other information it has submitted with its license application and shall notify the City Clerk in writing of any changes to the mailing addresses, phone numbers, electronic mail addresses, or other information the provisional licensee provided to the City within 10 days of any such change occurring.

(F) A provisional license may be revoked by the City Clerk, in writing, for any of the following reasons:

- (1) The provisional licensee is denied a state operating license;
- (2) The marihuana establishment is substantially different from the comprehensive operating plan or other representations contained in the application;
- (3) Officers, employees, or agents of the City are unable to access the proposed establishment for inspection or are otherwise denied access by the provisional licensee;
- (4) The provisional licensee fails, refuses, or becomes unable to obtain special approval, site plan approval, a certificate of occupancy, or other necessary zoning or building approvals as required by this Code; or
- (5) Noncompliance with the Act or this chapter.

(G) If a provisional license is revoked, the City Clerk will notify both the licensee and property owner, in writing, by mail or electronic mail at the last known address on file with the City, as well as LARA, of the revocation of the license and the reasons therefore.

(H) The holder of a provisional license that is revoked may appeal the revocation to the City Manager as set forth in §118.12.

§118.07 MARIHUANA ESTABLISHMENT LICENSE.

(A) Marihuana establishment licenses will be issued by the City Clerk. In order to be issued a marihuana establishment license an applicant who holds a valid provisional license shall:

- (1) Submit proof to the City Clerk it has been issued a state operating license;
- (2) Successfully complete any inspections required by this Code;
- (3) Submit proof to the City Clerk of obtaining all licenses and approvals required by this Code, including but not limited to an approved site plan; and
- (4) Submit proof of insurance or financial responsibility as required by the Act.

(B) Before issuance of a marihuana establishment license the City shall conduct a final inspection of the proposed marihuana establishment to verify that the establishment is constructed and can be operated in accordance with the application submitted, the approved site plan, the

requirements of this Code and any other applicable law, rule, or regulation. No marihuana establishment license may be issued, and no marihuana establishment may conduct any business or operations, until the inspection is completed, and it is determined that the establishment is constructed and can be operated in accordance with the application and the comprehensive operating plan submitted with the application.

(C) A marihuana establishment license issued under this section is a revocable privilege granted by the City and is not a property right. Granting the license does not create or vest any right, title, franchise or other property interest.

(D) Each license is exclusive to the person who is issued the license and that person must apply for and receive approval of the City Clerk pursuant to this chapter before a license is transferred, sold, purchased, or otherwise assigned.

(E) The marihuana establishment license and state operating license shall be displayed in a conspicuous public place in the establishment.

(F) A licensee has a continuing duty to provide the City with up-to-date information including contact information or material changes to any other information it has submitted with its license application and shall notify the City Clerk in writing of any changes to its mailing address, phone numbers, electronic mail address, or other information the licensee is required to provide to the City within 10 days of any such change occurring.

§118.08 TYPES OF LICENSES.

(A) The types of marihuana establishments allowed and eligible to be licensed in the City are:

- (1) Growers;
 - (a) Class A – Allows cultivation of not more than 100 plants;
 - (b) Class B – Allows cultivation of not more than 500 plants;
 - (c) Class C – Allows cultivation of not more than 2,000 plants;
- (2) Excess growers;
- (3) Processors;
- (4) Retailers;
- (5) Secure transporters; and
- (6) Safety compliance facilities.

(B) Microbusinesses, designated consumption establishments, marihuana event organizers, and temporary marihuana events are prohibited in the City.

§118.09 RENEWALS AND AMENDMENTS OF EXISTING LICENSES.

(A) Renewal or amendment of existing licenses.

(1) The same application procedures, including the non-refundable fee, that apply to the submittal of a new license application shall apply to renewal or amendment of existing licenses.

(2) An application for renewal of an existing license shall be submitted no sooner than 90 days before the existing license expires and no later than 30 days before the existing license expires.

(B) Amended applications.

(1) An amended application shall be submitted under either or both of the following circumstances:

(a) When there is a material change in any information the license applicant was required to provide in the most recent application on file with the City Clerk, including but not limited to any change in location or any change of ownership; and/or

(b) When there is a material change in any information the license applicant was required to provide in the most recent application for a state operating license on file with the state, including but not limited to any change in location or any change of ownership.

(C) It shall be unlawful for any person to make changes or allow any changes to be made in the operation of the marihuana establishment as represented in the license application without first obtaining an amended license from the City Clerk.

(D) A marihuana establishment license shall run concurrent with the state operating license issued for the establishment and shall be renewed annually unless revoked as provided by law or this chapter.

(E) Renewal of licenses issued in connection with stacked licenses will require only a single application form for the original license and all stacked licenses issued to the applicant. The renewal application shall indicate that the application is for the renewal of licenses issued in connection with stacked licenses and the license(s) the applicant is seeking to renew.

(F) The City Clerk may deny an application for renewal as set forth in §118.05. Notice of denial of a renewal application shall be sent to the applicant in writing by mail or electronic mail to the last known address of the applicant on file with the City Clerk. An applicant whose renewal application is denied may appeal the denial to the City Manager as set forth in §118.12.

(G) The City Clerk shall inform LARA in writing by mail or electronic mail of all licensees whose licenses are renewed, if a licensee fails to renew a license, or if the licensee's renewal application is denied and the reasons therefore.

§118.10 COMPLAINTS.

(A) If a written complaint is filed alleging that the owner, operator, or person occupying the marihuana establishment has violated any provisions of this chapter, the City Clerk shall promptly send a copy of the written complaint to the property owner, together with a notice that an investigation will be made as to the truth of the complaint. The property owner shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation within 21 days from the date of notice. If the City Clerk, in consultation with other appropriate City staff, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified, and the City Clerk shall consider revocation of the license as provided herein.

(B) Complaints alleging a violation of the Act or other state law, rule, or regulation shall be forwarded to LARA by the City Clerk.

