

**CITY OF IMLAY CITY
COUNTY OF LAPEER, MICHIGAN
RESOLUTION APPROVING AMENDMENT TO CITY CHARTER
RESOLUTION 2022-12**

At a special meeting of the City Commission of the City of Imlay City, Lapeer County, Michigan, held on November 29, 2022 at 7:00 PM:

PRESENT MEMBERS: Shane Collison, Joe DeLuca, Joi Kempf, Al Ramirez, Ted Sadler, Bob Tanis, Barbara Yockey

ABSENT MEMBERS: None

The following resolution was offered by Commissioner Sadler and seconded by Commissioner Tanis.

WHEREAS, an Amendment to the Imlay City Charter was proposed by an initiatory petition pursuant to MCL 117.21; and

WHEREAS, the initiatory petition was placed on the November 8, 2022 ballot and submitted to the electors of the City; and

WHEREAS, the Lapeer County Board of Canvassers certified the results of the November 8, 2022 election on November 22, 2022 that 644 votes were cast in favor of the initiatory petition to amend the City Charter with 598 votes cast in opposition; and

WHEREAS, pursuant to MCL 117.24, the Charter Amendment as approved by the voters on November 8, 2022 shall be filed with the Michigan Secretary of State and the Clerk for the County of Lapeer.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF IMLAY CITY, LAPEER COUNTY, MICHIGAN:

1. The Charter of the City of Imlay City is amended as follows:
 - (A) Section 2.2 of the City Charter is hereby repealed in its entirety and the following substituted therefor:

**CITY OF IMLAY CITY
COUNTY OF LAPEER, MICHIGAN
RESOLUTION APPROVING AMENDMENT TO CITY CHARTER
RESOLUTION 2022-12**

Section 2.2 Further Definition of Powers:

In addition to the powers possessed by the City under the Constitution and statutes of the State of Michigan, and those set forth throughout this Charter, the City shall have power with respect to and may, by ordinance or other lawful acts of its officers, provide for the following subject to any specific limitation placed thereon by this Charter and subject to the limits and control of Chapter 16 of this Charter: (a) except as limited or altered by Chapter 16 of this Charter, the regulation of trades, occupations, and amusements within its boundaries including the sale of intoxication liquors and the number of licenses to be issued therefor; and for the prohibition of such trades, occupations, and amusements as are detrimental to the health, morals or welfare of its inhabitants; (b) The establishment and vacation of streets, alleys, public ways and other public places and the use, regulation, improvement and control of the surface of such streets, alleys, public ways and other public places and of the space above and beneath them. (c) The acquisition by purchase, gift, condemnation, lease, construction, or in any manner permitted by statute, of private property of every type and nature for public use, which property may be located within or without the County of Lapeer and which may be required for or incidental to the present or future exercise of the purposes, powers, and duties of the city, either proprietary or otherwise; (d) For the maintenance, development, operation, leasing and disposal of city property subject to any restrictions placed thereon by statute or this charter; provided, specifically, that if it shall become necessary to take and appropriate private property for the public uses or purposes specifically in this section, the right to occupy and hold the same and the ownership therein and thereto, may be acquired by the city in the manner and with like effect, as provided by the general laws of this state relating to the taking of private property for public use in cities and villages, including Chapter XIII of Public Act 3 of 1895; (e) The selling and delivering of water, heat, power and light within and without its corporate limits in an amount not to exceed that permitted by statute and the Constitution; (f) The use upon the payment of reasonable compensation, by others than the owners, of property located in the streets, alleys, and public places and used in the operation of a public utility; (g) The use, control and regulation of streams, water and water courses within its boundaries, but not so as to conflict with the laws or actions thereunder where a navigable stream is bridged or dammed; (h) The enforcement of all such local, police, sanitary and other regulations as are not in conflict with the general laws; (i) The regulating the use, occupancy, sanitation and parking of house trailers within the city, and the right of the city to so regulate any house trailer shall not be abrogated because of any detachment thereof from its wheels or because of placing it on, or attaching it to the ground by means of any temporary or permanent foundation or in any manner whatsoever; (j) The acquiring, establishment, operation, extension and maintenance of facilities for the storage and parking of vehicles within its corporate limits, including the fixing and collection of charges for service thereof on a public utility basis, and for such purpose to acquire by gift, purchase, condemnation or otherwise the land necessary therefor;

**CITY OF IMLAY CITY
COUNTY OF LAPEER, MICHIGAN
RESOLUTION APPROVING AMENDMENT TO CITY CHARTER
RESOLUTION 2022-12**

Charter 7 (k) Regulating, restricting and limiting the number and location of oil and gasoline stations and storage in bulk plants; (l) Establishing districts or zones within which use of land and structures, the height, the area, the size and location of buildings and required open spaces for light and ventilation of such buildings, and the density of population may be regulated by ordinance in accordance with statutory provisions governing zoning; (m) except as limited or altered by Chapter 16 of this Charter, licensing, regulating, restricting and limiting the number and location of advertising signs or displays and billboards within the city; (n) The preventing of injury or annoyance to the inhabitants of the city from anything which is dangerous, offensive, or unhealthful, and for the preventing and abating of nuisances and punishing those occasioning them or neglecting or refusing to abate, discontinue or remove the same; (o) The regulating of airports located within its boundaries and, for the purpose of promoting and preserving the public peace, safety and welfare, controlling and regulating the use of the air above the city by aircraft of all types; (p) The requiring, as a condition of approving plats of land or premises hereafter laid out, divided or platted into streets and alleys within the city, that all streets shown on said plat be graded and graveled or otherwise improved, that all ditches, drains and culverts necessary to make such streets usable be constructed, and that cement sidewalks be constructed in the proper places, all in accordance with city specifications. The Commission may accept a bond conditioned upon the installation of such of the foregoing improvements as it requires within such time as it determines; (q) The regulating and control of the collection and disposal of garbage and rubbish within its boundaries; (r) The requiring of an owner of real property within the city to maintain sidewalks abutting on such property, and if the owner fails to comply with such requirements or if the owner is unknown, to construct and maintain such sidewalks and assess the cost thereof against the abutting property in accordance with Chapter 11; (s) The requiring of an owner of real property within the city to abate public hazards and nuisances which are dangerous to the health or safety of inhabitants of the city within a reasonable time after the Commission notifies him that such hazard or nuisance exists, and if the owner fails to comply with such requirements, or if the owner is unknown, to abate such hazard or nuisance and assess the cost thereof against such property in accordance with Chapter 11; (t) The compelling of owners of real property within the city to keep sidewalks abutting upon their property clear from snow, ice or other obstructions, and if the owner fails to comply with such requirements; to remove such snow, ice or other obstructions and assess the cost thereof against the abutting property in accordance with Section 11.4; (u) The control over all trees, shrubs and plants in the public streets, highways, parks or other public places in the city, all dead and diseased trees on private property and trees on private property overhanging the street, sidewalk or public places, and the removal thereof and assess the cost thereof against the abutting property in accordance with Section 11.4;

