

# PONTIAC CITY COUNCIL

**Mike McGuinness, District 7**  
**President**  
**William A. Carrington, District 6**  
**President Pro Tem**



**Melanie Rutherford, District 1**  
**Brett Nicholson, District 2**  
**Mikal Goodman, District 3**  
**Kathalee James, District 4**  
**William Parker, Jr., District 5**

*It is this Council's mission "To serve the citizens of Pontiac by committing to help provide an enhanced quality of life for its residents, fostering the vision of a family-friendly community that is a great place to live, work and play."*

47450 Woodward Pontiac, MI 48342

Phone: (248) 758-3200

Garland S. Doyle, M.P.A., City Clerk

**78<sup>th</sup> Session of the 11<sup>th</sup> Council**

**March 28, 2023 at 6:00 P.M.**

**Meeting Location: City Council Chambers 47450 Woodward Pontiac, MI 48342**

**Meeting Agenda**

**Call to Order**

**Invocation**

**Pledge of Allegiance to the Flag of the United States**

**Moment of Silence**

**Roll Call**

**Authorization to Excuse Councilmembers from the Meeting**

**Amendments to and Approval of the Agenda**

**Approval of the Consent Agenda**

A. March 21, 2023 City Council Meeting Minutes

**Special Presentation**

1. Reminding Citizens of our City of Pontiac Health and Awareness Fair at UWM Sports Complex on March 31, 2023

**Recognition of Elected Officials**

**Agenda Address (Two Minutes Time Limit)**

**Agenda Items**

**Ordinances**

2. Adoption of City of Pontiac Adult-Use Marihuana Business Ordinance (**Second Reading Postponed from March 21, 2023 City Council Meeting**)
3. Adoption of an Ordinance to Amend the City Of Pontiac Zoning Ordinance to include Adult-Use Marihuana Businesses in Designated Overlay Districts and Amend Appendix B of the Municipal Code of the City Of Pontiac, Amending Article 2, Section 2.103 – Zoning Map, to Create Four (4) Adult-Use Marihuana Overlay Districts Located in the City Of Pontiac, Specifically to be Known as Follows: Adult-Use Marihuana East Walton Overlay District, Adult-Use Marihuana Cesar Chavez Overlay District, Adult-Use Marihuana Downtown Overlay District, And Adult-Use Marihuana Woodward Gateway Overlay District (**Second Reading Postponed from March 21, 2023 City Council Meeting**)

4. Adoption of an Ordinance Amendment ZMA 23-001 to Rezone 204 W. New York Ave from R-1 Family Dwelling to R-3 Multiple Family Dwelling. (Wever School) **(Second Reading. Five votes are required to adopt the ordinance since a protest petition was submitted. )**

## **Resolutions**

### **City Council**

5. Resolution Recognizing April 2023 as Arab American Heritage Month in Pontiac
6. Resolution Recognizing April 2023 as Child Abuse Prevention and Awareness Month in Pontiac

### **Community Development**

7. Resolution to approve the proposed budget amendment for Budget Year 2022-2023. Increase the appropriation in the following GL accounts, 101-690-804.016 – Legal Services – Iron Mountain -\$10,000, 101-690-971.000 – Land Purchase - \$26,500, 101-721-719.001– Dental Insurance - \$1,500, 101-721-721.010 – Healthcare Waiver - \$6,000, 249-371-852.010 – Cable TV Intranet - \$1,200
8. Resolution to approve the proposed budget amendment for Budget Year 2022-2023. Increase the appropriation in the following GL accounts 101-733-702.004 – Overtime Wages -\$20,000, 101-733-749.001 – Motor Fuel, Oil & Lubricants - \$2,000, 101-733-818.006 – Contractual mowing services - \$25,000, 101-733-852.010 – Services – Cable TV/Intranet - \$2,640 **(This budget amendment is for the Code Enforcement Division.)**

### **Department of Public Works (DPW)**

9. Resolution authorizing the Purchase of Mowing Equipment
10. Resolution authorizing the Purchase of Trailers to haul mowing equipment
11. Resolution authorizing approval of RCOC Traffic Signal Agreement for (5) Locations on Auburn Ave

### **Finance**

12. Council Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023. Increase the appropriation in the following GL accounts: 249-371-702.000 – Salaries & Wages - \$19,140, 249-371-715.000 – FICA City Contribution - \$1,465 249-371-716.000 – Medical Insurance - \$3,000 249-371-718.500 – MERS Employer Contribution - \$975

### **Grants**

13. Resolution to approve the proposed budget amendment for Budget Year 2022-2023 Changes in the Estimated Revenue and the Appropriation in the following GL accounts 101-000-532.000 – Federal Grant Others – (\$10,000,000) 101-000-674.285 – Contribution from ARPA - \$10,000,000, 285-000-532.000-REVLOS – Federal Grants Others – 10,000,000, 285-699-956.101-REVLOS – Contribution to General Fund - \$10,000,000
14. Resolution to approve the proposed budget amendment to establish budget appropriations in the amount of \$1,000 to account 285-699-902.005-ARPPRK Public Notices, \$10,000 to account 285-699-728.000-ARPPRK Postage, \$10,000 to account 285-699-901.000-ARPPRK Printing and Bindery Services, \$15,000 to account 285-699-818-.000-ARPPRK Other Professional Services, \$571,428.50 to account 285-699-816.101 Prof. Serv. – District 1, \$571,428.50 to account 285-699-816.102 Prof. Serv. – District 2, \$571,428.50 to account 285-699-816.103 Prof. Serv. – District 3, \$571,428.50 to account 285-699-816.104 Prof. Serv. – District 4, \$571,428.50 to account 285-699-816.105 Prof. Serv. – District 5, \$571,428.50 to account 285-699-816.106 Prof. Serv. – District 6, \$571,428.50 to account 285-699-816.107 Prof. Serv. – District 7.

15. Resolution to approve the proposed budget amendment to establish budget appropriations in the amount of \$60,000 to account 285-699-702.000-ARPHRP Salaries and Wages, \$4,590 to account 285-699-715.000-ARPHRP F.I.C.A – City Contribution, \$11,210 to account 285-699-716.000-ARPHRP Medical Insurance, \$4,200 to account 285-699-718.500-ARPHRP MERS Employer Contributions, \$10,000 to account 285-699-728.000 Postage, \$3,000 to account 285-699-901.000-ARPHRP Printing and Bindery Service, \$500 to account 285-699-902.005-ARPHRP Public Notices, and \$1,100,000 to account 285-699-818.000-ARPHRP Other Professional Services.
16. Resolution to authorize the City Clerk to publish the proposed budget amendment to establish budget appropriations in the amount of \$ 99,214 to account 285-485-977.007-ARPDWP Mowers, \$10,998 to account number 285-458-977.009-ARPDWP Trailers, and \$2,000 to account number 285-458-977.008-ARPDWP Special Equipment.
17. Resolution to approve The City of Pontiac’s application submission to the Financially Distressed Cities, Villages, and Townships grant program through the Michigan Department of Treasury in the amount of \$353,007.

#### Planning

18. Resolution to approve Prequalified List of Contractors, Bid Award, and Contract Execution and authorize the Mayor to execute the agreement

#### Purchasing

19. Resolution to authorize the extension of Covenant Cemetery contract to complete the competitive bid process

#### **Public Comment (Three Minutes Time Limit)**

#### **Public Communications**

##### **City Council**

20. Pontiac Community Foundation is hiring part-time drivers for the M1 Mobility initiative starting at \$20 per hour. Inquire at [hr@pontiaccommunityfoundation.org](mailto:hr@pontiaccommunityfoundation.org) or (248) 246-6606.
21. Residents who are behind in paying their water bills or facing a service shut-off can get help from a partnership between the Oakland county Water Resources Commission and OLSHA. Those who qualify could get up to \$1,500 in payments on their water bills and stop a shut-off plan. This program is temporary and expires on September 30, 2023. Schedule an appointment with OLHSA to sign up by calling (248) 209-2600 or emailing [info@olhsa.org](mailto:info@olhsa.org)
22. Oakland Livingston Human Service Agency (OLSHA) is Now enrolling for Home Based Early Start for Children ages 0 to 3, with tuition-free weekly sessions with early childhood educators at your home, start the enrollment process today by calling (248) 209-2600 or visiting [www.olsha.org/early-head](http://www.olsha.org/early-head) start
23. Oakland Livingston Human Service Agency (OLSHA) is hiring for multiple positions, with paid vacation, health benefits, retirement plans, paid business and education leave, and tuition reimbursement. Find out more by visiting [www.olhsa.org/employment](http://www.olhsa.org/employment)
24. Community Flu & COVID-19 Vaccine Clinic, March 28, 2023 from 8:30 am to 11:30 am, held at Welcome Missionary Baptist Church, 143 Oneida, Pontiac 48341; no one will be denied service due to inability to pay
25. Pontiac Regional Chamber of Commerce “Prosperity Pontiac” Annual Event, March 29, 2023

26. Pontiac City Council Presents the Pontiac Health and Wellness Fair, March 31, 2023 from 11:00 am to 3:00 pm, held at UWM Sports Complex, 867 South Boulevard East, Pontiac 48341. *This event will offer, Diabetes screening, High Blood Pressure Screening, Mammogram Screening, Vaccination station, Diet and health workshop, mental health and wellness discussion, and other resources.* Contact the Pontiac City Council and Outreach Specialist Darryl Earl for more information.
27. M1 Concourse Cars and Coffee, April 1, 2023 at 8:30 am, free and open to all, located at M1 Concourse
28. City of Pontiac and Pontiac School District Present Easter Hoops Elementary Championship Basketball Game & Easter Egg Hunt, April 1, 2023, 12:00 pm game, 1:15 pm hunt, Easter Bunny will also be present, held at Pontiac High School, 1051 Arlene Avenue, Pontiac 48340
29. Pontiac Community Policing Team Easter Egg Hunt, April 1, 2023 from 12:00pm to 3:00 pm, held at UWM Sports Complex, 867 South Boulevard East, Pontiac 48341, free Easter baskets to first 200 kids, Registration Required
30. WeCare Neighborhood Association Meeting, April 7, 2023 at 6:00 pm, held at Shiloh Baptist Church, 474 University Drive, Pontiac 48342.
31. Third Tuesdays Global Music Jam at the PLAT, April 18 and May 16, 2023 at 6:00pm, held at Pontiac's Little Arts Theatre, 47 N. Saginaw Street in Downtown Pontiac, Oakland University Professors Mark Stone and Patrick Fitzgibbon lead a jam session of various musicians, from students to professional area musicians, creating a world music experience
32. Third Tuesdays Global Music Jam at the PLAT, April 18 and May 16, 2023 at 6:00pm, held at Pontiac's Little Arts Theatre, 47 N. Saginaw Street in Downtown Pontiac, Oakland University Professors Mark Stone and Patrick Fitzgibbon lead a jam session of various musicians, from students to professional area musicians, creating a world music experience
33. Pontiac Community Foundation 5-Year Anniversary Celebration, May 19, 2023
34. Save the Date: Pontiac Collective Impact Partnership Youth Expo set for June 10, 2023

#### **Mayor's Office**

35. Annual City-Wide Community Cleanup Happening April 17-April 23, 2023

#### **Closing Comments**

- Mayor Greimel (Seven Minutes Time Limit)
- Clerk and City Council (Three Minutes Time Limit)

#### **Adjournment**



# **CONSENT AGENDA A**

March 21, 2023 Draft

**Official Proceedings  
Pontiac City Council  
77<sup>th</sup> Session of the Eleventh Council**

**Call to order**

A Meeting of the City Council of Pontiac, Michigan was called to order at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Tuesday, March 21, 2023 at 6:00 p.m. by Council President Mike McGuinness.

**Invocation – Pastor Coley Grace, Shiloh Baptist Church**

**Pledge of Allegiance to the Flag of the United States**

**Moment of Silence**

**Roll Call**

**Members Present** – William Carrington, Mikal Goodman, Kathalee James, Mike McGuinness Brett Nichols, William Parker, Jr. and Melanie Rutherford

Mayor Greimel was present  
A quorum was announced.

**Amendments to and Approval of the Agenda**

**Motion to approve the agenda.** Moved by Councilperson Rutherford and second by Councilperson Parker. Discussion.

**Motion to amend the agenda to move item #7 Resolution Honoring the Life and Service of Mr. Harold Harris before item #1 Special Presentation Construction Update for Woodward Avenue and South Boulevard Intersection.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

Ayes: Goodman, James, McGuinness, Nicholson, Parker, Rutherford and Carrington  
No: None

**Motion Carried**

The vote was taken to approve the agenda as amended.

Ayes: Carrington, Goodman, James, McGuinness, Nicholson, Parker and Rutherford  
No: None

**Motion Carried**

**Consent Agenda**

23-107 **Resolution to approve the consent agenda for March 21, 2023.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

Whereas, the City Council has reviewed the consent agenda for March 21, 2023.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for March 21, 2023 including March 14, 2023 City Council Meeting Minutes.

Ayes: James, McGuinness, Nicholson, Parker, Rutherford, Carrington and Goodman  
No: None

March 21, 2023 Draft

**Resolution Passed**

**Resolution**

City Council

23-108

**Resolution Honoring the Life and Service of Mr. Harold Harris.** Moved by Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS, Mr. Harold “Hank” Harris was a Pontiac resident for many decades and highly involved with members of our Pontiac community throughout the Oakland County for many years and;  
WHEREAS, Mr. Harris was an active part of many civic, social, and philanthropic endeavors throughout the years including his voluntary service on multiple City of Pontiac boards and commissions and;  
WHEREAS, Mr. Harris passed away March 6, 2023 at the age of 60 which is a tragic lost for his family and our entire community through his amazing legacy, which we shall endure;  
NOW, THEREFORE, BE IT RESOLVED that the Pontiac City Council and the Pontiac Mayor Tim Greimel hereby acknowledges as life and legacy of Mr. Harold Harris and mourns his passing and;  
FURTHER RESOLVED the Pontiac City Council, Mayor of Pontiac and the entire City of Pontiac extends our deepest sympathies to the family, friends, neighbors and colleagues of Mr. Harris and;  
FURTHER, BE IT RESOLVED we celebrate the life and profound impact of Mr. Harold Harris and salute is admirable service to the City of Pontiac.

Ayes: McGuinness, Nicholson, Parker, Rutherford, Carrington, Goodman and James

No: None

**Resolution Passed**

**Special Presentation**

Construction Update for Woodward Avenue and South Boulevard Intersection

**Suspend the Rules**

**Motion to suspend the rules to add Resolution on Woodward & South Blvd Construction.** Moved by Councilperson James and second by Councilperson Rutherford.

Ayes: Nicholson, Parker, Rutherford, Carrington, Goodman, James and McGuinness

No: None

**Motion Carried**

**Resolution**

City Council

23-109

**Resolution on Woodward & South Blvd Construction.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

WHEREAS, the State of Michigan will be undertaking construction on south bound Woodward Ave. between Rapid St. & South Blvd from late March to late May 2023 and;  
WHEREAS, all lanes will be closed during those months potentially impacting Pontiac residents and those that work in the City of Pontiac;  
NOW, THEREFORE, BE IT RESOLVED the Pontiac City Council hereby requests Mayor Tim Greimel and the administration to take considered efforts to notify all residents and businesses in the City of Pontiac so that they are aware of this serious obstacle to Pontiac commuters and;  
FURTHER RESOLVED we acknowledge that Mayor Greimel is already committed to those efforts and we look forward to partnering with him on getting the word out as much as possible so that all Pontiac residents and businesses are fully apprised.

Ayes: Parker, Rutherford, Carrington, Goodman, James, McGuinness & Nicholson

March 21, 2023 Draft

No: None

**Resolution Passed**

### **Special Presentation**

CNS Healthcare Resources and Services

Presenters: Chief Clinical Officer Marcy Johnson and Chief Corporate Compliance Officer and General Counsel Darnell Boynton

### **Recognition of Elected Officials**

1. Jonathan Wertheimer, State Rep Brenda Carter's Office

### **Agenda Address**

1. Dr. Deirdre Waterman addressed items #3 & #10
2. Diane Balsick addressed item 6
3. Larry Jasper addressed item #2
4. Gail Spaulding addressed item #6
5. Ed Dowd addressed item #6
6. Carol Dowd addressed item #6

### **Suspend the Rules**

**Motion to suspend the rules to move item # 6 An Ordinance Amendment ZMA 23-001 to Rezone 204 W. New York Ave from R-1 Family Dwelling to R-3 Multiple Family Dwelling. (Wever School) (First Reading) before item #3 Adoption of an Ordinance to Amend the City Of Pontiac Zoning Ordinance to include Adult-Use Marihuana Businesses in Designated Overlay Districts and Amend Appendix B of the Municipal Code of the City Of Pontiac, Amending Article 2, Section 2.103 – Zoning Map, to Create Four (4) Adult-Use Marihuana Overlay Districts Located in the City Of Pontiac, Specifically to be Known as Follows: Adult-Use Marihuana East Walton Overlay District, Adult-Use Marihuana Cesar Chavez Overlay District, Adult-Use Marihuana Downtown Overlay District, And Adult-Use Marihuana Woodward Gateway Overlay District (Second Reading Postponed from March 14, 2023 City Council Meeting). Moved by Councilperson Rutherford and second by Councilperson Goodman.**

Ayes: Rutherford, Carrington, Goodman, James, McGuinness, Nicholson and Parker

No: None

**Motion Carried**

Ordinances

Resolution

23-110

**Resolution to Approve Zoning Map Ordinance Amendments to Rezone 204 W. New York Ave from R-1 Family Dwelling to R-3 Multiple Family Dwelling. (Wever School) (First Reading). Moved by Councilperson Rutherford and second by Councilperson Goodman.**

WHEREAS, the City is proposing an ordinance to amend Appendix B of the municipal code of the City of Pontiac, amending article 2, Section 2.103 – Zoning Map, to change the zoning classifications for a parcel on W. New York Ave., on the west side of Carlisle Street between W. New York Avenue and W. Chicago Avenue from R-1 One Family Dwelling to R-3 Multiple Family Dwelling.

NOW THEREFORE, BE IT RESOLVED by the Pontiac City Council that it hereby adopts the first reading of ordinance amendments to Article 2, Section 2.103 – Zoning Map, to change the zoning classifications for a parcel on W. New York Ave., on the West side of Carlisle Street between New York Avenue and W. Chicago Avenue from R-1 One Family Dwelling to R-3 Multiple Family Dwelling.

Ayes: Carrington, Goodman, James, McGuinness, Nicholson, Parker and Rutherford

March 21, 2023 Draft

No: None

**Adoption of an Ordinance to Amend the City Of Pontiac Zoning Ordinance to include Adult-Use Marihuana Businesses in Designated Overlay Districts and Amend Appendix B of the Municipal Code of the City Of Pontiac, Amending Article 2, Section 2.103 – Zoning Map, to Create Four (4) Adult-Use Marihuana Overlay Districts Located in the City Of Pontiac, Specifically to be Known as Follows: Adult-Use Marihuana East Walton Overlay District, Adult-Use Marihuana Cesar Chavez Overlay District, Adult-Use Marihuana Downtown Overlay District, And Adult-Use Marihuana Woodward Gateway Overlay District (Second Reading Postponed from March 14, 2023 City Council Meeting).**

**Motion to amend Section 2.303 Table 2.1.** Moved by Councilperson Carrington and second by Councilperson James.

Shall be amended as follows: A maximum of five (5) Adult-Use Marihuana Retailers shall be allowed in each of the four (4) overlay districts

Ayes: James & Carrington

No: Goodman, McGuinness, Nicholson and Parker

**Motion Failed**

Councilwoman Rutherford was absent during vote.

**Motion to amend Section 2.303 Table 2.1 number of Social Equity Retailers.** Moved by Councilperson Carrington and second by Councilperson McGuinness.

Walton 5  
Downtown 5  
Cesar Chavez 5  
Woodward 3

Ayes: James, McGuinness and Carrington

No: Nicholson, Parker and Goodman

**Motion Failed**

Councilwoman Rutherford was absent during the vote.

**Motion to amend Section 2.303 Table 2.1 number of Social Equity Retailers.** Moved by Councilperson Nicholson and second by Councilperson Parker.

Walton 5  
Downtown 5  
Cesar Chavez 5  
Woodward 2

Ayes: McGuinness, Nicholson, Parker, Carrington, Goodman and James

No: None

**Motion Carried**

Councilwoman Rutherford was absent during the vote.

**Motion to amend Section 2.553 E(2)(d).** Moved by Councilperson Carrington and second by Councilperson James

March 21, 2023 Draft

Shall be amended as follows: Marihuana Facilities in the Woodward Gateway Overlay District need not be adjacent to the M-1 or M-2 Zoning Districts.

Ayes: Nicholson, Parker, Carrington, Goodman, James and McGuinness

No: None

**Motion Carried**

Councilwoman Rutherford was absent during the vote.

**Motion to amend Section 3.1205.** Moved by Councilperson James and second by Councilperson Parker.

### **3.1205 Licensing**

All operators of adult-use marihuana businesses listed in Section 3.1202 must obtain State of Michigan license and applicable City of Pontiac permits, including but not limited to, adult-use marihuana businesses, building and zoning.

Ayes: Parker, Carrington, Goodman, James, McGuinness and Nicholson

No: None

**Motion Carried**

Councilwoman Rutherford was absent during the vote.

**Motion to postpone for one week the Adoption of an Ordinance to Amend the City Of Pontiac Zoning Ordinance to include Adult-Use Marihuana Businesses in Designated Overlay Districts and Amend Appendix B of the Municipal Code of the City Of Pontiac, Amending Article 2, Section 2.103 – Zoning Map, to Create Four (4) Adult-Use Marihuana Overlay Districts Located in the City Of Pontiac, Specifically to be Known as Follows: Adult-Use Marihuana East Walton Overlay District, Adult-Use Marihuana Cesar Chavez Overlay District, Adult-Use Marihuana Downtown Overlay District, And Adult-Use Marihuana Woodward Gateway Overlay District (Second Reading Postponed from March 14, 2023 City Council Meeting).** Moved by Councilperson Goodman and second by Councilperson Parker

Ayes: Carrington, Goodman, James, McGuinness, Nicholson and Parker

No: None

Abstain: Rutherford

**Motion Carried**

**Adoption of City of Pontiac Adult-Use Marihuana Business Ordinance (Second Reading Postponed from March 14, 2023 City Council Meeting).**

**Motion to amend Section 09. Licensing of Adult-Use Marihuana Businesses. Amends the number of retailers from 18 to 17.** Moved by Councilperson Goodman and second by Councilperson Carrington.

Ayes: Carrington, Goodman, James, McGuinness, Nicholson and Parker

No: None

Abstain: Rutherford

**Motion Carried**

**Motion to amend Section 08. Marihuana Businesses Rules and Regulations. Adds Class A Microbusinesses to the subparagraphs regulating hours of operation and prohibition of drive throughs and drive through, walk-up window service, and curbside service.** Moved by Councilperson Nicholson and second by Councilperson Goodman.

Ayes: Goodman, James, McGuinness, Nicholson, Parker and Carrington  
No: None  
Abstain: Rutherford  
**Motion Carried**

**Motion to amend Section 17. Class A Microbusinesses. In (e) aligns the buffering measurement language to the language approved by Council on March 14, 2023. In (f) adds hours of operation amendment for Class A Microbusinesses located in the Downtown Overlay District and in (g) prohibits drive throughs and drive through, walk-up window service, and curbside service.** Moved by Councilperson Goodman and second by Councilperson Nicholson.

Ayes: James, McGuinness, Nicholson, Parker, Carrington and Goodman  
No: None  
Abstain: Rutherford  
**Motion Carried**

**Motion to amend Section 18. Designated Consumption Establishments. Amends (f) to align the buffering measurement language to the language approved by Council on March 14, 2023.** Moved by Councilperson Goodman and second by Councilperson Carrington.

Ayes: McGuinness, Nicholson, Parker, Carrington, Goodman and James  
No: None  
Abstain: Rutherford  
**Motion Carried**

**Motion to amend Section 13. Marihuana Business Permit Application Process. In (h) amends the number of retailer permit from 18 to 17.** Moved by Councilperson Goodman and second by Councilperson Nicholson.

Ayes: Nicholson, Parker, Carrington, Goodman and McGuinness  
No: James  
Abstain: Rutherford  
**Motion Carried**

**Motion to amend Section 13. (f)(3) Permit Application Process: Neighborhood Communication/Education Plan. Amends subparagraph (f)(3) to change "should" to "shall" and add that the Clerk shall be provided a copy of the written notice two (2) weeks before the public meeting..** Moved by Councilperson Goodman and second by Councilperson Nicholson.

Ayes: Parker, Carrington, Goodman, James, McGuinness and Nicholson  
No: None  
Abstain: Rutherford  
**Motion Carried**

**Motion to amend Section 24. Annual Marihuana Business Permit Renewal. Amends subparagraph (e)(6) to require as part of the annual permit renewal that the permittee explain with supporting data that operations have been consistent with all plans submitted with the application including but not limited to the neighborhood communication/education plan..** Moved by Councilperson Goodman and second by Councilperson Nicholson.

Ayes: Carrington, Goodman, James, McGuinness, Nicholson and Parker

March 21, 2023 Draft

No: None  
Abstain: Rutherford  
**Motion Carried**

**Motion to postpone for one week Adoption of City of Pontiac Adult-Use Marihuana Business Ordinance (Second Reading Postponed from March 14, 2023 City Council Meeting).**  
Moved by Councilperson Goodman and second by Councilperson Carrington.

Ayes: Carrington, Goodman, James, McGuinness, Nicholson and Parker  
No: None  
Abstain: Rutherford  
**Motion Carried**

**An Ordinance to Amend Appendix B of the Municipal Code of the City of Pontiac Amending Article 2, Section 2.103- Zoning Map, to Change the Zoning Classifications for Specific parcels on Woodward Ave. (ZMA 22-011 for Lighthouse of Oakland County at 46156 Woodward Ave.) (Second Reading Postponed from March 14, 2023 City Council Meeting).**

**Motion to Amend An Ordinance to Amend Appendix B of the Municipal Code of the City of Pontiac, Amending Article 2, Section 2.103 – Zoning Map, to Conditionally Rezone the Zoning Classifications for Specific Parcels on Woodward Ave.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

Ayes: Goodman, James, McGuinness, Nicholson, Parker, Rutherford and Carrington  
No: None  
**Motion Carried**

#### **Ordinance**

2405 **Adoption of An Ordinance to Amend Appendix B of the Municipal Code of the City of Pontiac, Amending Article 2, Section 2.103 – Zoning Map, to Conditionally Rezone the Zoning Classifications for Specific Parcels on Woodward Ave.** Moved by Councilperson Rutherford and second by Councilperson Goodman.

\*See Ordinance 2405 Conditional Rezoning Ordinance attached as Exhibit A\*

Ayes: James, McGuinness, Nicholson, Parker, Rutherford, Carrington and Goodman  
No: None  
**Ordinance Adopted**

#### **Suspend the Rules**

**Motion to suspend the rules to amend agenda to add a Conditional Rezoning Agreement.** Moved by Councilperson Rutherford and second by Councilperson Carrington.

Ayes: McGuinness, Nicholson, Parker, Rutherford, Carrington, Goodman and James  
No: None  
**Motion Carried**

#### **Resolutions**

23-111 **Resolution to adopt Conditional Rezoning Agreement between the City of Pontiac and Lighthouse MI.** Moved by Councilperson Rutherford and second by Councilperson Goodman.



March 21, 2023 Draft

BE IT RESOLVED the Pontiac City Council approves of the Conditional Rezoning Agreement between the City of Pontiac and Lighthouse MI and authorizes the Mayor to execute the agreement.

Ayes: Nicholson, Parker, Rutherford, Carrington, Goodman, James and McGuinness

No: None

**Resolution Passed**

\*See Conditional Rezoning Agreement attached as Exhibit B\*

City Council

23-112

**Resolution approving the Reappointment of Sheldon Albritton to the GERS Reestablished Board of Trustees.** Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, The Pontiac City Council wishes to re-appoint Sheldon V. Albritton to the General Employees Retirement System (GERS) Reestablished Board of Trustees and;

WHEREAS, at this time Sheldon V. Albritton has signed to be re-appointed and attend any necessary training sessions; and

WHEREAS, Sheldon V. Albritton will be serving a term beginning April 1, 2023, and will be ending on March 31, 2027; and

NOW THEREFORE, BE IT RESOLVED, that the Eleventh Pontiac City Council shall re-appoint Sheldon V. Albritton to the General Employee Retirement System (GERS) Reestablished Board of Trustees.

Ayes: Parker, Rutherford, Carrington, Goodman, James, McGuinness and Nicholson.

No: None

**Resolution Passed**

Finance

**Resolution to authorize the City Clerk to publish the proposed budget amendment for Fiscal Year 2022-2023 to increase the appropriation in the following GL accounts 208-756-719.000 Workers Compensation Ins. -\$5,000, 208-756-779.020 Programming -\$7,500, 208-756-942.001 Copier Lease – \$2,400, 208-756-943.000 Services – Equip Rental City-Owned – \$1,000, 208-775-716.000 – Medical Insurance – \$9,600, 208-775-745.000 – Recreation Supplies – \$2,000 (This proposed budget amendment is for Youth Recreation.)** Moved by Councilperson Rutherford and second by Councilperson Carrington

The Resolution was listed wrong on the agenda. Councilperson Rutherford withdrew her motion and Councilperson Goodman withdrew his second.

23-113 **Resolution to approve budget amendment for Fiscal Year 2022-2023 to increase the appropriation in the following GL accounts 208-756-719.000 Workers Compensation Ins. -\$5,000, 208-756-779.020 Programming -\$7,500, 208-756-942.001 Copier Lease – \$2,400, 208-756-943.000 Services – Equip Rental City-Owned – \$1,000, 208-775-716.000 – Medical Insurance – \$9,600, 208-775-745.000 – Recreation Supplies – \$2,000 (This proposed budget amendment is for Youth Recreation.).** Moved by Councilperson Goodman and second by Councilperson Carrington.