§118.11 REVOCATION OF LICENSE.

(A) A marihuana establishment license shall automatically terminate and become void if the state license for the establishment is revoked, suspended, or restricted, or otherwise becomes void.

(1) The revocation, suspension, or placement of restrictions by the state on a state operating license shall apply equally to a license issued by the City.

(B) A marihuana establishment license may be revoked by the City Clerk upon the occurrence of any of the following:

(1) Operation of the licensed use is not commenced within one year of the date of issuance of the marihuana establishment license.

(2) If the licensed use ceases or is discontinued for 90 days or more, including during a change of ownership of the marihuana establishment.

(3) Any change has occurred for which an amendment to the license is required, without the licensee having obtained an amendment to the license as required by this chapter.

(4) Any noncompliance with any of the provisions of this Code, the Act, or any state or federal law, rule or regulation.

(5) The conducting of the marihuana establishment in an unlawful manner, or in such a way as to constitute a public nuisance, that negatively impacts the health, safety, or general welfare of surrounding property or the public. Evidence to support such a finding may include, but is not limited to, a continuing pattern of disorderly or criminal conduct upon or in the immediate vicinity of the establishment, continuing pattern of criminal conduct directly related to or arising from the operation of the establishment, or an ongoing nuisance condition emanating from or caused by the establishment.

(6) The applicant has made a false material statement in the application.

(C) Prior to such revocation becoming effective, written notice of the basis for revocation shall be given by the City Clerk to both the property owner and licensee in person or by certified mail addressed to their place of business or residence as set forth in the application.

(1) The holder of a marihuana establishment license that is revoked under this section may appeal the revocation to the City Manager as set forth in §118.12. If a timely appeal is not sought by the holder of the marihuana establishment license, the revocation shall become effective 14 days from the date of the written notice of the revocation.

(2) If a marihuana establishment license is revoked, the City Clerk will notify LARA of the revocation of the license and the reasons therefore in writing by mail or electronic mail. In the event the license is revoked as a result of the licensee's state license being revoked, suspended, or restricted, the notification requirement of this subsection does not apply.

§118.12 APPEALS.

(A) If either a provisional license or marihuana establishment license, or a renewal or amendment of either, is denied or revoked by the City Clerk, the applicant or licensee may appeal to the City Manager within 21 days from the date of the written notice of the denial or revocation.

(B) If the applicant or licensee timely submits an appeal, the City Manager or their designee shall issue a written notice of hearing stating the date, hour, place, and nature of the hearing. The City Manager shall appoint a Hearing Officer to conduct a public hearing at which the applicant or licensee will be provided the opportunity to present testimony and evidence to establish the applicant's or licensee's suitability for a license. The Hearing Officer shall make a written determination, after presentation by the applicant or licensee and the City Clerk, as to whether or not the grounds for denial or revocation are true. If the Hearing Officer determines that such grounds are supported by a preponderance of the evidence, the action of the City Clerk shall be sustained.

(1) In any proceedings under this section, the Hearing Officer has the power to administer oaths and affirmations and to certify official acts. The Hearing Officer shall proceed with reasonable dispatch to conclude any matter before them. Due regard shall be shown for the convenience and necessity of the parties and their representatives.

(2) The Hearing Officer shall cause a record of the entire proceeding to be made by tape recording or by other means of permanent recording determined appropriate by the Hearing Officer. A transcript of the proceedings shall be made available to all parties upon request and upon payment of a fee prescribed by the court reporter.

(3) The hearing need not be conducted according to the technical rules of evidence adopted for the courts of record in the state.

(4) The Hearing Officer shall take testimony from the applicant or licensee and any person having knowledge relevant to the denial or revocation of a license. Oral evidence shall be taken only upon oath or affirmation of the party offering the testimony.

(5) Hearsay evidence may be used under the following guidelines:

(a) Hearsay evidence may be used to explain other direct evidence;

(b) Hearsay evidence may be used to support other direct evidence; and

(c) Hearsay evidence shall not be used in itself to support a finding, unless it would be admissible in civil actions in courts of competent jurisdiction.

(6) Any relevant evidence not otherwise excluded herein shall be admitted. Relevant evidence shall be defined, for the purpose of this section, as the type of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs. Such relevant evidence shall be admitted regardless of whether or not it may be admissible in civil actions in courts of competent jurisdiction.

(7) Irrelevant and unduly repetitious evidence shall be excluded.

(8) Each party shall additionally have these rights:

(a) To call and examine witnesses on any matter relevant to the issues of the hearing;

(b) To introduce documentary and physical evidence;

(c) To cross-examine opposing witnesses on any matter relevant to the witness to testify;

(d) To impeach any witness regardless of which party first called the witness to testify;

(e) To refute the evidence;

(f) To represent themselves or to be represented by anyone of their choice who is lawfully permitted to do so; and

(g) To make a closing statement at the conclusion of the evidentiary portion of the hearing.

(9) Failure of the applicant or licensee to appear at the hearing may be deemed to be an admission by the applicant or licensee of the facts set forth in the City Clerk's notice.

(10) The Hearing Officer shall make written findings of fact based upon a preponderance of the evidence and testimony admitted during the hearing.

(11) The Hearing Officer shall make written findings whether or not the license shall remain denied or revoked. The Hearing Officer's findings will be reduced to writing and served upon the applicant or licensee and City Clerk within a reasonable time.

(a) If the Hearing Officer sustains the City Clerk's decision to deny or revoke a marihuana establishment license, the City Clerk will notify LARA of the denial or revocation of the license and the reasons therefore in writing by mail or electronic mail.

(12) The hearing officer's decision may be appealed to and reviewed by a court of competent jurisdiction as provided by state statutes and court rules.

§118.13 INDEMNIFICATION OF CITY.

By accepting a license issued pursuant to this chapter, the applicant and licensee agree to indemnify, defend and hold harmless the City, its officers, elected and appointed officials, employees, and insurers, against all liability, claims or demands arising out of, or in connection to, the operation of a marihuana establishment in the City.