(B) Section 4.7 of the City Charter is hereby repealed in its entirety and the following substituted therefor:

**CITY OF IMLAY CITY
COUNTY OF LAPEER, MICHIGAN
RESOLUTION APPROVING AMENDMENT TO CITY CHARTER
RESOLUTION 2022-12**

Section 4.7 Other Administrative Officers:

In addition to the City Manager, and subordinate to him in the performance of the duties of their several offices, except the Clerk, Treasurer and City Attorney insofar as their duties as clerk and treasurer of, and attorney for the Commission are concerned, the administrative officers of the City shall be the Clerk, the Treasurer, the Assessor, the City Attorney, the Police Chief, the Fire Chief, the Health Officer, the Ambulance Director and other officers included in the administrative plan approved by the Commission,

- (C) Section 4.10 of the City Charter is hereby repealed in its entirety and the following substituted therefor:

Section 4.10 Duties of Administrative Officers:

All administrative officers of the city shall perform such duties as are provided for such officers by state law, this charter, the city ordinance, and the administrative directives of the City Manager. Unless the Commission shall otherwise provide by ordinance, specifying another officer of the city, the Clerk shall be the chief accountant and auditor of the city and he, except as limited or controlled by Chapter 16 of this Charter, or such other officer as shall be so designated by the Commission shall, subject to the direction of the City Manager, maintain a system of accounts which shall conform to a recognized or uniform system of municipal accounts as required by law. Each city officer shall exercise and possess all of the powers, privileges, and immunities granted to city and township officers exercising the same duties for cities and townships generally under the general laws of the state.

- (D) Section 14.8 of the City Charter is hereby repealed in its entirety and the following is substituted therefor:

Section 14.8 City Records:

All records of the city shall be public except as altered or abrogated by Chapter 16 of this Charter.

- (E) The City Charter is hereby amended to add Chapter 16 (Medical Marijuana) to provide as follows:

**CITY OF IMLAY CITY
COUNTY OF LAPEER, MICHIGAN
RESOLUTION APPROVING AMENDMENT TO CITY CHARTER
RESOLUTION 2022-12**

SECTION 1. PURPOSE

THE PURPOSE OF THIS ARTICLE IS TO END THE CITY'S PROHIBITION OF MARIHUANA FACILITIES, AND AUTHORIZE AND REGULATE SUCH FACILITIES WITHIN THE CITY CONSISTENT WITH THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, 2016 PA 281, MCL 333.27101 ET SEQ, AND TO PROVIDE QUALIFYING PATIENTS LOCAL ACCESS TO MEDICAL MARIHUANA FOR CONDITIONS SUCH AS EPILEPSY, MULTIPLE SCLEROSIS, COLITIS, ARTHRITIS, CROHN'S DISEASE, CEREBRAL PALSY, CHRONIC PAIN, PARKINSON'S DISEASE, POST TRAUMATIC STRESS DISORDER, AND OTHER MEDICAL CONDITIONS FOR WHICH MARIHUANA HAS BEEN DEEMED AN APPROVED MEDICAL USE BY THE STATE OF MICHIGAN. THE ADMINISTRATION AND REGULATION OF MARIHUANA FACILITIES WITHIN THE CITY SHALL BE CARRIED OUT BY THE CITY DEPARTMENT OF MEDICAL MARIHUANA, WHOSE POWERS AND AUTHORITY ARE ENUMERATED HEREIN. NOTHING CONTAINED WITHIN THIS ARTICLE, OR WITHIN ANY LOCAL APPROVAL ISSUED BY THE CITY, SHALL BE CONSTRUED TO RELIEVE A PERSON OF THE DUTIES AND OBLIGATIONS IMPOSED UNDER STATE LAWS AND REGULATIONS. NOTWITHSTANDING THE FOREGOING, IT IS NOT THE INTENT OF THIS ARTICLE TO DIMINISH, ABROGATE OR RESTRICT PROTECTIONS FOR THE MEDICAL USE OF MARIHUANA PROVIDED IN THE MICHIGAN MEDICAL MARIHUANA ACT, 2008 IL 1, MCL 333.26421 ET SEQ. NOTHING IN THIS ARTICLE IS INTENDED TO GRANT INDIVIDUALS IMMUNITY FROM THE ENFORCEMENT OF FEDERAL LAWS PROHIBITING MARIHUANA ACTIVITY. THE PROVISIONS OF THIS ARTICLE ARE REGULATORY IN NATURE AND NOT INTENDED TO BE INTERPRETED AS ZONING LAWS. THE PROVISIONS OF THIS ARTICLE ARE SEVERABLE AND SELF-EXECUTING. THIS ARTICLE IS HEREBY DECLARED NECESSARY TO PRESERVE THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE OF THE PEOPLE OF THE CITY, TO ADVANCE THE INTERESTS OF THE CITY AND THE GOOD GOVERNMENT AND PROSPERITY OF THE CITY AND ITS INHABITANTS THROUGH THE CITY'S REGULARLY CONSTITUTED AUTHORITY TO PASS ALL LAWS RELATING TO ITS MUNICIPAL CONCERNS, TO REGULATE OCCUPATIONS AND TRADES IN THE CITY IN ACCORDANCE WITH STATE LAW, AND TO REGULATE MARIHUANA FACILITIES WITHIN THE CITY PURSUANT TO ITS AUTHORITY TO ALTER, AMEND OR REPEAL ANY SPECIAL ACT AFFECTING ANY MUNICIPAL CONCERN.

SECTION 2. DEFINITIONS

(A) ALL DEFINITIONS PROVIDED IN THE MMFLA ARE HEREBY INCORPORATED BY REFERENCE INTO THIS ARTICLE, AND THE TERM "MARIJUANA" SHALL BE SYNONYMOUS WITH THE TERM "MARIHUANA."

(B) "BUSINESS FACILITY ADDRESS" IS DEFINED AS THE SINGULAR UNITED STATES POSTAL ADDRESS, FOR A BUILDING STRUCTURE LOCATED ATOP A

**CITY OF IMLAY CITY
COUNTY OF LAPEER, MICHIGAN
RESOLUTION APPROVING AMENDMENT TO CITY CHARTER
RESOLUTION 2022-12**

LAND PARCEL, WHERE A MARIHUANA FACILITY IS PROPOSED TO BE LOCATED FOR A LICENSE TYPE LISTED IN AN APPLICATION TO THE CITY. THE EXISTING SQUARE FOOTAGE OF THE ENCLOSED BUILDING STRUCTURE AT THE BUSINESS FACILITY ADDRESS AT THE TIME OF THE APPLICATION'S SUBMISSION SHALL SOLELY BE USED FOR DETERMINING THE SQUARE FOOTAGE OF THE BUSINESS FACILITY ADDRESS.