WHEREAS, The Youth Recreation division has been operating without an appropriation for some of the expense line items given below which are essential for the functioning of Youth Recreation operation:

208-756-719.000 Workers Compensation Insurance

208-756-942.001 Copier Lease

208-756-943.000 Services – Equip Rental City-Owned

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208-775-716.000 – Medical Insurance; and,

WHEREAS, since there was a delay in securing the “United Way-Out of School Time” grant, City could not use the grant dollars to pay for the recent purchase of Programming Services and Recreation Supplies; and,

WHEREAS, this Budget amendment will reduce the 208-Youth Recreation Millage fund balance by \$27,500 and the estimated fund balance after this amendment is \$294,470;

NOW THEREFORE, BE RESOLVED, that the City Council hereby approves the proposed budget amendment for Fiscal Year 2022-23 as requested by the Administration as given below:

This budget amendment allocates the funds in the categories as given below:

208-756-719.000 Workers Compensation Ins.	\$5,000,
208-756-779.020 Programming	\$7,500,
208-756-942.001 Copier Lease	\$2,400,
208-756-943.000 Services – Equip Rental City-Owned	\$1,000,
208-775-716.000 Medical Insurance	\$9,600,
208-775-745.000 Recreation Supplies	\$2,000
<b>Net Decrease in the General Fund Balance</b>	<b><u>\$27,500</u></b>

Ayes: Carrington, Goodman, James, McGuinness, Nicholson, Parker and Rutherford

No: None

**Resolution Passed**

Human Resources

23-114 **Resolution to appoint Timothy Sadowski as the New Finance Director.** Moved by Councilperson Parker and second by Councilperson Nicholson.

WHEREAS, The City of Pontiac has been without a permanent Finance Director for over seven months and;

WHEREAS, The Deputy Mayor, has successfully filled that vacancy during this period and;

WHEREAS, Mr. Timothy Sadowski has a master’s degree in finance and over two years of experience in the public sector and;

WHEREAS, Mr. Sadowski has over two decades of experience in municipal financial services and;

WHEREAS, Mr. Sadowski’s successful work experience demonstrates that he is qualified to lead the department,

NOW, THEREFORE BE IT RESOLVED, The Pontiac City Council approves Mr. Timothy Sadowski to be the Finance Director for the City of Pontiac.

BE IT FURTHER RESOLVED, that upon this appointment, Mr. Sadowski’s salary will be \$110,000.

Ayes: Goodman, James, McGuinness, Nicholson, Parker, Rutherford and Carrington

No: None

**Resolution Passed**

Mayor’s Office

23-115 **Resolution of Approval of the amendment to the 2022-2024 Oakland County Sheriff Law Enforcement Agreement with the City of Pontiac.** Moved by Councilperson Rutherford and second by Councilperson Carrington.

BE IT RESOLVED the Pontiac City Council approves of the amendment to the 2022-2024 Oakland County Sheriff Law Enforcement Agreement with the City of Pontiac and authorizes the Mayor to execute the agreement.

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Ayes: James, McGuinness, Nicholson, Parker, Rutherford and Carrington

No: None

**Resolution Passed**

Councilman Goodman was absent during the vote.

**Public Comment**

1. Billie Swazer
2. Beatrice Wright
3. Dr. Deirdre Waterman

**Communications**

City Council and Mayor's Office

**Mayor, Clerk and Council Closing Comments**

Councilman Parker, Councilwoman James, Councilwoman Rutherford, Councilman Nicholson, Councilman Goodman and Council President Mike McGuinness made closing comments.

**Adjournment**

**Motion to adjourn the meeting.** Moved by Councilperson Goodman and second by Councilperson Rutherford.

Ayes: McGuinness, Nicholson, Parker, Rutherford, Goodman and James

No: None

**Motion Carried**

Council President Mike McGuinness adjourned the meeting at 9:41 p.m.

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Garland S. Doyle  
City Clerk

**STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF PONTIAC**

**ORDINANCE NO. 2405**

**ZONING ORDINANCE MAP AMENDMENT**

**AN ORDINANCE TO AMEND APPENDIX B OF THE MUNICIPAL CODE OF THE CITY OF PONTIAC, AMENDING ARTICLE 2, SECTION 2.103—ZONING MAP, TO CONDITIONALLY REZONE THE ZONING CLASSIFICATIONS FOR SPECIFIC PARCELS ON WOODWARD AVE.**

**THE CITY OF PONTIAC ORDAINS:**

**Section 1. Amendments.**

That the Zoning Map of the City of Pontiac, said map being incorporated by reference in the Zoning Ordinance for the City of Pontiac pursuant to Article 2 therefore, be and the same is hereby amended, changed, and altered so that hereafter the zoning classifications for the below legal descriptions shall be rezoned as follows:

1. Existing C-0 Residential Office parcels to C-1 Local Business;
2. Existing R-1 One Family Dwelling parcels to C-0 Residential Office with CR Conditional Rezoning.

LOTS 118 AND 125 OF EASTERN ADDITION TO THE VILLAGE OF PONTIAC (NOW CITY OF PONTIAC), ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 1 OF PLATS, PAGE 2, OAKLAND COUNTY RECORDS, ALL OF LOTS 1, 2, 3, 4, 5, 6, 7, AND 8, THE VACATED ALLEY ADJACENT TO SAID LOTS, 1/2 OF VAC ALLEY ADJACENT TO LOTS 9 AND 10, ALL IN BLOCK 1 AND THAT PORTION OF HOVEY STREET (50 FEET WIDE) OF THE MAP OF TREGENT AND STOCKWELL'S PLAT OF PONTIAC MICHIGAN, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 4 OF PLATS, PAGE 34, OAKLAND COUNTY RECORDS AND LOCATED IN THE NORTHWEST

1/4 OF SECTION 33, T. 3 N., R.E 10 E., CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN, AND BEING MORE PARTICULARLY AS FOLLOWS:

BEGINNING AT A POINT ON THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF COTTAGE STREET (60 FEET WIDE) AND THE EASTERLY RIGHT-OF-WAY LINE OF WOODWARD AVENUE (WIDTH VARIES); THENCE N. 87°07'52" E. 656.45 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF COTTAGE STREET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CENTER STREET (60 FEET WIDE); THENCE S. 03°00'48" E. 155.00 FEET (RECORD AND MEASURED) TO A POINT ON THE NORTHERLY LINE OF LOT 10 IN SAID TREGENT AND STOCKWELL'S PLAT; THENCE S. 87°06'04" W. 122.49 FEET ALONG SAID NORTH LINE OF LOTS 10 AND 9 TO A POINT ON THE WESTERLY LOT LINE OF SAID LOT 9; THENCE S. 02°44'37" E. 140.07 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF PARK PLACE (89 FEET WIDE); THENCE S. 87°04'08" W. 211.50 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID HOVEY STREET; THENCE S. 02°23'32" E. 6.61 FEET; THENCE S. 87°07'38" W. 115.00 FEET; THENCE N. 02°23'26" W. 38.00 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 125 OF EASTERN ADDITION TO THE VILLAGE OF PONTIAC; THENCE ALONG SAID LINE S. 87°07'31" W. 207.75 FEET TO A POINT ON SAID EASTERLY RIGHT-OF-WAY LINE OF WOODWARD AVENUE; THENCE N. 02°52'55" W. 264.00 FEET (MEASURED AND RECORD) ALONG SAID EASTERLY RIGHT-OF-WAY TO THE POINT OF BEGINNING.

**Section 2. Repealer and Severability.**

All other parts and provisions of the Zoning Ordinance shall remain in effect, amended only as provided above. If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

**Section 3. Effective Date**

The foregoing amendment to the City of Pontiac Zoning Map was approved and adopted by the City Council on \_\_\_\_\_, 2023, after a public hearing as required pursuant to the

Michigan Act 110 of 2006, as amended. The Ordinance shall be effective on \_\_\_\_\_, 2023, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Map Amendment in a publication in a newspaper of general circulation in the zoning district as required by Section 401 of Act 110 of 2006, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

#### **Section 4. Conditional Rezoning Agreement**

A Conditional Rezoning Agreement shall be entered between the City and the Developer to ensure that the conditions placed upon the approval of the rezoning request are met by the Developer. The Mayor shall be granted the authority to execute said Conditional Rezoning Agreement which shall be recorded with the Register of Deeds.

**ORDINANCE DECLARED ADOPTED.**

**CITY OF PONTIAC  
CONDITIONAL REZONING AGREEMENT**

This Conditional Rezoning Agreement (the “**Agreement**”) is made this \_\_\_\_ day of \_\_\_\_\_, 2023, by and between THE CITY OF PONTIAC, a Michigan Municipal Corporation, with its offices located at 47450 Woodward Ave., Pontiac, MI 48342 (the “**City**”), and Lighthouse MI, a Michigan nonprofit corporation (“**Lighthouse**”) with its principal office located at 46156 Woodward Ave., Pontiac, MI 48342.

**THE PARTIES RECITE THAT:**

**WHEREAS**, Lighthouse owns certain parcels of real property located within the City of Pontiac, which are commonly described as follows:

**Table A1:**

Vacant Lot- Hovey Street, Pontiac, MI 48342 Tax ID: #14-33-151-007	17-19 Hovey Street, Pontiac, MI 48342 Tax ID: #14-33-152-005
9 Park Place, Pontiac, MI 48342 Tax ID: #14-33-152-007	80 Cottage Street, Pontiac, MI 48342 Tax ID: #14-33-152-002
15 Park Place, Pontiac, MI 48342 Tax ID: #14-33-152-008	130 Center Street, Pontiac, MI 48342 Tax ID: #14-33-152-004
11-13 Hovey Street, Pontiac, MI 48342 Tax ID: #14-33-152-001	86 Cottage Street, Pontiac, MI 48342 Tax ID: #14-33-152-003

**WHEREAS**, Lighthouse seeks re-zoning of a portion of the referenced parcels only, as shown on **Exhibit A**. The parcels where rezoning is sought shall be referred to herein as the “Property.” The Property is currently zoned as follows and the legal descriptions for the Property are on **Exhibit A** attached hereto:

**Table A2:**

Parcel Number(s)	Previous Zoning District	Rezoned to the following Zoning District:
14-33-152-001 14-33-152-002 14-33-152-003 14-33-152-004 14-33-152-005 14-33-152-006 14-33-152-007 14-33-152-008	One Family Dwelling District (R-1)	Office Business (C-0)

**WHEREAS**, under and pursuant to Section 405 of the Michigan Zoning Enabling Act, 2008 PA 110, as amended (codified at MCL §125.3405 *et seq*), certain conditions voluntarily offered by the owner of land, including an agreement between the City and the Lighthouse, may become a condition of rezoning of the Property; and

**WHEREAS**, Lighthouse submitted the Application for Rezoning, which was supplemented by a letter providing an Offer of Conditions on March 9, 2023, attached as **Exhibit B** (collectively “**Application**”), voluntarily offering, in writing, certain conditions to rezone the Property as set forth in the table above, subject to the conditions of this Agreement; and

**WHEREAS**, the City Planning Commission on February 1, 2023, held a Public Hearing on the request for Conditional Rezoning and proposed amendment to the City’s Zoning Map Ordinance; and

**WHEREAS**, the City Council on \_\_\_\_\_, voted to approve this Conditional Rezoning Agreement and adopted Ordinance No. [add Ordinance number] to amend the City’s Zoning Map Ordinance based upon the conditions set forth in this Agreement and the attached Exhibits;

**NOW, THEREFORE**, in consideration of the foregoing and the mutual promises hereinafter set forth, the City and the Lighthouse agree as follows:

- 1. CONDITIONAL REZONING, PROJECT DEVELOPMENT, AND CONDITIONS AND EXCEPTIONS TO USE OF PROPERTY**



A. **Conditional Rezoning.** Consistent with MCL §125.3405, the Property has been conditionally rezoned from the classification of One Family Dwelling District (R-1) to a zoning classification of Office Business (C-0) as set forth in table A2 above, with conditions as approved by the City Council based upon Lighthouse's Letter of March 9, 2023 with an Offer of Conditions, subject to and in accordance with this Agreement, unless this Agreement is amended by mutual agreement of the City and Lighthouse, following public hearing, or unless Lighthouse determines to use the Property in accordance with the zoning applicable to the Property under and in accordance with the termination provisions set forth herein. Lighthouse and future owners of the Property shall not develop and use the Property in a manner inconsistent with this Agreement.

B. **Project Definition.** The Project shall be based on Lighthouse's Site Plan Approval Application Submittal Package that is to be submitted subsequent to the approval and execution of this Agreement and is a condition of this Agreement as more fully set forth below. Except as modified herein or pursuant to any variances or deviations approved by the City, the Property shall remain subject to all other zoning and use district regulations of the City Zoning Ordinance, for property zoned Office Business (C-0), as applicable in accordance with the zoning of each respective parcel as set forth in Table A1 and A2 above, and as limited by Lighthouse's Offer of Conditions, and shall remain subject to all other requirements of the City's building, zoning, and other land use regulations.

C. **Offered Conditions.** The Lighthouse has voluntarily offered the following condition in consideration for the City's granting of the rezoning:

- i. In the event Lighthouse remises, releases, alienates, and conveys majority ownership of the parcels listed herein, the rezoned parcels as set forth in table A1 and A2 above shall revert to their previous zoning classification of One Family Dwelling District (R-1).
- ii. The following actions by Lighthouse shall not meet the requirement of a conveyance of majority ownership and shall not result in a reversion to the previous zoning classification: (1) Lighthouse completes a merger with a 3<sup>rd</sup> party entity; (2) Lighthouse completes a name change; (3) Lighthouse relinquishes ownership to an entity that is partially controlled or partially owned by Lighthouse; or (4) Lighthouse remises, releases, alienates, and conveys ownership in the Property to a 3<sup>rd</sup> Party that does not result in relinquishment of Lighthouse's ownership interest of the Property to any 3<sup>rd</sup> Party(s).

D. **Acknowledgement.** Lighthouse hereby acknowledges that the rezoning with conditions was proposed by Lighthouse to induce the City to grant the rezoning, and that the City relied upon such proposal and would not have granted the rezoning but for the

terms spelled out in the conditional rezoning agreement; and, Lighthouse further agrees and acknowledges that the conditions and this Agreement are authorized by all applicable state and federal laws and the Michigan constitution, and that the Agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the City. Lighthouse further represents and warrants that it agrees to all of the following:

- i. That the property in question shall not be developed or used in a manner inconsistent with this Agreement.
- ii. That each of the requirements and conditions set forth in this Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.
- iii. Nothing in this Agreement shall be construed as replacing the requirement for Lighthouse to obtain preliminary and final Site Plan, subdivision, condominium, or special land use review and approval, as applicable.

2. **PERIOD OF APPROVAL.** Unless extended by the City Council for good cause, the rezoning with conditions shall expire following a period of two (2) years from the effective date of the rezoning unless bona fide development of the property pursuant to approved building and other permits required by the City commences within the two (2) year period and proceeds diligently and in good faith as required by ordinance to completion.

A. **Expiration.** In the event bona fide development has not commenced within two (2) years from the effective date of the rezoning, the rezoning with conditions and this Agreement shall be void and of no effect. Lighthouse may apply for a one (1) year extension one (1) time. The request must be submitted to the City Clerk before the two (2) year time limit expires. Lighthouse must show good cause as to why the extension should be granted.

B. **Effect of Expiration.** If the rezoning with conditions becomes void in the manner provided in this section, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established. Either or both of the following actions may be taken:

- i. Lighthouse may seek a new rezoning of the property and the City may approve same; and/or

- ii. Pursuant to MCL 125.3405, the land shall revert to its former zoning classification following the process for approval of a rezoning with conditions.

C. **Extension.** If an extension of approval is granted by the City Council, a new conditional rezoning agreement with the new expiration date shall be recorded.

D. **Continued Full Force and Effect.** If Lighthouse commences bona fide development of the property as set forth in Sec. 2(A), within two years from the date of this Agreement, this Conditional Rezoning approval shall have continued full force and effect, consistent with the terms and conditions of this Agreement.

3. **RECORDATION.** This Agreement shall become effective following publication in the manner provided by law and recording of the Agreement with the County Register of Deeds.

4. **DEFAULT.** If development and/or actions are undertaken on or with respect to the property are in violation of this Agreement, such development and/or actions shall constitute a nuisance per se. In such case, the City may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with this Agreement, the City may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates in addition to or in lieu of such other lawful action to achieve compliance. In the event that the Lighthouse defaults on the condition(s) of this Agreement, then, the City may, at its option and within its sole discretion, terminate this Agreement. In the event that this Agreement is terminated by written notice given by the City to the Lighthouse within three (3) months following such failure by the Lighthouse, the City may, at its option and within its sole discretion, declare the Property to revert back to its previous Zoning District(s) and terminate the approval of any Site Plan for the Project.

5. **ENTIRE AGREEMENT.** This Agreement, the exhibits attached hereto, if any, and the instruments which are to be executed in accordance with the requirements hereof set forth all the covenants, agreements, stipulations, promises, conditions, and understandings between the City and the Lighthouse concerning the Project as of the date hereof, and there are no covenants, agreements, stipulations, promises, conditions or understandings, either oral or written, between them other than as set forth herein.

6. **RELATIONSHIP OF THE PARTIES.** The relationship of the City and the Lighthouse shall be defined solely by the expressed terms of this Agreement, including the implementing documents described or contemplated herein, and neither the cooperation of the parties hereunder nor anything expressly or implicitly contained herein shall be deemed or construed to create a partnership, limited or general, or joint venture between the City and the

Lighthouse, nor shall any party or their agent be deemed to be the agent or employee of any other party to this Agreement.

7. **MODIFICATION.** This Agreement can be modified or amended only by a written instrument expressly referring hereto and executed by the City and Lighthouse.

8. **MICHIGAN LAW TO CONTROL.** This Agreement and the rights and obligations of the parties hereunder shall be construed in accordance with Michigan law.

9. **DUE AUTHORIZATION.** The City and Lighthouse each warrant and represent to the other that this Agreement and the terms and conditions thereof have been duly authorized and approved by, in the case of the City, its City Board and all other governmental agencies whose approval may be required as a precondition to the effectiveness hereof, and as to Lighthouse, by its board of directors, and that the persons who have executed this Agreement below have been duly authorized to do so. The parties hereto agree to provide such opinions of counsel as to the due authorization and binding effect of this Agreement and the collateral documents contemplated hereby as the other party shall reasonably request.

10. **SUCCESSORS AND ASSIGNS.** The approval of the terms, provisions, and conditions of this Agreement are for the benefit of the Property and shall run with the Property and shall bind and inure to the benefit of the parties to this Agreement and their respective successors, assigns, and transferees.

11. **NO PERSONAL LIABILITY.** The obligations hereunder of the City and the Lighthouse shall constitute solely the obligations of the respective entities to be satisfied solely from their respective assets, and no officer, Board member, agent, employee or partner of any of said entities shall have any personal obligation, responsibility or liability for the performance of the terms of this Agreement.

**IN WITNESS WHEREOF,** the parties hereto have executed this Agreement on the date first set forth above.

**[SIGNATURES COMMENCE ON NEXT PAGE]**

**#2**

# **ORDINANCE**

**NONE**

**TO:** Mayor Tim Greimel, Deputy Mayor Khalfani Stephens, Council President Michael McGuiness, Council President Pro Tem William Carrington, Councilman William Parker Jr., Councilwoman Kathalee James, Councilman Mikal Goodman and Councilman Brett Nicholson

**FROM:** Charles E. Murphy

**DATE:** March 24, 2023

**CLIENT MATTER:** City of Pontiac

**SUBJECT:** Amendments to Adult Use Marihuana Business Ordinance for March 28, 2023 Council Meeting

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Amendment 1: Section 11 Location Criteria: Marihuana Business Licensing Ordinance. Eliminates reference to curbside service to be consistent with the prohibition of curbside service.

Amendment 2: Sec. 03 Definitions-Co-Locate or Co-Location. Expands the definition of co-location to avoid confusion over applications for the same business suite at a single property.

Amendment 3: Sec 10 (d) Co-Location Operation. The modification clarifies that a separate permit is required for each marihuana business which is Co-Located as opposed to "located" within a single property.

Amendment 4: Section 12 General Permit Application Requirements-One Application per Location. The proposed amendment limits applicants to one application for each location and disqualifies multiple applications for the same establishment location.

Amendment 5: Section 12 General Permit Application Requirements-Multiple Applications per Location. This amendment would allow an applicant for a retailer establishment permit and an applicant for a social equity retailer establishment permit to each file an application for the same location.

Amendment 6: Sec 14 (b) Social Equity Retailers-One Application Per Location. This amendment limits social equity retailer applicants to one application per location and disqualifies multiple applications for the same social equity establishment location.

Amendment 7: Sec 14 (b) Social Equity Retailers-Multiple Applications Per Location. This amendment allows an applicant for a social equity retailer establishment permit and an applicant for a retailer establishment permit to each file an application for the same location.

Amendment 8: Sec 25 (b)(12) Denial of Permit; Basis for Action-Multiple Applications Per Location. This amendment adds subparagraph (b)(12) as a basis for the denial of an application if multiple applicants submit more than one application for the same location.

Amendment 9: Sec. 19. Marihuana Business Co-Location and Stacking. This amendment clarifies the co-location requirements for a single property and adds social equity retailers to the types of marihuana business uses allowed to co-locate.

Amendment 10: Sec. 21 Permits Generally. This amendment replaces the term "special land use" with "special exception permit" to be consistent with the proposed zoning ordinance and deletes the adjective "proposed" preceding "final site plan."

Charles E. Murphy  
Clark Hill PLC

cc: Christopher Trebilcock

Amendment 1: Section 11 Location Criteria: Marihuana Business Licensing Ordinance

**Sec. 11. Location Criteria.**

- (a) No marihuana business is eligible to receive a permit unless at the time the application for the marihuana business operating permit is submitted, the location of the proposed business operation complies with the requirements set forth in the City zoning ordinances as required for the specific type of marihuana commercial business for which the permit is being sought.
- (b) Mobile marihuana businesses and limited contact transaction operations, ~~except for curbside service in a designated area at a marihuana sales location in compliance with applicable Department-issued rules and the City zoning ordinance,~~ are prohibited.
- (c) A permittee shall not operate a marihuana business at any location in the City other than at the address provided in the application on file with the City Clerk.



## **Amendment 2: Sec. 03 Definitions-Co-Locate or Co-Location**

"Co-Locate" or "Co-Location" means any combination of growers, processors, retailers, social equity retailers, designated consumption, and Class A microbusiness establishments that are authorized by the City to may operate as separate marihuana businesses at a single property but with separate business suites, partitions, and separate means of public ingress/egress from the exterior or from a common lobby area. ~~at the same physical location.~~

### **Amendment 3: Sec 10 (d) Co-Location Operation**

#### **Sec. 10. City Marihuana Business Permit and Annual Fee Required.**

(d) A separate permit is required for each Marihuana Business co-located at a premises from which an adult-use marihuana commercial businesses are operated. Operation of a grower, processor, retailer establishment or social equity retailer establishment, Class A microbusiness, and designated consumption establishment at the same co-location is authorized, provided that each establishment is separately licensed and permitted. Co-Location Operation of a retailer establishment or social equity retailer establishment, Class A microbusiness and a designated consumption establishment at the same location as a grower or processing establishment is authorized when in conformity with the City zoning ordinance.

**Amendment 4: Section 12 General Permit Application Requirements-One Application per Location**

**Sec. 12. General Permit Application Requirements.**

(a) An applicant seeking a permit pursuant to the provisions of this ordinance and licensure by the state under MRTMA must submit an application in writing to the City Clerk on forms provided by the City Clerk. At the time of application, the application must be accompanied by a nonrefundable application fee of \$5,000.00 to defray the costs incurred by the City for processing of the application. In addition, the applicant shall present copies of government-issued photographic identification to accompany the application. Applicants are limited to one application per location. Multiple applications for the same establishment location shall be disqualified.

**Amendment 5: Section 12 General Permit Application Requirements-Multiple Applications per Location**

**Sec. 12. General Permit Application Requirements.**

(a) An applicant seeking a permit pursuant to the provisions of this ordinance and licensure by the state under MRTMA must submit an application in writing to the City Clerk on forms provided by the City Clerk. At the time of application, the application must be accompanied by a nonrefundable application fee of \$5,000.00 to defray the costs incurred by the City for processing of the application. In addition, the applicant shall present copies of government-issued photographic identification to accompany the application. An applicant for a retailer establishment permit and an applicant for a social equity retailer establishment permit may each file an application for the same location.

## **Amendment 6: Sec 14 (b) Social Equity Retailers-One Application Per Location**

### **Sec. 14. Social Equity Retailers**

(a) The City has created a permit process to allow state social equity qualifiers to apply for and be awarded social equity retailer permits in zoning districts designated in the City zoning ordinance. The City shall permit six (6) social equity retailer licenses for social equity applicants, including franchisees, who demonstrate and document 51% or more ownership by social equity qualifying applicants, including ownership structure of the entity that identifies the ownership percentage held by each stakeholder.

(b) Social equity applicants for social equity retailer permits may apply for other available adult-use permits including retailer establishment permits, except they may not apply for a Class A microbusiness, safety compliance facility or secure transporter permit. Social equity retailer applicants are limited to one application per location. Multiple applications for the same social equity establishment location shall be disqualified.

## **Amendment 7: Sec 14 (b) Social Equity Retailers-Multiple Applications Per Location**

### **Sec. 14. Social Equity Retailers**

(a) The City has created a permit process to allow state social equity qualifiers to apply for and be awarded social equity retailer permits in zoning districts designated in the City zoning ordinance. The City shall permit six (6) social equity retailer licenses for social equity applicants, including franchisees, who demonstrate and document 51% or more ownership by social equity qualifying applicants, including ownership structure of the entity that identifies the ownership percentage held by each stakeholder.

(b) Social equity applicants for social equity retailer permits may apply for other available adult-use permits including retailer establishment permits, except they may not apply for a Class A microbusiness, safety compliance facility or secure transporter permit. An applicant for a social equity retailer establishment permit and an applicant for a retailer establishment permit may each file an application for the same location.

**Amendment 8: Sec 25 (b)(12) Denial of Permit; Basis for Action-Multiple Applications Per Location**

**Sec. 25. Denial, Nonrenewal, Suspension, or Revocation of Marihuana Business Permit; Basis for Action; Appeal.**

(a) Each Marihuana Business within the City for which a permit is granted shall be operated and maintained in accordance with all applicable City, State and federal laws, rules, and regulations. Any permit issued under this Ordinance may be revoked or suspended by the City after written notice and an administrative hearing if a City official finds and determines that grounds for revocation or suspension exist. Any grounds for revocation or suspension of a permit must be provided to the permittee at least ten (10) days prior to the date of the hearing by first class mail to the address given on the application or any address provided to the Clerk in writing subsequent to the filing of an application. The Clerk shall notify an applicant of the reasons for denial of an application for a permit, for permit renewal, or for suspension or revocation of a permit, or any adverse decision under this ordinance and provide the applicant or permittee an administrative hearing with the opportunity to be heard.

(b) In addition to any other reasons set forth in this ordinance, the City may refuse to issue a permit, may refuse to grant renewal of a permit, and may suspend or revoke a permit pursuant to Pontiac City Ordinance sections 1-24 or for any of the following reasons:

- (1) A violation of any provision of this Ordinance, including, but not limited to, the failure to provide the information required by this Ordinance;
- (2) Any disqualifying conviction or pattern of convictions by the permittee or any stakeholder of the permittee including any conviction of any felony or any misdemeanor involving controlled substances, theft, or dishonesty by the applicant, permittee, stakeholder, or any person holding an ownership interest in the licensee;
- (3) Failure of the permittee to obtain or maintain a State License or approval pursuant to MRTMA and MMFLA;
- (4) Commission of fraud or misrepresentation or the making of a false statement by the applicant, permittee, or any stakeholder of the applicant or permittee, while engaging in any activity for which this Ordinance requires a permit;

(5) The Marihuana Business is determined by the City to have become a public nuisance or otherwise is operating in a manner detrimental to the public health, safety or welfare;

(6) Failure of the permittee to maintain the property causing a blighted or other condition in violation of any City ordinance, including but not limited to, Ord. No. 2355, 8-9-18, or in violation of any state law, including but not limited to, MCL 125.538 to 125.542.

(7) Any default in the payment of any charges, taxes, or fees, to the City if not cured upon thirty (30) days following notice sent by electronic means or mail to the address of the Marihuana Business. This cure period does not apply to scoring of initial applications for Retailer, Social Equity Retailer, Class A Microbusiness and Designated Consumption Establishment permits;

(8) Violation of any State law applicable to Marihuana Businesses.

(9) Failure to obtain or maintain a certificate of occupancy from the Building Department;

(10) Failure of the permittee to obtain or maintain a permit or to renew a permit from the City Clerk; or

(11) The establishment's approved site plan is determined to be in substantial violation by the City.

(12) Applicants submitted more than one application for the same location.



**Amendment 9: Sec 19 Marihuana Business Co-Location and Stacking.**

**Sec. 19. Marihuana Business Co-Location and Stacking.**

- (a) Separate Marihuana Business grower, processor, retailer, social equity retailer, Class A microbusiness, and designated consumption establishment uses, shall be permitted to co-locate at a single property ~~operate at the same location~~ subject to permit approval for each use from the City. Co-located ~~E~~establishments ~~operating at the same location~~ must have permit approval for each Marihuana Business type and use described above.
- (b) Consistent with the MRTMA and the Rules, applicants for Class C grower permits shall be allowed to stack and receive multiple Class C grower permits, and to operate under each permit in a single establishment.

## **Amendment 10: Sec. 21. Permits Generally**

### **Sec. 21. Permits Generally**

(a) Permittees shall report any material change in the required information to the Clerk within twenty four (24) hour and shall report any non-material change in the required information to the Clerk within ten (10) business days of the change. Failure to do so may result in a fine, suspension or revocation of the license.