§118.14 MINIMUM OPERATIONAL STANDARDS FOR ALL MARIHUANA ESTABLISHMENTS.

(A) Marihuana establishments shall be open for inspection upon request by the Chief Inspector, the Fire Chief, or the Chief of Police, or their designees, for determination of compliance with all applicable laws, rules, and regulations during the stated hours of operation/use and at such other times as anyone is present on the premises. City employees or officials shall have the same rights of inspection as are authorized the employees or officials of LARA under the Act.

(B) Marihuana establishments shall conduct the activities of the establishment, including, without limitation, the cultivating, growing, processing, displaying, manufacturing, selling, storage of marihuana and marihuana-infused products, and storage of all materials used in connection with the cultivating, growing, processing, displaying, manufacturing, and selling of marihuana and marihuana-infused products, indoors in a building and out of public view, except where cultivation may occur outdoors as allowed under the Act, and such outdoor cultivation shall occur in compliance with the Act.

(C) Marihuana establishments shall install a fire alarm and a burglar alarm system in compliance with the Act.

(D) Marihuana establishments shall have such security measures, including video surveillance systems, in place as are required by the Act.

(1) Surveillance recordings of marihuana establishments shall be subject to inspection and review by the City upon request. City employees or officials shall have the same rights of inspection as are authorized the employees or officials of LARA under the Act.

(E) Marihuana establishments shall utilize sufficient measures and means to prevent smoke, odor, debris, dust, fluids and other substances from exiting the establishment at any time. In the event that any smoke, odor, debris, dust, fluids or other substances exit the marihuana establishment in a detectable amount sufficient to interfere with the reasonable and comfortable use and enjoyment of adjacent property, or that causes damage to property, the licensee for the establishment and the owner of the property shall be jointly and severally liable for such conditions and shall be responsible for immediate, full cleanup and correction of such condition. The licensee shall properly dispose of all such materials, items and other substances in a safe, sanitary, and secure manner in compliance with all federal and state laws and regulations, and this Code.

(1) Marihuana establishments shall install and maintain in operable condition a system to preclude marihuana odors from emanating from the property of the marihuana establishment in a detectable amount sufficient to interfere with the reasonable and comfortable use and enjoyment of adjacent property as determined by the objective standards of a reasonable person of normal sensitivity.

(F) Access to the marihuana establishment is restricted to the licensee, employees of the licensee, and, as applicable, LARA through its investigators, agents, auditors or the state police, and local law and code enforcement officers or any other designee(s) of the City Manager.

(1) Retailers may additionally be accessed by legitimate customers 21 years of age and older.

(G) All marihuana establishments must be at a fixed location. Mobile marihuana establishments and drive through operations are prohibited. Unless otherwise allowed by state law, sale or transfer of marihuana products by internet or mail order, consignment, or at wholesale is prohibited. This provision shall not be construed to prohibit sale or transfer of marihuana products by marihuana establishments as otherwise expressly authorized by the Act.

(H) All marihuana establishments shall comply with all provisions of the Act and this Code regulating signs and advertising.

(I) The business, operations, marketing and advertising of all marihuana establishments and marihuana products shall comply at all times with the Act and this Code.

(J) Unless otherwise allowed by state law, marihuana products not identified and recorded in the statewide monitoring system pursuant to the Act are prohibited from being on the premises of any marihuana establishment and shall not be sold or transferred by any licensee.

- (K) Unless otherwise allowed by state law, any marihuana product without a batch number or identification tag pursuant to the Act is prohibited from being at or on the premises of any marihuana establishment.
- (L) Marihuana establishments shall, at all times, comply with all applicable building and fire safety provisions of state law, and the corresponding administrative rules.
- (M) Marihuana product waste will be destroyed, or rendered into an unusable and unrecognizable form, disposed of, and recorded as required by the Act.
- (N) All inventory of marihuana products must be stored in a secured, limited-access area or restricted-access area and identified and tracked consistent with the Act.
- (O) All containers used to store marihuana products for transfer or sale between marihuana establishments shall meet the requirements of the Act.
- (P) All chemicals or solvents must be stored separately from marihuana products and kept in locked storage areas.
- (Q) Marihuana-infused products, edible marihuana products, or materials used in direct contact with such products, must have separate storage areas from toxic or flammable materials.
- (R) Licensees shall immediately report to local law enforcement any unlawful act, conduct, or disturbance committed at the establishment. Immediately shall mean within 24 hours of becoming aware of any criminal activity at the establishment.
- (S) The licensee is required to respond by phone or email within 3 business days of contact, at the phone number or email address provided to the City as the contact for the business, by any City official or officer concerning its marihuana establishment.

§118.15 MINIMUM OPERATIONAL STANDARDS FOR RETAILERS.

- (A) Retailers shall open no earlier than 9:00 a.m. and close no later than 9:00 p.m.
- (B) No food, alcohol or tobacco products may be sold, served, or consumed on the premises, unless the establishment has the appropriate authorizations from other federal, state, or local agencies, as applicable.
- (C) No marihuana or marihuana-infused products may be used, consumed, or inhaled on the premises.
- (D) No marihuana plants shall be allowed on the premises, unless otherwise allowed by the Act.
- (E) During times when the retailer is not open to the public, cash and currency shall be stored in a safe or security vault that is incorporated into the building structure or securely attached to the building structure or a safe room with a security vault or other secure door.
- (F) A retailer shall purchase marihuana and marihuana-infused products only from a licensed grower or processor.
- (G) Except as otherwise allowed by the Act, all transfers of marihuana to a retailer from a separate marihuana establishment, or from a retailer to a licensed safety compliance facility, shall be by means of a licensed secure transporter.

(H) A retailer shall sell marihuana and marihuana-infused products only to individuals 21 years of age and older. Before any such sale occurs, the retailer shall require the customer produce a driver's license or other government-issued photographic identification evidencing the customer's age.