(C) "BUSINESS FACILITY ADJACENT ADDRESS" IS DEFINED AS THE SINGULAR UNITED STATES POSTAL ADDRESS OF A BUILDING STRUCTURE WHICH IS PHYSICALLY ADJOINING OR DIRECTLY PHYSICALLY TOUCHING THE BUILDING STRUCTURE OF A BUSINESS FACILITY ADDRESS. PHYSICALLY ADJOINING SHALL, FOR THE PURPOSES OF THIS DEFINITION, REFER TO THE PHYSICAL CONNECTION THROUGH WALLS, ADJACENT WALLS, OR A COMMON BUILDING STRUCTURE, THOUGH THIS DEFINITION SHALL NOT INCLUDE ANY COMMON ROAD, FOUNDATION, OR SURFACE THAT THE BUILDING STRUCTURE SITS ON.

(D) "CITY" SHALL REFER TO IMLAY CITY.

(E) "CITY DEPARTMENT" IS DEFINED AS THE CITY'S DEPARTMENT OF MEDICAL MARIHUANA.

(F) "CITY FULL LICENSE AUTHORIZATION" SHALL BE DEFINED AS THE FULL LOCAL APPROVAL THAT IMLAY CITY AUTOMATICALLY GRANTS A LOCAL APPLICANT TO OPERATE A MARIHUANA FACILITY AT A BUSINESS FACILITY ADDRESS WHEN THE LOCAL APPLICANT HAS RECEIVED A STATE OPERATING LICENSE PURSUANT TO THE MMFLA. IT SHALL NOT BE CONSIDERED A MUNICIPAL LICENSE.

(G) "CLERK" IS DEFINED AS THE CITY CLERK OF IMLAY CITY.

(H) "COMMISSION" IS DEFINED AS THE CITY COMMISSION OF IMLAY CITY.

(I) "LAND PARCEL" OR "PARCEL" SHALL BE DEFINED AS A LAND PARCEL, WITH AN ASSOCIATED TAX IDENTIFICATION NUMBER, ALLOCATED BY THE APPROPRIATE GOVERNMENTAL BODY, WHOSE OFFICIAL RECORDS ARE HELD BY THE CLERK, THE REGISTER OF DEEDS, OR OTHER APPROPRIATE GOVERNMENTAL BODY, FOR THE PURPOSES OF TRACKING THE USE OF LAND WITHIN THE CITY.

(J) "LICENSE TYPE" IS DEFINED AS A SINGLE CATEGORY OF A LICENSE THAT A LOCAL APPLICANT CAN APPLY FOR, SUCH AS A PROVISIONING CENTER LICENSE, A GROWER LICENSE, OR ANY OTHER LICENSE THAT A LOCAL APPLICANT CAN APPLY FOR THROUGH THE PROCESSES SET FORTH IN THIS ARTICLE.

**CITY OF IMLAY CITY
COUNTY OF LAPEER, MICHIGAN
RESOLUTION APPROVING AMENDMENT TO CITY CHARTER
RESOLUTION 2022-12**

(K) "LOCAL APPLICANT" IS DEFINED AS AN INDIVIDUAL, ENTITY, PERSON, OR PERSONS WHO SUBMITS AN APPLICATION FOR A LICENSE TYPE TO THE CITY.

(L) "MMFLA" IS DEFINED AS THE MEDICAL MARIHUANA FACILITIES LICENSING ACT, 2016 PA 281, MCL 333.27101 ET SEQ.

(M) "MMMA" IS DEFINED AS THE MICHIGAN MEDICAL MARIHUANA ACT, 2008 IL 1, MCL 333.26421 ET SEQ.

(N) "MRTMA" IS DEFINED AS THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, 2018 IL 1, MCL 333.27951 ET SEQ.

(O) "PROVISIONAL LICENSE" IS DEFINED AS A PROVISIONAL LOCAL AUTHORIZATION ISSUED BY THE CITY FOR A LOCAL APPLICANT, CONTINGENT UPON APPROVAL OF A STATE OPERATING LICENSE BY THE AGENCY, TO OPERATE A MARIHUANA FACILITY AT A BUSINESS FACILITY ADDRESS, PROVIDED THAT THE PROVISIONAL LICENSE SHALL BECOME A CITY FULL LICENSE AUTHORIZATION UPON THE LOCAL APPLICANT RECEIVING A STATE OPERATING LICENSE PURSUANT TO THE MMFLA. A LOCAL APPLICANT SHALL BE PROHIBITED FROM OPERATING A MARIHUANA FACILITY WITHOUT A STATE LICENSE ISSUED BY THE AGENCY.

(P) "PERCENTAGE OCCUPANCY" SHALL BE DEFINED AS THE OCCUPANCY PERCENTAGE OF A BUSINESS FACILITY ADDRESS FOR THE CALENDAR YEAR IMMEDIATELY PRIOR TO THE APPLICATION DATE OR, IF APPLICABLE, FOR THE CALENDAR YEAR ENDING NO EARLIER THAN THREE (3) MONTHS PRIOR TO THE APPLICATION DATE IF THE REQUIREMENTS OF SECTION 2(P)(4) ARE MET, AND SHALL CONSIST OF THE OCCUPANCY PERCENTAGE OF ANY BUILDINGS, STRUCTURES, OR UNITS CONTAINED WITHIN THE PARCEL UPON WHICH THE BUSINESS FACILITY ADDRESS SITS FOR THE CALENDAR YEAR IMMEDIATELY PRIOR TO THE APPLICATION DATE. THE PERCENTAGE OCCUPANCY SHALL BE CALCULATED USING THE AVERAGE SQUARE FOOTAGE OF ANY BUILDINGS, STRUCTURES, OR UNITS CONTAINED WITHIN THE PARCEL UPON WHICH THE BUSINESS FACILITY ADDRESS SITS THAT IS OCCUPIED DURING THE CALENDAR YEAR IMMEDIATELY PRIOR TO THE APPLICATION DATE, UTILIZING A METHOD DETERMINED BY THE CITY DEPARTMENT. THE METHOD OF DETERMINING PERCENTAGE OCCUPANCY SHALL BE SUBJECT TO THE FOLLOWING REQUIREMENTS OF THIS ARTICLE:

(1) CONSTRUCTION ACTIVITY, RENOVATION ACTIVITY, OR STORAGE ACTIVITY IN THE BUILDINGS, STRUCTURES, OR UNITS CONTAINED WITHIN THE PARCEL UPON WHICH THE BUSINESS FACILITY ADDRESS SITS SHALL NOT BE CONSIDERED OCCUPANCY OR COUNTED AS PART OF THE PERCENTAGE OCCUPANCY OF A BUSINESS FACILITY ADDRESS. HOWEVER, STORAGE UNITS WHICH ARE PART OF COMMERCIAL

**CITY OF IMLAY CITY
COUNTY OF LAPEER, MICHIGAN
RESOLUTION APPROVING AMENDMENT TO CITY CHARTER
RESOLUTION 2022-12**

STORAGE BUSINESSES WHERE RENT IS PAID FOR THE USE OF A STORAGE SPACE SHALL BE CONSIDERED OCCUPANCY AND SHALL COUNT TOWARDS PERCENTAGE OCCUPANCY, AND STORAGE ACTIVITY RELATING TO INVENTORY AND/OR EQUIPMENT INCIDENTAL TO THE OPERATION OF A BUSINESS OR OTHER ORGANIZATION THAT IS OTHERWISE OCCUPYING THE BUSINESS FACILITY ADDRESS SHALL BE CONSIDERED OCCUPANCY AND SHALL COUNT TOWARD PERCENTAGE OCCUPANCY.