(b) Permit approval shall not be effective, and no Marihuana Business may operate, unless the Marihuana Business has obtained a State License, the site of the proposed use and proposed structure for the Marihuana Business has zoning approval for such use, and the proposed final site plan and special exception permit land-use has been approved by the Planning Commission.

**CITY OF PONTIAC**  
**ORDINANCE NO. #\_\_\_\_\_**

AN ORDINANCE TO ALLOW ADULT-USE MARIHUANA ESTABLISHMENTS TO OPERATE IN THE CITY OF PONTIAC PURSUANT TO THE MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT, INITIATED LAW 1 OF 2018, MCL 333.27951 ET SEQ.; TO PROVIDE FOR STANDARDS AND PROCEDURES TO PERMIT AND REGULATE ADULT-USE MARIHUANA ESTABLISHMENTS; TO PROVIDE FOR THE IMPOSITION OF PERMIT APPLICATION FEES AND RENEWAL FEES; AND TO IMPOSE CONDITIONS FOR THE OPERATION OF ADULT-USE MARIHUANA ESTABLISHMENTS.

THE CITY OF PONTIAC ORDAINS:

**ARTICLE \_\_\_\_\_. ADULT-USE MARIHUANA BUSINESS LICENSING**

**Sec. 01. Title.**

The title of this ordinance shall be the "City of Pontiac Adult-Use Marihuana Business Ordinance."

**Sec. 02. Purpose and Intent.**

A. Purpose. The purpose of this Ordinance is to establish standards and procedures for the issuance, regulation, renewal, suspension, and revocation of business licenses for adult-use marihuana establishments in accordance with the Michigan Regulation and Taxation of Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") so as to protect the public health, safety, and welfare of residents of the City by setting forth the manner in which adult-use marihuana businesses can be operated in the City. Further the purpose of this Ordinance is to:

(1) Protect the health, welfare and safety of the public through reasonable regulations on adult-use marihuana business operations as it relates to noise, odor, air and water quality, food safety, public safety, security for the establishments and its personnel, and other health and safety concerns;

(2) Protect residential zoned properties and neighborhoods by limiting the location and the concentration of types of Marijuana Businesses to specific areas of the City;

(3) Establish application and license fees to defray and recover the City's costs for administering and enforcing this ordinance;

(4) Recognize that the City of Pontiac has been identified by the State of Michigan's Cannabis Regulatory Agency as a city that has been disproportionately impacted by marihuana prohibition and enforcement and that social equity in the marihuana industry is necessary to address the historical disproportionate impact of marihuana prohibition and enforcement upon Pontiac residents and to positively impact the Pontiac community;

(5) Minimize the adverse effects from growing, processing, dispensing and storage of marihuana;

(6) Minimize the adverse effects from excessive consumption and use of marihuana;

(7) Coordinate with state laws and regulations addressing Marihuana Businesses; and

(8) To restrict the issuance of Marihuana Business permits only to those individuals and entities that demonstrate an intent and ability to fully comply with this Ordinance and the laws of the City and the State of Michigan.

B. Legislative Intent. This ordinance authorizes the establishment of adult-use marihuana businesses within the City of Pontiac consistent with the provisions of MRTMA, subject to the following:

(1) Use, distribution, cultivation, production, possession, and transportation of marihuana remains illegal under federal law, and marihuana remains classified as a "controlled substance" by federal law. Nothing in this ordinance is intended to promote or condone the production, distribution, or possession of marihuana in violation of any applicable law. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under state or federal law. This ordinance does not protect the owners of properties on which a marihuana commercial operation is occurring from prosecution or from having their property seized by federal law enforcement authorities.

(2) This ordinance is to be construed to protect the public health, safety and welfare over commercial adult-use marihuana business interests. The operation of a permitted adult-use marihuana business in the City is a revocable privilege and not a right in the City. Nothing in this ordinance is to be construed to grant a property right for an individual or business entity to engage, obtain, or have renewed a City-issued permit to engage in the use, distribution, cultivation, production, possession, transportation or sale of adult-use marihuana as a commercial enterprise

in the City. The City determines that the commercialization of marihuana is a “closely regulated industry” as that term is used in U.S. Supreme Court jurisprudence.

(3) Any individual or business entity which purports to have engaged in the use, distribution, cultivation, production, possession, transportation or sale of marihuana as a commercial enterprise in the City without obtaining the required authorization required by this ordinance is deemed to be an illegally established nuisance, and as such is not entitled to legal nonconforming status under this ordinance, the City zoning ordinance, or state statutory or common law.

(4) Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacture, possession, use, sale, distribution or transport of marihuana in any form that is not in strict compliance with the MRTMA and the Marihuana Tracking Act, and all applicable administrative rules promulgated by the State of Michigan regarding the commercialization of marihuana. Strict compliance with all applicable state laws and regulations is a requirement for the issuance or renewal of any permit issued under this ordinance, and noncompliance with any applicable state law or regulation is grounds for the revocation or nonrenewal of any permit issued under this ordinance.

C. Indemnification of the City.

(1) By accepting a permit issued pursuant to this ordinance, the holder waives and releases the City, its officers, elected officials, and employees from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of marihuana business owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations.

(2) By accepting a permit issued pursuant to this ordinance, the holder agrees to indemnify, defend and hold harmless the City, its officers, elected officials, employees, and insurers, against all liability, claims or demands arising on account of any claim of diminution of property value by a property owner whose property is located in proximity to a licensed operating marihuana business arising out of, claimed to have arisen out of, or in any manner connected with the operation of a marihuana business or any claim based on an alleged injury to business or property by reason of a claimed violation of the federal Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1964(c).

D. Reservation.

(1) The City of Pontiac shall not waive or constrain, in any manner, the right and prerogative of the City of Pontiac to reject any and all applications, to reject an application not accompanied with the required documentation or data required by the application, or to reject an application which is any way incomplete, irregular, not responsive or not responsible.

(2) The City of Pontiac shall not waive or constrain, in any manner, the right and prerogative of the City of Pontiac to amend or repeal this ordinance in any manner, including, but not limited to, the complete prohibition of any type of adult-use marihuana business or limiting the number and types of adult-use marihuana businesses authorized to operate in the City.

(3) Nothing in this ordinance is to be construed to grant or grandfather any marihuana business a vested right, license, permit or privilege for continued operations within the City.

**Sec. 03. Definitions.**

Unless defined by this ordinance, any term used in this Section that is defined by the MRTMA, or the Administrative Rules promulgated by the Michigan Department of Licensing and Regulatory Affairs addressing marihuana shall have the definition given in MRTMA and in the Rules.

As used in this Section, the following terms shall have the meanings indicated:

"Applicant" means a person who applies for a City-issued permit to operate a Marihuana Business in accordance with the terms of this Ordinance and the City zoning ordinance. With respect to disclosures in an application for a permit issued pursuant to this Ordinance for purposes of ineligibility for a permit and the transfer of an interest in an issued permit, the term "applicant" includes a managerial employee of the applicant, any person who holds any direct or indirect ownership interest in the Marihuana Business, and the following true parties of interest for each type of applicant:

- (1) For an individual or sole proprietorship: the proprietor and spouse.
- (2) For a partnership and limited liability partnership: all partners and their spouses.
- (3) For a limited partnership and limited liability limited partnership: all general and limited partners, and their spouses.

- (4) For a limited liability company: all members and managers, and their spouses.
- (5) For a privately held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, and their spouses.
- (6) For a publicly held corporation: all corporate officers or persons with equivalent titles and their spouses, all directors and their spouses, and all stockholders, and their spouses.
- (7) For a multilevel ownership enterprise: any entity or person that receives or has the right to receive gross or net profits from the enterprise during any full or partial calendar or fiscal year.
- (8) For a nonprofit corporation: all individuals and entities with membership or shareholder rights in accordance with the articles of incorporation or the bylaws and their spouses.
- (9) For a trust: all trustees, any individual or body able to control and direct affairs of the trust, and any beneficiary who receives or has the right to receive the gross or net profit distributions of the trust during any full or partial calendar or fiscal year, and their spouses.

"Application" means the form(s) provided by the City, accompanied with the nonrefundable application fee per each permit requested.

"City" means the City of Pontiac, Michigan.

"Class A marihuana grower" means a grower licensed to grow not more than 100 marihuana plants.

"Class A Microbusiness" means a marihuana establishment authorized to operate at a single location and cultivate not more than 300 mature marihuana plants; package marihuana; purchase marihuana concentrate and marihuana-infused products from licensed marihuana processors; sell or transfer marihuana and marihuana-infused products to individuals 21 years of age and older; and transfer marihuana to a safety compliance facility for testing.

"Class B marihuana grower" means a grower licensed to grow not more than 500 marihuana plants.

"Class C marihuana grower" means a grower licensed to grow not more than 2,000 marihuana plants.

"Co-Locate" or "Co-Location" means any combination of growers, processors, retailers, social equity retailers, designated consumption, and Class A microbusiness establishments that may operate as separate marihuana businesses at the same physical location.

"Cultivate" means to propagate, breed, grow, harvest, dry, cure, or separate parts of the marihuana plant by manual or mechanical means.

"Department" means the State of Michigan Department of Licensing and Regulatory Affairs (LARA), including without limitation, the Cannabis Regulatory Agency, or its successor agency.

"Designated Consumption Establishment " means a marihuana-related business authorized to permit individuals 21 years of age and older to consume marihuana products on the licensed commercial premises located in the C-2 Downtown Overlay District No. 3.

"Disqualifying conviction" means a conviction that makes an applicant ineligible to receive a license under MRTMA and the Rules.

"Equivalent License" means any of the following state operating licenses when held by a single licensee:

- (1) Grower licenses of any class under both the Medical Marihuana Facilities Licensing Act, MCL 333.27101 et. seq. ("MMFLA") and MRTMA.
- (2) Processor licenses under both the MMFLA and MRTMA.
- (3) Secure transporter licenses under both the MMFLA and MRTMA.
- (4) Safety compliance facility licenses under both the MMFLA and MRTMA.
- (5) A provisioning center license under the MMFLA and a retailer establishment license under the MRTMA.

"Grower" means a licensee establishment that cultivates, dries, trims, or cures and packages marihuana for sale or transfer to a processor, retailer, or another grower.

"Industrial Hemp" means the term as defined at MCL 333.27953 (c).



"License" means a license that is issued by the Department under MRTMA that allows the licensee to operate an adult-use marihuana establishment in the City.

"Marihuana" means the term as defined at MCL 333.27953. For purposes of this Ordinance marihuana does not include industrial hemp.

"Marihuana accessories" means the term as defined at MCL 333.27953 (g).

"Marihuana concentrate" means the resin extracted from any part of the plant of the genus cannabis.

"Marihuana Business" means the following adult-use marihuana establishments, whether operated for profit or not for profit: (a) grower, (b) safety compliance facility, (c) processor, (d) retailer, (e) social-equity retailer, (f) secure transporter, (g) Class A microbusiness, (h) designated consumption establishment, (i) marihuana event organizer or (j) temporary marihuana event.

"Marihuana establishment" means a location at which a permittee is permitted to operate under this Ordinance and MRTMA.

"Marihuana Event Organizer" means a person licensed to apply for a temporary marihuana event license.

"Marihuana-Infused Product" means a topical formulation, tincture, beverage, edible substance, or similar product containing marihuana and other ingredients and that is intended for human consumption.

"Marihuana Tracking Act" or "MTA" means Public Act 282 of 2016, MCL 333.27901, et seq., as amended and all future amendments.

"Michigan Regulation and Taxation of Marihuana Act" or "MRTMA" means, Initiated law 1 of 2018, MCL 333.27951, et. seq., as amended and all future amendments.

"Permit" means the permit issued pursuant to this ordinance authorizing the operation of a Marihuana Business in the City.

"Permittee" means a person who receives and holds a permit to operate a Marihuana Business issued by the City under this ordinance.

"Person" means an individual, sole proprietorship, partnership, limited partnership, limited liability limited partnership, corporation, limited liability company, trust, or other legal entity, and includes persons within the definition of "applicant" as that term is used in this Ordinance.

"Processor" means a person licensed to purchase or obtain marihuana from a grower establishment and who processes the marihuana and sells or transfers it in packaged form to a retailer, class A microbusiness, or another processor. A processor is not prohibited from handling, processing, marketing or brokering industrial hemp pursuant to the Industrial Hemp Research and Development Act.

"Retailer" means a licensee that obtains marihuana from marihuana establishments and sells or otherwise transfers marihuana to marihuana establishments and to individuals who are 21 years of age or older in accordance with MRTMA.

"Rules" means the unified administrative rules promulgated and from time to time amended by the Department to implement the MMFLA and MRTMA.

"Safety Compliance Facility" means a person licensed to test marihuana, including certification for potency and the presence of contaminants.

"Secure Transporter" means a person licensed to obtain marihuana from marihuana establishments in order to transport marihuana to marihuana establishments.

"School" means and includes buildings and grounds used for school purposes to provide instruction to children and youth in grades pre-kindergarten through 12 by a public, private, denominational, or parochial school.

"Social Equity-Qualified Business" mean a marihuana establishment operated by an applicant that qualifies for the benefits offered under the social equity program administered by either the Department or the City.

"Stakeholder" means, with respect to a trust, the trustee and beneficiaries; with respect to a limited liability company, all members and managers; with respect to a corporation, whether profit or non-profit, all stockholders, directors, corporate officers or persons with equivalent titles; and with respect to a partnership or limited liability partnership, all general and limited partners.

"State" means the State of Michigan.

"State Operating License" means a license that is issued by the Department under MRTMA that allows the licensee to operate an adult-use marihuana establishment, as specified in the license.

"Temporary Marihuana Event" means a license held by a marihuana event organizer for an event where the onsite sale or consumption of marihuana products, or both, are authorized at the location indicated on the state license during the dates indicated on the state license.

#### **Sec. 04. Creation of Marihuana Business Commission; Composition; Quorum**

(a) There is hereby created a Marihuana Business Commission. There shall be four (4) members of the Marihuana Business Commission. The membership shall elect from among its members a chairman, vice-chairman, and secretary.

(b) A quorum of the Marihuana Business Commission shall consist of three (3) members.

#### **Sec. 05. Marihuana Business Commission Membership; Qualifications; Term; Vacancies; Compensation.**

(a) Members of the Marihuana Business Commission shall be residents of the city, and shall be chosen so far as reasonably practicable in such a manner as to represent a cross-section of the community.

(b) Members of the Marihuana Business Commission shall be appointed by the mayor to serve at the pleasure of the mayor for a term of three (3) years. Reappointment of a member to serve an additional consecutive term is subject to council approval.

(c) If a vacancy occurs on the Marihuana Business Commission, the mayor shall appoint a new member to fill the vacancy.

(d) Members of the Marihuana Business Commission shall serve without pay.

#### **Sec. 06. Marihuana Business Commission Powers and Duties.**

The Marihuana Business Commission shall review and decide all appeals that are forwarded to it by the clerk under this ordinance. The Marihuana Business Commission shall review all appeals de novo. The Marihuana Business Commission shall only overturn a decision or finding of the clerk if it finds such decision or finding to be arbitrary or capricious and not supported by material,

substantial, and competent facts on the whole record considered by the clerk in arriving at such decision or finding.

**Sec. 07. Marihuana Business Commission Rules and Regulations; Meetings.**

(a) The Marihuana Business Commission shall adopt such rules and regulations as it deems necessary to govern its proceedings and deliberations.

(b) The rules and regulations adopted by the Marihuana Business Commission shall be subject to approval by the council.

(c) The Marihuana Business Commission shall maintain a written record of its proceedings and actions which shall be available for public inspection, showing the action of the commission and the vote of each member upon each question considered. All meetings of the commission shall be held in conformance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

**Sec. 08. Marihuana Business Rules and Regulations.**

(a) In addition to the Rules promulgated by the Department and the statutes of the State of Michigan, the operations of a Marihuana Business shall be conducted in accordance with the provisions of this ordinance and the City Code of Ordinances, including the zoning ordinance.

(b) Retailer establishments, Social Equity Retailer establishments, and Class A Microbusinesses located outside of the Downtown Overlay District shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises, between the hours of 10:00 p.m. and 7:00 a.m. Retailer establishments, Social Equity Retailer establishments and Class A Microbusinesses located in the Downtown Overlay District shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises, between the hours of 2:00 a.m. and 7:00 a.m.

(c) Delivery of a marihuana product for sale or transfer to marihuana customers by Retailer Establishments and Social Equity Retailer Establishments is permitted in strict compliance with Department Rules.

(d) Drive throughs and drive through, walk-up window service, and curbside service shall be a prohibited use for all Retailer Establishments, Social Equity Retailer Establishments and Class A Microbusinesses.

#### **Sec. 09. Licensing of Adult-Use Marihuana Businesses.**

(a) Number of permitted adult-use Marihuana Businesses.

##### **Type of Establishment**

Grower	No limit
Processor	No limit
Secure transporter	No limit
Retailer	17
Social Equity Retailer	6
Class A Microbusiness	5
Safety compliance facility	No limit
Designated Consumption Establishment-North of Huron Street	3
Designated Consumption Establishment-South of Huron Street	3
Marihuana event organizer	No limit
Temporary marihuana event	No limit

#### **Sec. 10. City Marihuana Business Permit and Annual Fee Required.**

(a) No person shall establish or operate a Marihuana Business located in the City without first meeting all of the requirements set forth in this Ordinance, obtaining a permit from the City Clerk, and obtaining a State Operating License. Permits and State Operating Licenses shall be kept current and publicly displayed within the business. Failure to maintain or display current state licenses and City permits is a violation of this ordinance. A Marihuana Business operating without a City permit under this Ordinance or without a State license is declared to be a public nuisance.

(b) There shall be an initial application fee of \$5,000.00 and an annual nonrefundable renewal of permit fee of \$5,000.00 to defray the administrative and enforcement costs associated with marihuana businesses located in the City.

(c) The City permit fee requirement set forth in this ordinance shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by the Department and any other

state regulatory agency, or by City ordinance, including, by way of example, and not limited to, any applicable fees for site plan review, zoning review, inspections, or building permits.

(d) A separate permit is required for each Marihuana Business located at a premises from which an adult-use marihuana commercial business is operated. Operation of a grower, processor, retailer establishment or social equity retailer establishment, Class A microbusiness, and designated consumption establishment at the same location is authorized, provided that each establishment is separately licensed and permitted. Operation of a retailer establishment or social equity retailer establishment, Class A microbusiness and a designated consumption establishment at the same location as a grower or processing establishment is authorized when in conformity with the City zoning ordinance.

(e) Within thirty (30) days of approval of the applicant's application, the applicant will start all necessary requirements as required by the City to obtain their certificate of occupancy, including, without limitation, complying with all applicable building department, fire department, code and inspection requirements, including the approval of the site plan.

(f) All Marihuana Business permits shall be effective for one (1) year of its original date of issuance by the City and must be renewed annually.

(g) The conditional permittee has one (1) year to complete its site plan upon the approval of the issuance of the Marihuana Business conditional permit. The Community Development Director may extend the completion of the site plan up to an additional six months, provided the applicant demonstrates good cause for the extension.

#### **Sec. 11. Location Criteria.**

- (a) No marihuana business is eligible to receive a permit unless at the time the application for the marihuana business operating permit is submitted, the location of the proposed business operation complies with the requirements set forth in the City zoning ordinances as required for the specific type of marihuana commercial business for which the permit is being sought.
- (b) Mobile marihuana businesses and limited contact transaction operations, except for curbside service in a designated area at a marihuana sales location in compliance with applicable Department-issued rules and the City zoning ordinance, are prohibited.

- (c) A permittee shall not operate a marihuana business at any location in the City other than at the address provided in the application on file with the City Clerk.

## **Sec. 12. General Permit Application Requirements.**

(a) An applicant seeking a permit pursuant to the provisions of this ordinance and licensure by the state under MRTMA must submit an application in writing to the City Clerk on forms provided by the City Clerk. At the time of application, the application must be accompanied by a nonrefundable application fee of \$5,000.00 to defray the costs incurred by the City for processing of the application. In addition, the applicant shall present copies of government-issued photographic identification to accompany the application.

(b) An application shall be complete and made under the penalty of perjury and shall contain all of the following:

(1) The applicants, all of its stakeholders, and the proposed manager's full name, date of birth, residential and business address, email address, and telephone numbers including emergency contact information, and a copy of a government-issued photographic identification card of the applicant and all stakeholders:

(a) If the applicant is an individual or sole proprietorship, the proprietor and their spouse, if any, shall provide their name, address, date of birth, business address, business telephone number, email address, social security number, and, if applicable, federal tax identification (EIN) number.

(b) If the applicant is not an individual or sole proprietorship, the applicant shall provide information regarding the business entity, including, without limitation, the name and address of the entity, website address (if any), type of business organization, proof of registration with, or a certificate of good standing from, the State of Michigan, or other state or foreign jurisdiction, as applicable, and the names, dates of birth, residential and business addresses, email addresses, phone numbers of each applicant, each stakeholder and their spouses, and the federal tax identification number of the business entity.

(2) The identity of every person having an ownership or beneficial interest in the applicant with respect to which the license is sought, including the ownership structure of the entity

that identifies the ownership percentage held by each stakeholder; provided, however, a social equity-qualified business entity who is an applicant must be able to demonstrate 51% or more ownership by qualifying social-equity applicants, including ownership structure of the entity that identifies the ownership percentage held by each stakeholder.

(3) If the applicant is not an individual, the articles of incorporation or organization, federal tax identification number and confirmation letter, and the limited liability company's operating agreement, the corporation's shareholder agreement and bylaws, and the partnership agreement for a partnership or limited partnership, as applicable.

(4) A copy of the applicant's notice of prequalification status issued by the Department to operate an adult-use marihuana establishment. If the applicant does not have adult-use prequalification status from the Department, the application will not be processed by the City.

(5) The name and address of the proposed Marihuana Business and any additional contact information deemed necessary by the City Clerk, including the following:

(a) A copy of the deed reflecting the applicant's ownership of the proposed permitted premises, or a purchase agreement or option to purchase the proposed permitted premises as applicable; or

(b) A copy of the lease reflecting the right of the applicant to possess, or an agreement or option reflecting the applicant's right to lease, the proposed permitted premises, and a notarized statement from the owner of such property authorizing the use of the property for a marihuana business as applicable.

(6) For the applicant and every stakeholder, affirmation that each is at least 21 years of age.

(7) A criminal history background report of the applicant's criminal history from the Internet Criminal History Access Tool (ICHAT) or a Michigan State Police criminal history report for applicants residing in Michigan. For applicants who reside in any other state, federal or foreign jurisdiction, or who have resided in any other state, federal or foreign jurisdiction within 5 years prior to the date of the application provide a certified state, federal or foreign jurisdiction sponsored or authorized criminal history report. The



applicant is responsible for all charges incurred in requesting and receiving the criminal history report and the report must be dated within thirty (30) days of the date of the application.

(8) Written consent authorizing the City to obtain a criminal history report from the Michigan State Police, the Federal Bureau of Investigation, or other applicable state, federal or foreign jurisdiction law enforcement or police agency, to ascertain whether the applicant and stakeholders have any disqualifying convictions or convictions involving dishonesty, theft, fraud, or controlled substances.

(9) A current organization chart that includes position descriptions and the names of each person holding such position, which shall include date of birth, address, copy of photo identification, and email address for any operator, manager, or employee if other than the applicant.

(10) A complete list of all marihuana related business permits and licenses held by applicant.

(11) An attested disclosure whether the applicant or operator has ever had a business license revoked or suspended, and if revoked or suspended, the reason for such revocation or suspension and copies of the orders of revocation or suspension.

(12) An attestation that no applicant or stakeholder is ineligible from holding a state license to operate a marihuana commercial business.

(13) An attestation that the applicant consents to inspections, examinations, searches and seizures required or undertaken pursuant to enforcement of this ordinance.

(14) A statement that no applicant is in default to the City for any property tax, special assessment, utility charges, fines, fees or other financial obligation owed to the City.

(15) For the applicant and for each stakeholder a resume that includes a business history and any prior experience with a marihuana-related business.

(16) The proposed business plan of the applicant, which shall include without limitation, the following:

(a) A description of the type of the proposed adult-use marihuana commercial operation and its physical address; and

(b) A staffing plan which describes the anticipated or actual number of employees, including an estimate of the number and type of jobs that the business is expected to create, a proposed living wage or salary (at least 200 percent of the Federal Poverty Level for a family of two, at its hourly basis) for all employees pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution, and a health and welfare benefits package to be paid for such jobs, unless otherwise prohibited by state law, and the goals and objectives to recruit, hire and promote residents of the City; and

(c) A staff training and education plan that the applicant will provide to employees; and

(d) The financial structure, source of financing, development and build-out budget and projected initial operating budget of the proposed Marihuana Business; and

(e) Short and long-term goals and objectives; and

(f) An explanation, with supporting factual data, of the economic benefits to the City and the job creation for local residents to be achieved by the establishment , a proposed living wage or salary (at least 200 percent of the Federal Poverty Level for a family of two, at its hourly basis) for all employees pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution, and a health and welfare benefits package to be paid for such jobs, unless otherwise prohibited by state law, including plans for community outreach and worker training programs;

(g) If co-location of Marihuana Businesses is proposed, provide an explanation of the integration of such businesses, including a drawing showing the relationship between the businesses being co-located, including floor area and the separation provided between such

facilities, including identification of any points of entry, ingress or egress, and controls at each location; and

(h) A neighborhood communication/education plan and strategies; and

(i) Any charitable plans and strategies whether through financial donations or volunteer work.

(17) A lighting plan showing the lighting outside of the marihuana business for security purposes and compliance with applicable City outdoor lighting requirements;

(18) A security plan, including, but not limited to, lighting, alarms, barriers, recording/monitoring devices, safes, and/or security guard arrangements proposed for the establishment and premises. The security plan must contain the specification details of each item of security equipment.

(19) A to-scale diagram of the proposed licensed premises, no larger than 11 inches by 17 inches, showing, without limitation, building floor plan and layout, all entryways, doorways, or passageways, and means of public entry and exits to the proposed licensed premises, loading zones, available on-site parking spaces, including handicapped accessible spaces, fencing at the premises, and all areas in which marihuana will be stored, grown, manufactured or dispensed;

(20) Any proposed elevation drawings, and photographs or other depiction of materials to be visible on the exterior of the proposed Marihuana Business.

(21) A proposed marketing, advertising, and business promotion plan for the proposed Marihuana Business.

(22) A description of planned tangible capital investment in the City for each proposed Marihuana Business.

(23) A social equity plan that (a) promotes and encourages participation and ownership in the marihuana industry by local residents that have been disproportionately impacted by marihuana prohibition and enforcement, and that (b) positively impacts local residents.

(24) A depiction of any proposed signage, text or graphic materials to be shown on the exterior of the proposed Marihuana Business.

(25) A sanitation plan designed to protect against any marihuana being ingested on the premises by any person or animal, describing how the waste and byproduct will be stored and disposed of, and how any marihuana will be rendered unusable upon disposal. The sanitation plan shall include a copy of the proposed contract or letter of intent between the Applicant and sanitation waste provider.

(26) A proposed inventory and recordkeeping plan that will track payment method, amount of payment, time of sale, product quantity, and other product descriptors and compliance with the requirements of the Department.

(27) Proof of financial responsibility in the form of a commitment or letter of intent to issue an insurance policy covering the business and naming the City of Pontiac, its elected and appointed officials, employees, and agents, as additional insured parties, primary and non-contributory available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the amount of:

- a. at least Two Million Dollars (\$2,000,000) for property damage;
- b. at least Two Million Dollars (\$2,000,000) for injury to one (1) person; and
- c. at least Two Million Dollars (\$2,000,000) for injury to two (2) or more person resulting from the same occurrence.

The insurance policy underwriter must have a minimum A.M. Best Company insurance ranking of B+, consistent with state law. The policy shall provide that the City shall be notified by the insurance carrier thirty (30) days in advance of any cancellation or reduction in coverages.

(28) A signed acknowledgement that the applicant understands that all matters related to marihuana cultivation, possession, dispensing, testing, transporting, distribution and use are subject to federal and state laws and regulations, and that the approval of a permit hereunder does not exonerate or excuse the applicant from abiding by the

provisions and requirements and penalties associated therewith. Further, the applicant completely releases and forever discharges the city and its respective employees, agents, facilities, insurers, indemnors, successors, heirs and/or assigns from any and all past, present or future claims, demands, obligations, actions, causes of action, wrongful death claims, rights, damages, costs, losses of services, expenses and compensation of any nature whatsoever, whether based on a tort, contract or other theory or recovery, which the applicant or its stakeholders may now have, or which may hereafter accrue or otherwise be acquired, on account of, or may in any way arise out of the applicant or stakeholders' application for a permit and, if issued a permit, the applicant or stakeholders' operation of a Marihuana Business.

(29) A scaled location area map that identifies the relative locations of, and distances from, Schools, childcare centers, public parks, and religious institutions, as measured along the centerline of the street or streets of address between two fixed points on the centerline determined by projecting straight lines, at right angles to the centerline, from the primary point of ingress to the school, childcare center, religious institution, or public park, nearest to contemplated location, and from the primary point of ingress to the contemplated location.

(30) If the applicant is applying for a permit to operate a Retailer, a Social Equity Retailer, a Class A Microbusiness, a Designated Consumption Establishment, or a Temporary Marihuana Event, a description of drug and alcohol awareness programs to be provided by the applicant to customers and the public.

(31) If the applicant is applying for a permit to operate a grower, a cultivation plan that includes a description of the cultivation methods to be used. Outdoor grows are prohibited.

(32) If the applicant is applying for a permit to operate a grower, a chemical and pesticide storage plan that complies with the requirements of the Department.

(33) An applicant for a Marihuana Secure Transporter license shall provide copies of the vehicle registration for all commercial motor vehicles that will be used to transport marihuana or marihuana-infused products. A secure transporter must provide proof of no-fault automobile insurance with a company licensed to do business in Michigan with

limits of liability not less than \$1,000,000 per occurrence combined single limit for bodily injury and property damage.

(34) Any other information requested by the City Clerk considered to be relevant to the processing or consideration of the application.