(I) Sales of marihuana or marihuana-infused products shall only occur after it has been tested and bears the label required for retail sale by the Act. A retailer shall comply with all packaging and labeling requirements required the Act before selling or transferring marihuana or marihuana-infused products.

(J) A retailer shall ensure that the sale or transfer of marihuana or marihuana-infused products shall not exceed the single transaction limits established by the Act.

(K) All transactions, current inventory, and other information shall be entered into the statewide monitoring system as required by the Act.

§118.15 MINIMUM OPERATIONAL STANDARDS FOR GROWERS.

(A) All transfers, transactions, current inventory, and other information shall be entered into the statewide monitoring system as required by the Act.

(B) Compressed gases, such as butane, propane, and carbon dioxide, shall be used in accordance with the Act or any other of state law or administrative rule or regulation adopted by the state for such processes.

(C) Any pesticides, herbicides, or other chemicals used in the cultivation of marihuana shall be used in accordance with the Act or any other of state law or administrative rule or regulation adopted by the state for such processes.

(D) Except as otherwise allowed by the Act, the sale or transfer of marihuana to a grower, or from a grower to a licensed retailer or processor, shall be by means of a licensed secure transporter.

§118.16 MINIMUM OPERATIONAL STANDARDS FOR PROCESSORS.

(A) A processor shall purchase marihuana only from a licensed grower or another licensed processor and shall sell marihuana-infused products or marihuana only to a licensed retailer or another licensed processor.

(B) Except as otherwise allowed by the Act, a processor shall transfer marihuana only by means of a licensed secure transporter.

(C) All transactions, current inventory, and other information shall be entered into the statewide monitoring system as required by the Act.

(D) Compressed gases, such as butane, propane, and carbon dioxide, shall be used in accordance with the Act or any other of state law or administrative rule or regulation adopted by the state for such processes.

§118.17 MINIMUM OPERATIONAL STANDARDS FOR SECURE TRANSPORTERS.

(A) A secure transporter may take physical custody of marihuana or money, but legal custody belongs to the transferor or transferee.

- (B) A secure transporter may not sell or purchase marihuana or marihuana-infused products.
- (C) A secure transporter may store and transport marihuana, and money associated with the purchase or sale of marihuana, between licensed marihuana establishments for a fee.
- (D) Marihuana product may only be transported in a sealed container that is not accessible while in transit. Money associated with the purchase or sale of marihuana or marihuana-infused products shall be transported in a sealed container kept separate from the marihuana product and only accessible to the secure transporter and its employees.
- (E) Each driver transporting marihuana must have a chauffeur's license issued by the state.
- (F) Each vehicle shall be operated with a two-person crew with at least one individual remaining with the vehicle at all times during the transportation of marihuana.
- (G) A route plan and manifest shall be entered into the statewide monitoring system, and a copy shall be carried in the transporting vehicle and presented to a law enforcement officer upon request.
- (H) A vehicle shall not bear markings or other indication that it is carrying marihuana or a marihuana-infused product.
- (I) A secure transporter is subject to administrative inspection by a law enforcement officer at any point during the transportation of marihuana to determine compliance with the Act and this chapter.
- (J) All transactions, current inventory, and other information of the secure transporter shall be entered into the statewide monitoring system as required by the Act.

§118.18 MINIMUM OPERATIONAL STANDARDS FOR SAFETY COMPLIANCE FACILITIES.

- (A) A safety compliance facility is authorized to only receive marihuana from, test marihuana for, and return marihuana to another licensed marihuana establishment.
- (B) A safety compliance facility must be accredited by an entity approved by LARA by one year after the date the license is issued or have previously provided drug testing services to the state or the state's court system and be a vendor in good standing in regard to those services, unless a variance from this requirement is granted by LARA as provided in the Act.
- (C) A safety compliance facility shall:
 - (1) Perform tests to certify that marihuana is reasonably free of known contaminants in compliance with standards established by LARA.
 - (2) Use validated test methods to perform all safety tests and to determine tetrahydrocannabinol, tetrahydrocannabinol acid, cannabidiol, and cannabidiol acid concentrations.
 - (3) Perform other tests necessary to determine compliance with any other good manufacturing practices as prescribed by the Act.
 - (4) Enter all transactions, current inventory, and other information into the statewide monitoring system as required by the Act.
 - (5) Have a secured laboratory space that cannot be accessed by the general public.
 - (6) Retain and employ at least one laboratory manager with a relevant advanced degree in a medical or laboratory science.

§118.19 CONFLICTS; FUTURE LAWS AND REGULATIONS.

Should the state in the future adopt additional or stricter laws or regulations governing the production, processing, transporting, testing, sale or distribution of marihuana, the additional or stricter laws and regulations shall control the establishment or operation of any marihuana establishment in the City, as well as the issuance, denial, or revocation of any license under this chapter.

§118.20 PENALTY AND REMEDIES.

A person who violates any provision of this chapter is responsible for a Class E municipal civil infraction, subject to payment of a civil fine as set forth in Ch. 37 of this code of ordinances, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided by Ch. 37. Each violation and each day of failure to comply with any provision of the chapter shall constitute a separate violation.

§118.21 EFFECT TIE-BARRED.

This chapter shall only take effect if the City's zoning code is simultaneously amended as needed to zone for the activities contemplated in this chapter. If amendments to the zoning code are not adopted by the City Council, marihuana establishments shall be deemed prohibited from developing within the City.

§118.22 RESERVATION OF RIGHTS.

The City Council reserves the right to amend or repeal this chapter in any manner, including, but not limited to the complete elimination of any type of marihuana establishments authorized to operate in the City.

This ordinance shall become effective September 3, 2020.

Enacted: August 24, 2020.