(2) THE DETERMINATION OF PERCENTAGE OCCUPANCY SHALL REQUIRE AN OCCUPANCY AFFIDAVIT AND, IF POSSIBLE, PROVIDE SUPPORTING DOCUMENTATION ATTESTING TO THE OCCUPANCY OF ANY BUILDINGS, STRUCTURES, OR UNITS CONTAINED WITHIN THE PARCEL UPON WHICH THE BUSINESS FACILITY ADDRESS SITS FOR THE CALENDAR YEAR IMMEDIATELY PRIOR TO THE APPLICATION DATE, OR, IF APPLICABLE, FOR THE CALENDAR YEAR ENDING NO EARLIER THAN THREE (3) MONTHS PRIOR TO THE APPLICATION DATE IF THE REQUIREMENTS OF SECTION 2(P)(4) ARE MET.

(3) FOR THE PURPOSES OF ISSUING A PROVISIONAL LICENSE, THE CITY SHALL VERIFY THE PERCENTAGE OCCUPANCY OF THE BUSINESS FACILITY ADDRESS THROUGH AN OCCUPANCY AFFIDAVIT AND, IF POSSIBLE, UTILIZING OTHER SUPPORTING DOCUMENTATION WHICH MAY INCLUDE, BUT NOT BE LIMITED TO, LEASE DOCUMENTS, PURCHASE AGREEMENTS, CERTIFICATES OF OCCUPANCY, UTILITY BILLS, AND OTHER DOCUMENTATION THAT CAN SHOW THE OCCUPANCY LEVEL OVER THE TIME PERIOD.

(4) NOTWITHSTANDING THE REQUIREMENTS OF THIS SECTION, IF A LOCAL APPLICANT SUBMITS AN OCCUPANCY AFFIDAVIT THAT IS DATED NO EARLIER THAN THREE (3) MONTHS PRIOR TO THE APPLICATION DATE ATTESTING TO THE PERCENTAGE OCCUPANCY OF THE BUSINESS FACILITY ADDRESS, THE LOCAL APPLICANT WILL BE DEEMED TO MEET THE REQUIREMENTS OF THE "CALENDAR YEAR IMMEDIATELY PRIOR TO THE APPLICATION DATE" PERCENTAGE OCCUPANCY DEFINITION.

(Q) "STAND ALONE BUSINESS FACILITY ADDRESS" IS DEFINED AS A BUSINESS FACILITY ADDRESS THAT DOES NOT HAVE A BUSINESS FACILITY ADJACENT ADDRESS AND WHERE THE PROPOSED BUSINESS FACILITY ADDRESS IS PHYSICALLY SEPARATED FROM AREAS WHERE SMOKING OR THE USE OF CANNABIS IS PROHIBITED, NOT INCLUDING THE BUSINESS FACILITY ADDRESS IN QUESTION, AND WHERE SMOKE OR THE SMELL OF CANNABIS DOES NOT INFILTRATE INTO NONSMOKING AREAS OR BUILDINGS THAT ARE NOT PART OF THE BUSINESS FACILITY ADDRESS.

**CITY OF IMLAY CITY
COUNTY OF LAPEER, MICHIGAN
RESOLUTION APPROVING AMENDMENT TO CITY CHARTER
RESOLUTION 2022-12**

SECTION 3. AUTHORIZATION OF MEDICAL MARIHUANA FACILITIES

(A) PURSUANT TO THE MMFLA, THE CITY AND THE CITY DEPARTMENT SHALL IMMEDIATELY UPON ENACTMENT OF THIS ARTICLE AUTHORIZE THE FOLLOWING NUMBER OF MARIHUANA FACILITIES TO OPERATE WITHIN ITS BOUNDARIES:

- (1) MARIHUANA SAFETY COMPLIANCE FACILITY - ONE (1) LICENSE
- (2) MARIHUANA SECURE TRANSPORTER - ONE (1) LICENSE
- (3) MARIHUANA PROVISIONING CENTER - TWO (2) LICENSES ISSUED AT A MINIMUM, MAXIMUM OF TWO (2) LICENSES ALLOWED
- (4) MARIHUANA PROCESSOR - ONE (1) LICENSE
- (5) CLASS A MARIHUANA GROWER - ONE (1) LICENSE
- (6) CLASS B MARIHUANA GROWER - ONE (1) LICENSE
- (7) CLASS C MARIHUANA GROWER - ONE (1) LICENSE

(B) WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE, THE CITY COMMISSION SHALL ENACT ALL ORDINANCES AND RESOLUTIONS NECESSARY TO FACILITATE OPERATION OF THIS ARTICLE, BUT NO ORDINANCE OR RESOLUTION SHALL LIMIT OR RESTRICT THE APPLICATION OF THE PROVISIONS OF THIS ARTICLE.

SECTION 4. CITY DEPARTMENT OF MEDICAL MARIHUANA

THIS ARTICLE ESTABLISHES THE CITY DEPARTMENT OF MEDICAL MARIHUANA WHICH SHALL BE RESPONSIBLE FOR THE ADMINISTRATION AND REGULATION OF MARIHUANA FACILITIES WITHIN THE CITY SUBJECT TO THE LAWS OF THE STATE OF MICHIGAN. THE CITY CLERK SHALL BE THE DIRECTOR OF THE CITY DEPARTMENT OF MEDICAL MARIHUANA.

THE CITY DEPARTMENT SHALL:

(A) AUTHORIZE MARIHUANA FACILITIES TO OPERATE BETWEEN THE HOURS OF 9:00 AM TO 9:00 PM, MONDAY THROUGH SUNDAY, THOUGH ANY MARIHUANA PROCESSOR OR GROWER FACILITY MAY OPERATE TWENTY-FOUR (24) HOURS PER DAY, SEVEN (7) DAYS PER WEEK.