(c) An applicant may apply for multiple Marihuana Business permits of the same or different nature, except that Class A Microbusiness applicants may not hold an ownership interest in a grower, processor, retailer, or social equity retailer, and social equity retailer permits are limited to social equity qualified applicants. No person who holds an ownership interest in a safety compliance facility or in a secure transporter may hold an ownership interest in a grower, a processor, a retailer, a social equity retailer, or a Class A microbusiness.

### **Sec. 13. Marihuana Business Permit Application Process.**

(a) Upon receipt of a completed application meeting the requirements of this ordinance and payment of the permit application fee, the Clerk shall refer a copy of the application to the fire department and the Community Development Department, the planning division, and other affected departments for review and compliance with the City Code.

(b) No application for a permit shall be approved unless:

(1) The fire department and the Community Development Department and other affected departments have inspected the proposed location for compliance with all state and local building, electrical, fire, mechanical and plumbing requirements.

(2) The Community Development Department, the planning division, and other affected departments have confirmed that the proposed location complies with the zoning ordinance.

(3) The proposed Marihuana Business has been issued a certificate of occupancy and, if necessary, a building permit.

(4) The City Treasurer confirms the applicant and each stakeholder and the proposed location of the Marihuana Businesses are not in default to the City.

(c) After sixty (60) days from the effective date of this ordinance, the Clerk shall begin accepting adult-use Marihuana Business applications for a permit to operate a grower, processor, secure

transporter, safety compliance facility, marihuana event organizer, and temporary marihuana event.

(d) The Clerk shall award a conditional permit to any applicant for a permit to operate a grower, processor, secure transporter, safety compliance facility, marihuana event organizer, and temporary marihuana event, upon the determination by the Clerk that the application is complete, the applicant receives the City and State of Michigan approvals required in this ordinance, and the applicant meets all of the requirements of this ordinance and the City Code, including the zoning ordinance. If the City Clerk identifies, or is informed of, a deficiency in an application, the applicant has two (2) weeks to correct the deficiency after notification by the City Clerk. The Clerk will grant a final permit if the applicant obtains final site plan approval and special land use approval within 6 months of receiving a conditional permit, and obtains an operating permit from the City and an operating license from the Department within 18 months after the conditional permit is granted and enters into a written agreement with the City confirming that the marihuana establishment will operate in accordance with the business plans, building plans, design standards, social equity plans and all other operational standards described by the applicant in the application materials submitted. The agreement shall further provide that if the establishment breaches the agreement, then the City may revoke authorization of the establishment following notice and a public hearing, and that in such event, the City shall be entitled to injunctive relief barring further operation of the establishment in the City. An extension of 6 months to obtain an operating permit from the City and an operating license from the Department may be granted in the discretion of the Clerk upon a showing of good cause for the delay.

(e) Retailer, Social Equity Retailer, Class A Microbusiness and Designated Consumption Establishment Applications. After sixty (60) days from the effective date of this ordinance, the Clerk shall set a 21-day application window period during which applicants may apply for a Retailer, Social Equity Retailer (limited to Social Equity Qualified applicants), Class A Microbusiness and Designated Consumption Establishment permits. After the 21-day application window closes, the Clerk shall assess, evaluate, score and rank all applications for permits to operate a Retailer, Social Equity Retailer, Class A Microbusiness and Designated Consumption Establishment submitted during the twenty-one (21) day application window period. The Clerk shall review all submitted applications for completeness.

(f) In its application assessment, evaluation, scoring, ranking, and deliberations related to permits to operate a Retailer, Social Equity Retailer, Class A Microbusiness, and Designated Consumption Establishment, the Clerk shall assess, evaluate, score, and rank each application based upon a point-based scoring and ranking procedure which shall be approved by City Council resolution, consistent with the requirements, conditions, and provisions of this ordinance in each of the following categories:

(1) The content and sufficiency of the information required to be in the application under this ordinance. Applicant must have submitted all required materials for each category in a professional, organized manner with clear and accurate labeling of all required items. Failure to clearly and accurately label and organize the application materials will result in the deduction of points. The maximum number of scoring points in this category shall be five (5) points.

(2) Whether the proposed Marihuana Business will have a detrimental impact on the surrounding area and neighborhood including the distance of the establishment to properties zoned or used residentially; traffic patterns, traffic mitigation and resident safety; plans for litter control, loitering, noise mitigation, odor mitigation. Applicant shall submit a traffic impact study by a professional traffic engineer. Applicant shall submit a sanitation plan designed to protect against any marihuana being ingested on the premises by any person or animal, describing how the waste and byproduct will be stored and disposed of, and how any marihuana will be rendered unusable upon disposal. The sanitation plan shall include a copy of the proposed contract between the Applicant and sanitation waste provider. Applicant shall submit an odor control plan satisfying the criteria in Sec. 15 of this ordinance. The maximum number of scoring points in this category shall be twenty (20) points.

(3) Neighborhood Communication/Education Plan on behalf of the proposed Marihuana Business. The plan shall include meetings, at least once per year, with the neighborhood organizations, residents and general public, and to provide a contact for on-going public information, questions and concerns. Written notice to all property owners within 1500 feet of the marihuana business location, neighborhood organizations and City Clerk shall be provided a copy of the written notice two (2) weeks before the public meeting. In addition, to other methods of notice, the written notice shall be sent by mail at least two (2) weeks



before the public meeting. The maximum number of scoring points in this category shall be ten (10) points.

(4) Whether the applicant or its stakeholders have made, or plan to make, significant physical investment and improvements to the building where the proposed Marihuana Business is to be located, including the applicant's financial structure, source of financing, development and build-out budget and projected initial operating budget of the proposed Marihuana Business and proposed tangible capital investment; the current and proposed condition of the proposed location; and the applicant's ownership stake in the physical location of the establishment. The maximum number of scoring points in this category shall be ten (10) points.

(5) Whether the applicant and all of its stakeholders have a record of acts that are not detrimental to the public health, security, safety, morals, good order, or general welfare prior to the date of the application; applicant shall demonstrate and document a history of regulatory compliance with all federal, state and local laws and regulations, and shall disclose all complaints, judgments, convictions, administrative and regulatory decisions, permit and license suspensions, revocations and fines, rendered by any federal, state and local government agencies, including but not limited to wage and hour laws, anti-discrimination and civil rights laws, and occupational, health and safety laws. The maximum number of scoring points in this category shall be ten (10) points.

(6) Whether the applicant has disclosed and documented sufficient financial resources and total amount of capitalization to develop, operate and maintain a Retailer, Social Equity Retailer, Class A Microbusiness or Designated Consumption Establishment, and demonstrates the requisite business experience to execute, the submitted business plan and other plans required by this ordinance. The applicant should disclose and document sources and total amount of capitalization to operate and maintain a Retailer establishment, a Social Equity Retailer, Class A Microbusiness and Designated Consumption Establishment, and include a CPA attested financial statement, a valid pro forma for three years, proof of financial responsibility in the form of a commitment or letter of intent to issue an insurance policy satisfying the criteria in Sec. 12 (b)(27) of this ordinance, attest that the applicant and any of its owners have not filed bankruptcy in the last seven (7) years, have not had liens placed upon financial accounts or property by the Internal Revenue Service or

state Treasuries, and has filed personal and/or corporate income tax returns for the past five (5) years. The maximum number of scoring points in this category shall be twenty (20) points.

(7) Description of staffing plan that includes the number and type of full-time and part-time positions the applicant intends to create; the proposed living wage or salary (at least 200 percent of the Federal Poverty Level for a family of two, at its hourly basis) for all employees pursuant to MCL 125.3501, MCL 125.3502, MCL 125.3504, article VII, § 34 Construction of constitution and law concerning counties, townships, cities, villages and article VII, § 22 Charters, resolutions, ordinances; enumeration of powers of the Michigan Constitution, the applicant intends to pay employees, unless otherwise prohibited by state law; whether the applicant has articulated plans and strategies to recruit, hire and mentor for career advancement, a percentage of diverse residents from the City of Pontiac, including those residents who are veterans, low income and/or have a prior controlled substance record (excluding distribution of a controlled substance to a minor); a staff training and education plan that the applicant will provide to employees; an explanation, with supporting factual data, of the economic benefits to the City and the job creation for local residents to be achieved by the establishment; short and long-term goals and objectives; and whether the applicant has articulated plans to provide employee health and welfare benefit plans, including, but not limited to, sick leave, maternity leave, and paternity leave. The applicant shall maintain and provide data to the City Clerk supporting its staffing plan which shall be considered at the time of renewal of any permit issued pursuant to this ordinance to determine compliance. The maximum number of scoring points in this category shall be ten (10) points.

(8) Planned philanthropic initiatives and community improvement programs aimed at the City of Pontiac, which may include a \$1,000 donation to a fund administered by the City used to promote social equity in the City of Pontiac, a negatively impacted community, by promoting advocacy around criminal justice issues related to marihuana prohibition, supporting youth who have been negatively impacted by the war on drugs as it relates to the prohibition of marihuana, and community education and outreach on adult-use marihuana in general. The maximum number of scoring points in this category shall be ten (10) points.

(9) Whether the applicant received conditional approval for a medical marihuana provisioning center permit pursuant to City of Pontiac's Medical Marihuana Facilities Ordinance, Article XXX , Section 26.1491 et seq., is not currently in default of compliance with Article XXX, and has received site plan approval from the City's Community Development Department and has started construction of the medical marihuana provisioning center subject to receipt of a valid building permit from the City not less than 30 days prior to the application for Marihuana Retailer or Social Equity Retailer permit. The maximum number of scoring points in this category shall be twenty (20) points.

(10) Whether the applicant has rehabilitated and/or redeveloped within three (3) years before the submittal of the application under this ordinance, or will rehabilitate and/or redevelop, an existing building by demolishing and rebuilding or completely renovating a building that has been vacant or had been vacant as registered with the City for one (1) year or more. The maximum number of scoring points in this category shall be ten (10) points.

(11) Whether the applicant has rehabilitated and/or redeveloped within three (3) years before the submittal of the application under this ordinance, or will rehabilitate and/or redevelop, an existing building by demolishing and rebuilding or completely renovating a building that has been cited as blighted or dangerous or had been cited as blighted or dangerous (as such term is defined in the City's Code of Ordinances). The maximum number of scoring points in this category shall be ten (10) points.

(12) Whether an applicant proposes a social equity plan that promotes and encourages social equity participation and ownership in the marihuana industry by persons who reside in disproportionately impacted communities in those Michigan communities designated by the State of Michigan, who have been disproportionately impacted by marijuana prohibition and enforcement, and to positively impact those communities, in accordance with MCL 333.27958(1)(j). The maximum number of scoring points in this category shall be fifteen (15) points.

(13) Whether an applicant demonstrates social equity participation and greater than 50% ownership by persons who reside in disproportionately impacted communities in those Michigan communities designated by the State of Michigan, who have been disproportionately impacted by marijuana prohibition and enforcement, and to positively

impact those communities, in accordance with MCL 333.27958(1)(j). The maximum number of scoring points in this category shall be fifteen (15) points.

(g) Overall scoring and ranking shall be conducted and applied by the Clerk on the basis of assigned points from zero (0) points to one hundred and sixty five (165) points with the lowest overall total score as zero (0) points and the highest possible total score being one hundred and sixty five (165) points.

(h) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate retailer establishments, awarding conditional permits to the seventeen (17) highest scoring applicants. In the event of an evaluation scoring tie, which causes there to be more than seventeen (17) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Retailer. In the event that the number of Retailer permits falls below the maximum number authorized under this ordinance, the clerk shall not be required to score applicants. Instead, the clerk shall evaluate applications in the order that they are submitted and shall award permits for Retailers to an applicant who submits a complete application, receives the approvals required in this section, and meets the requirements of this ordinance. However, in no event shall the number of Retailer permits exceed the maximum number authorized under this ordinance.

(i) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate Class A Microbusinesses, awarding conditional permits to the five (5) highest scoring applicants. In the event of an evaluation scoring tie, which causes there to be more than five (5) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Class A Microbusiness. In the event that the number of Class A Microbusiness permits falls below the maximum number authorized under this ordinance, the Clerk shall not be required to score applicants. Instead, the Clerk shall evaluate applications in the order that they are submitted and shall award permits for Class A Microbusinesses to an applicant who submits a complete

application, receives the approvals required in this section, and meets the requirements of this ordinance. However, in no event shall the number of Class A Microbusiness permits exceed the maximum number authorized under this ordinance.

(j) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate Designated Consumption Establishments, awarding conditional permits to the three (3) highest scoring applicants for the North of Huron locations. In the event of an evaluation scoring tie, which causes there to be more than three (3) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Designated Consumption Establishment. In the event that the number of Designated Consumption Establishment permits falls below the maximum number authorized under this ordinance, the Clerk shall not be required to score applicants. Instead, the Clerk shall evaluate applications in the order that they are submitted and shall award permits for Designated Consumption Establishment to an applicant who submits a complete application, receives the approvals required in this section, and meets the requirements of this ordinance. However, in no event shall the number of Designated Consumption Establishment permits exceed the maximum number authorized under this ordinance.

(k) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate Designated Consumption Establishments, awarding conditional permits to the three (3) highest scoring applicants for the South of Huron locations. In the event of an evaluation scoring tie, which causes there to be more than three (3) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Designated Consumption Establishment. In the event that the number of Designated Consumption Establishment permits falls below the maximum number authorized under this ordinance, the Clerk shall not be required to score applicants. Instead, the Clerk shall evaluate applications in the order that they are submitted and shall award permits for Designated Consumption Establishment to an applicant who submits a complete application, receives the approvals required in this section, and meets

the requirements of this ordinance. However, in no event shall the number of Designated Consumption Establishment permits exceed the maximum number authorized under this ordinance.

(l) At the conclusion of the twenty-one (21) day application period, the Clerk shall begin processing applications for permits to operate Social Equity Retailer establishments, awarding conditional permits to the six (6) highest scoring applicants. In the event of an evaluation scoring tie, which causes there to be more than six (6) applicants who achieve scores sufficient to qualify for a permit, the scoring-tied applicants will be entered into a random draw and the tie will be resolved through a blind lottery drawing to determine which applicant will receive recommendation for approval. Those applications randomly selected shall be eligible to receive a permit to operate a Social Equity Retailer. In the event that the number of Social Equity Retailer permits falls below the maximum number authorized under this ordinance, the clerk shall not be required to score applicants. Instead, the clerk shall evaluate applications in the order that they are submitted and shall award permits for Social Equity Retailers to an applicant who submits a complete application, receives the approvals required in this section, and meets the requirements of this ordinance. However, in no event shall the number of Social Equity Retailer permits exceed the maximum number authorized under this ordinance.

(m) The Clerk will grant a final permit to a retailer, social equity retailer, Class A microbusiness and designated consumption establishment if the applicant obtains final site plan approval and special land use approval within 6 months of receiving a conditional permit, obtains an operating permit from the City and an operating license from the Department within 18 months after the conditional permit is granted, and enters into a written agreement with the City confirming that the marihuana establishment will operate in accordance with the business plans, building plans, design standards, social equity plans and all other operational standards described by the applicant in the application materials submitted. The agreement shall further provide that if the establishment breaches the agreement, then the City may revoke authorization of the establishment following notice and a public hearing, and that in such event, the City shall be entitled to injunctive relief barring further operation of the establishment in the City. An extension of 6 months to obtain an operating permit from the City and an operating license from the Department may be granted in the discretion of the Clerk upon a showing of good cause for the delay.

(n) Nothing in this section is intended to confer a property or other right, duty, privilege or interest in a permit of any kind or nature whatsoever, including, but not limited to, any claim of entitlement.

(o) The Clerk may engage professional expert consultant assistance in performing the Clerk's duties and responsibilities under this Ordinance.

#### **Sec. 14. Social Equity Retailers**

(a) The City has created a permit process to allow state social equity qualifiers to apply for and be awarded social equity retailer permits in zoning districts designated in the City zoning ordinance. The City shall permit six (6) social equity retailer licenses for social equity applicants, including franchisees, who demonstrate and document 51% or more ownership by social equity qualifying applicants, including ownership structure of the entity that identifies the ownership percentage held by each stakeholder.

(b) Social equity applicants for social equity retailer permits may apply for other available adult-use permits including retailer establishment permits, except they may not apply for a Class A microbusiness, safety compliance facility or secure transporter permit.

#### **Sec. 15. Odor Control.**

(a) No Marihuana Business, permittee, person, tenant, occupant, licensee, landlord or property owner shall permit the release of marihuana odors from any origin to cause obvious odors emanating from the premises in which they derived and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a marihuana odor interferes with the reasonable and comfortable use and enjoyment of another's property shall be determined by the objective standards of a reasonable person of normal sensitivity.

(b) Marihuana Businesses shall use sufficient procedures to prevent smoke, odor, debris, dust, fluids and other substances from escaping the premises of the Marihuana Business. If any smoke, odor, debris, dust, fluids or other substances leave the Marihuana Business 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 permittee for the Marihuana Business and the owner of the premises shall be jointly and severally liable for such conditions and shall be responsible for immediate, full cleanup and correction of such condition. The permittee shall properly dispose of all such materials, and other substances in a safe, sanitary, and secure manner in compliance with all federal and state laws and regulations, and this chapter.

1. A plan for ventilation of the Marihuana Business that describes the ventilation systems that will be used to prevent any odor of marihuana off the premises of the business. Such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For marihuana infused products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.

2. Cultivated, produced, or distributed by a Marihuana Business. A Marihuana Business shall be ventilated so that the odor of marihuana cannot be detected by a person with a normal sense of smell at the exterior of the Marihuana Business or at any adjoining use or property.

3. Sufficient measures and means of preventing smoke, odor, debris, dust, fluids and other substances from exiting a Marihuana Business must be provided at all times. In the event that any odors, debris, dust, fluids or other substances exit a marihuana establishment, the owner of the subject premises and the permittee shall be jointly and severally liable for such conditions and shall be responsible for immediate, full clean-up and correction of such condition. The Marihuana Business shall properly dispose of all such materials, items and other substances in a safe, sanitary and secure manner and in accordance with all applicable federal, state and local laws and regulations.

## **Sec. 16. Social Equity**

(a) A permittee must use good-faith efforts in hiring employees who have been negatively impacted by marihuana prohibition. Adult-use recreational marihuana businesses should use good-faith efforts to hire and retain 25 percent of its employees who are low income or live in the City of Pontiac.

## **Sec. 17. Class A Microbusinesses**

(a) A Class A microbusiness is subject to all applicable provisions in this Ordinance related to growers, processors, and retailers.

(b) All Class A Microbusinesses, shall comply with all applicable requirements of the City of Pontiac's zoning ordinance except where otherwise specified in this Ordinance.



(c) All Class A Microbusinesses shall be classified as Special Land Uses in the permitted zoning districts.

(d) A masonry screen wall shall be provided along all property lines abutting property that is zoned for residential use, subject to the requirements of the Pontiac Code of Ordinances.

(e) Class A Microbusinesses are prohibited if the location is within 1,000 feet from any pre-existing School; (i) the distance separation requirement between the school and the contemplated location set forth above shall be measured along the centerline of the street or streets of address between two fixed points on the centerline determined by projecting straight lines, at right angles to the centerline, from the primary point of ingress to the School, and from the primary point of ingress to the contemplated location along the centerline to the primary street address building entrance, regardless of the ownership of property or Permittee.

(f) Class A Microbusinesses located outside of the Downtown Overlay District shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises between the hours of 10:00 p.m. and 7:00 a.m. Class A Microbusinesses located in the Downtown Overlay District shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises, between the hours of 2:00 a.m. and 7:00 a.m.

(g) Drive throughs and drive through, walk-up window service, and curbside service shall be a prohibited use for all Class A Microbusinesses.

## **Sec. 18. Designated Consumption Establishments.**

(a) All Designated Consumption Establishments shall comply with all applicable requirements of the City of Pontiac's zoning ordinance.

(b) Designated Consumption Establishments shall be limited to Downtown Overlay District as identified in the City zoning ordinance and on the City Zoning Map, with three Designated Consumption Establishments permitted north of Huron Street and three Designated Consumption Establishments permitted south of Huron Street.

(c) Designated Consumption Establishments shall be closed for business, and no consumption of marihuana in any form shall occur upon the premises between the hours of 2:00 a.m. and 7:00 a.m.

(d) Designated Consumption Establishments shall be classified as Special Land Uses in the permitted zoning districts.

(e) A masonry screen wall shall be provided along all property lines abutting property that is zoned for residential use, subject to the requirements of the Pontiac Code of Ordinances.

(f) Designated Consumption Establishments are prohibited if the location is within 1,000 feet from any pre-existing School; (i) the distance separation requirement between the school and the contemplated location set forth above shall be measured along the centerline of the street or streets of address between two fixed points on the centerline determined by projecting straight lines, at right angles to the centerline, from the primary point of ingress to the School, and from the primary point of ingress to the contemplated location along the centerline to the primary street address building entrance, regardless of the ownership of property or Permittee.

(f) A Designated Consumption Establishment shall:

(1) Install and maintain an operable ventilation and filtration system to remove smoke to the outside of the building and eliminate odor at the property line of the premises;

(2) Prominently display a sign near the entrance of the business which carries the following warning:

*WARNING: Marihuana use by pregnant or breastfeeding women, or by women planning to become pregnant, may result in fetal injury, preterm birth, low birth weight, or developmental problems for the child.*

## **Sec. 19. Marihuana Business Co-Location and Stacking.**

(a) Separate Marihuana Business grower, processor, retailer, Class A microbusiness, and designated consumption establishment uses, shall be permitted to operate at the same location subject to permit approval for each use from the City. Establishments operating at the same location must have permit approval for each Marihuana Business type and use described above.

(b) Consistent with the MRTMA and the Rules, applicants for Class C grower permits shall be allowed to stack and receive multiple Class C grower permits, and to operate under each permit in a single establishment.

## **Sec. 20. Transfer of Location Prohibited; Transfer of Ownership and Assets.**

(a) Transfer of Location Prohibited. Permittees may not transfer a permit issued under this ordinance to a different location.

(b) Transfer of Ownership or Assets. Permittees may apply to the Clerk to transfer ownership or assets of a permittee's business and the permit issued under this ordinance to a different individual or entity, subject to receiving in advance written approval from the Clerk and the Department pursuant to the MRTMA and the Rules. In order to request City approval to transfer ownership or assets and a permit to a different individual or entity, the permittee must make a written request to the Clerk, indicating the current permittee and the proposed permittee. The proposed permittee shall submit a complete application to the Clerk, and the Clerk shall grant the request so long as the proposed permittee meets all requirements outlined in this Ordinance and the Department authorizes the transfer pursuant to the MRTMA and the Rules. A sale or transfer of an ownership interest of a social equity applicant shall be at a price no less than fair market value and the buyer or transferee shall be qualified as a social equity applicant.

(c) With submission of a complete transfer of ownership or assets application, the proposed permittee for an ownership or asset transfer shall pay a nonrefundable application fee of \$5,000.00, in order to offset costs of the City associated with review of the proposed permittee's qualifications for a permitted marihuana business operation.

## **Sec. 21. Permits Generally**

(a) Permittees shall report any material change in the required information to the Clerk within twenty four (24) hour and shall report any non-material change in the required information to the Clerk within ten (10) business days of the change. Failure to do so may result in a fine, suspension or revocation of the license.

(b) Permit approval shall not be effective, and no Marihuana Business may operate, unless the Marihuana Business has obtained a State License, the site of the proposed use and proposed structure for the Marihuana Business has zoning approval for such use, and the proposed final site plan and special land use has been approved by the Planning Commission.

**Sec. 22. Term of Marihuana Business Permit.**

- (a) Approval of a permit shall be for a period of one calendar year subject to continued compliance with this ordinance, the City Code, MRTMA and the Rules.
- (b) Each permit for that current year shall be displayed in a conspicuous spot in the location.
- (c) A permittee shall remove any expired permit on display and replace it with the current permit. A permittee shall not attempt nor act in any fraudulent manner in regard to the display of any permit.

**Sec. 23. Closing of Marihuana Business.**

- (a) A permittee that closes a Marihuana Business must comply with the requirements issued by the Michigan Cannabis Regulatory Agency.
- (b) Within thirty (30) days of a permittee ceasing operations, written notification must be provided to the City Clerk.
- (c) The permittee shall furnish to the City a current forwarding address, phone number and email for all permittees.
- (d) The permittee shall surrender its Marihuana Business permit to the City upon the expiration of the thirty (30) days' notice to the City.

**Sec. 24. Annual Marihuana Business Permit Renewal.**

- (a) Application for a permit renewal shall be made in writing to the Clerk at least 30 days prior to the expiration of an existing permit. Failure to submit a completed application for renewal of an existing permit along with the required renewal fee to the City Clerk on or before the license expiration date shall be grounds for the revocation or suspension of a permit. Any authorized establishment that has not timely submitted a renewal application as required herein shall suspend all business operations until such time as a renewal permit has been obtained.
- (b) An application for permit renewal shall be made under oath on forms provided by the Clerk.
- (c) An application for permit renewal shall be accompanied by a renewal fee of \$5,000.00 for each permit to help defray administrative and enforcement costs of the City associated with the operation of the Marihuana Business.

(d) Upon receipt of a completed application for renewal of a permit meeting the requirements of this ordinance and payment of the permit renewal fee, the Clerk shall refer a copy of the renewal application to the fire department and the Community Development Department, planning division, and other appropriate City departments and officials for review.

(e) No application for a permit renewal shall be approved unless:

(1) The fire department and the Community Development Department, planning division, and other appropriate departments have, within the past calendar year, inspected the proposed location for compliance with all state and local building, electrical, fire, mechanical and plumbing requirements.

(2) The Community Development Department, planning division, and other relevant departments have confirmed that the location complies with the zoning ordinance.

(3) The permittee possesses the necessary State Operating Licenses in good standing with the Department.

(4) The applicant has operated the Marihuana Business in accordance with the conditions and requirements of this ordinance and the City Code.

(5) The permittee has not been determined to be a public nuisance.

(6) An explanation, with supporting factual data, that the operations of the business have been consistent with all of the plans submitted with its application for a permit, including but not limited to the staffing plan, the neighborhood communication/education plan, and proof of an insurance policy covering the business and naming the City of Pontiac, its elected and appointed officials, employees, and agents, as additional insured parties, primary and non-contributory available for the payment of any damages arising out of an act or omission of the applicant or its stakeholders, agents, employees, or subcontractors, in the amount of:

- a. at least Two Million Dollars (\$2,000,000) for property damage;
- b. at least Two Million Dollars (\$2,000,000) for injury to one (1) person; and
- c. at least Two Million Dollars (\$2,000,000) for injury to two (2) or more person resulting from the same occurrence.

The insurance policy underwriter must have a minimum A.M. Best Company insurance ranking of B+, consistent with state law. The policy shall provide that the City shall be notified by the insurance carrier thirty (30) days in advance of any cancellation or reduction in coverages.

(7) An explanation, with supporting factual data, of the efforts and success achieved by the social equity plan of the business to promote and encourage participation in the marihuana industry by local residents that have been disproportionately impacted by marihuana prohibition and enforcement, and the positive impact of the social equity plan on local residents.

(9) The City Treasurer has confirmed that the applicant and each stakeholder is not in default to the City for any property tax, special assessment, utility charges, fines, fees or other financial obligation owed to the City.

(10) The City has reviewed the application and determined that the applicant has satisfied the requirements of this Ordinance with respect to the criminal background check and security plan.

(11) Unless the applicant shows good cause, the applicant shall demonstrate to the City Clerk that the applicant was open and conducting business for a minimum of twenty (20) hours per week during each and every week of the prior year. The term "good cause" shall mean substantial grounds, such as an emergency, fire damage, or other unforeseeable circumstances that prevented the applicant from conducting business for a minimum of twenty (20) hours per week during each and every week of the prior year. Economic or financial decisions, or inability to secure capital or financial resources that prevented an applicant from conducting business for a minimum of twenty (20) hours per week during the prior year shall not be good cause.

(f) If written approval is given by each department or entity identified in this section, and the Clerk determines that the applicant has satisfied subsections (a), (b), (c), (d) and (e) of this Section, then the Clerk shall renew the permit of the applicant.

**Sec. 25. Denial, Nonrenewal, Suspension, or Revocation of Marihuana Business Permit; Basis for Action; Appeal.**

(a) Each Marihuana Business within the City for which a permit is granted shall be operated and maintained in accordance with all applicable City, State and federal laws, rules, and regulations. Any permit issued under this Ordinance may be revoked or suspended by the City after written notice and an administrative hearing if a City official finds and determines that grounds for revocation or suspension exist. Any grounds for revocation or suspension of a permit must be provided to the permittee at least ten (10) days prior to the date of the hearing by first class mail to the address given on the application or any address provided to the Clerk in writing subsequent to the filing of an application. The Clerk shall notify an applicant of the reasons for denial of an application for a permit, for permit renewal, or for suspension or revocation of a permit, or any adverse decision under this ordinance and provide the applicant or permittee an administrative hearing with the opportunity to be heard.

(b) In addition to any other reasons set forth in this ordinance, the City may refuse to issue a permit, may refuse to grant renewal of a permit, and may suspend or revoke a permit pursuant to Pontiac City Ordinance sections 1-24 or for any of the following reasons:

(1) A violation of any provision of this Ordinance, including, but not limited to, the failure to provide the information required by this Ordinance;

(2) Any disqualifying conviction or pattern of convictions by the permittee or any stakeholder of the permittee including any conviction of any felony or any misdemeanor involving controlled substances, theft, or dishonesty by the applicant, permittee, stakeholder, or any person holding an ownership interest in the licensee;

(3) Failure of the permittee to obtain or maintain a State License or approval pursuant to MRTMA and MMFLA;

(4) Commission of fraud or misrepresentation or the making of a false statement by the applicant, permittee, or any stakeholder of the applicant or permittee, while engaging in any activity for which this Ordinance requires a permit;

(5) The Marihuana Business is determined by the City to have become a public nuisance or otherwise is operating in a manner detrimental to the public health, safety or welfare;

(6) Failure of the permittee to maintain the property causing a blighted or other condition in violation of any City ordinance, including but not limited to, Ord. No. 2355, 8-9-18, or in violation of any state law, including but not limited to, MCL 125.538 to 125.542.