Yeas:

Nays:

Absent:

Floyd Kloc
Mayor

Janet Santos
City Clerk

ORDINANCE DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on August 24, 2020; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos
City Clerk

Moved by Council Member _____, seconded by Council Member _____ to introduce an Ordinance entitled and reading as follows:

O- _____

AN ORDINANCE TO ADD §153.601 "TITLE," §153.603 "PURPOSE," §153.605 "APPLICABILITY," §153.607 "DEFINITIONS," §153.609 "APPROVAL PROCEDURES FOR MARIHUANA ESTABLISHMENTS," §153.611 "AUTHORIZED MARIHUANA ESTABLISHMENTS," §153.613 "CONSUMPTION; VIOLATIONS," §153.615 "PENALTIES," §153.617 "RIGHTS," TITLED "MARIHUANA ESTABLISHMENTS," OF TITLE XV, "LAND USAGE," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-204.

Laid over under the Charter Provision.

Moved by Council Member _____, seconded by Council Member _____ that an ordinance introduced August 10, 2020, be taken up and enacted, entitled and reading as follows:

O-_____

AN ORDINANCE TO ADD §153.601 "TITLE," §153.603 "PURPOSE," §153.605 "APPLICABILITY," §153.607 "DEFINITIONS," §153.609 "APPROVAL PROCEDURES FOR MARIHUANA ESTABLISHMENTS," §153.611 "AUTHORIZED MARIHUANA ESTABLISHMENTS," §153.613 "CONSUMPTION; VIOLATIONS," §153.615 "PENALTIES," §153.617 "RIGHTS," TITLED "MARIHUANA ESTABLISHMENTS," OF TITLE XV, "LAND USAGE," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-204.

The City of Saginaw Ordains:

Section 1. §153.603 "Purpose," §153.605 "Applicability," §153.607 "Definitions," §153.609 "Approval Procedures For Marihuana Establishments," §153.611 "Authorized Marihuana Establishments," §153.613 "Consumption; Violations," §153.615 "Penalties," §153.617 "Rights," Titled "Marihuana Establishments" of Title XV, "Land Usage," of the City of Saginaw Code of Ordinances, O-204, is hereby added to read as follows:

Marihuana Establishments

§153.601 TITLE.

This ordinance shall be known as the Marihuana Establishments Zoning Ordinance.

§153.603 PURPOSE.

Marihuana businesses have demonstrated a strong demand for storefront spaces and other business locations. It has been observed that without separation distances, this particular use will concentrate in clusters. In order to limit the intensity and density of this use, and to recognize that separation distances are desired from sensitive uses (e.g. schools, churches, parks, substance use disorder programs, etc.), special regulation of marihuana establishments has been deemed necessary. It is the intent of these provisions to ensure that quality of life is not impaired, neighborhood character is preserved, commercial retail viability and variety is enhanced and encouraged, and the stability of industrial areas is maintained.

§153.605 APPLICABILITY.

Any land use that requires a license from the Michigan Department of Licensing and Regulatory Affairs (LARA) in the administration of the Michigan Regulation and Taxation of Marihuana Act, being Initiated Law 1 of 2018, MCL 333.27951 *et seq*, as amended, or its corresponding administrative rules, shall require review and approval as specified within this Code. Provisions of this section do not apply to the medical use of marihuana in compliance with the Michigan Medical Marihuana Act (MMMA), being Initiated Law 1 of 2018, MCL 333.26424, as amended.

§153.607 DEFINITIONS.

(A) For purposes of this ordinance, the following words, terms and phrases shall be defined as follows:

Act shall mean the Michigan Regulation and Taxation of Marihuana Act, being Initiated Law 1 of 2018, MCL 333.27951 *et seq*, as amended, and its corresponding emergency and/or administrative rules.

Chief Inspector shall mean the Chief Inspector of the City of Saginaw or their designee.

Excess grower shall mean a person licensed to hold 5 class C grower licenses and licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

Grower shall mean a person licensed to cultivate marihuana and sell or otherwise transfer marihuana to marihuana establishments.

Marihuana establishment or *establishment* shall mean a grower, safety compliance facility, processor, retailer, secure transporter, or excess grower licensed by the state in accordance with the Act. Though contemplated by the Act, as used herein, *marihuana establishment* does not include microbusinesses, designated consumption establishments, marihuana event organizers, or temporary marihuana events.

Person shall mean an individual, corporation, limited liability company, partnership of any type, trust, or other legal entity.

Processor shall mean a person licensed to obtain marihuana from marihuana establishments; process and package marihuana; and sell or otherwise transfer marihuana to marihuana establishments.

Retailer shall mean a person licensed to obtain marihuana from marihuana establishments and to sell or otherwise transfer marihuana to marihuana establishments and to individuals who are 21 years of age or older.

Secure transporter shall mean a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

Safety compliance facility shall mean a person licensed to test marihuana, including certification for potency and the presence of contaminants.

(B) All other terms and phrases used herein shall be defined consistent with the Act.

§153.609 APPROVAL PROCEDURES FOR MARIHUANA ESTABLISHMENTS.

(A) Development of marihuana establishments shall be approved by either the Planning Commission or the Chief Inspector as set forth below. The type of marihuana establishments allowed within the City, and the zoning classification where such marihuana establishments are allowed to be located within the City, shall be as set forth below.