(B) ON THE TENTH DAY AFTER THE EFFECTIVE DATE OF THIS ARTICLE, BEGIN TO ACCEPT APPLICATIONS FOR PROVISIONAL LICENSES. THIS INITIAL APPLICATION WINDOW SHALL CLOSE AT 5:00 PM ON THE TENTH DAY AFTER IT OPENS. IF THE CITY DEPARTMENT FAILS TO MAKE AN APPLICATION FORM AVAILABLE UPON THE OPENING OF THIS INITIAL APPLICATION WINDOW, LOCAL

**CITY OF IMLAY CITY
COUNTY OF LAPEER, MICHIGAN
RESOLUTION APPROVING AMENDMENT TO CITY CHARTER
RESOLUTION 2022-12**

APPLICANTS MAY SUBMIT THEIR OWN APPLICATION ENTITLED "MARIHUANA FACILITY APPLICATION" WHICH SHALL CONFORM TO THE REQUIREMENTS OF THIS ARTICLE.

(C) REQUIRE AN AFFIDAVIT FROM ALL LOCAL APPLICANTS ATTESTING TO THE VERACITY OF THEIR APPLICATION AT THE TIME OF THE APPLICATION'S SUBMISSION, AND VERIFY THAT THE INFORMATION CONTAINED WITHIN THE APPLICATIONS SUBMITTED BY ALL LOCAL APPLICANTS IS TRUE TO THE EXTENT THAT SUCH INFORMATION CAN BE VERIFIED BY THE CITY DEPARTMENT.

(D) CHARGE AN APPLICATION FEE NO GREATER THAN \$100, AND CHARGE A FEE NO GREATER THAN \$5,000 FOR THE RENEWAL OF EITHER A PROVISIONAL LICENSE OR A CITY FULL LICENSE AUTHORIZATION.

(E) DEVELOP AN APPLICATION PROCESS FOR LOCAL APPLICANTS TO APPLY FOR PROVISIONAL LICENSES. THIS APPLICATION PROCESS SHALL CONFORM TO AND BE LIMITED TO THE FOLLOWING PROVISIONS OF THIS ARTICLE:

(1) APPLICATIONS SHALL BE SCORED USING THE FOLLOWING TRANSPARENT SCORING PROCEDURE. ONLY ONE LICENSE TYPE CAN BE SCORED PER APPLICATION. THE FOLLOWING SCORING PROCEDURE IS INTENDED TO ENSURE THE FAIR, JUST, AND PROPER IMPLEMENTATION OF THIS ARTICLE, ENSURE THAT LICENSES ARE AWARDED TO LOCAL APPLICANTS WHO ARE BEST SUITED TO OPERATE IN COMPLIANCE WITH THE MMFLA, AND TO PROMOTE THE GENERAL WELFARE OF THE CITY.

(2) APPLICATIONS SHALL BE SCORED ON A SCALE FROM 0 TO 100 POINTS, WITH 100 BEING THE HIGHEST POSSIBLE SCORE, USING THE FOLLOWING SCORING PROCEDURE:

(I) LOCAL APPLICANT VETTING: THIS CATEGORY ALLOCATES POINTS BASED ON THE DEGREE TO WHICH THE LOCAL APPLICANT HAS BEEN FOUND QUALIFIED FOR LICENSURE BY THE AGENCY. A MAXIMUM OF FIFTY (50) POINTS SHALL BE AWARDED FOR THIS CATEGORY. IF THE LOCAL APPLICANT POSSESSES A STATE OPERATING LICENSE PURSUANT TO THE MMFLA OR THE MRTMA, FIFTY (50) POINTS SHALL BE AWARDED FOR THIS CATEGORY; OR, IF THE LOCAL APPLICANT POSSESSES A STATE PRE-QUALIFICATION APPROVAL FROM THE AGENCY PURSUANT TO THE MMFLA OR THE MRTMA, THIRTY (30) POINTS SHALL BE AWARDED FOR THIS CATEGORY. A LOCAL APPLICANT CAN ONLY EARN POINTS FOR EITHER A STATE OPERATING LICENSE OR A STATE PRE-QUALIFICATION APPROVAL IN THIS CATEGORY. SUCH DOCUMENTATION MUST BE PROVIDED IN THE LOCAL APPLICANT'S APPLICATION TO BE CONSIDERED FOR SCORING BY THE CITY DEPARTMENT.

**CITY OF IMLAY CITY
COUNTY OF LAPEER, MICHIGAN
RESOLUTION APPROVING AMENDMENT TO CITY CHARTER
RESOLUTION 2022-12**

(II) STRUCTURAL SUITABILITY: THIS CATEGORY ALLOCATES POINTS BASED ON WHETHER THE BUSINESS FACILITY ADDRESS IS LIKELY TO BE IN COMPLIANCE WITH THE MMFLA, THE TIME IT WILL TAKE FOR THE BUSINESS FACILITY ADDRESS TO COME INTO COMPLIANCE WITH THE MMFLA, THE SAFETY RISK POSED BY BUILDING STRUCTURES THAT ARE NOT WELL SUITED TO OPERATE AS MARIHUANA FACILITIES, AND THE NEED TO MINIMIZE THE IMPACT OF MARIHUANA FACILITIES TO SURROUNDING BUSINESSES. A MAXIMUM OF TWENTY (20) POINTS SHALL BE AWARDED FOR THIS CATEGORY. IF THE BUSINESS FACILITY ADDRESS IS A STAND-ALONE BUSINESS FACILITY ADDRESS AT THE TIME OF THE APPLICATION'S SUBMISSION, TEN (10) POINTS SHALL BE AWARDED TOWARD THIS CATEGORY. WHETHER THE BUSINESS FACILITY ADDRESS IS A STAND-ALONE BUSINESS FACILITY ADDRESS AT THE TIME OF THE APPLICATION'S SUBMISSION SHALL BE DEMONSTRATED BY A SITE PLAN OR PRELIMINARY SKETCH SUBMITTED BY THE LOCAL APPLICANT, THE ACCURACY OF WHICH SHALL BE VERIFIED BY THE CLERK. FURTHER, IF THE APPLICATION IS FOR A PROVISIONING CENTER LICENSE TYPE AND THE BUSINESS FACILITY ADDRESS CONTAINS A MINIMUM OF TWO THOUSAND (2,000) SQUARE FEET AND NO MORE THAN FIVE THOUSAND (5,000) SQUARE FEET, TEN (10) ADDITIONAL POINTS SHALL BE AWARDED TOWARD THIS CATEGORY, OR IF THE APPLICATION IS FOR ANY OTHER LICENSE TYPE AND THE BUSINESS FACILITY ADDRESS CONTAINS A MINIMUM OF FIVE THOUSAND (5,000) SQUARE FEET, TEN (10) ADDITIONAL POINTS SHALL BE AWARDED TOWARD THIS CATEGORY.