(7) Any default in the payment of any charges, taxes, or fees, to the City if not cured upon thirty (30) days following notice sent by electronic means or mail to the address of the Marihuana Business. This cure period does not apply to scoring of initial applications for Retailer, Social Equity Retailer, Class A Microbusiness and Designated Consumption Establishment permits;

(8) Violation of any State law applicable to Marihuana Businesses.

(9) Failure to obtain or maintain a certificate of occupancy from the Building Department;

(10) Failure of the permittee to obtain or maintain a permit or to renew a permit from the City Clerk; or

(11) The establishment's approved site plan is determined to be in substantial violation by the City.

(c) Appeal of denial of an application, denial of renewal, or revocation or suspension of a permit: Any applicant or permittee aggrieved by the denial, non-renewal, suspension or revocation of a permit or adverse decision under this ordinance may appeal to the Clerk, by filing with the Clerk, within fourteen (14) days after notice of the action complained of has been mailed or e-mailed to the applicant or to permittee's last known address on the records of the Clerk, a written statement setting forth fully the grounds for the appeal. The Clerk shall appoint a hearing officer to hear and evaluate the appeal and make a written recommendation and report to the Clerk. The Clerk shall review the report and recommendation of the hearing officer and issue a written decision. The Clerk's decision may be appealed to the Marihuana Business Commission by filing an appeal in writing to the Marihuana Business Commission no later than thirty (30) days after the Clerk's decision. The review on appeal of a denial, non-renewal, suspension, or revocation or adverse action shall be by the Marihuana Business Commission pursuant to this ordinance. The Marihuana Business Commission shall overturn a decision or finding of the Clerk if it finds such decision or finding to be arbitrary or capricious and/or not supported by material, substantial, and competent facts on the whole record considered by the Clerk in arriving at such decision or finding. Any decision by the Marihuana Business Commission on an appeal shall be final for purposes of judicial review. The Clerk may engage professional consultants to assist with the review and scoring of applications under this section.



(d) Following the denial of a permit to an applicant for a retailer permit, social equity retailer permit, Class A microbusiness permit or designated consumption establishment permit, and any subsequent appeal during the recommendation and issuance process, the Clerk may move to recommend the application with the next highest number of scoring points as determined in the application process to be awarded a permit.

(e) The City Clerk shall notify the Michigan Cannabis Regulatory Agency of all renewal applications which are renewed or denied, and all permits that are suspended or revoked.

(f) A permittee whose renewal application is denied, must submit a new application as a new applicant.

#### **Sec. 26. Penalties; temporary suspension of a permit.**

(a) The City may require an applicant or permittee of a Marihuana Business to produce documents, records, or any other material pertinent to the investigation of an applicant or permittee or to an alleged violation of this Ordinance or state law and rules. Failure to provide the required material may be grounds for application denial, or permit suspension or revocation.

(b) Any person in violation of any provision of this Ordinance, including the operation of a Marihuana Business without a permit shall be responsible for a civil infraction and shall be subject to a civil fine and costs. Increased civil fines may be imposed for a repeat violation. As used in this Ordinance "repeat violation" shall mean a second or any subsequent infraction of the same requirement or provision committed by a person or establishment within any twenty-four (24) month period. Unless otherwise specifically provided in this Ordinance, the penalty schedule is as follows:

- (1) Five Hundred Dollars (\$500), plus costs, for the first violation;
- (2) One Thousand Dollars (\$1,000), plus costs, for a repeat violation;
- (3) Three Thousand Dollars (\$3,000), plus costs for any repeat violation that continues for more than one day.

(c) The City may temporarily suspend a Marihuana Business permit without a prior hearing if the City finds that public safety or welfare requires emergency action affecting the public health,

safety, or welfare. The City shall cause the temporary suspension by issuing a suspension notice in connection with institution of proceedings for notice and a hearing.

(d) If the City temporarily suspends a permit without a prior hearing, the permittee is entitled to a hearing within thirty (30) days after the suspension notice has been served on the permittee or posted on the permitted premises. The hearing shall be limited to the issues cited in the suspension notice.

(e) If the City does not hold a hearing within thirty (30) days after the date the suspension was served on the permittee or posted on the permitted premises, then the suspended permit shall be automatically reinstated and the suspension vacated.

(f) The penalty provisions herein are not intended to foreclose any other remedy or sanction that might be available to, or imposed by the City, including criminal prosecution.

#### **Sec. 27. Severability Clause.**

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

#### **Sec. 28. Effective Date.**

This Ordinance shall become effective: (a) 30 days following the date of adoption, (b) the effective date of the amendment to ordinance #2360 (removing the prohibition of marihuana establishments); or (c) the effective date of the zoning code text amendments permitting Adult-Use Marihuana Business land uses, whichever is later.

#### **Sec. 29. Publication.**

## CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Pontiac, County of Oakland, State of Michigan, at a regular meeting of the City Council held on \_\_\_\_\_ day of \_\_\_\_\_, 2023, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the minutes of said meeting have been or will be made available as required by said Act.

Members Present: \_\_\_\_\_

Members Absent: \_\_\_\_\_

It was moved by Member \_\_\_\_\_ and supported by Member \_\_\_\_\_ to adopt the Ordinance.

Members voting Yes: \_\_\_\_\_

Members voting No: \_\_\_\_\_

Members Abstaining: \_\_\_\_\_

The Ordinance was declared adopted by the Mayor and has been recorded with the City of Pontiac.

\_\_\_\_\_  
Garland Doyle, City Clerk  
City of Pontiac, Michigan

ADOPTED:

PUBLISHED:

EFFECTIVE:

**#3**

# **ORDINANCE**

Mark Yandrick  
Planning Manager  
myandrick@pontiac.mi.us  
248-758-2824



Community Development  
Department  
Planning Division  
47450 Woodward Avenue  
Pontiac, MI 48342

TO: City Council

FROM: Mark Yandrick, Planning Manager

DATE: March 24, 2023

RE: Staff Report: Adult User Marihuana Zoning Text Amendment, Woodward Gateway Overlay District Zoning Map Amendment

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**Executive Summary:**

City Staff propose Zoning Text and Zoning Map Amendments to permit Adult-Use Marihuana land uses within the City of Pontiac.

Planning Commission reviewed the Zoning Map Amendments during a public hearing at the March 1, 2023 Planning Commission meeting and recommended approval of the Ordinance that includes the Woodward Gateway Overlay District. Planning Commission also reviewed the Text Amendments at the same meeting and recommended approval of the Ordinance that includes the Woodward Gateway Overlay District with four (4) conditions of approval.

City Council reviewed five (5) motions to amend items in this agreement, which are incorporating into the second reading of this ordinance.

**Overview:**

City Council approved Resolution 22-189 on July 5, 2022, directing City Administration to draft a Municipal Code and Zoning Code ordinance for regulated sales of recreational marihuana (hereby known as Adult-Use Marihuana) in Pontiac. This resolution was adopted to highlight support for the exploration of ordinances permitting and regulating Adult-Use Marihuana land uses in the City.

City Council is concurrently considering amendments to the Pontiac Municipal Code. Both the proposed Municipal Code and Zoning Code amendments aim to adopt home-rule regulations for the City of Pontiac, that follows the guidelines of the Michigan Regulation and Taxation of Marihuana Act of 2018.

The City Administration and Staff's goal is to create regulations similar but stronger zoning regulations to the City's Medical Marihuana Regulations, which were passed by referendum in 2018, including restricting adult-use marihuana facilities to the three (3) Overlay Districts, which were previously created to allow for Medical Marihuana facility uses. Because the City is initiating these amendments, as opposed to a referendum created by outside special interest groups, the City has more flexibility to create a new ordinance that aligns the regulations with the City's vision and goals and restricts the majority of the land uses to the three (3) or four (4) Overlay Districts.

Because Table 2 for is proposed to be renumbered to Table 2.1 to create Table 2.2 for Adult-Use Marihuana Uses permitted in the Overlay Districts, the sections that identify Table 2 are included in this Ordinance.

**Proposal:**

The proposed amendment includes the authorization for the following nine (9) Adult-Use Marihuana uses to operate in certain designated "Overlay Districts" within the City.

1. Designated Consumption Facilities
2. Grower Facility
3. Class A Microbusiness
4. Processor
5. Retailer
6. Social Equity retailer
7. Safety Compliance Facility
8. Secure Transporter
9. Temporary Marihuana Event

The proposed amendment also sets forth reasonable zoning regulation for medical marihuana caregivers.

**Districts:**

Two (2) Ordinances are provided. One incorporates the three (3) Overlay Districts (Downtown Overlay District, Cesar E. Chavez Overlay District, and East Walton Overlay District) that were adopted for the Medical Marihuana Ordinance in the City of Pontiac in 2018, The other Ordinance regulates the uses in those three (3) overlay districts but includes a fourth district, the Woodward Overlay District.

The three (3) overlay districts selected for the Medical Marihuana Ordinance were chosen for their economic diversity for different types of business and strategic priority where the presence of marihuana facilities may help revitalize these overlay districts. The Woodward Overlay District is considered primarily as the at-large conditional approvals for the City of Pontiac medical marihuana process were issued to locations on Woodward Avenue.

**Existing Overlay Districts**

The proposed Adult-Use Marihuana Overlay Districts identify three (3) existing overlay districts that are identical to the Medical Marihuana Overlay Districts. These three (3) Districts, which include the C-2 Downtown Overlay District, the East Walton Overlay District, and the Cesar Chavez Overlay District, were identified for the Medical Marihuana legislation for the following reasons:

- Significant number of properties zoned C-2, C-3, M-1, and M-2;
- Marihuana businesses are appropriate land uses and compatible with current businesses;
- A sound, sustainable approach to centralize marihuana businesses to encourage further private and public investment;
- Marihuana businesses would be located on either an MDOT state trunkline [Cesar Chavez] or a Major Road [Walton Boulevard];
- The roads have sufficient capacity to handle additional traffic;
- Marihuana businesses in these corridors will have minimal impact on residential neighbors;
- Corridors are fully serviced by utilities/infrastructure with sufficient capacity, and;
- Police and fire will have quick access with minimal response time to the Overlay Districts.

Exhibit A: East Walton Overlay District (District 1)

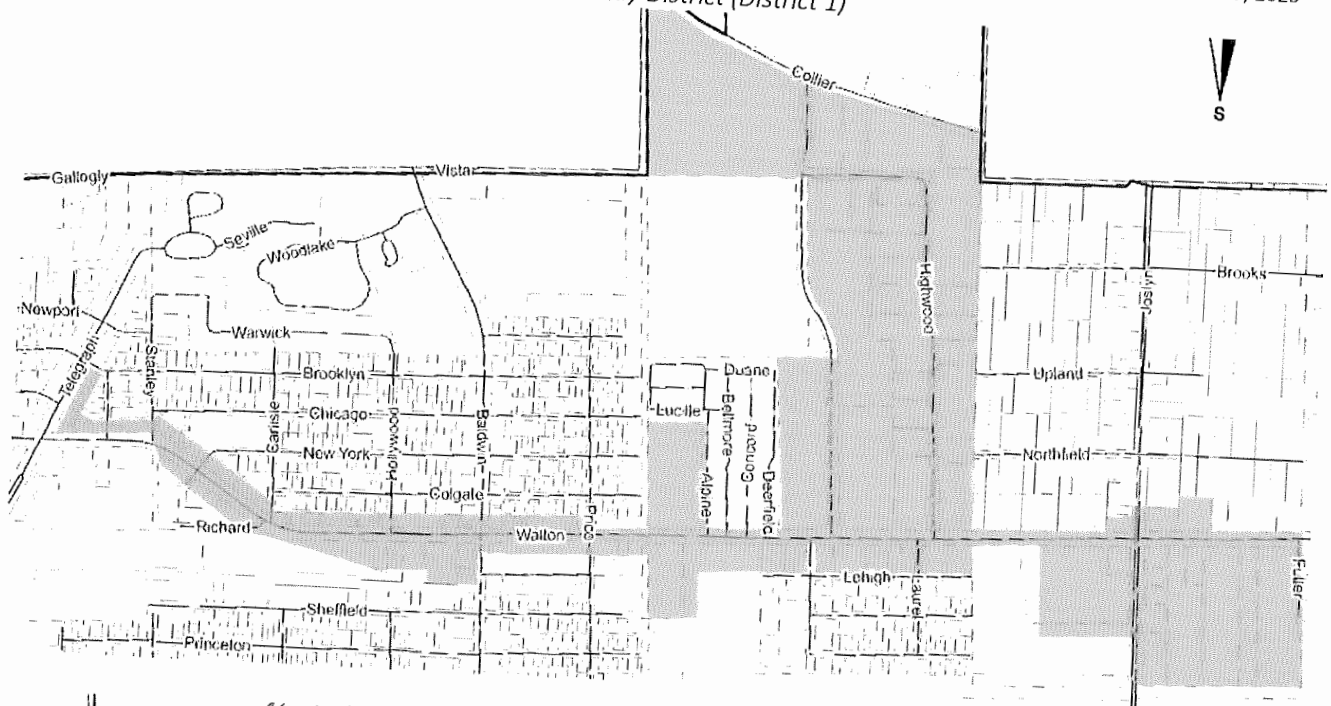


Exhibit B: Cesar E. Chavez Overlay District (District 2)

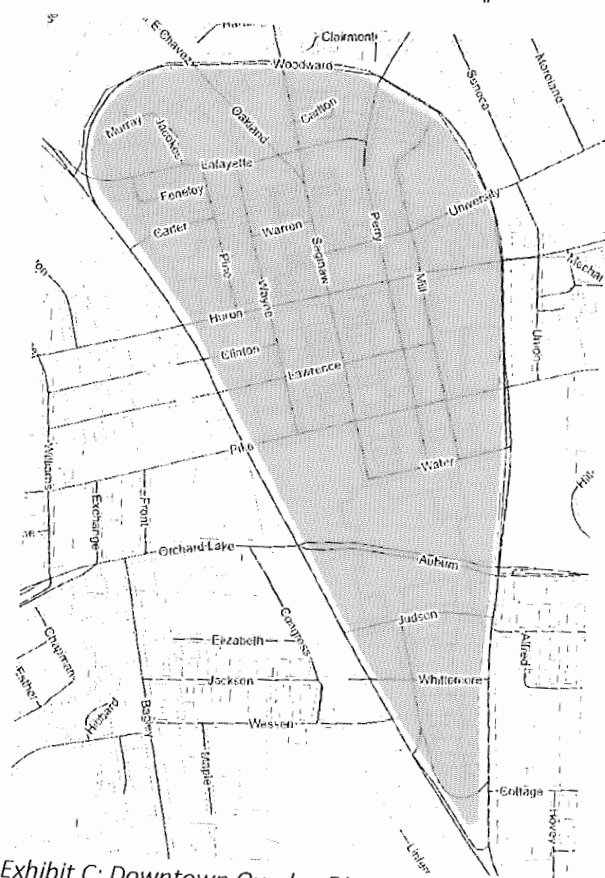


Exhibit C: Downtown Overlay District (District 3)

### Woodward Gateway Corridor

The proposal for the Woodward Gateway Corridor are properties along Woodward Avenue from Central Avenue to Woodward Avenue Corridor is one of the leading gateways into the City. This gateway is an extension of the M-1 highway from Detroit to Pontiac and efficiently brings visitors into the City and Downtown Pontiac. This corridor is a main gateway to Downtown Pontiac and according to the most recent Southeast Michigan Council of Governments (SEMCOG) data, this stretch records an average daily traffic count of approximately 14,000-17,000 vehicles per day depending on the stretch of Woodward.

The M-1 Concourse, on the northwest corner of South Boulevard and Woodward Avenue, is considered a staple of the corridor. The 76-acre property hosts entertainment events throughout the year and attracts visitors to the site. Aside from M-1, the Trinity Health Oakland Hospital Campus has a prominent hospital near Martin Luther King Boulevard. The other uses include various Commercial Corridor (C-3), and Light Industrial (M-1) zoned properties where storage facilities, light industrial businesses, and a handful of retail, restaurants, and gas stations on the property exist on the corridor.

The importance of this corridor is that it brings drivers and visitors to Downtown Pontiac. The approved Medical Marihuana and the proposed Adult-Use Marihuana Ordinances' intent is to be a redevelopment strategy for Downtown Pontiac and the two other Overlay District corridors. Staff has concerns that allowing Adult Use Marihuana on Woodward Avenue would allow visitors from the south, southeast, and southwest points of the City to be able to purchase from a business on the Woodward Gateway Corridor, stopping them from entering Downtown Pontiac.

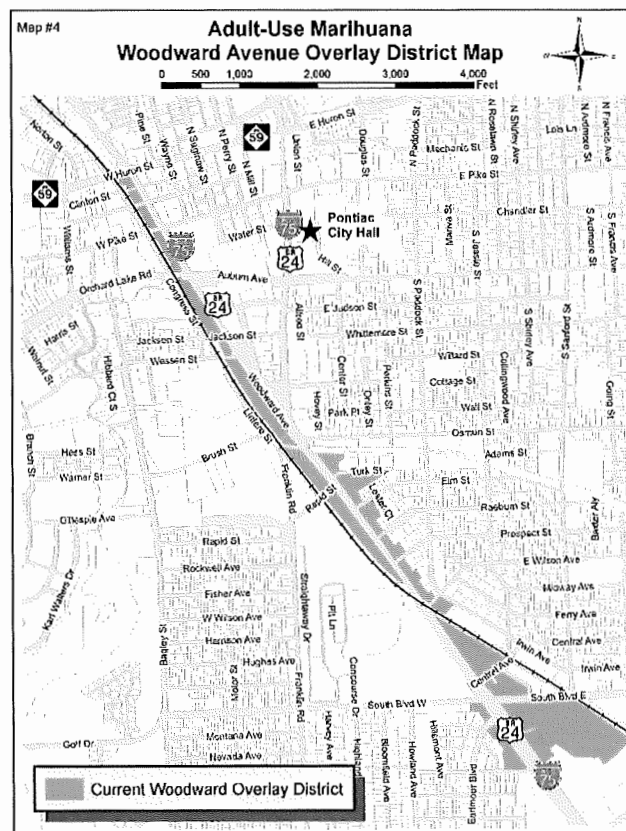


Exhibit D: Woodward Gateway Overlay District



While the City is looking to promote Adult-Use Marihuana in the City, the proposal is only for two (2) regular retail businesses and one (1) social equity retailer because it is a small corridor of properties. The goal is to make Pontiac economically viable for a diversity of land uses, not just from one industry or land use in this corridor.

Looking further at the current configuration of the corridor, there are some building facades and properties that are showing age, disrepair and lack of upkeep to modern development. This can be partly attributed due to the lack of effective planning and economic development strategies over the last 12 years. Current Community Development managers have identified this as an area for future revitalization strategies. This corridor is a key gateway to the City. Woodward Avenue is a wide road that can handle much higher traffic volumes. Having a cluster of Adult-Use Marihuana businesses on this corridor may limit what design, land use, and placemaking strategies occur on this gateway in the future. A key question is whether Adult-Use Marihuana on Woodward Avenue would restrict and aid future growth on this corridor and whether adult-use marihuana on Woodward Avenue would impact redevelopment opportunities in the other three (3) Overlay Districts. Additionally, would Woodward Gateway Overlay District restrict future land uses siting on this corridor if a site was surrounded by Adult-Use Marihuana businesses? While the addition of Adult-Use Marihuana in the City is an intended as a strategy with the proposed legislation, staff does not want to restrict future corridor growth opportunities from Adult-Use Marihuana businesses on this corridor.

#### **Regulations:**

Table 2.1 and Table 2.2 of the proposed zoning text amendment identifies the Zoning and Overlay Districts that each use is permitted or requires a Special Exception permit.

All uses must seek a Special Exception approval from Planning Commission except for the Temporary Marihuana Event, which only requires licensing from the Pontiac City Clerk and any necessary zoning and building approvals. This Special Exception includes any medical marihuana facilities that seek to convert to an adult-use marihuana facility.

In summary, Designated Consumption Facilities, Class A Microbusinesses and Temporary Marihuana Event Licensees may only seek approval to operate in the C-2 Downtown Overlay District. Grower Facilities and Processors may only seek approval in the East Walton and Cesar Chavez Overlay Districts. Secure Transporter facilities and Safety Compliance Facilities, are allowed to operate in the East Walton Boulevard and Cesar E. Chavez Adult-Use Marihuana Business Overlay Districts. The remaining Adult-Use Marihuana Retailers and Adult-Use Marihuana Social Equity Retailers may seek approval in each of the four (4) Overlay Districts.

The regulations also regulate security, space separation, prohibiting nuisance, disposal of water, licensing, signage, colocation, building design, and site sign.

#### **Signage:**

There are some limitations to the images and wording of Adult-Use Marihuana signage that are proposed due to drug-related content, such as marihuana leaves and wording associated with marihuana.

There are signage requirements that Adult-Use Marihuana signage needs to be a certain Bufferyard from Outside of that, the signage regulations for these uses will be required to

follow the sign regulations from Chapter 5 of the City's Zoning Code. Note that there are certain bufferyards for adult-use marihuana signage away from schools and daycares.

**Site Requirements:**

Several regulations for Adult Use Marihuana facilities are proposed that, when adopted, would be required when seeking their Special Exception Permit.

**Lighting**

A minimum site lighting, including minimum foot-candles and lighting levels is proposed for all parking and pedestrian areas in Retail, Social Equity retail, Class A Microbusinesses and Designated Consumption Facilities.

**Parking Lot Landscaping**

Parking lot landscaping and bufferyards will be need to be established between marihuana uses and properties zoned R-1, R-1a, R-1b, and R-2. Additionally

**Building Design**

Planning Commission will review the Building Design during the Special Exception permit process. Adult Use Marihuana establishments will be restricted from the percentage of windows that may be removed, shaded or made opaque. This figure is between 30% and 60% depending on the use and additionally, windows facing public streets may not be made opaque. However, Planning Commission is given discretion to require alternative architectural features in lieu of windows or opaqueness whenever the applicant is able to provide proof that their proposal meets state requirements beyond the City code requires.

**Caregivers**

Caregivers are proposed to be established as a land use. Due to nuisance and aesthetic concerns of electric demand, smell, and pollution for the Caregiver use, the City is proposing caregivers may only be located by in the IP-1 and M-1 Zoning Districts.

**Adult Use Marihuana Hours of Operation**

Planning Commission recommended approval of retail establishments in the Downtown Overlay District to match to Designated Consumption Lounge Facility, which are 7 am – 2 am.

Retail and social equity retail establishments that are located in the other three (3) overlay districts are allowed to operate from 7 am – 10pm. These hours match the regulations for Medical Marihuana for similar uses. While Planning Commission considered alignment to closing hours of retail facilities and regulations throughout the State of Michigan, which is primarily 9 pm, they decided to keep the hours the same as the approved Medical Marihuana facilities, which is adopted as 10 pm in the City of Pontiac.

**Site Inspections**

Proposed requirement include that each Adult-Use Marihuana establishment and Caregiver operation must be able to provide an inspection at any time by City officials, including the Fire and Building Departments. Failure to comply with the inspection or to pass an inspection allows the City to use zoning police powers to suspend operations until the site is brought back into compliance

**Additional Analysis on Proposed Ordinance, include Woodward Gateway Overlay District:**

**Community Economic Benefits:**

For similar reasons to medical marihuana, the economic benefit from these new medical marihuana

businesses will generate increased revenue to the City through medical marihuana application fees and excise, sales, income and property taxes. These revenues may fund City services for the betterment of the entire community. Adult-Use Marihuana facilities would open the doors to new businesses, jobs, and opportunities and spur development/redevelopment opportunities in areas in need of revitalization and investment. Additionally, when the City studied the City's Tax Increment Finance Authority [TIFA] Development Areas, significant economic benefits were identified for locating medical marihuana facilities within the TIFA 3 Development Area to increase revenues to pay down outstanding debt.

**Summary:**

The proposed Zoning Ordinance Text Amendments establishes this ordinance with either four (4) Adult-Use Marihuana Overlay Districts [AUMOD] and creates nine (9) land uses for Adult-Use Marihuana in the City of Pontiac. Each use needs to obtain a conditional and final licensing approval from the City of Pontiac City Clerk office and receive Special Exception approval from Planning Commission to operate in the desired location, before receiving zoning and building occupancy approvals. The proximity of the licensed, approved medical marihuana facilities by the state of Michigan and the City of Pontiac will have to be more than 1,000 feet from a public or private school, and more than 500 feet from a commercial childcare center, a public park with playground equipment. Additionally, there would be a 500-foot buffer for a tax-exempt religious institution in only the Cesar E. Chavez, Walton Boulevard, and Woodward Gateway Overlay Districts. Because of the cluster of buildings, businesses, and churches downtown, this religious institution buffer would not apply to downtown. Additionally, the use needs to establish a safe amount of lighting, landscaping and architecture while providing a certain minimum coverage, established by each Adult-Use Marihuana land use, for the aesthetic of windows.

These amendments aim to provide the community economic benefits, while the location primarily in Overlay Districts established areas of best siting that limit the impact to neighboring residential communities. The site design standards protect the health, safety, welfare, and aesthetics of the neighborhoods and corridors surrounding each business.

**Planning Commission Recommendation, Zoning Map Amendment:**

Planning Commission Recommended APPROVAL, 3-1, of the Zoning Map Amendment that included the Woodward Gateway Overlay District.

**Planning Commission Recommendation, Zoning Text Amendment:**

Planning Commission Recommended APPROVAL, 4-0, of the Ordinance with the Woodward with the following (4) conditions of approval at the March 1, 2023 Planning Commission meeting.

1. The Municipal Attorney may amend this proposed Text Amendment before it is presented to City Council to align the Zoning Text Amendments with any Municipal Code Amendments to the Adult-Use Marihuana Ordinance.
2. This Zoning Text Amendment is contingent upon the Zoning Map Amendment for the Woodward Gateway District being adopted by City Council.
3. The permitted hours of operations for marihuana retailers and social equity retailers in the Woodward Gateway Overlay District, Cesar E. Chavez Overlay District, and the East Walton Overlay District shall be 7 am – 10pm.
4. The use of other shades and shade color shall be added to the sections regarding the opaqueness restrictions for windows.

Conditions #1, #3, and #4 have been incorporated into the Zoning Text Amendment

### **City Council Motions**

City Council addressed the following four (4) motions at it's March 14 and March 21 City Council meetings.

1. Expanded the Woodward Gateway Overlay District
2. Revised the Retail Distribution to five (5) in each overlay district, except for the Woodward Gateway, which allows for (2)
3. Removed Woodward Gateway Overlay District requirement that Adult-Use Marihuana properties needed to be adjacent to M-1 or M-2 zoning districts.
4. Clarified language for buffer distance calculations to mirror the Medical Marihuana Ordinance, except where it changes the requirement from park playground to the entrance of the park.

### **Final Review Comments**

In final ordinance review, City Staff and Attorney's made grammatical corrections and aligned the code. The following identifies changes that were made that specifically addresses policy that City Council has not addressed in a motion yet.

1. For Adult Use Marihuana Secure Transporters, the land use table of Table 2.2 and Article 2.557.H.(1) were not previously aligned in regarding Secure Transporters in the C-2 district. The ordinance has been aligned to staff's previous memos and presentations where these uses would not be permitted in the Downtown Overlay District, which is also the C-2 Zoning District. General vehicle storage or sales are not permitted in the Downtown C-2 zoning district currently, so staff believes not allowed securing transporters in the Downtown Overlay District aligns with our current code.
2. As mentioned at the March 21 City Council meeting, the proposed Adult Use Marihuana Business License Ordinance considers co-location between Adult-Use Marihuana facilities. This ordinance includes added language that there shall be *no accessory uses permitted within the same Retailer or Social Equity Retailer establishment other than a grower, processor, Class A microbusiness, or designated consumption establishment or other Retailer or Social Equity Retailer establishment, provided all said uses are in conformance with this Zoning Ordinance, City's Adult-Use Marihuana Business ordinance, the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and state and local regulations promulgated thereunder.*

### **Attachments:**

- Planning Commission Decision Letter for Zoning Map Amendment
- Planning Commission Decision Letter for Zoning Text Amendment
- Proposed Zoning Text and Map Amendment Ordinance, with the Woodward Overlay District (CLEAN)
- Map of the four (4) Adult-Use Marihuana Overlay Districts

Mark Yandrick  
Planning Manager  
myandrick@pontiac.mi.us  
248-758-2824



Community Development  
Department  
Planning Division  
47450 Woodward Avenue  
Pontiac, MI 48342

March 2, 2023

Mark Yandrick  
Planning Manager  
City of Pontiac  
47450 Woodward  
Pontiac, MI 48342

**Re: Decision of the Planning Commission**

Dear Mark Yandrick:

This letter is to inform you of the decision of the Planning Commission that was held on Wednesday March 1, 2023. The Commission recommended approved Zoning Map Amendment for the creation of the Woodward Gateway Overlay District. The decision was voted 3-1 in favor.

Sincerely,

A handwritten signature in cursive script, reading "Carla Cade". The signature is written in dark ink and is positioned above the printed name and title.

Carla Cade  
Planning Technician

Mark Yandrick  
Planning Manager  
myandrick@pontiac.mi.us  
248-758-2824



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March 2, 2023

Mark Yandrick  
47450 Woodward  
Pontiac, MI 48342

**Re: Decision of the Planning Commission**

Dear Mark Yandrick:

This letter is to inform you of the decision of the Planning Commission that was held on Wednesday, March 1, 2023. The Commission approved Zoning Text Amendment for the City Wide Ordinance. The decision was voted 4-0 in favor with the following (4) four conditions of approval.