License	Description	Criteria	Review Procedure	Zoning Classification Allowed In
Grower – Any Class excluding Excess	New or Major Expansion	More than 25% increase in square	Planning Commission Review and Approval	M-1 – Light Industrial M-2 – General Industrial

Growers	----- Class change and/or license stacking for same use	footage ----- Less than or equal to 25% increase in square footage	----- Chief Inspector Review and Approval	M-3 – Heavy Industrial
Excess Grower	New or Any Expansion		Planning Commission Review and Approval	M-1 – Light Industrial M-2 – General Industrial M-3 – Heavy Industrial
Processor	New		Planning Commission Review and Approval	M-1 – Light Industrial M-2 – General Industrial M-3 – Heavy Industrial
	----- Major Expansion	----- More than 25% increase in square footage	----- Planning Commission Review and Approval	
	----- Minor Expansion	----- Less than or equal to 25% increase in square footage	----- Chief Inspector Review and Approval	
Retailer	New or Any Expansion		Planning Commission Review and Approval	M-1 – Light Industrial M-2 – General Industrial M-3 – Heavy Industrial B-1 – Local Business District B-1A – Interchange Business District B-2 – General Business District
Secure Transporter	New or Any Expansion		Planning Commission Review and Approval	M-1 – Light Industrial M-2 – General Industrial M-3 – Heavy Industrial
Safety	New or Major	More than	Planning	M-1 – Light

Compliance Facility	Expansion	25% increase in square footage	Commission Review and Approval	Industrial M-2 – General Industrial M-3 – Heavy Industrial
	----- Minor Expansion	----- Less than or equal to 25% increase in square footage	----- Chief Inspector Review and Approval	

Microbusinesses, designated consumption establishments, marihuana event organizers, and temporary marihuana events are prohibited in the City.

(B) The Planning Commission and Chief Inspector are prohibited from waiving any portion of this Section.

(C) The Chief Inspector may submit any application subject to Chief Inspector Review and Approval to the Planning Commission for its review and approval.

(D) Planning Commission review shall be conducted in accordance with §153.562 and subject to applicable site design standards in §§153.318-153.319, §§153.349-153.350, §§153.369-153.370, §§153.388-153.389, and §153.440, as applicable. Chief Inspector review shall confirm the requested expansion of the use of the property conforms to the building and zoning requirements of this Code.

§153.611 AUTHORIZED MARIHUANA ESTABLISHMENTS.

(A) A marihuana establishment is not eligible for a state license until the Planning Commission or the Chief Inspector, where the Chief Inspector is authorized to grant administrative approval through Chief Inspector Review and Approval, grants approval of the land use in accordance with this Code and upon issuance of a municipal license as provided in chapter 118 of the Code.

(B) The location and co-location of authorized marihuana establishments shall be determined as follows:

(1) *Separation Distances.* The distances described in this subsection shall be computed by measuring a straight line from the nearest property line of land used for the purposes stated in this subsection (i.e. the sensitive use) to the nearest building line of the physical structure of the marihuana establishment. The following minimum-distancing regulations shall apply to all marihuana establishments. Marihuana establishments shall not be located within:

- (a) One thousand (1,000) feet of a public or private K-12 school;
- (b) Two hundred fifty (250) feet of a publicly owned park or playground;
- (c) One hundred (100) feet of a church or other place of worship;
- (d) Five hundred (500) feet of a hospital;
- (e) Two hundred fifty (250) feet of a halfway house or other transitional housing operated or licensed by the state or federal government; and

(g) Five hundred (500) feet of another marihuana establishment location.

(C) *Separation Distance Variance.* The required separation distances between a proposed marihuana establishment location and the sensitive uses delineated in subsection (B), above, are subject to review pursuant to §153.519 and §§153.586-153.591 and cannot be waived except as allowed in this subsection:

(1) Evidence that all eligible sensitive uses within 1,000 feet of the proposed marihuana establishment location have been notified by the applicant of the intent to seek a waiver from the separation distance requirements has been provided to the Board of Appeals on Zoning with the application.

(2) Consent by the owner of the sensitive use that is signed and notarized shall be provided with the application to the Board of Appeals on Zoning; and

(3) The Board of Appeals on Zoning finds that the operation of the marihuana establishment within the requested minimum-distancing separation does not have any particularly detrimental effects on the sensitive use at issue.

(D) *Pre-Existing Establishments.* A marihuana establishment shall not be in violation of the spacing requirements in this section in the event a school or other sensitive use was located less than the minimum spacing distance from the establishment at any time after a City license and a state license to operate the establishment were issued.

(E) *Co-Location and Stacked Licenses.* There may be only one state operating license per parcel, except co-location and stacked grower licenses are permitted in certain circumstances:

(1) A marihuana establishment with a stacked grower license counts as a single grower for the purposes of marihuana establishment separation distance requirements.

(2) Co-location on the same parcel for growers, processors, and retailers is allowed if each license is for a separate use (other than stacked grower licenses), subject to all applicable state laws, rules and regulations concerning co-location, including but not limited to, state requirements for the separation of establishments.

(F) *Application Requirements.* Each application shall be accompanied by a detailed site plan, in accordance with §153.083, and any information necessary to describe the proposed use or change of use. Each request shall be considered a new application, including those for class change, stacking, expansion, transfers or other modifications that require Chief Inspector or Planning Commission Review and Approval. All items must be satisfactorily completed for an application to be considered eligible for review. The following shall be submitted as part of an application:

(1) A signed statement by the applicant indicating the proposed marihuana establishment type, including if the proposed marihuana establishment type involves stacked licenses or co-location and the number of licenses to be maintained at that property.

(2) A notarized statement by the property owner that acknowledges use of the property for a marihuana establishment and agreement to indemnify, defend and hold harmless the City, its officers, elected and appointed officials, employees, and insurers, against all liability, claims or demands arising out of, or in connection to, the operation of a marihuana establishment on the property.

(3) Written consent of the applicant for the City to inspect the marihuana establishment at any time during normal business hours to ensure compliance with this Code.

(4) A copy of official paperwork issued by the state indicating that the applicant has successfully completed the prequalification step of the application for a state license, as well as copies of all documents submitted to the state in connection with the initial license application, subsequent renewal applications, or investigations conducted by the state.

(5) Existing and proposed building elevations, including building materials, window calculations, descriptions of glass to be used, and other pertinent information that describes building construction or structural alterations, in accordance with §153.083.

(6) Existing and proposed site changes.

(7) A sign plan for the exterior of the building and any interior signs that will be visible to the general public from the public right-of-way in accordance with §§153.145-153.169.

(8) All lighting fixtures visible to the public shall be identified.