(III) COMMITMENT TO COMMUNITY: THIS CATEGORY ALLOCATES POINTS BASED ON THE LOCAL APPLICANT'S COMMITMENT TO ADVANCE THE BROADER INTEREST AND GOALS OF THE COMMUNITY THROUGH INVESTMENT IN THE PEOPLE OF THE COMMUNITY AND IN THE COMMUNITY'S TAX BASE. THIS IS DEMONSTRATED THROUGH THE FOLLOWING CRITERIA: COMMITMENT TO THE HIRING OF LOCAL RESIDENTS AND HIRING OF LOCAL CONTRACTORS FOR WORK AND IMPROVEMENTS TO ITS BUSINESS FACILITY ADDRESS, AND ITS COMMITMENT TO LONG-TERM INVESTMENT IN THE COMMUNITY THROUGH THE REDEVELOPMENT OF VACANT, BLIGHTED, OR ABANDONED PROPERTY IN THE COMMUNITY. A MAXIMUM OF THIRTY (30) POINTS SHALL BE AWARDED FOR THIS CATEGORY. POINTS IN THIS CATEGORY SHALL BE AWARDED AS FOLLOWS: IF THE LOCAL APPLICANT COMMITS TO HIRING A MINIMUM OF TEN (10) PERCENT OF ITS EMPLOYEES FROM RESIDENTS OF THE CITY, FIVE (5) POINTS SHALL BE AWARDED FOR THIS CATEGORY. IF THE LOCAL APPLICANT COMMITS TO HIRING LOCAL CONTRACTORS FOR WORK AND IMPROVEMENTS TO ITS BUSINESS FACILITY ADDRESS, FIVE (5) ADDITIONAL POINTS SHALL BE AWARDED FOR THIS CATEGORY. POINTS FOR LONG-TERM COMMUNITY

**CITY OF IMLAY CITY
COUNTY OF LAPEER, MICHIGAN
RESOLUTION APPROVING AMENDMENT TO CITY CHARTER
RESOLUTION 2022-12**

INVESTMENT AND RE-DEVELOPMENT IN THIS CATEGORY SHALL BE AWARDED BASED ON THE PERCENTAGE OCCUPANCY OF THE BUSINESS FACILITY ADDRESS. IF THE BUSINESS FACILITY ADDRESS HAS A PERCENTAGE OCCUPANCY OF ZERO (0) PERCENT, THE LOCAL APPLICANT SHALL BE AWARDED FIFTEEN (15) ADDITIONAL POINTS FOR THIS CATEGORY. IF THE BUSINESS FACILITY ADDRESS HAS A PERCENTAGE OCCUPANCY GREATER THAN ZERO PERCENT AND LESS THAN OR EQUAL TO TWENTY-FIVE (25) PERCENT, THE LOCAL APPLICANT SHALL BE AWARDED TEN (10) ADDITIONAL POINTS FOR THIS CATEGORY. IF THE BUSINESS FACILITY ADDRESS HAS A PERCENTAGE OCCUPANCY GREATER THAN TWENTY-FIVE (25) PERCENT AND LESS THAN OR EQUAL TO FIFTY (50) PERCENT, THE LOCAL APPLICANT SHALL BE AWARDED FIVE (5) ADDITIONAL POINTS FOR THIS CATEGORY. IF THE BUSINESS FACILITY ADDRESS HAS A PERCENTAGE OCCUPANCY GREATER THAN FIFTY (50) PERCENT, THE LOCAL APPLICANT SHALL BE AWARDED ZERO (0) ADDITIONAL POINTS FOR THIS CATEGORY. IF THE BUSINESS FACILITY ADDRESS CONSISTS OF NO COMMERCIALY VIABLE BUILDING STRUCTURES OR IS A VACANT LAND PARCEL, THE LOCAL APPLICANT SHALL BE AWARDED ZERO (0) ADDITIONAL POINTS FOR THIS CATEGORY. IN ADDITION, IF THE LOCAL APPLICANT MAKES A LEGALLY BINDING COMMITMENT TO DONATING \$10,000.00 PER YEAR TO A COMMUNITY ORGANIZATION THAT PROVIDES FOOD TO FOOD-INSECURE FAMILIES WHO LIVE WITHIN THE MUNICIPALITY, FIVE (5) ADDITIONAL POINTS SHALL BE AWARDED IN THIS CATEGORY.

(3) THE CITY DEPARTMENT SHALL SUM THE POINTS AWARDED TO EACH APPLICATION SUBMITTED WITHIN THE INITIAL APPLICATION WINDOW AND AWARD PROVISIONAL LICENSES TO THE LOCAL APPLICANTS WHO ARE AWARDED THE HIGHEST NUMBER OF POINTS. IN THE EVENT OF A TIE IN THE SCORING FOR TWO OR MORE PROVISIONAL LICENSE APPLICATIONS, THE CITY SHALL HOLD A LOTTERY, WHICH SHALL BE MADE OPEN TO THE PUBLIC, AS A TIEBREAKER TO DECIDE AMONG SUCH LOCAL APPLICANTS.

(4) APPLICATIONS SHALL INCLUDE DOCUMENTATION OF OWNERSHIP, LEASE AGREEMENT, OR OTHER LEGAL ARRANGEMENT PERMITTING THE LOCAL APPLICANT TO APPLY FOR A LICENSE OR ANY AND ALL MUNICIPAL PERMITS OR APPROVALS NEEDED FOR THE BUSINESS FACILITY ADDRESS AT THE TIME OF THE APPLICATION'S SUBMISSION PURSUANT TO THE TERMS OF THIS ARTICLE.

(5) APPLICATIONS SHALL INCLUDE A SWORN OATH FROM AN AUTHORIZED REPRESENTATIVE OF THE LOCAL APPLICANT THAT ALL INFORMATION CONTAINED WITHIN THE APPLICATION IS TRUE TO THE BEST OF THEIR KNOWLEDGE, AND THAT THEY HAVE THE EXCLUSIVE AUTHORITY TO APPLY FOR A LICENSE TYPE AT THE BUSINESS FACILITY ADDRESS.

**CITY OF IMLAY CITY
COUNTY OF LAPEER, MICHIGAN
RESOLUTION APPROVING AMENDMENT TO CITY CHARTER
RESOLUTION 2022-12**

(6) APPLICATIONS SHALL INCLUDE AN AFFIDAVIT AFFIRMING AND ATTESTING THAT NEITHER THE LOCAL APPLICANT NOR ANY STAKEHOLDER OF THE LOCAL APPLICANT IS IN DEFAULT TO THE CITY.

(7) APPLICATIONS SHALL INCLUDE THE FULL NAME, DATE OF BIRTH, PHYSICAL ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER OF THE LOCAL APPLICANT IN THE CASE OF AN INDIVIDUAL, OR, IN THE CASE OF AN ENTITY, ALL DIRECT STAKEHOLDERS THEREOF.

(8) LOCAL APPLICATIONS SHALL STILL BE CONSIDERED IF THEY ARE ADJUDGED, AT THE DISCRETION OF THE CLERK, TO BE COMPLIANT WITH OVER 90 PERCENT OF THE APPLICATION REQUIREMENTS OF THIS ARTICLE.