1. The Municipal Attorney may amend this proposed Text Amendment before it is presented to City Council to align the Zoning Text Amendments with any Municipal Code Amendments to the Adult-Use Marihuana Ordinance.
2. This Zoning Text Amendment is contingent upon the Zoning Map Amendment for the Woodward Gateway District being adopted by City Council.
3. The permitted hours of operations for marihuana retailers and social equity retailers in the Woodward Gateway Overlay District, Cesar E. Chavez Overlay District, and the East Walton Overlay District shall be 7 am – 10pm.
4. The use of other shades and shade color shall be added to the sections regarding the opaqueness restrictions for windows.

Sincerely,

A handwritten signature in cursive script that reads "Carla Cade".

Carla Cade  
Planning Technician

**CITY OF PONTIAC**

**ORDINANCE NO. #\_\_\_\_\_**

**AN ORDINANCE TO AMEND THE CITY OF PONTIAC ZONING ORDINANCE TO INCLUDE ADULT-USE MARIHUANA BUSINESSSES IN DESIGNATED OVERLAY DISTRICTS AND USES TO INCLUDE:**

**ARTICLE 2, CHAPTER 1, SECTION 2.101, TABLE 1 ZONING DISTRICTS, SPECIAL PURPOSE ZONING DISTRICTS;**

**ARTICLE 2, CHAPTER 2, SECTION 2.203; SECTION 2.204; SECTION 2.205; and SECTION 2.303, TABLE 2.1-USSES PERMITTED WITHIN ADULT-USE MARIHUANA OVERLAY DISTRICTS; AND PRIMARY CAREGIVERS OR CAREGIVERS USE PERMITTED IN ZONING DISTRICTS IP-1 AND M-1 BY SPECIAL EXCEPTION;**

**ARTICLE 2, CHAPTER 3, SECTION 2.304; SECTION 2.305; SECTION 2.306; SECTION 2.307; SECTION 2.308; SECTION 2.309; SECTION 2.310; SECTION 2.311; SECTION 2.312; SECTION 2.313; SECTION 2.314, TO AMEND TABLE 2 REFERENCE TO TABLE 2.1**

**ARTICLE 2 CHAPTER 4; SECTION 2.403; TO AMEND TABLE 2 REFERENCE TO TABLE 2.1**

**ARTICLE 2 CHAPTER 4; SECTION 2.501; TO AMEND TABLE 2 REFERENCE TO TABLE 2.1**

**ARTICLE 2, CHAPTER 5 – DEVELOPMENT STANDARDS FOR SPECIFIC USES TO ADD SECTIONS 2.551 Adult-Use Marihuana Grower Establishments; 2.552 Adult-Use Marihuana Processor; 2.553 Adult-Use Marihuana Retailer; Social Equity Retailer; 2.554 Adult-Use Class A Microbusiness; 2.555 Adult-Use Marihuana Designated Consumption Establishment; 2.556 Adult-Use Marihuana Safety Compliance Facility; 2.557 Adult-Use Marihuana Secure Transporter; 2.558 Temporary Marihuana Event; AND 2.559 Primary Caregiver or Caregiver;**

**ARTICLE 3, SPECIAL PURPOSE ZONING DISTRICTS TO ADD CHAPTER 12 – ADULT-USE MARIHUANA BUSINESS OVERLAY DISTRICTS; AND**

**ARTICLE 4, SECTION 2, SECTION 4.206; TO AMEND TABLE 2 REFERENCE TO TABLE 2.1**

**ARTICLE 4, SECTION 3, SECTION 4.303; TO AMEND TABLE 2 REFERENCE TO TABLE 2.1**

**ARTICLE 7 DEFINITIONS TO ADD CHAPTER 2 AND CHAPTER 3, Article 7 – Definitions.**

## THE CITY OF PONTIAC ORDAINS:

Article 2, Chapters 1 and 2, Section 2.101 Table 1 and Section 2.303 Table 2, Zoning Districts to add:

Abbreviation	General Zoning Districts	Abbreviation	Special Purpose Zoning Districts
To Remain The Same	To Remain The Same	--	--
		--	--
		<b>AUMOD</b>	<b>Adult-Use Marihuana Overlay District</b>

### Amend Article 2, Chapter 2, Section 2.203, Permitted Uses By District:

A. **Uses Permitted in Each District.** Except for Adult-Use Marihuana Business uses, Table 2 lists the permitted uses in each district. Table 2.1 and Table 2.2 list the permitted Adult-Use Marihuana Business uses in each Adult-Use Marihuana Overlay Districts as defined in this ordinance. Refer to Article 7, Chapter 2 for definitions of all uses listed in the following *Table 2.1 and Table 2.2*. In addition, Primary Caregivers shall be permitted by special exception in IP-1 and M-1 Zoning Districts.

B. **Development Standards Applicable to Uses.** Whenever a specific development standard is included for a particular use in *Table 2.1 or Table 2.2*, any development must comply with the requirements of the referenced section. All development standards are listed in Article 2, Chapter 5.

C. **Footnotes.** Refer to the footnotes to the table of permitted uses in Section 2.205. Footnotes applicable to each zoning district or category of zoning districts are listed in parentheses in the heading of *Table 2.1 and Table 2.2*.

D. **Special Purpose Zoning Districts Not Listed in Table 2.1.** Refer to Article 3 for the uses and development standards applicable in the special purpose zoning districts. Special purpose zoning districts are not listed in Table 2, and include the PURD Planned Unit Residential District, R-5 Manufactured Housing District, R-O Recreation-Open Space District, P-1 Parking District, G-O-T Government Office Technology District, C-C Civic Center District, MUD – Mixed Use District, TC Town Center District, and SP Special Purpose District.

### Amend Article 2, Section 2, Section 2.204 Zoning District Design Standards

The following *Table 2.1* lists the uses that may be permitted in each zoning district, provided that the development also meets the design and building standards set forth for each district in Chapters 3 through 6 of this O, along with all other development standards contained in this Ordinance. For instance, while multiple family apartment buildings may be permitted in various zoning districts, each zoning district will have different standards for building bulk, location, and design. The customized design standards set forth in each zoning district are tailored to the existing and intended character of each zoning district and are further intended to prevent contextually inappropriate development from occurring within the City.



**Amend Article 2, Chapter 2, Section 2.205 to add Subsection D:**

D. The maximum allowable number of Adult-Use Marihuana Retailers in the City of Pontiac shall be seventeen (17) and the maximum number of Adult-Use Marihuana Social Equity Retailers shall be six (6). The maximum number of Marihuana Retail permits in each Adult-Use Marihuana Overlay District (AUMOD) shall be as set forth in Table 2.2, Adult Marihuana Uses by Overlay District, Including Limits Per Overlay District.

**Amend Article 2, Chapter 2, Section 2.303 Table 2.1 (Uses Permitted by District) and Table 2.2 (Adult Marihuana Uses By Overlay District).**

Not more than eight (8) (Marihuana) Retailers are to be located in any one of the four (4) Adult-Use Marihuana Business Overlay Districts; Social Equity Retailers authorized by City ordinance are allowed in any one of the four (4) Downtown Adult-Use Marihuana Business Overlay Districts; not more than five (5) Class A Microbusinesses are allowed across all Adult-Use Marihuana Business Overlay Districts; and not more than six (6) Designated Consumption Establishments shall be allowed in the Downtown Adult-Use Marihuana Business Overlay District with three (3) Designated Consumption Establishments permitted north of Huron Street and three (3) Designated Consumption Establishments permitted south of Huron Street; Grower, Safety Compliance Facility, Secure Transporter, are allowed in the East Walton Boulevard and Cesar E. Chavez Adult-Use Marihuana Business Overlay Districts; Temporary Marihuana Events shall be allowed only in the Downtown Adult-Use Marihuana Business Overlay District; and Primary Caregivers or Caregivers, shall be located by special exception approval in the IP-1 and M-1 Zoning Districts

**Table 2.1 Uses Permitted by District**

Commercial, Office, and Service Uses											
	Residential Districts			Commercial Districts					Industrial Districts		
	R-1	R-2	R-3	C-0	C-1	C-2	C-3	C-4	M-1	M-2	IP-1
Designated Consumption Establishment											<b>Section 2.555</b>
Adult-Use Marihuana Grower Facility											<b>Section 2.551</b>
Adult-Use Marihuana Class A Microbusiness											<b>Section 2.554</b>
Adult-Use Marihuana Processor											<b>Section 2.552</b>

Adult-Use Marihuana Retailer or Social Equity Retailer													<b>Section 2.553</b>
Adult-Use Marihuana Safety Compliance Facility													<b>Section 2.556</b>
Adult-Use Marihuana Secure Transporter					X		X		X	X			<b>Section 2.557</b>
	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>C-0</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-4</b>	<b>M-1</b>	<b>M-2</b>	<b>IP-1</b>		
Adult-Use Marihuana Temporary Marihuana Event													<b>Section 2.558</b>
Caregiver									X		X		<b>Section 2.559</b>

**Table 2.2, Adult Marihuana Uses By Overlay District, Including Limits Per Overlay District**

<b>Adult-Use Marihuana Overlay Districts (AUMOD)</b>					
	<b>Downtown Overlay (District 3)</b>	<b>Cesar E. Chavez Overlay (District 2)</b>	<b>East Walton Overlay (District 1)</b>	<b>Woodward Gateway Overlay (District 4)</b>	
Designated Consumption Establishment	<b>O</b> <b>3 – N of Huron</b> <b>3 – S of Huron</b>				<b>Section 2.555</b>
Adult-Use Marihuana Grower Facility		<b>O</b> <b>3</b>	<b>O</b> <b>3</b>		<b>Section 2.551</b>
Adult-Use Marihuana Class A Microbusiness (5 across all districts)	<b>O</b>	<b>O</b>	<b>O</b>	<b>O</b>	<b>Section 2.554</b>

Adult-Use Marihuana Processor		0 3	0 3		<b>Section 2.552</b>
Adult-Use Marihuana Retailer	0 5	0 5	0 5	0 2	<b>Section 2.553</b>
Adult-Use Marihuana Social Equity Retailer	0 1	0 2	0 2	0 1	<b>Section 2.553</b>
Adult-Use Marihuana Safety Compliance Facility		0	0		<b>Section 2.556</b>
Adult-Use Marihuana Secure Transporter		0	0		<b>Section 2.557</b>
Adult-Use Marihuana Temporary Marihuana Event	#				<b>Section 2.558</b>

o = Special Exception Permit required. Applicants must have a conditionally approved Adult-Use Marihuana Business Permit from the City of Pontiac.

# = Temporary Use Permitted with the Proper City of Pontiac Permitting with any necessary Building and Zoning Approvals.

Note: If a number is listed in Table 2.2, that is the maximum allowed in that overlay district. If a number is not listed, there is no limitation per Overlay District, but applicants must receive proper Adult-Use Marihuana permits from the City.

#### **Amend Article 2 Chapter 3; Section 2.304 R-1, R-1A, R-1B One Family Dwelling Districts**

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the R-1 district.

#### **Amend Article 2 Chapter 3; Section 2.305 R-2, Two Family Dwelling Districts**

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the R-2 district.

#### **Amend Article 2 Chapter 3; Section 2.306 R-3, Multi-Family Dwelling Districts**

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the R-3 district.

**Amend Article 2 Chapter 3; Section 2.307 C-0, Residential Office District**

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the C-0 district.

**Amend Article 2 Chapter 3; Section 2.308 C-1, Local Business/Residential Mixed-Use District.**

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the C-1 district.

**Amend Article 2 Chapter 3; Section 2.309 C-2, Downtown Mixed-Use District**

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the C-2 district.

**Amend Article 2 Chapter 3; Section 2.310 C-3 Corridor Commercial Mixed-Use District.**

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the C-3 district.

**Amend Article 2 Chapter 3; Section 2.311 C-4 Suburban Business District.**

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the C-4 district.

**Amend Article 2 Chapter 4; Section 2.311 M-1, Limited Industrial District**

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the M-1 district.

**Amend Article 2 Chapter 4; Section 2.311 M-2, Limited Industrial District**

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the M-2 district.

**Amend Article 2 Chapter 4; Section 2.311 IP-1, Industrial Park District**

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the IP-1 district.

**Amend Article 2 Chapter 4; Section 2.403 Permitted Private Frontage Layouts**

Table 4. Permitted Private Frontage Layouts by Zoning District

Footnote A: Community, Education, and Institution Uses listed in *Table 2.1*. Uses Permitted by District are exempt from the private frontage requirements and need only comply with the setback requirements for the zoning district in which they are located.

**Amend Article 2 Chapter 4; Section 2.501 Mixed Use Building – Residential with Non-Residential**

**B. Permitted Uses.** Non-residential uses permitted in a mixed-use building are limited to those that are permitted in the district by *Table 2.1. Uses Permitted by District*. Special exception approval is required if a particular use that is proposed within a mixed-use building is listed as a special exception use in *Table 2.1*.

**Amend Article 2, Chapter 5 – Development Standards for Specific Uses is amended to add SECTIONS 2.551 Adult-Use Marihuana Grower Establishments; 2.552 Adult-Use Marihuana Processor; 2.553 Adult-Use Marihuana Retailer; Social Equity Retailer; 2.554 Adult-Use Class A Microbusiness; 2.555 Adult-Use Marihuana Designated Consumption Establishment; 2.556 Adult-Use Marihuana Safety Compliance Facility; 2.557 Adult-Use Marihuana Secure Transporter; 2.558 Temporary Marihuana Event; AND 2.559 Primary Caregiver or Caregiver:**

**2.551 Adult-Use Marihuana Grower Establishments.**

“Adult-Use Marihuana Grower” means a licensed and City-permitted marihuana establishment that cultivates, dries, trims, or cures and packages marihuana for sale to a processor or marihuana retailer, as defined in the Michigan Regulation and Taxation of the Marihuana Act (“MRTMA”). As used in this ordinance, growers shall include class A growers, class B growers, and class C growers.

“Class A marihuana grower” means a grower licensed to grow not more than 100 marihuana plants.

“Class B marihuana grower” means a grower licensed to grow not more than 500 marihuana plants.

“Class C marihuana grower” means a grower licensed to grow not more than 2,000 marihuana plants.

**A. General Provisions.**

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a marihuana grower facility, and a sign shall be posted on the premises of each facility indicating that consumption is prohibited on the premises.

2. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire Department or Building Department. If the inspection or investigations indicate non-compliance with the City’s Municipal Code, Building Code, Fire

Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the operations shall be suspended until the property owner or operator brings the premises into compliance.

3. All activity related to the marihuana growing shall be done indoors.

4. Any marihuana grower establishment shall maintain a log book and/or database identifying by date the amount of marihuana and the number of marihuana plants on the premises which shall not exceed the amount permitted under the grower license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the marihuana grower does not have more marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of marihuana at the facility. A grower establishment shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

5. The marihuana grower facility shall, at all times, comply with the MRTMA and the rules and regulations of the Department of Licensing and Regulatory Affairs—Bureau of Marihuana Regulations ("LARA"), as amended from time to time.

**B. Security.**

1. The marihuana grower facility shall continuously monitor the entire premises on which it is operated with surveillance systems that include security cameras that operate 24 hours a day, seven (7) days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.

2. Any usable marihuana remaining on the premises of a marihuana grower while the marihuana facility is not in operation shall be secured in a safe permanently affixed to the premises.

**C. Space Separation.**

1. Unless permitted by the MRTMA, public areas of the marihuana grower facility must be separated from restricted or nonpublic areas of the grower facility by a permanent barrier.

2. Unless permitted by the MRTMA, no marihuana is permitted to be stored or displayed in an area accessible to the general public.

**D. Nuisance Prohibited.**

1. Marihuana grower establishments shall be free from Infestation by insects, rodents, birds, or vermin of any kind.
2. Marihuana grower establishments shall produce no products other than usable marihuana intended for human consumption.
3. No marihuana grower shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the marihuana grower is operated.

**E. Licensing.**

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a marihuana grower facility.
2. Marihuana grower uses are not permitted outside the Cesar Chavez and Walton Blvd. Adult-Use Marihuana Business Overlay Districts.

**F. Disposal of Waste.**

1. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.
2. Litter and waste shall be properly removed and the operating systems for waste disposal shall be maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where marihuana is exposed.
3. That portion of the structure where chemicals, such as, herbicides, pesticides, and fertilizers are stored shall be subject to inspection and approval by the local Fire Department to ensure compliance with the Michigan Fire Protection Code.

**G. Signage.**

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed marihuana grower shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:
  - i. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
  - ii. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

**H. Co-Location.**

1. There shall be no accessory uses permitted within the same grower establishment location other than a processor, retailer, social equity retailer, Class A microbusiness, or designated consumption establishment provided all said uses are in conformance with this zoning ordinance, the City's Adult-Use Marihuana Business ordinance, the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and state and local regulations promulgated thereunder.
2. Multiple class C licenses may be stacked in the same grower establishment as defined by the MRTMA and shall only be considered as one establishment for the purposes of this subsection. A separate application fee is required to be paid for each class C license.

**I. Building Design.**

1. Floors, walls, and ceilings shall be constructed in such a manner that they may adequately be cleaned and kept clean and in good repair.



2. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.
3. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting, and/or watering devices that support the cultivation, growing, or harvesting of marihuana are located.

#### **J. Site Design**

Grower marihuana businesses seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding residential neighborhoods.

1. Landscaping. The applicant shall establish the required landscape buffer and required landscaping from Chapter 4 within any buffer between the proposed adult-use marihuana facilities, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. Existing buildings and utility boxes are exempt from this bufferyard and landscaping requirement. Where underground and overhead utility lines exist, appropriate landscaping shall be installed to not interfere with the public utility lines. In the Downtown Adult-Use Marihuana Business Overlay District, only, the following additional landscaping requirements shall apply:
  - a. All available areas for green space on a parcel containing an Adult-Use Retail Establishment shall be covered with landscape material for 100 percent of the area.
  - b. Landscaping shall be compatible with existing landscape buckets located in the Downtown Adult-Use Marihuana Business Overlay District.
2. Site Lighting. An adult-use marihuana site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited. Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site

measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:

- a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
  - b. 0.8 LLF for Fluorescent and Sodium lamp sources.
  - c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.
3. Window and Window Coverings. Pursuant to MCL 333.27961, establishments may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.
- a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.
  - b. While opaque windows are authorized pursuant to the requirements of this section, such opacity shall only be accomplished by blackening or other means (such as covering behind or in front of the window) and shall not be accomplished by the boarding of windows. The boarding of windows shall only be authorized under the following circumstances: (1) severe weather conditions which necessitate the boarding of windows to avoid damage to the Establishment or (2) if necessary for the duration of short-term construction, not to exceed a ninety (90) day period.
  - c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is inadequate for purposes of aesthetics, the Planning Commission may require Developer provide alternative architectural elements in lieu of clear, transparent windows, including but not limited to, changes in lighting, landscaping, projections or recesses on a wall plane. Boarding, blacking out (by use of any color or shade), or opaqueness of windows is not considered clear, transparent or translucent.

## **2.552 Adult-Use Marihuana Processor.**

“Processor” means a licensed and City-permitted marihuana facility authorized to purchase or obtain marihuana from a grower establishment and who processes the marihuana and sells or transfers it in packaged form to a retailer, social equity retailer, class A microbusiness, or another processor.

### **A. General Provisions.**

1. The processor shall comply at all times and in all circumstances with the MRTMA, and the general rules of LARA, as they may be amended from time to time.
2. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a marihuana processor, and a sign shall be posted on the premises of each marihuana processor indicating that consumption is prohibited on the premises.
3. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire Department or Building Department. If the inspection or investigations indicate non-compliance with the City’s Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the operations shall be suspended until property owner or operator brings the premises into compliance.
4. Any processor facility shall maintain a log book and/or database identifying by date the amount of marihuana and the number of marihuana products on the premises which shall not exceed the amount permitted under the processor license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the processor does not have more marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of marihuana at the facility. A processor shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

5. Processor facilities shall not produce any products other than those marihuana-infused products allowed by the MRTMA and the rules promulgated thereunder.

**B. Security.**

1. The marihuana processor facility shall continuously monitor the entire premises on which it is operated with surveillance systems that include security cameras that operate 24 hours a day, seven (7) days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.

2. Any usable marihuana and marihuana products remaining on the premises of a marihuana processor while the marihuana facility is not in operation shall be secured in a safe permanently affixed to the premises.

3. All marihuana and marihuana products shall be contained within the building in an enclosed, locked facility in accordance with the MRTMA, as amended.

**C. Space Separation.**

1. Unless permitted by the MRTMA, public areas of the marihuana processor facility must be separated from restricted or nonpublic areas of the processor facility by a permanent barrier.

2. Unless permitted by the MRTMA, no marihuana is permitted to be stored or displayed in an area accessible to the general public.

**D. Nuisance Prohibited.**

1. Processor facilities shall be free from infestation by insects, rodents, birds, or vermin of any kind.

2. No marihuana processor shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the marihuana processor is operated.

**E. Licensing.**

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a marihuana processor facility.
2. Marihuana processor uses are not permitted outside the Cesar Chavez and Walton Blvd. Adult-Use Marihuana Business Overlay Districts.

**F. Disposal of Waste.**

1. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.
2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where marihuana is exposed.

**G. Signage.**

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed marihuana processor shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:
  - a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
  - b. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

#### **H. Co-Location.**

1. There shall be no accessory uses permitted within the same processor facility location other than those associated with a grower, adult-use marihuana retailer, social equity retailer, Class A microbusiness, or designated consumption establishment provided all said uses are in conformance with this zoning ordinance, City's Adult-Use Marihuana Business ordinance, the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and state and local regulations promulgated thereunder.
2. The dispensing of marihuana at the processor facility shall be prohibited.

#### **I. Building Design.**

1. Floors, walls, and ceilings shall be constructed in such a manner that they may adequately be cleaned and kept clean and in good repair.
2. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.

#### **J. Site Design**

Processor businesses seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding residential neighborhoods.

1. Landscaping. The applicant shall establish the required landscape buffer and required landscaping from Chapter 4 within any buffer between the proposed adult-use marihuana facilities, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. Existing buildings and utility boxes are exempt from this bufferyard and landscaping requirement. Where underground and overhead utility lines exist, appropriate landscaping shall be installed to not interfere with the public utility lines.
2. Site Lighting. An adult-use marihuana processor site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited.

Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:

- a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
  - b. 0.8 LLF for Fluorescent and Sodium lamp sources.
  - c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.
3. Window and Window Coverings. Pursuant to MCL 333.27961, establishments may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.
- a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.
  - b. While opaque windows are authorized pursuant to the requirements of this section, such opacity shall only be accomplished by blackening or other means (such as covering behind or in front of the window) and shall not be accomplished by the boarding of windows. The boarding of windows shall only be authorized under the following circumstances: (1) severe weather conditions which necessitate the boarding of windows to avoid damage to the Establishment or (2) if necessary for the duration of short-term construction, not to exceed a ninety (90) day period.
  - c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is inadequate for purposes of aesthetics, the Planning Commission may require Developer provide alternative architectural elements in lieu of clear, transparent windows, including but not limited to, changes in lighting, landscaping, projections or recesses on a wall plane. Boarding, blacking out (by

use of any color or shade), or opaqueness of windows is not considered clear, transparent or translucent.

### **2.553 Adult-Use Marihuana Retailer; Social Equity Retailer.**

"Retailer" and "Social Equity Retailer" means a licensed and City-permitted marihuana establishment that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to marihuana establishments and to individuals who are 21 years of age or older in accordance with MRTMA and the City's Adult-Use Marihuana Business Ordinance.

#### **A. General Provisions.**

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a Retailer or Social Equity Retailer and a sign shall be posted on the premises indicating that consumption is prohibited on the premises.
2. Retailers and Social Equity Retailers shall be closed for business between the hours of 10:00 p.m. and 7:00 a.m. with the exception of Retailers or Social Equity Retailers operating in the Downtown Overlay District which shall be closed for business between the hours of 2:00 am and 7:00 a.m.
3. The premises of a Retailer or Social Equity Retailer shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire or Building Department. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the operations shall be suspended until property owner or operator brings the premises into compliance.
4. Any retailer or social-equity retailer shall maintain a log book and/or database identifying by date the amount of marihuana and the number of marihuana products on the premises which shall not exceed the amount permitted under the processor license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the processor does not have more marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful



amount of marihuana at the facility. A retailer or social-equity retailer shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

**B. Security.**

1. Retailers and Social Equity Retailers shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24 hours a day, seven (7) days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.

2. Any usable marihuana remaining on the premises of a Retailer or Social Equity Retailer while not in operation shall be secured in a safe permanently affixed to the premises.

**C. Space Separation.**

1. Unless permitted by the MRTMA public areas of the Retailer or Social Equity must be separated from restricted or nonpublic areas of the retailer by a permanent barrier.

2. Unless permitted by the MRTMA, no marihuana is permitted to be stored or displayed in an area accessible to the general public.

3. Marihuana may be displayed in a sales area only if permitted by the MRTMA.

**D. Nuisance Prohibited.** No Retailer or Social Equity Retailer shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the Marihuana Retailer is operated.

**E. Licensing.**

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a Retailer or Social Equity Retailer.

2. The number of Adult-Use Retailers and/or Adult-Use Marihuana Social Equity Retailers which may be established in each of the following Adult-Use Marihuana Business Overlay Districts shall be governed by Table 2.2 as set forth in Article 2, Chapter 2, Section 2.303.

3. Except as otherwise permitted by state law, and the City Adult-Use Marihuana Business Ordinance, Retailers and Social Equity Retailers are not permitted within the same locations as non-marihuana uses.

F. **Disposal of Waste.** Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.

G. **Signage.**

1. It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed Marihuana Retailer or Social Equity Retailer shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:
  - a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
  - b. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

H. **Co-Location.** There shall be no accessory uses permitted within the same Retailer or Social Equity Retailer establishment other than a grower, processor, Class A microbusiness, designated consumption establishment or other Retailer or Social Equity Retailer establishment, provided all said uses are in conformance with this Zoning Ordinance, City's Adult-Use Marihuana Business ordinance, the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and state and local regulations promulgated thereunder.

I. **Site Design.**

Retailers and Social Equity Retailers seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding neighborhoods.

1. **Four-sided Architecture:** All Building Façades visible from an adjacent Lot or Street shall be constructed with the same building material quality and compatible architectural variety on all Building Façades in a compatible context to the rest of the building.
2. **Landscaping.** The applicant shall establish the required landscape buffer and required landscaping from Chapter 4 within any buffer between the proposed adult-use marihuana facilities, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. Existing buildings and utility boxes are exempt from this bufferyard and landscaping requirement. Where underground and overhead utility lines exist, appropriate landscaping shall be installed to not interfere with the public utility lines. In the Downtown Adult-Use Marihuana Business Overlay Districts, only, the following additional landscaping requirements shall apply:
  - a. All available areas for greenspace on a parcel containing an Adult-Use Retail Facility shall be covered with landscape material for 100 percent of the area.
  - b. Landscaping shall be compatible with existing landscape buckets located in the Downtown Adult-Use Marihuana Business Overlay District.
3. **Site Lighting.** An adult-use marihuana site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited. Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:
  - a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
  - b. 0.8 LLF for Fluorescent and Sodium lamp sources.

c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.

4. **Drive-Throughs.** Drive throughs and drive through, walk-up window service, and curbside service shall be a prohibited use for any "Retailer" or "Social Equity Retailer" establishment.

5. **Window and Window Coverings.** Pursuant to MCL 333.27961, establishments may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.

a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.

b. While opaque windows are authorized pursuant to the requirements of this section, such opacity shall only be accomplished by blackening or other means, such as covering behind or in front of the window and shall not be accomplished by the boarding of windows. The boarding of windows shall only be authorized under the following circumstances: (1) severe weather conditions which necessitate the boarding of windows to avoid damage to the Establishment or (2) if necessary for the duration of short-term construction, not to exceed a ninety (90) day period.

c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is inadequate for purposes of aesthetics, the Planning Commission may require Developer provide alternative architectural elements in lieu of clear, transparent windows, including but not limited to, changes in lighting, landscaping, projections or recesses on a wall plane. Boarding, blacking out (by use of any color or shade), or opaqueness of windows is not considered clear, transparent or translucent.

#### **2.554 Adult-Use Class A Microbusiness.**

"Class A Microbusiness" means a licensed and City-permitted marihuana establishment authorized to operate at a single location and cultivate not more than 300 mature marihuana plants; package marihuana; purchase marihuana concentrate and marihuana-infused products from licensed marihuana processors; sell or transfer marihuana and marihuana-infused products to individuals 21 years of age and older; and transfer marihuana to a safety compliance facility for testing in accordance with MRTMA and the City's Adult-Use Marihuana Ordinance.

**A. General Provisions.**

1. Class A Microbusiness shall be closed for business, and no sale or other distribution of marihuana in any form shall occur upon the premises between the hours of 10:00 p.m. and 7:00 a.m.
2. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a Class A Microbusiness, and a sign shall be posted on the premises of each Class A Microbusiness indicating that consumption is prohibited on the premises.
3. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire Department or Building Department. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement, or Fire Marshal the operations shall be suspended until the property owner or operator brings the premises into compliance.
4. Any Class A Microbusiness shall maintain a log book and/or database identifying by date the amount of marihuana and the number of marihuana products on the premises which shall not exceed the amount permitted under the processor license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the processor does not have more marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of marihuana at the facility. A Class A Microbusiness shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

**B. Security.**

1. Class A Microbusinesses shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24 hours a day, seven (7) days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.
2. Any usable marihuana remaining on the premises of a Class A Microbusiness while the Marihuana Retailer is not in operation shall be secured in a safe permanently affixed to the premises.

**C. Space Separation.**

1. Unless permitted by the MRTMA public areas of the Class A Microbusiness must be separated from restricted or nonpublic areas of the retailer by a permanent barrier.
2. Unless permitted by the MRTMA, no marihuana is permitted to be stored or displayed in an area accessible to the general public.
3. Marihuana may be displayed in a sales area only if permitted by the MRTMA.

**D. Nuisance Prohibited.** No Class A Microbusiness shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the Class A Microbusiness is operated.

**E. Drive-Through.** Drive-throughs and drive-through, walk-up window service, and curbside service on the premises of a Class A Microbusiness shall not be permitted.