(9) A map, drawn to scale, depicting all sensitive uses as delineated in subsection (B), above, within 1,000 feet of the proposed marihuana establishment location.

(10) A proposed security plan as required by the Act. Such plan shall be forwarded, reviewed, and approved by the Chief of Police, or their designee, prior to any public hearing required to be held on the application.

(11) A proposed marihuana establishment plan as required by the Act.

(12) A proposed marihuana product destruction and waste management plan as required by the Act.

(G) *Operations.* Marihuana establishments must be operated in compliance with the Act and all other applicable state laws, administrative rules, conditions of the marihuana establishment's state operating license, and this Code. In addition, such establishments shall comply with the following regulations, to the extent such regulations do not conflict with the Act:

(1) The exterior appearance of a marihuana establishment must comply with the provisions of this Code and the Act.

(2) Except as allowed by the Act, no marihuana or equipment used in the growing, production, sale, processing, or transport of marihuana can be placed or stored outside of an enclosed building.

(3) Site and building lighting shall comply with the Act.

(4) A video surveillance system will be maintained in accordance with the Act.

(5) Drive-through establishments and mobile establishments are prohibited.

(6) A marihuana establishment will not be designed in such a manner that its operation is likely to create a public nuisance.

(7) Neither marihuana nor marihuana-infused products may be directly visible from the exterior of the marihuana establishment.

(8) Security measures shall comply with the applicable provisions of the Act.

(9) Retailers may not be open to customers between the hours of 9:00 p.m. and 9:00 a.m.

(10) Marihuana establishments shall comply with the barrier-free design requirements of the Michigan Building Code.

(11) The separation of plant resin by butane extraction or another method that utilizes a substance with a flashpoint below 100 degrees Fahrenheit shall only be allowed in the M-1, M-2, and M-3 Industrial Zone Districts.

(12) Ventilation, by-product and waste disposal, and water management (supply and disposal) for the marihuana establishment will not produce contamination of air, water, or soil; or reduce the expected life of the building due to heat and mold; or create other hazards that may negatively impact the structure, surrounding properties, and/or public health.

(13) Odors must be controlled and eliminated by the following methods:

(a) The building must be equipped with an activated air scrubbing and carbon filtration system that eliminates all odors at the property line. Fan(s) must be sized for cubic feet per minute (CFM) equivalent to the volume of the building (length multiplied by width multiplied by height) divided by three. The filter(s) shall be rated for the applicable CFM.

(b) Air scrubbing and filtration systems must be maintained in working order and must be in use at all times. Filters must be changed per manufacturers' recommendation to ensure optimal performance.

(c) Negative air pressure must be maintained inside the building.

(d) Doors and windows must remain closed, except for the minimum time length needed to allow people to ingress or egress the building.

(e) The Chief Inspector may grant an exception for an alternative odor control system if a mechanical engineer licensed in the State of Michigan submits a report that sufficiently demonstrates the alternative system will be equal to or better than the air scrubbing and carbon filtration system otherwise required or such alternative will otherwise comply with the Act.

§153.613 CONSUMPTION; VIOLATIONS.

(A) No consumption, use, or inhalation of a marihuana product shall take place on or within the premises of any marihuana establishment. It shall be a violation of this ordinance to engage in such behavior, or for a person to knowingly allow such behavior to occur. All of the following will give rise to the rebuttable presumption that a person allowed the consumption of marihuana on or within the premises:

(1) The person had control over the premises or the portion of the premises where the marihuana was consumed;

(2) The person knew or reasonably should have known that the marihuana was consumed; and

(3) The person failed to take corrective action, such as requiring the individual consuming marihuana to cease such activity on the premises or removing such individual from the premises.

(B) Failure to comply with the requirements of this chapter shall be considered a violation and may jeopardize the applicant's approval under this ordinance and/or license issued under chapter 118 of this Code.

(1) If at any time a licensed marihuana establishment violates this chapter, the City Manager may request that the state revoke or refrain from renewing the marihuana establishment's state operating license.

(2) Any approval granted for a marihuana establishment under this chapter will be revoked or suspended automatically for either of the following reasons:

(a) Revocation or suspension of the licensee's authorization to operate by the state.

(b) A finding by the state that a rule or regulation has been violated by the licensee.

(3) After a revocation of an approval under this ordinance, a new application shall be required for a marihuana establishment to commence operation at the same location.

(C) A marihuana establishment license may be revoked in accordance with §118.11.

§153.615 PENALTIES.

A person who violates any provision of this chapter is responsible for a Class E municipal civil infraction, subject to payment of a civil fine as set forth in Ch. 37 of this code of ordinances, plus costs and other sanctions, for each infraction. Repeat offenses shall be subject to increased fines as provided by Ch. 37. Each violation and each day of failure to comply with any provision of the chapter shall constitute a separate violation.

§153.617 RIGHTS.

(A) *Rights.* The operation of a licensed marihuana establishment is a revocable privilege and not a right, in conformance with applicable state law. Nothing in this ordinance is to be construed to grant a property right for an individual or business entity to engage in the use, distribution, cultivation, production, possession, transportation or sale of marihuana as a commercial enterprise. Any individual or business entity which purports to have engaged in such activities either prior to or after the enactment of this ordinance without obtaining the required authorization is deemed to be an illegally established use and is not entitled to legal nonconforming status. Nothing in this ordinance may be held or construed to grant a vested right, license, permit or privilege to continued operations within the City.

(B) Nothing in this ordinance shall be construed in such a manner as to conflict with the Act or other applicable state law or rules.

(C) Nothing in this ordinance, or in any companion regulatory or licensing provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution for the growing, sale, consumption, use, distribution, or possession of marihuana not in strict compliance with the Act or this Code. Also, since federal law is not affected by the Act or this Code, nothing in this ordinance, or in any companion regulatory provision adopted in any other provision of this Code, is intended to grant, nor shall they be construed as granting, immunity from criminal prosecution under federal law.