(F) REVIEW AND SCORE ALL APPLICATIONS SUBMITTED ACCORDING TO THE REQUIREMENTS HEREIN WITHIN A THIRTY DAY PERIOD AFTER THE CLOSE OF THE INITIAL APPLICATION WINDOW. UPON THE THIRTY-FIRST DAY AFTER THE CLOSING OF THE INITIAL APPLICATION WINDOW, THE CITY DEPARTMENT SHALL AWARD PROVISIONAL LICENSES TO LOCAL APPLICANTS IN ORDER FROM HIGHEST-SCORING TO LOWEST-SCORING APPLICATIONS. IF THIS DOES NOT OCCUR, ALL LOCAL APPLICANTS SHALL HAVE THE ABILITY TO OPERATE BY RIGHT CONDITIONAL UPON RECEIVING A LICENSE FROM THE AGENCY BEGINNING ON THE THIRTY-SECOND DAY AFTER THE CLOSING OF THE INITIAL APPLICATION WINDOW. NO APPLICATION MATERIALS SHALL BE SUBJECT TO THE FREEDOM OF INFORMATION ACT, 1976 PA 442, MCL 15.231 ET SEQ, EXCEPT AS REQUIRED BY STATE LAW.

(G) PROMULGATE RULES THAT CONFORM TO, AND DO NOT CONFLICT WITH, THE PROVISIONS OF THIS ARTICLE, INCLUDING THE FOLLOWING:

(1) LICENSEES OR PROVISIONAL LICENSE HOLDERS OR CITY FULL LICENSE AUTHORIZATION HOLDERS MAY TRANSFER A CITY FULL LICENSE AUTHORIZATION OR PROVISIONAL LICENSE TO A LOCATION AT A DIFFERENT BUSINESS FACILITY ADDRESS UPON RECEIVING WRITTEN APPROVAL FROM THE CITY DEPARTMENT WHICH SHALL NOT BE WITHHELD UNLESS THE NEW PROPOSED BUSINESS FACILITY ADDRESS WOULD BE IN VIOLATION OF A LOCAL ZONING ORDINANCE. IN ORDER TO REQUEST CITY DEPARTMENT APPROVAL TO TRANSFER A CITY FULL LICENSE AUTHORIZATION OR PROVISIONAL LICENSE TO A NEW BUSINESS FACILITY ADDRESS, THE LICENSEE OR PROVISIONAL LICENSE HOLDER OR CITY FULL LICENSE AUTHORIZATION HOLDER MUST MAKE A WRITTEN REQUEST TO THE CITY DEPARTMENT, INDICATING THE CURRENT LOCATION OF THE MARIHUANA FACILITY PROVISIONAL LICENSE OR CITY FULL LICENSE AUTHORIZATION AND THE NEW PROPOSED BUSINESS FACILITY ADDRESS. THE CITY DEPARTMENT

**CITY OF IMLAY CITY
COUNTY OF LAPEER, MICHIGAN
RESOLUTION APPROVING AMENDMENT TO CITY CHARTER
RESOLUTION 2022-12**

SHALL RESPOND TO A LOCATION TRANSFER REQUEST WITHIN FIVE (5) DAYS OF RECEIPT OF THE REQUEST.

(2) LICENSEES OR PROVISIONAL LICENSE HOLDERS OR CITY FULL LICENSE AUTHORIZATION HOLDERS MAY TRANSFER A CITY FULL LICENSE AUTHORIZATION OR PROVISIONAL LICENSE TO A DIFFERENT INDIVIDUAL OR ENTITY, AND THE LICENSEE OR CITY FULL LICENSE AUTHORIZATION HOLDER OR PROVISIONAL LICENSE HOLDER OR PROVISIONAL LICENSE HOLDER SHALL NOTIFY THE CITY DEPARTMENT OF THE TRANSFER. THE TRANSFER SHALL NOT REQUIRE APPROVAL BY THE AGENCY OR THE CLERK. THE CITY AND CITY DEPARTMENT SHALL BE PROHIBITED FROM INTERFERING WITH SUCH TRANSFERS PROVIDED THAT THE NEW OWNER MUST NOTIFY THE CITY DEPARTMENT OF THE TRANSFER BY FILING AN APPLICATION WITH THE CITY DEPARTMENT UPON A FORM PROVIDED BY THE CITY DEPARTMENT OR, IF SUCH A FORM IS UNAVAILABLE, THEY SHALL SUBMIT THE SAME INFORMATION REQUIRED FOR AN APPLICATION FOR THE TRANSFERRED MARIJUANA FACILITY PROVISIONAL LICENSE AND FILE SUCH INFORMATION WITH THE CITY DEPARTMENT. IN EITHER CASE, THE CITY DEPARTMENT SHALL RESPOND TO SUCH A TRANSFER REQUEST WITHIN FIVE (5) DAYS OF RECEIPT OF THE REQUEST. THE CITY AND THE CITY DEPARTMENT SHALL GRANT THE NEW LICENSEE OR PROVISIONAL LICENSE HOLDER OR CITY FULL LICENSE AUTHORIZATION HOLDER THE SAME RIGHTS AS THE PREVIOUS LICENSEE OR CITY FULL LICENSE AUTHORIZATION HOLDER OR PROVISIONAL LICENSE HOLDER.

(3) A PROVISIONAL LICENSE AND A CITY FULL AUTHORIZATION LICENSE SHALL EACH BE CONSIDERED A VESTED PROPERTY RIGHT BY THE CITY AND TREATED AS SUCH, AND MAY NOT BE REVOKED UNLESS THE ACCOMPANYING STATE OPERATING LICENSE ISSUED BY THE AGENCY FOR THE LICENSE TYPE AT THE BUSINESS FACILITY ADDRESS IS PERMANENTLY REVOKED (NOT SUSPENDED) BY THE AGENCY. PROVISIONAL LICENSES SHALL BE VALID FOR ONE (1) CALENDAR YEAR FROM THE DATE THEY ARE ISSUED. A PROVISIONAL LICENSE OR CITY FULL LICENSE AUTHORIZATION SHALL AUTOMATICALLY BE RENEWED EACH YEAR FOR ONE (1) CALENDAR YEAR, AND SUCH RENEWALS MAY OCCUR IN PERPETUITY. EACH LOCAL APPLICANT SHALL PAY A FIVE THOUSAND DOLLAR (\$5,000) ANNUAL RENEWAL FEE, WHICH MAY OCCUR IN PERPETUITY, AND A LICENSE RENEWAL MAY NOT BE DENIED FOR FAILURE TO PROMPTLY PAY AN ANNUAL RENEWAL FEE.