**F. Licensing.**

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a Class A Microbusiness.
2. Class A Microbusiness is a Special Land Use (also referred to as Special Exception under this Ordinance) and no more than five (5) Class A Microbusinesses shall be permitted by the City.

3. Except as otherwise permitted by state law, and the City's Adult-Use Marihuana Business Ordinance, Class A Microbusinesses are not permitted within the same establishment location as non-marihuana uses.

G. **Disposal of Waste.** Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.

H. **Signage.**

1. It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No licensed Class A Microbusiness shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:
  - a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
  - b. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

- I. **Co-Location.** There shall be no accessory uses permitted within the same Class A Microbusiness establishment location other than a grower, processor, adult-use marihuana retailer, social equity retailer, or designated consumption establishment, provided all said uses are in conformance with this Zoning Ordinance, City's Adult-Use Marihuana Business ordinance, the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and state and local regulations promulgated thereunder..

J. **Site Design.** Any adult-use marihuana business seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding residential neighborhoods.

1. **Four-sided Architecture.** All Building Façades visible from an adjacent Lot or Street shall be constructed with the same building material quality and compatible architectural variety on all Building Façades in a compatible context to the rest of the building.

2. **Landscaping.** The applicant shall establish the required landscape buffer and required landscaping from Chapter 4 within any buffer between the proposed adult-use marihuana facilities, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. Existing buildings and utility boxes are exempt from this bufferyard and landscaping requirement. Where underground and overhead utility lines exist, appropriate landscaping shall be installed to not interfere with the public utility lines.

3. **Site Lighting.** An adult-use marihuana site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited. Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:

a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.

b. 0.8 LLF for Fluorescent and Sodium lamp sources.

c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.

4. **Window and Window Coverings.** Pursuant to MCL 333.27961, establishments may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.

a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above



60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.

b. While opaque windows are authorized pursuant to the requirements of this section, such opacity shall only be accomplished by blackening or other means (such as covering behind or in front of the window) and shall not be accomplished by the boarding of windows. The boarding of windows shall only be authorized under the following circumstances: (1) severe weather conditions which necessitate the boarding of windows to avoid damage to the Establishment or (2) if necessary for the duration of short-term construction, not to exceed a ninety (90) day period.

c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is inadequate for purposes of aesthetics, the Planning Commission may require Developer provide alternative architectural elements in lieu of clear, transparent windows, including but not limited to, changes in lighting, landscaping, projections or recesses on a wall plane. Boarding, blacking out (by use of any color or shade), or opaqueness of windows is not considered clear, transparent or translucent.

#### **2.555 Adult-Use Designated Consumption Establishment.**

“Designated Consumption Establishment” means a marihuana-related business authorized to permit individuals 21 years of age and older to consume marihuana and marihuana products on the licensed commercial premises located in the Downtown Overlay District No. 3. in accordance with MRTMA and the City's Adult-Use Marihuana Ordinance.

##### **A. General Provisions.**

1. Designated Consumption Establishments shall be closed for business, and no consumption of marihuana in any form shall occur upon the premises between the hours of 2:00 a.m. and 7:00 a.m.
2. Consumption of marihuana in any form at a Designated Consumption Establishment shall occur indoors. A Designated Consumption Establishment shall post signage on any

outdoor areas, including patios, decks, and greenspace, indicating that smoking and other consumption of marihuana is prohibited.

3. Tobacco smoking and/or alcohol shall be prohibited on the premises of a Designated Consumption Establishment and a sign shall be posted on the premises of each Designated Consumption Establishment indicating that tobacco smoking and/or alcohol is prohibited on the premises.

4. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire Department or Building Department. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the operations shall be suspended until property owner or operator brings the premises into compliance.

5. Designated Consumption Establishments shall maintain a log book and/or database identifying by date the amount of marihuana and the number of marihuana products on the premises which shall not exceed the amount permitted under the processor license issued by the State of Michigan. This log shall be available to law enforcement personnel to confirm that the processor does not have more marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of marihuana at the facility. A Designated Consumption Establishment shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

**B. Security.**

1. Designated Consumption Establishments shall continuously monitor the entire premises on which they are operated with surveillance systems that include security cameras that operate 24 hours a day, seven (7) days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.

2. Any usable marihuana remaining on the premises of a Designated Consumption Establishment while the Designated Consumption Establishment is not in operation shall be secured in a safe permanently affixed to the premises.

C. **Nuisance Prohibited.** No Designated Consumption Establishment shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the Designated Consumption Establishment is operated.

D. **Licensing.**

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a Designated Consumption Establishment.
2. A Designated Consumption Establishment is Special Land Use and shall be limited to Downtown Adult-Use Marihuana Business Overlay District as identified in the City zoning ordinance and on the City Zoning Map, with three (3) Designated Consumption Establishments permitted north of Huron Street, and three (3) Designated Consumption Establishments permitted south of Huron Street.
3. Except as otherwise permitted by state law and the City's Adult-Use Marihuana Business Ordinance Designated Consumption Establishments are not permitted within the same facility locations as non-marihuana uses.

E. **Disposal of Waste.** Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.

F. **Signage.**

1. It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.
2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.

4. No licensed Designated Consumption Establishment shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:

a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and

b. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

G. **Co-Location.** There shall be no accessory uses permitted within the same Designated Consumption Establishment location other than a grower, processor, adult-use marihuana retailer, or social equity retailer, provided all said uses are in conformance with this Zoning Ordinance, City's Adult-Use Marihuana Business ordinance, the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and state and local regulations promulgated thereunder.

#### H. **Site Design.**

Any adult-use marihuana business seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding residential neighborhoods.

1. **Four-sided Architecture.** All Building Façades visible from an adjacent Lot or Street shall be constructed with the same building material quality and compatible architectural variety on all Building Façades in a compatible context to the rest of the building.

2. **Landscaping.** The applicant shall establish the required landscape buffer and required landscaping as set forth in Chapter 4 within any buffer between the proposed adult-use marihuana facilities, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. Existing buildings and utility boxes are exempt from this bufferyard and landscaping requirement. Where underground and overhead utility lines exist, appropriate landscaping shall be installed to not interfere with the public utility lines.

3. **Site Lighting.** An adult-use marihuana site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited. Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:

- a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
- b. 0.8 LLF for Fluorescent and Sodium lamp sources.
- c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.

4. **Window and Window Coverings.** Pursuant to MCL 333.27961, establishments may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.

a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.

b. While opaque windows are authorized pursuant to the requirements of this section, such opacity shall only be accomplished by blackening or other means (such as covering behind or in front of the window) and shall not be accomplished by the boarding of windows. The boarding of windows shall only be authorized under the following circumstances: (1) severe weather conditions which necessitate the boarding of windows to avoid damage to the Establishment or (2) if necessary for the duration of short-term construction, not to exceed a ninety (90) day period.

c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is inadequate for purposes of aesthetics, the Planning Commission may require Developer provide alternative architectural elements in

lieu of clear, transparent windows, including but not limited to, changes in lighting, landscaping, projections or recesses on a wall plane. Boarding, blacking out (by use of any color or shade), or opaqueness of windows is not considered clear, transparent or translucent.

#### **2.556 Adult-Use Marihuana Safety Compliance Facility.**

"Safety compliance facility" means a safety compliance facility as defined by the MRTMA and the administrative Marihuana Rules, including R 420.107 as amended, that takes or receives marihuana from a licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness, collects random samples, tests the marihuana for contaminants, potency, and for tetrahydrocannabinol and other cannabinoids, and returns the test results, and may return the marihuana to a licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness.

##### **A. General Provisions.**

1. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a marihuana safety compliance facility, and a sign shall be posted on the premises of each marihuana safety compliance facility indicating that consumption is prohibited on the premises.
2. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire Department or Building Department. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the operations shall be suspended until property owner or operator brings the premises into compliance.
3. Marihuana safety compliance facilities shall maintain a log book and/or a database accurately identifying all transactions, current inventory, and other information by date and source. A safety compliance facility shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

**B. Security.**

1. The marihuana safety compliance facility shall continuously monitor the entire premises on which it is operated with surveillance systems that include security cameras that operate 24 hours a day, seven (7) days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff's Department.
2. Any usable marihuana remaining on the premises of a marihuana safety compliance facility while the marihuana safety compliance facility is not in operation shall be secured in a safe permanently affixed to the premises.
3. All marihuana shall be contained within the building in an enclosed, locked facility in accordance with the MRTMA, as amended.

**C. Space Separation.**

1. Unless permitted by the MRTMA, public areas of the marihuana safety compliance facility must be separated from restricted or nonpublic areas of the safety compliance facility by a permanent barrier.
2. Unless permitted by the MRTMA, no marihuana is permitted to be stored in an area accessible to the general public.

**D. Nuisance Prohibited.** No marihuana safety compliance facility shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the marihuana safety compliance facility is operated.

**E. Licensing.**

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a marihuana safety compliance facility.
2. Marihuana safety compliance facility uses are permitted in the Cesar Chavez, Walton Blvd., and Downtown Adult-Use Marihuana Business Overlay Districts.

**F. Disposal of Waste.**

1. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.

2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where marihuana is exposed.

**G. Signage.**

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.

2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.

3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.

4. No licensed marihuana safety compliance facility shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:

- a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and

- b. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

**H. Building Design.**

1. Floors, walls and ceilings shall be constructed in such a manner that they may adequately be cleaned and kept clean and in good repair.

2. Any buildings, fixtures and other facilities shall be maintained in a sanitary condition.

**2.557 Adult-Use Marihuana Secure Transporter.**



“Secure transporter” means a marihuana-related business located in the City that stores marihuana and transports marihuana between adult-use marihuana businesses for a fee. A secure transporter shall comply at all times with the MRTMA and the rules promulgated thereunder.

**A. General Provisions.**

1. Consumption and/or use of marihuana shall be prohibited at an establishment of a secure transporter.
2. A vehicle used by 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 all State and local laws, rules, regulations and ordinances.
3. The premises of a secured transporter located within the City shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire Department. If the inspection or investigations indicate non-compliance with the City’s Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the operations shall be suspended until property owner or operator brings the premises into compliance.
4. A secure transporter licensee and each stakeholder thereof shall not have an interest in a grower, processor, retailer, social equity retailer, Class A Microbusiness, Designated Consumption Establishment, or safety compliance facility and shall not be a registered qualifying patient or a registered primary caregiver.
5. All secure transporters shall maintain a log book and/or database identifying each transaction by date, the amount of marihuana and the number of marihuana products being transported and the source. This log shall be available to law enforcement personnel to inspect. A secure transporter shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

**B. Secure Storage.**

1. Storage of marihuana by a secure transporter shall comply with the following:
  - a. The storage facility shall not be used for any other commercial purpose.
  - b. The storage facility shall not be open or accessible to the general public.
  - c. The storage facility shall be maintained and operated so as to comply with all State and local rules, regulations and ordinances.
2. All marihuana stored within the facility shall be stored within enclosed, locked facilities in accordance with the MRTMA, as amended.

C. **Sanitation.** All persons working in direct contact with marihuana being stored by a secure transporter shall conform to hygienic practices while on duty, including but not limited to:

1. Maintaining adequate personal cleanliness.
2. Washing hands thoroughly in adequate hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated.
3. Refraining from having direct contact with marihuana if the person has or may have an illness, open lesion (including boils, sores, or infected wounds) or any other abnormal source of microbial contamination until the condition is corrected.

D. **Disposal of Waste.**

1. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by a person who may not lawfully possess it and otherwise in conformance with State law.
2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where marihuana is exposed.

E. **Transport Driver.**

1. A secure transporter shall comply with all of the following:
  - a. Each driver transporting marihuana must have a chauffeur's license issued by the State.

- b. Each employee who has custody of marihuana or money that is related to a marihuana transaction shall not have been convicted of or released from incarceration for a felony under the laws of this State, any other state, or the United States within the past five (5) years.
  - c. Each vehicle shall always be operated with a two (2) person crew with at least one (1) individual remaining with the vehicle during the transportation of marihuana.
- 2. 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.
  - 3. The marihuana shall be transported by one (1) or more sealed containers and not be accessible while in transit.
  - 4. A secure transporter vehicle shall not bear markings or other indication that it is carrying marihuana or a marihuana-infused product.

**F. Signage.**

- 1. It shall be prohibited to display any signs that are inconsistent with local laws or regulations or State law.
- 2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
- 3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
- 4. No licensed marihuana secure transporter shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:
  - a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
  - b. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

#### G. **Licensing.**

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a marihuana secure transporter use.
2. Marihuana secure transporter uses are permitted in the Cesar Chavez and the East Walton Blvd. Marihuana Business Overlay Districts and in the C-1, C-3, M-1 and M-2 zoning districts outside the Adult-Use Marihuana Business Overlay Districts.
3. Marihuana secure transporters are not permitted within the same facility with other adult-use marihuana business uses.

#### H. **Site Design**

Any adult-use marihuana business seeking approval from the City of Pontiac shall comply with the following site design standards, even if the site is the location of an existing business. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding residential neighborhoods.

1. **Four-sided Architecture.** All Building Façades visible from an adjacent Lot or Street shall be constructed with the same building material quality and compatible architectural variety on all Building Façades in a compatible context to the rest of the building.
2. **Landscaping.** The applicant shall establish the required landscape buffer and required landscaping from Chapter 4 within any buffer between the proposed adult-use marihuana facilities, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. Existing buildings and utility boxes are exempt from this bufferyard and landscaping requirement. Where underground and overhead utility lines exist, appropriate landscaping shall be installed to not interfere with the public utility lines.
3. **Site Lighting.** An adult-use marihuana site shall meet all the required lighting standards of Chapter 5. Additionally, exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited. Each site shall have a minimum lighting standard of 0.5 Foot-candles Average Maintained: Measured at grade in all parking and loading areas and pedestrian pathways. Actual site measurement compliance shall not drop below a minimum of 0.3 foot-candles at any one location. For design purposes, the light loss factor (LLF) shall be calculated at:

- a. 0.7 LLF for Incandescent, Metal Halide, and Mercury Vapor lamp sources.
- b. 0.8 LLF for Fluorescent and Sodium lamp sources.
- c. 0.9 LLF for Light Emitting Diode (LED) lamp sources.

4. **Window and Window Coverings.** Pursuant to MCL 333.27961, establishments may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.

a. Generally, no more than 50% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 50% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.

b. While opaque windows are authorized pursuant to the requirements of this section, such opacity shall only be accomplished by blackening or other means (such as covering behind or in front of the window) and shall not be accomplished by the boarding of windows. The boarding of windows shall only be authorized under the following circumstances: (1) severe weather conditions which necessitate the boarding of windows to avoid damage to the Establishment or (2) if necessary for the duration of short-term construction, not to exceed a ninety (90) day period.

c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is inadequate for purposes of aesthetics, the Planning Commission may require Developer provide alternative architectural elements in lieu of clear, transparent windows, including but not limited to, changes in lighting, landscaping, projections or recesses on a wall plane. Boarding, blacking out (by use of any color or shade), or opaqueness of windows is not considered clear, transparent or translucent.

#### **2.558 Temporary Marihuana Event.**

"Temporary Marihuana Event" means a temporary license held by a Temporary Marihuana Event Organizer for an event where the onsite sale or consumption of marihuana products, or both, are

authorized to permit individuals 21 years of age and older to consume marihuana products on the premises indicated on the state license during the dates indicated on the state license.

**A. General Provisions.**

1. Use or consumption of alcohol shall be prohibited on the premises of a Temporary Marihuana Event and signs shall be posted at the Temporary Marihuana Event indicating that alcohol consumption is prohibited on the premises.
2. The premises or location of the Temporary Marihuana Event shall be open for inspection and/or investigation at any time by City investigators, including City Fire Department, Building Department or other law enforcement agencies. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the event shall be suspended until Temporary Marihuana Event Organizer brings the premises into compliance.
3. Temporary Marihuana Events shall maintain a log book and/or a database identifying by date the amount of marihuana on the premises and from which particular source. A Temporary Marihuana Event shall enter all transactions, current inventory, and other information as required by the State into the statewide monitoring system as required by law.

**B. Licensing.**

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of the Temporary Marihuana Event.
2. Temporary Marihuana Events are only permitted in the Downtown Adult-Use Marihuana Business Overlay District.
3. The hours of operation of a Temporary Marihuana Event shall be from 7:00 am to 10:00 pm. A single Temporary Marihuana Event may not exceed a maximum two (2) day period. The total days that Temporary Marihuana Events may take place shall not exceed four (4) days total in any calendar month.

4. The Temporary Marihuana Event Organizer shall submit for approval a zoning application for a Temporary Marihuana Event which shall include permission from the property owner and provide hours of operation, a detailed narrative of the event, an operational plan, a security and safety plan and safety measures.

5. The Temporary Marihuana Event Organizer shall submit for approval a site plan identifying pedestrian and vehicular parking areas.

#### **2.559 Primary (Medical Marihuana) Caregiver or Caregiver.**

"Primary Caregiver" or "Caregiver" means a person who is at least 21 years old and who has agreed to assist with a Qualifying patient's medical use of marihuana and who has not been convicted of any felony within the past 10 years, has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a, and holds a current and valid registration with the State of Michigan in accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq. ("MMMA"), and any applicable City permit. A registered caregiver shall comply at all times with the MMMA, the rules promulgated thereunder, this ordinance, and applicable City ordinances. The term "Qualifying patient" means qualifying patient under the MMMA.

#### **A. General Provisions.**

1. A registered primary caregiver, operating in compliance with the MMMA, the rules promulgated thereunder, the requirements of this ordinance and applicable City ordinances, shall be permitted only in zoning districts IP-1 and M-1 by special exception. The City makes the following findings in support of its determination that the regulation of primary caregivers as permitted in zoning districts IP-1 and M-1 by special exception is consistent with the purposes and intent of the MMMA:

- a. The MMMA's protections are limited to individuals suffering from serious or debilitating medical conditions or symptoms, to the extent that the individuals' marihuana use is carried out in compliance with the provisions of the MMMA, including the provisions related to the operations of registered primary caregivers.

- b. The MMMA's definition of "medical use" of marihuana includes the "transfer" of marihuana "to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the debilitating medical condition," but only if such "transfer" is performed by a registered primary caregiver who is connected with the same qualifying patient through the registration process established by the Department of Licensing and Regulatory Affairs, and who is otherwise operating in strict compliance with the MMMA and the MMMA General Rules.
  - c. The MMMA provides that a registered primary caregiver may assist no more than five (5) qualifying patients with their medical use of marihuana.
  - d. By permitting the operations of registered primary caregivers by special exception in zoning districts IP-1 and M-1, the City promotes the MMMA's purpose of ensuring that (i) a registered primary caregiver is not assisting more than five (5) qualifying patients with their medical use of marihuana, and (ii) a registered primary caregiver does not unlawfully expand its operations beyond five (5) qualifying patients so as to become an illegal commercial grow operation.
2. Consumption, smoking, and inhalation of marihuana and/or alcohol shall be prohibited on the premises of a primary caregiver, and a sign shall be posted on the premises of each facility indicating that consumption is prohibited on the premises.
3. The premises shall be open for inspection and/or investigation at any time by City investigators during the stated hours of operation and at such other times as anyone is present on the premises. The premises shall be open for inspection and/or investigation at any time by the City Fire Department or Building Department. If the inspection or investigations indicate non-compliance with the City's Municipal Code, Building Code, Fire Code and/or Zoning Code, then upon order from the City Building Official, City Code Enforcement or Fire Marshal the operations shall be suspended until property owner or operator brings the premises into compliance.
4. Acquisition, possession, cultivation, use, delivery or distribution of marihuana by the primary caregiver, shall be conducted indoors. A registered primary caregiver may keep and cultivate, in an "enclosed, locked facility" (as that term is defined by the MMMA), up to 12 marihuana plants for each registered qualifying patient with whom the registered primary



caregiver is connected through the registration process established by the Department of Licensing and Regulatory Affairs, and up to 12 additional marihuana plants for personal use if the primary caregiver is also registered as a qualifying patient under the MMMA.

5. The primary caregiver shall maintain a log book and/or database identifying by date the amount of marihuana and the number of marihuana plants on the premises which shall not exceed the amount permitted under the MMMA. This log shall be available to law enforcement personnel to confirm that the primary caregiver does not have more marihuana than authorized at the location and shall not be used to disclose more information than is reasonably necessary to verify the lawful amount of marihuana at the facility.

6. The primary caregiver shall, at all times, comply with the MMMA and the rules and regulations of the Department of Licensing and Regulatory Affairs—Bureau of Marihuana Regulations (“LARA”), as amended from time to time.

**B. Security.**

1. The primary caregiver facility shall continuously monitor the entire premises on which it is operated with surveillance systems that include security cameras that operate 24 hours a day, seven (7) days a week. The video recordings shall be maintained in a secure, off-site location for a period of 30 days, and must be coordinated with the Oakland County Sheriff’s Department.

2. Any usable marihuana remaining on the premises of a primary caregiver while the marihuana facility is not in operation shall be secured in a safe permanently affixed to the premises.

**C. Space Separation.**

1. Unless permitted by the MMMA, public areas of the primary caregiver facility must be separated from restricted or nonpublic areas of the primary caregiver facility by permanent barrier.

2. Unless permitted by the MMMA, no marihuana is permitted to be stored or displayed in an area accessible to the general public.

**D. Nuisance Prohibited.**

1. Primary caregiver facilities shall be free from Infestation by insects, rodents, birds, or vermin of any kind.
2. Primary caregiver facilities shall produce no products other than usable marihuana intended for human consumption.
3. No primary caregiver facility shall be operated in a manner creating noise, dust, vibration, glare, fumes, or odors detectable to normal senses beyond the boundaries of the property on which the marihuana grower is operated.

**E. Licensing.**

1. The state license and city permit required by this chapter shall be prominently displayed on the premises of a primary caregiver facility.
2. Primary caregiver uses are not permitted outside the IP-1 and M-1 zoning districts.
3. Except for the primary caregiver, no other person shall deliver marihuana to the qualifying patient.

**F. Disposal of Waste.**

1. Disposal of marihuana shall be accomplished in a manner that prevents its acquisition by any person who may not lawfully possess it and otherwise in conformance with State law.
2. Litter and waste shall be properly removed and the operating systems for waste disposal are maintained in an adequate manner as approved by the City so that they do not constitute a source of contamination in areas where marihuana is exposed.
3. That portion of the structure where the storage of any chemicals such as herbicides, pesticides, and fertilizers shall be subject to inspection and approval by the local Fire Department to ensure compliance with the Michigan Fire Protection Code.

**G. Signage.**

1. It shall be prohibited to display any signs that are inconsistent with State and local laws and regulations.

2. It shall be prohibited to use advertising material that is misleading, deceptive, or false, or that is designed to appeal to minors or in violation of LARA regulations.
3. It shall be prohibited to use the symbol or image of a marihuana leaf in any exterior building signage.
4. No registered primary caregiver shall place or maintain, or cause to be placed or maintained, an advertisement of marihuana in any form or through any medium:
  - a. Within 1,000 feet of the real property comprising a public or private elementary, vocational, or secondary school; and
  - b. Within 100 feet of a public or private youth center, public swimming pool or a church or other structure in which religious services are conducted.

#### **H. Building Design.**

1. Floors, walls, and ceilings shall be constructed in such a manner that they may adequately be cleaned and kept clean and in good repair.
2. Any buildings, fixtures, and other facilities shall be maintained in a sanitary condition.
3. All necessary building, electrical, plumbing, and mechanical permits shall be obtained for any portion of the structure in which electrical wiring, lighting, and/or watering devices that support the cultivation, growing, or harvesting of marihuana are located.

#### **I. Site Design**

Primary caregivers seeking approval from the City shall comply with the following site design standards. These standards are for the public health, safety, aesthetics, and well-being of the business, patrons, and surrounding residential neighborhoods.

1. **Landscaping.** The applicant shall establish the required landscape buffer and required landscaping from Chapter 4 within any buffer between the proposed adult-use marihuana facilities, including bufferyards adjacent or across the street from properties zoned R-1, R-1a, R-1b, and R-2 where there are existing non-conformities. Existing buildings and utility boxes are exempt from this bufferyard and landscaping requirement.

Where underground and overhead utility lines exist, appropriate landscaping shall be installed to not interfere with the public utility lines.

2. **Window and Window Coverings.** Pursuant to MCL 333.27961, establishments may not allow cultivation, processing, sale, or display of marihuana or marihuana accessories to be visible from a public place outside of the marihuana establishment without the use of binoculars, aircraft, or other optical aids.

- a. Generally, no more than 60% of the total window area may be opaque in appearance. However, the Planning Commission may approve an increase above 60% in total window area, which may be opaque in appearance if necessary for the Establishment to comply with this section and MCL 333.27961.

- b. While opaque windows are authorized pursuant to the requirements of this section, such opacity shall only be accomplished by blackening or other means (such as covering behind or in front of the window) and shall not be accomplished by the boarding of windows. The boarding of windows shall only be authorized under the following circumstances: (1) severe weather conditions which necessitate the boarding of windows to avoid damage to the Establishment or (2) if necessary for the duration of short-term construction, not to exceed a ninety (90) day period.

- c. In the event the Planning Commission determines that architectural profiles as depicted on submitted plans is inadequate for purposes of aesthetics, the Planning Commission may require Developer provide alternative architectural elements in lieu of clear, transparent windows, including but not limited to, changes in lighting, landscaping, projections or recesses on a wall plane. Boarding, blacking out (by use of any color or shade), or opaqueness of windows is not considered clear, transparent or translucent.

### **Amend Article 3 Special Purpose – Zoning District is amended to add Chapter 12 Adult Use Marihuana Business Districts**

#### **3.1201 Intent.**

The purpose of the Adult-Use Marihuana Business Overlay Districts is to provide for the placement of adult-use marihuana business establishments and related uses as authorized in

accordance with the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and the City's Adult-Use Marihuana Business Ordinance, so as to protect the public health, safety, and welfare of residents of the City and to minimize potential adverse impacts on adjacent property owners and neighborhoods.

### **3.1202 Adult-Use Marihuana Business Overlay District Uses.**

Except as otherwise provided or restricted by this ordinance, the City's Adult-Use Marihuana Business Ordinance and the regulations promulgated thereunder, the following adult-use marihuana business uses are authorized in the Adult-Use Marihuana Business Overlay Districts, provided the development also meets the design and building standards set forth in Section 3.1212 and Article 2, Chapter 5, Development Standards for Specific Uses:

- A. Retailer;
- B. Social Equity Retailer;
- C. Safety compliance facility;
- D. Secure transporter;
- E. Grower;
- F. Processor;
- G. Class A Marihuana Microbusiness;
- H. Designated Consumption Establishment;
- I. Temporary Marihuana Event.

### **3.1203 Adult-Use Marihuana Business Overlay District Permitted Accessory Uses.**

- A. Off-street parking, loading and unloading as required per Section 4.307; and
- B. Any use that is not incidental to the permitted principal use.

### **3.1204 Adult-Use Marihuana Business Overlay District Requiring Site Plan Review.**

All adult-use Marihuana business uses are subject to site plan review set forth in Section 6.202.

### **3.1205 Licensing.**

All operators of adult-use marihuana businesses listed in Section 3.1202 must obtain State of Michigan license and applicable City of Pontiac permits, including but not limited to, adult-use marihuana businesses, building, and zoning.

### **3.1206 Standards for Approval.**

For consideration of adult-use marihuana business uses by the Planning Commission, the Commission shall review each application for the purpose of determining that each adult-use marihuana business on its location will satisfy the following criteria:

- A. The adult-use marihuana business will not impact surrounding residential neighborhoods.
- B. The adult-use marihuana business will provide easy access for persons with accessible parking.
- C. The adult-use marihuana business will be adequately served by utilities with sufficient capacity.
- D. The corridors and streets surrounding the adult-use marihuana business will have the capacity to accommodate Adult-Use Marihuana Business Overlay District's potential increases in traffic volumes.
- E. The adult-use marihuana business will demonstrate a safe and secure environment and uphold the public welfare of the community.
- F. The adult-use marihuana business will not add unintended or impromptu costs to City and municipal services.
- G. The adult-use marihuana business will comply with Section 6.303, Standards for Approval.

### **3.1207 Adult-Use Marihuana Business Overlay District Location Description.**

Adult-Use Marihuana Business Overlay District boundaries are established on the Adult-Use Marihuana Business Overlay District maps. These overlay districts are part of the City of Pontiac Zoning Map. The Adult-Use Marihuana Business Overlay District maps may be a single sheet or composed of several map sheets and shall be kept on record in the City of Pontiac Clerk and Building Safety offices.

The adult-use marihuana business uses permitted in the Adult-Use Marihuana Business Overlay District must meet the following requirements:

**A. East Walton Overlay District (Overlay District 1).** All properties along Walton Blvd. and streets north of Walton Blvd., but not including areas north of Collier Road between the west side of Telegraph Road to Fuller Street, including those contained within Overlay Map 1 for this Adult-Use Marihuana Business Overlay District.

1. Not more than eight (8) permits to operate an Adult-Use Marihuana Retailer and/or Adult-Use Marihuana Social Equity Retailer shall be awarded in this Overlay District No. 1. See Overlay Map 1 for this Adult-Use Marihuana Business Overlay District.

**B. Cesar Chavez District (Overlay District 2).** All properties along Cesar Chavez, starting from the Kennett Road Landfill and areas south to Cesar Chavez to W. Montcalm St.

1. Not more than seven (7) licenses to operate an Adult-Use Marihuana Retailer and/or Adult-Use Marihuana Social Equity Retailer shall be awarded in this Overlay District No. 2. See Overlay Map 2 for this Adult-Use Marihuana Business Overlay District.

**C. Downtown Overlay District (Overlay District 3).** All properties within Downtown District.

1. Not more than six (6) permits to operate an Adult-Use Marihuana Retailer and/or Adult-Use Marihuana Social Equity Retailer shall be awarded in this Overlay District No. 3. See Overlay Map 3 for this Adult-Use Marihuana Business Overlay District.