(D) This ordinance shall only take effect if the City's business licensing ordinance is simultaneously amended as needed to license for the activities contemplated herein. If amendments to the business licensing ordinance are not adopted by the City Council, marihuana establishments shall be deemed prohibited from developing within the City.

This ordinance shall become effective September 3, 2020.

Enacted: August 24, 2020.

Yeas:

Nays:

Absent:

Floyd Kloc
Mayor

Janet Santos
City Clerk

ORDINANCE DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on August 24, 2020; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos
City Clerk

Moved by Council Member _____, seconded by Council Member _____ to introduce an Ordinance entitled and reading as follows:

O- _____

AN ORDINANCE TO ADD §135.01 "PROHIBITION," AND TO ADD A NEW CHAPTER TITLED, "CHAPTER 135: PROHIBITION OF USE OR CONSUMPTION OF MARIHUANA IN PUBLIC PLACE," OF TITLE XIII, "GENERAL OFFENSES," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-204.

Laid over under the Charter Provision.

Moved by Council Member _____, seconded by Council Member _____ that an ordinance introduced August 10, 2020, be taken up and enacted, entitled and reading as follows:

O-_____

AN ORDINANCE TO ADD §135.01 "PROHIBITION," AND TO ADD A NEW CHAPTER TITLED, "CHAPTER 135: PROHIBITION OF USE OR CONSUMPTION OF MARIHUANA IN PUBLIC PLACE," OF TITLE XIII, "GENERAL OFFENSES," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-204.

The City of Saginaw Ordains:

Section 1. §135.01 "Prohibition," of "Chapter 135: Prohibition of Use or Consumption of Marihuana in Public Place," of Title XIII, "General Offenses," of the City of Saginaw Code of Ordinances, O-204, is hereby added to read as follows:

CHAPTER 135: PROHIBITION OF USE OR CONSUMPTION OF MARIHUANA IN PUBLIC PLACE

§135.01 PROHIBITION.

(A) In conformance with the Michigan Regulation and Taxation of Marihuana Act (the "MRTMA"), being Initiated Law 1 of 2018, MCL 333.27951 *et seq*, consuming marihuana, in any manner or form including smoking, in a public place in the boundaries of the City, or smoking marihuana in a private place where prohibited by the person who owns, occupies, or manages the property, is prohibited.

(B) Violations of this chapter shall be deemed a public nuisance in accordance with chapter 94 of this code of ordinances, and any person who violates this chapter is responsible for a class C municipal civil infraction and is subject to the penalties established in §94.999 and Ch. 37.

(C) This chapter does not supersede rights with respect to the consumption of marihuana on private property to the extent authorized by the person who owns, occupies, or operates such property, as provided in and authorized by the MRTMA, and does not supersede rights with respect to the use of marihuana for medical purposes as provided by any state law allowing for or regulating marihuana for medical use.

This ordinance shall become effective September 3, 2020.

Enacted: August 24, 2020.

Yeas:

Nays:

Absent:

Floyd Kloc
Mayor

Janet Santos
City Clerk

ORDINANCE DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on August 24, 2020; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos
City Clerk

Moved by Council Member _____, seconded by Council Member _____ to introduce an Ordinance entitled and reading as follows:

O- _____

AN ORDINANCE TO ADD §91.36 "SMOKING IN PARKS; REGULATIONS," OF TITLE IX, "GENERAL REGULATIONS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-204.

Laid over under the Charter Provision.

Moved by Council Member _____, seconded by Council Member _____ that an ordinance introduced August 10, 2020, be taken up and enacted, entitled and reading as follows:

O-_____

AN ORDINANCE TO ADD §91.36, "SMOKING IN PARKS; REGULATIONS," OF TITLE IX, "GENERAL REGULATIONS," OF THE CITY OF SAGINAW CODE OF ORDINANCES, O-204.

The City of Saginaw Ordains:

Section 1. §91.36, "Smoking in Parks, Regulations," of Title IX, "General Regulations," of the City of Saginaw Code of Ordinances, O-204, is hereby added to read as follows:

§91.36 SMOKING IN PARKS; REGULATIONS

(A) For purposes of this section, smoke or smoking means possessing a cigarette, e-cigarette, cigar, hookah, or pipe that contains tobacco, marijuana, or any other product that is lit or burning; lighting a cigarette, e-cigarette, cigar, hookah, or pipe that contains tobacco or any other product; or exhaling smoke from burning tobacco or any other burning product that is contained in a hookah, pipe, cigar, cigarette and/or e-cigarette.

(B) No person shall be allowed to engage in smoking in any City park, including, but not limited to, any playground, tennis court, community center or outdoor athletic complex owned or controlled by the City.

(C) A violation of this section shall constitute a municipal civil infraction, which shall be punishable by a fine of not more than \$50.00 and costs. In the discretion of the court, community service may be ordered in lieu of a fine and costs.

(D) In addition to the issuance of a municipal civil infraction, a City employee or City police officer is authorized to require that a person who violates this section immediately leave the City park.

(E) The prohibition in this section against smoking is in addition to prohibitions against smoking in state law and in other ordinances or regulations and shall not be construed to permit smoking in areas where it is prohibited by state law or by other ordinances or regulations or on private property as determined by the private property owner.

This ordinance shall become effective September 3, 2020.

Enacted: August 24, 2020.

Yeas:

Nays:

Absent:

Floyd Kloc
Mayor

Janet Santos
City Clerk

ORDINANCE DECLARED ADOPTED

I, Janet Santos, City Clerk of the City of Saginaw, Michigan, do hereby certify that the foregoing is a true and complete copy of the ordinance adopted by the City of Saginaw, Saginaw County, State of Michigan, at a public meeting held on August 24, 2020; the original thereof is on file in the records of my office; the meeting was conducted and public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, as amended, and minutes of this meeting were kept and will be made available as required.

Janet Santos
City Clerk