(4) IN ANY CIRCUMSTANCE IN WHICH THE CITY DEPARTMENT HAS REFUSED TO ISSUE A PROVISIONAL LICENSE OR CITY FULL LICENSE AUTHORIZATION OR GRANT RENEWAL OF A PROVISIONAL LICENSE OR CITY FULL LICENSE AUTHORIZATION, OR HAS REVOKED A CITY FULL

**CITY OF IMLAY CITY
COUNTY OF LAPEER, MICHIGAN
RESOLUTION APPROVING AMENDMENT TO CITY CHARTER
RESOLUTION 2022-12**

LICENSE AUTHORIZATION, THE CITY DEPARTMENT SHALL NOTIFY A LOCAL APPLICANT OR LICENSEE OR CITY FULL LICENSE AUTHORIZATION HOLDER OR LICENSE HOLDER OF THE REASONS FOR DENIAL, SUSPENSION OR NONRENEWAL OF AN APPLICATION FOR A LICENSE TYPE OR OF A CITY FULL LICENSE AUTHORIZATION RENEWAL OR FOR REVOCATION OF A PROVISIONAL LICENSE OR CITY FULL LICENSE AUTHORIZATION OR ANY ADVERSE DECISION UNDER THIS ARTICLE AND SHALL PROVIDE THE LOCAL APPLICANT OR LICENSEE OR CITY FULL LICENSE AUTHORIZATION HOLDER OR PROVISIONAL LICENSE HOLDER WITH THE OPPORTUNITY TO BE HEARD. ANY LOCAL APPLICANT OR LICENSEE OR CITY FULL LICENSE AUTHORIZATION HOLDER OR PROVISIONAL LICENSE HOLDER AGGRIEVED BY THE DENIAL, SUSPENSION, OR REVOCATION OF A LICENSE OR ANY OTHER ADVERSE DECISION UNDER THIS ARTICLE MAY APPEAL TO THE CITY DEPARTMENT, WHO SHALL APPOINT A HEARING OFFICER TO HEAR AND EVALUATE THE APPEAL AND MAKE A RECOMMENDATION TO THE CITY DEPARTMENT. SUCH AN APPEAL SHALL BE TAKEN BY FILING WITH THE CITY DEPARTMENT, WITHIN TEN (10) DAYS AFTER NOTICE OF THE DENIAL, SUSPENSION, REVOCATION OR OTHER ADVERSE DECISION HAS BEEN MAILED TO THE LAST KNOWN ADDRESS OF THE LOCAL APPLICANT OR LICENSEE OR PROVISIONAL LICENSE HOLDER OR CITY FULL LICENSE AUTHORIZATION HOLDER ON THE RECORDS OF THE CITY DEPARTMENT, A WRITTEN STATEMENT SETTING FORTH FULLY THE GROUNDS FOR SUCH APPEAL. THE CITY DEPARTMENT SHALL REVIEW THE REPORT AND RECOMMENDATION OF THE HEARING OFFICER AND MAKE A DECISION ON THE MATTER WITHIN TEN (10) DAYS. THE CITY DEPARTMENT'S DECISION MAY NOT BE FURTHER APPEALED WITHIN THE CITY. ANY DECISION BY THE COMMISSION ON AN APPEAL SHALL BE SUBJECT TO ALL REMEDIES AVAILABLE TO THE LOCAL APPLICANT OR LICENSEE OR PROVISIONAL LICENSE HOLDER OR CITY FULL LICENSE AUTHORIZATION HOLDER UNDER THE LAWS OF THE STATE OF MICHIGAN.

SECTION 5. REPEALER

ANY OTHER PROVISIONS OF ARTICLES, CITY REGULATIONS, CITY RESOLUTIONS AND ORDINANCES THAT CONFLICT WITH THIS ARTICLE ARE INAPPLICABLE TO CONDUCT AUTHORIZED UNDER THIS ARTICLE. THE CITY COMMISSION SHALL PASS ALL ORDINANCES, REGULATIONS, AND RESOLUTIONS NECESSARY TO GIVE FULL EFFECT TO THIS ARTICLE.

SECTION 6. EFFECTIVE DATE

THIS ARTICLE SHALL BECOME EFFECTIVE IMMEDIATELY UPON CERTIFICATION BY THE LAPEER COUNTY BOARD OF CANVASSERS OR THE APPROPRIATE

**CITY OF IMLAY CITY
COUNTY OF LAPEER, MICHIGAN
RESOLUTION APPROVING AMENDMENT TO CITY CHARTER
RESOLUTION 2022-12**

CONTROLLING BODY FOR CERTIFICATION OF ELECTION RESULTS UNDER STATE LAW.

SECTION 7. SEVERABILITY AND EXECUTION

THE VARIOUS PARTS, SECTIONS AND CLAUSES OF THIS ARTICLE ARE HEREBY DECLARED TO BE SEVERABLE AND SELF-EXECUTING. IF ANY PART, SENTENCE, PARAGRAPH, SECTION OR CLAUSE IS ADJUDGED UNCONSTITUTIONAL OR INVALID AS TO ANY PERSON OR CIRCUMSTANCE BY A COURT OF COMPETENT JURISDICTION, THE REMAINDER OF THE ARTICLE SHALL NOT BE AFFECTED THEREBY AND THAT INVALIDITY OR UNENFORCEABILITY SHALL NOT AFFECT THE VALIDITY, ENFORCEABILITY, OR APPLICATION OF ANY OTHER PORTION OF THIS ARTICLE. OTHER ARTICLES MAY BE ENACTED TO FACILITATE OPERATION OF THIS ARTICLE. THE CITY SHALL ZEALOUSLY ADVOCATE FOR AND DEFEND THIS ARTICLE FROM ANY AND ALL LEGAL CHALLENGES AND SHALL USE BEST EFFORTS TO DEFEND THIS ARTICLE FROM ANY AND ALL LEGAL CHALLENGES THAT MAY ARISE. THIS SUBSECTION SHALL BE LIBERALLY CONSTRUED IN FAVOR OF VOTERS' RIGHTS IN ORDER TO EFFECTUATE ITS PURPOSE. IF ANY PORTION OF THIS SUBSECTION IS HELD TO BE INVALID OR UNENFORCEABLE AS TO ANY PERSON OR CIRCUMSTANCE, THAT INVALIDITY OR UNENFORCEABILITY SHALL NOT AFFECT THE VALIDITY, ENFORCEABILITY, OR APPLICATION OF ANY OTHER PORTION OF THIS ARTICLE.

Upon a roll call vote, the vote was as follows:

Ayes: Sadler, Tanis, Yockey, Collison, DeLuca, Ramirez, Kempf

Nays: None

Absent: None


RESOLUTION DECLARED ADOPTED: November 29, 2022

**CITY OF IMLAY CITY
COUNTY OF LAPEER, MICHIGAN
RESOLUTION APPROVING AMENDMENT TO CITY CHARTER
RESOLUTION 2022-12**

CERTIFICATION

I hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Commission of the City of Imlay City, Lapeer County, Michigan at a special meeting held on Tuesday, November 29, 2022. The original of which resolution is on file in my office. I further certify that notice of said meeting was given in full compliance with the Open Meetings Act.

Dated: November 29, 2022



Joi Kempf, Mayor
City of Imlay City



Dawn Sawicki-Franz, Clerk/Treasurer
City of Imlay City