2. In addition, Designated Consumption Establishments shall be limited to Downtown Adult-Use Marihuana Business Overlay District, with a maximum of three (3) Designated Consumption Establishments permitted north of Huron Street and a maximum of three (3) Designated Consumption Establishments permitted south of Huron Street.

**D. Woodward Gateway Overlay District (Overlay District 4).** All Properties located along Woodward Avenue that are depicted within Overlay Map 4 (Starting from Huron Street and continuing South along Woodward and ending South of South Boulevard).

1. Not more than three (3) licenses to operate an Adult-Use Marihuana Retailer and/or Adult-Use Marihuana Social Equity Retailer shall be awarded in this Overlay District No.
4. See Overlay Map 4 for this Adult-Use Marihuana Business Overlay District.

The overlay district is a regulatory tool to implement the establishment of adult-use marihuana businesses in the City of Pontiac. An overlay district is applied over one (1) or more previously established zoning districts, establishing additional or stricter regulations, standards and criteria for adult-use marihuana business uses in addition to those of the underlying zoning district.

### **3.1208 Buffer Distance Restrictions.**

A. Except in the Downtown Overlay District, A proximity of any proposed adult-use marihuana businesses shall not be less than:

1. One thousand (1,000) feet from an operational public or private school;
2. Five hundred (500) feet from an operational commercial childcare organization (non-home occupation) that is licensed and registered with the State of Michigan Department of Health and Human Services or its successor agency;
3. Five hundred (500) feet from a public park;
4. Except in the Downtown Overlay District (OVERLAY No. 3). All properties, in all other overlay districts, a proposed adult-use marihuana businesses shall not be less than five hundred (500) feet from a religious institution that is defined as tax exempted by the Oakland County Assessor; and

B. Such distance between the school, childcare center, public park, or religious institution, and the contemplated location shall be measured along the centerline of the street or streets of address between two fixed points on the centerline determined by projecting straight lines at right angles to the centerline from the primary point of ingress to the school, childcare center, or religious institution, residential dwelling unit or from the entrance to a public park, and from the primary point of ingress to the adult-use marihuana business along the centerline to the primary street address building entrance.

C. If a parcel lot of the Adult-Use Marihuana establishment does not meet the minimum buffer distance as set forth above, an Adult-Use marihuana retailer and/or Adult-Use Marihuana Social Equity Retailer shall be prohibited at that location.

### **3.1209 Co-Location.**



A. Consistent with the Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, MCL 333.27951 et seq. ("MRTMA") and rules promulgated by the Department, the City's Adult-Use Marihuana Ordinance, and except as other provided in the zoning ordinance, any combination of growers, processors, marihuana retailers, social equity retailers, Class A Microbusinesses, and designated consumption establishments may operate as separate adult-use marihuana businesses at the same physical location.

B. Consistent with the MRTMA and rules promulgated by the Department, applicants for class C grower permits shall be allowed to receive multiple such permits and operate under each permit in a single establishment.

### **3.1210 Building Design, Area, Height, Bulk, and Placement.**

A. Four-sided Architecture: All Building Façades visible from an adjacent Lot or Street shall be constructed with the same building material quality and compatible architectural variety on all Building Façades in a compatible context to the rest of the building.

B. Building and design improvements must comply with the underlying zoning requirements of Article 2, Chapter 4, Private Frontage Design Standards, and the specific uses development standards outlined in Article 2, Chapter 5.

C. If the provisions of the Adult-Use Marihuana Business Overlay District are silent on building and design requirements, the requirements of the underlying district shall apply.

D. If the building and design requirements of the Adult-Use Marihuana Business Overlay District conflict with the requirements of the underlying district, then the building and design requirements of the Adult-Use Marihuana Business Overlay District shall supersede the underlying district regulations.

E. Odor shall be managed through the installation of activated carbon filters on exhaust outlets to the building exterior from any rooms used for production, processing, testing, packaging, selling, research and warehousing. Negative air pressure shall be maintained within the rooms.

F. An alternative odor control system may be approved by the Pontiac Building Official based on a report by a registered mechanical engineer licensed by the State of Michigan, demonstrating

that the alternative system will control odor equally or better than the required activated carbon filtration system.

G. Generators must be installed to operate the air filter system in case of power outage or failure.

H. Exterior lighting fixtures including neon, LED, flashing lights, or similarly noxious or obtrusive lighting or effects shall be prohibited, including lighting device with intermittent fading, flashing, blinking, rotating or strobe light illumination on any adult-use marihuana business building, structure or property.

I. Luminous tube lighting (e.g., neon, rope lighting) shall not be used to outline or frame doors, building elevators and/or windows.

J. Luminous tube and exposed bulb fluorescent lighting is prohibited as an architectural detail on all building/structures (e.g., along the roof line, eaves) and on all building facades.

K. Exterior site lighting must be installed in site parking areas, egress, and ingress areas. Lighting must be compliant with Article 4, Chapter 5.

L. It shall be prohibited to display any signs that are inconsistent with State or local law, and Article 5.

M. It shall be prohibited to use the symbol or image of a marihuana leaf or the medical "green cross" symbol in any exterior building signage.

N. The following sign language is not permitted on any adult-use marihuana business building use: Marihuana, Marijuana, Cannabis, Ganja, Dope, Roach, Hash, Reefer or any other word/phrase with similar likeness.

O. Window signs that occupy not more than ten percent of the inside surface of the window area of each floor level of a business or building are permitted.

### **3.1211 Alternative Design Standards Applicable to Adult-Use Marihuana Retail and Social Equity Retail Establishments in Woodward Gateway Overlay District**

Due to Woodward Gateway Overlay District's standing as a strategic corridor for growth and development in the City, the District's status as the "Gateway" (i.e. entry) to the City of Pontiac, additional standards shall apply in this District as set forth herein to provide adequate screening from adjacent properties and maintain the character and quality of Developments located at the entryway to the City. In the event that a design standard set forth in this section conflicts with any alternative design standards set forth in this Chapter, the design standards set forth herein shall be applied to the Woodward Gateway Overlay District. Nothing in this Section shall be construed as negating the requirement for Adult-Use Retailer and Social Equity Retailer establishments located in the Woodward Gateway Overlay District to comply with any regulations set forth in this Chapter that do not otherwise conflict with this Section.

For the reasons set forth herein, the additional design standards set forth in this Section shall apply to Adult-Use Marijuana Retailers and Social Equity retailers located in the Woodward Gateway Overlay District:

- A. A five (5) foot bufferyard shall be maintained on all sides of the parcel and shall conform to the following standards:
  - 1. The bufferyard may be interrupted only to provide for roads or driveways for vehicular access.
  - 2. Grass, ground cover, or other suitable live plant material shall be planted over the entire bufferyard area, except that paving may be used in areas of intensive pedestrian circulation.
  - 3. A minimum of two (2) deciduous canopy trees shall be planted for each 100 lineal feet, or portion thereof, of required bufferyard length. Alternatively, one (1) deciduous canopy tree and four (4) evergreen trees shall be planted for each 100 lineal feet, or portion thereof, of required bufferyard length. Deciduous canopy trees and/or evergreen trees set forth under this Section shall meet the minimum caliper requirements as set forth under the City of Pontiac's Zoning Ordinance, Article 4, Chapter 4.
  - 4. For the purpose of determining required plant material, required bufferyard area length shall be measured along the exterior periphery of the bufferyard area.
  - 5. Parking Lot Landscaping Requirements:

- a. Any premises having a parking lot or lots with an area of 6,000 square feet or greater shall provide landscape areas within the interior of the parking lot.
- b. Interior landscaping shall provide coverage of eight percent (8%) of the parking lot surface area.
- c. Landscaped areas shall be placed within the perimeter of a parking lot. The perimeter of a parking lot is defined by placing a simple geometric shape around the external edges of the lot. Landscaping areas located in the corners or otherwise set in from the edge of the parking lot where such area would otherwise be paved are considered to be within the parking lot and may be included as a part of the required landscaping.
- d. Required parking or paving setbacks, screening, bufferyard, or other landscaping required by this ordinance shall not be utilized to meet any other requirement of these landscaping provisions.
- e. A minimum of one (1) canopy tree, one (1) understory tree, and two (2) shrubs shall be installed for every 300 square feet of landscaped area.
- f. The use of concrete, asphalt or other paved surface inside the required landscape areas shall be prohibited.
- g. All landscaped areas shall be designed and located to standards acceptable to the Planning Commission that clearly define internal streets, traffic lanes and parking areas and maintain intersection sight distance. In addition:
  - 1) Landscaped areas within a parking lot shall have a minimum width of nine (9) feet.
  - 2) Raised concrete curbing shall be placed around the perimeter of all landscaped areas located within a parking lot. Up to two (2) gaps each of 12 inches or less are permitted per landscaped area to allow for the drainage of stormwater into landscape islands for the purposes of irrigation.

### **3.1212 Review Authority and Establishment.**

A. The Planning Commission shall be the special exception and site plan review authority for the permitted adult-use marihuana business uses in the Adult-Use Marihuana Business Overlay Districts.

B. Adult-use marihuana business uses must be in accordance with the Special Exception permit review standards contained in Article 6, Chapter 3.

C. A special exception permit for adult-use marihuana business uses requires public notice of 500 feet from the proposed adult-use marihuana business.

D. All permitted adult-use marihuana businesses uses must be in accordance with the uses and development standards outlined in Article 2.

E. Within the Adult-Use Marihuana Business Overlay Districts all requirements of the underlying districts remain in effect, except where these regulations provide an alternative to such requirements.

\*\*\*\*\*

**Amend Article 4 Chapter 2; Section 4.206, Keeping of Household Animals or Pets.**

C. Permitted and Special Exception Uses. Refer to *Table 2.1* for permitted and special exception uses in the IP-1 district.

**Amend Article 4 Chapter 3; Section 4.303, Minimum Parking Requirements**

B. Minimum Parking Required. The minimum number of off-street parking spaces shall be determined in accordance with the following Table 8. For the list of uses that are included in each category, refer to Table 2.1 or the use definition categories in Article 7, Chapter 2.

**Article 7 – Definitions - amend to Add Chapter 2 Definitions, and Chapter 3, General Definitions as follows:**

**Article 7 – Chapter 2 Definitions**

**7.202 Commercial, Office and Service Uses.**

[Add] “Designated Consumption Establishment” means a licensed marihuana establishment authorized to permit individuals 21 years of age and older to consume marihuana products on the licensed commercial premises.

[Add] "Class A Microbusiness" means a licensed and City-permitted marihuana establishment authorized to operate at a single location and cultivate not more than 300 mature marihuana plants; package marihuana; purchase marihuana concentrate and marihuana-infused products from licensed marihuana processors; sell or transfer marihuana and marihuana-infused products to individuals 21 years of age and older; and transfer marihuana to a safety compliance facility for testing in accordance with MRTMA and the City's Adult-Use Marihuana Ordinance

[Add] "Marihuana Retailer" or "Social Equity Retailer" means a licensed and City-permitted marihuana establishment that purchases marihuana from a grower or processor and sells, supplies, or provides marihuana to marihuana establishments and to individuals who are 21 years of age or older in accordance with MRTMA and the City's Adult-Use Marihuana Business Ordinance.

[Amend] "Safety compliance facility" means a safety compliance facility as defined by the MRTMA and the administrative Marihuana Rules, including R 420.107 as amended, that takes or receives marihuana from a licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness, collects random samples, tests the marihuana for contaminants, potency, and for tetrahydrocannabinol and other cannabinoids, and returns the test results, and may return the marihuana to a licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness.

[Amend] "Secure transporter" means a marihuana-related business located in this State that stores marihuana and transports marihuana between adult-use marihuana businesses for a fee. A secure transporter shall comply at all times with the MRTMA and the rules promulgated thereunder.

### **7.203 Industrial Uses.**

[Add] **Downtown Adult-Use Marihuana Business Overlay District.** See Map 3.

[Add] **Cesar Chavez Adult-Use Marihuana Business Overlay District.** See Map 2.

[Amend] Grower. A commercial entity that cultivates, dries, trims, or cures and packages marihuana for sale to a processor, provisioning center, or marihuana retailer. As used in this ordinance, grower shall include class A growers, class B growers, and class C growers, and as

further regulated by either MMFLA or MRTMA as to the number of plants that each class is authorized to grow in accordance with the grower's state license and City permit.

[Add] "Primary Caregiver" or "Caregiver". Is a person who is at least 21 years old and who acquires, possesses, cultivates, uses, delivers or distributes marihuana to treat or alleviate a debilitating medical condition and has agreed to assist with a qualified patient's medical use of marihuana, who has not been convicted of any felony within the past 10 years, has never been convicted of a felony involving illegal drugs or a felony that is an assaultive crime as defined in section 9a of chapter X of the code of criminal procedure, 1927 PA 175, MCL 770.9a, and holds a current and valid registration with the State of Michigan in accordance with the Michigan Medical Marihuana Act, Initiated Law 1 of 2008, MCL 333.26421 et seq. ("MMMA"), and any applicable City permit.

[Amend] K. Processor. Commercial entity that purchases marihuana from a grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in package form to a provisioning center or marihuana retailer, including social-equity retailer.

[Amend] Q. Safety Compliance Facility. A safety compliance facility as defined by the MRTMA and the administrative Marihuana Rules, including R 420.107 as amended, that takes or receives marihuana from a licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness, collects random samples, tests the marihuana for contaminants, potency, and for tetrahydrocannabinol and other cannabinoids, and returns the test results, and may return the marihuana to a licensed grower, processor, retailer, social equity retailer, or Class A Microbusiness.

[Amend] S. Secure Transporter. A commercial entity located in this State that stores marihuana and transports marihuana between medical marihuana facilities for a fee, marihuana retailer, or microbusiness Class A.

[Add] **Walton Blvd. Adult-Use Marihuana Business Overlay District.** See Map 1.

[Add] **Woodward Gateway Overlay District.** See Map 4.

### **Article 7 – General Definitions, Chapter 3**

[Add] **MRTMA.** The Michigan Regulation and Taxation of the Marihuana Act, Initiated Law 1 of 2018, being Sections 333.27951 to 333.27967 of the Michigan Compiled Laws, and the administrative rules promulgated thereunder.

[Add] **Marihuana Business.** Are the following adult-use marihuana establishments, whether operated for profit or not for profit: (a) grower, (b) safety compliance facility, (c) processor, (d) retailer, (e) social-equity retailer, (f) secure transporter, (g) Class A microbusiness, (h) Designated Consumption Establishment, (i) marihuana event organizer or (j) temporary marihuana event.



STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF PONTIAC

ORDINANCE NO. \_\_\_\_\_

**ZONING ORDINANCE MAP AMENDMENT**

**AN ORDINANCE TO AMEND APPENDIX B OF THE MUNICIPAL CODE OF THE CITY OF PONTIAC, AMENDING ARTICLE 2, SECTION 2.103—ZONING MAP, TO CREATE FOUR (4) ADULT-USE MARIHUANA OVERLAY DISTRICTS LOCATED IN THE CITY OF PONTIAC, SPECIFICALLY TO BE KNOWN AS FOLLOWS: ADULT-USE MARIHUANA EAST WALTON OVERLAY DISTRICT, ADULT-USE MARIHUANA CESAR CHAVEZ OVERLAY DISTRICT, ADULT-USE MARIHUANA DOWNTOWN OVERLAY DISTRICT, AND ADULT-USE MARIHUANA WOODWARD GATEWAY OVERLAY DISTRICT.**

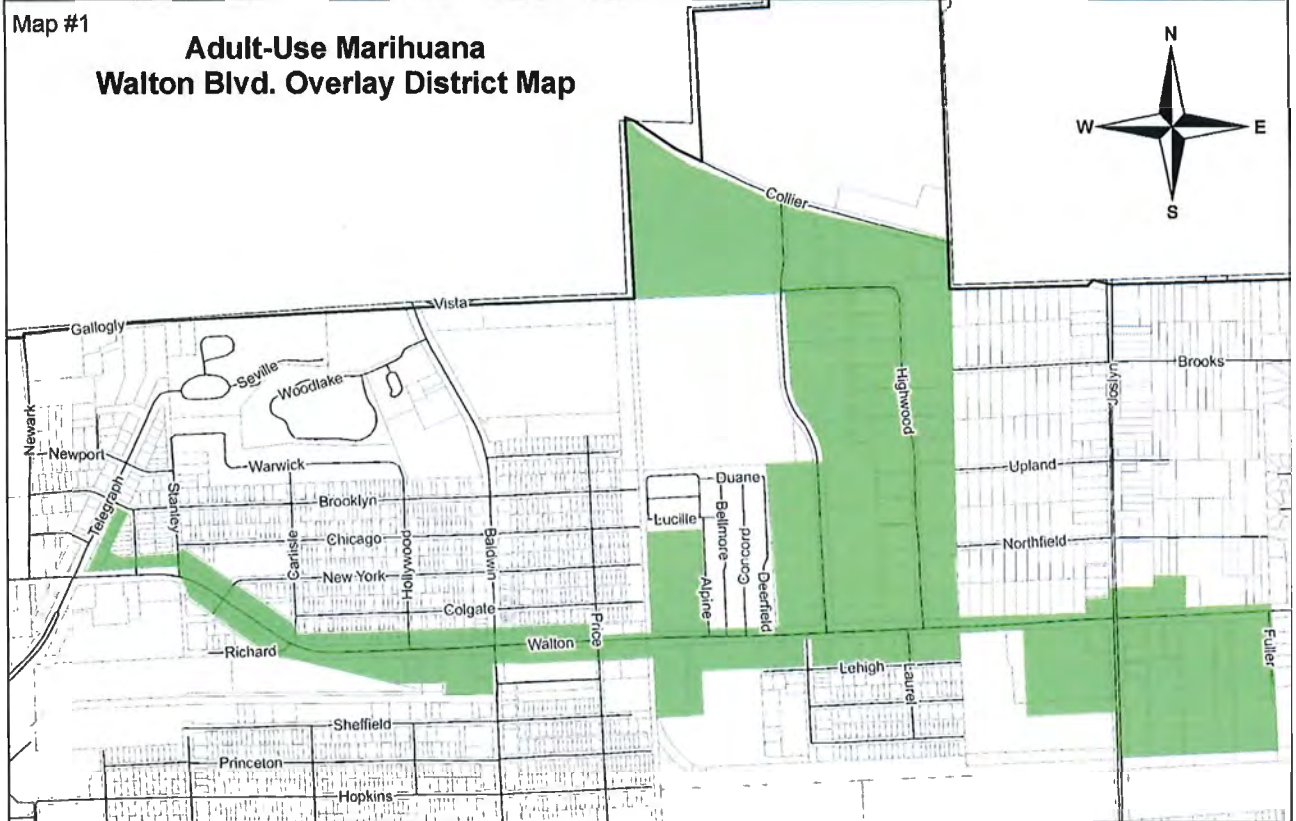
**THE CITY OF PONTIAC ORDAINS:**

**Section 1. Amendments.**

That the Zoning Map of the City of Pontiac, said map being incorporated by reference in the Zoning Ordinance for the City of Pontiac pursuant to Article 2, is hereby amended, changed, and altered so that hereafter the zoning classifications for the below-described areas shall include four (4) Adult Use Marihuana Overlay Districts (AUMODs) as described herein:

- (1) **Adult-Use Marihuana East Walton Overlay District (Overlay District 1)**, (See Map 1, below), which includes all properties along Walton Blvd. and streets north of Walton Blvd., but not including areas north of Collier Road between the west side of Telegraph Road to Fuller Street, subject to all other locational requirements and regulations on adult-use marihuana facilities set forth in the City of Pontiac Zoning Ordinance as to the East Walton Overlay District.

- (2) **Adult-Use Marihuana Cesar Chavez Overlay District (Overlay District 2)**, (See Map 2, below) which includes all properties along Cesar Chavez, starting from the Kennett Road Landfill and areas south to Cesar Chavez to W. Montcalm St., subject to all other locational requirements and regulations on adult-use marihuana facilities as set forth in the City of Pontiac Zoning Ordinance as to the Cesar Chavez Overlay District.
- (3) **Adult-Use Marihuana Downtown Overlay District (Overlay District 3)**, (See Map 3, below), which includes all properties within the Downtown District as depicted in Map 3, subject to all other locational requirements and regulations on adult-use marihuana facilities as set forth in the City of Pontiac Zoning Ordinance as to the Downtown Overlay District.
- (4) **Adult-Use Marihuana Woodward Gateway Overlay District (Overlay District 4)**, (See Map 4, below), which includes all Properties located along Woodward Avenue that are depicted within Overlay Map 4 (Starting from Huron Street and continuing South along Woodward and ending South of South Boulevard.), subject to all other locational requirements and regulations on adult-use marihuana facilities as set forth in the City of Pontiac Zoning Ordinance as to the Woodward Gateway Overlay District.



Map #2

## Adult-Use Marihuana Cesar Chavez Overlay District Map



0 500 1,000 2,000 3,000 4,000 Feet

Map #3

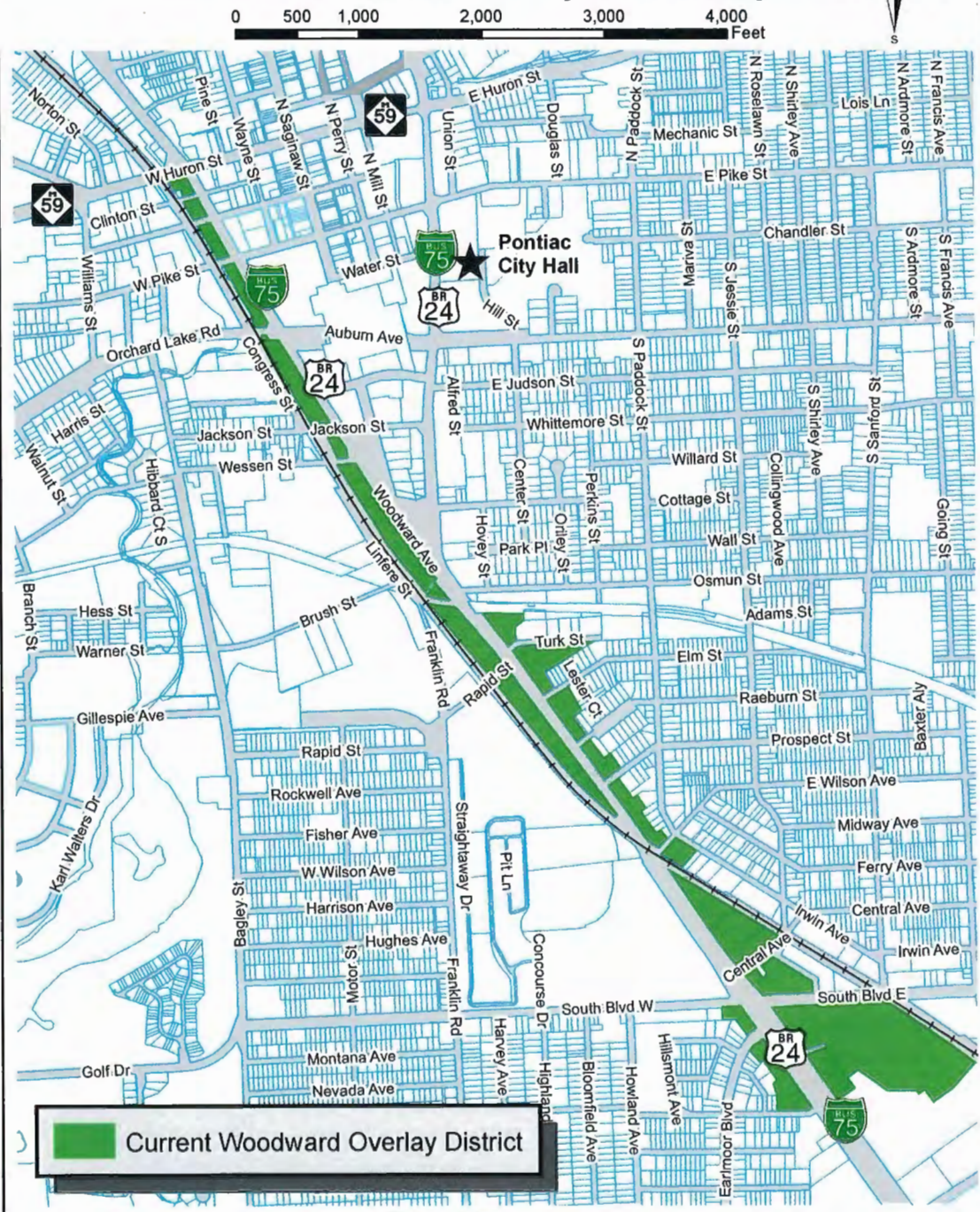
## Adult-Use Marihuana Downtown Overlay District Map



0 340 680 1,360 2,040 2,720 Feet



## Adult-Use Marihuana Woodward Avenue Overlay District Map



## **Section 2. Repealer and Severability.**

All other parts and provisions of the Zoning Ordinance shall remain in effect, amended only as provided above. If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

## **Section 3. Effective Date**

The foregoing amendment to the City of Pontiac Zoning Map was approved and adopted by the City Council on \_\_\_\_\_, 2023, after a public hearing as required pursuant to the Michigan Act 110 of 2006, as amended. The Ordinance shall be effective on \_\_\_\_\_, 2023, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Map Amendment in a publication in a newspaper of general circulation in the zoning district as required by Section 401 of Act 110 of 2006, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

**ORDINANCE DECLARED ADOPTED.**

**#4**

**ORDINANCE**





**Carlisle | Wortman**  
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

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**TO:** Planning Commission

**CC:** Mark Yandrick, Planning Manager

**FROM:** Richard K. Carlisle, FAICP, Planning Consultant to the City of Pontiac

**DATE:** February 15, 2023

**RE:** Zoning Map Amendment  
204 W. New York Avenue  
Tax Parcel ID: 14-08-353-011

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**Executive Summary:**

The applicant, Community Housing Network, is proposing to rezone (Case: ZMA23-001) the site of the abandoned Wever School from R-1 One Family Dwelling to R-3 Multiple Family Dwelling. The site is 3.8 acres in size, located at the northwest corner of Carlisle and New York Ave. The property is currently held by the Oakland County Treasurer.

Planning Commission recommended APPROVAL, 5-0, of the rezoning at the public hearing on March 1, 2023.

**Overview / Project Description:**

The applicant is Community Housing Network (CHN), "a nonprofit organization committed to providing homes for people in need," which operates in southeast Michigan. The applicant proposes a multiple family residential development to be named Carlisle Townhomes. The existing building will be razed and replaced with forty-two (42) rental townhomes distributed among five (5) buildings. The units will be one- and two- bedrooms with five (5) barrier-free units. An image of the types of building contemplated has been provided. Commissioners should be aware that details of site development may change during site plan review. City Staff discussed the possibility of the applicant offering conditions of approval, such as the rezoning only be for the CHN's ownership, however they request a regular rezoning.

Figure 1 – Aerial View of Site

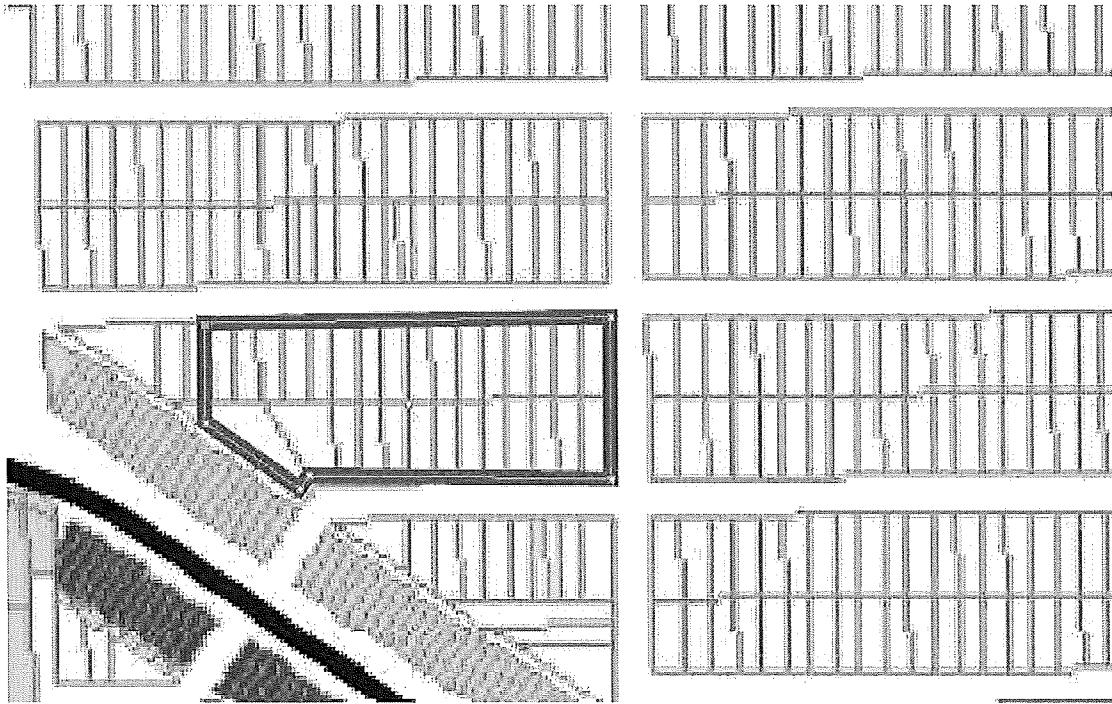


What shows up on the map as Moriah Baptist Church Detroit is the vacant Wever School building. Perhaps the church used the building at one point. Below is View from Carlisle Street (New York St. would be to the left).

Figure 2 – Street View from Carlisle Street



### R-1 Single Family Dwelling



The subject site and surrounding area is zoned R-1 One Family Dwelling. The frontage along Walton is zoned commercial.

#### **6.804 Criteria for Amendment of the Official Zoning Map**

- A. Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered.

**Comments:** The City's Master was adopted October 7, 2014. There are three goals of particular significance to this project:

1. Strengthen existing residential neighborhoods.
2. Providing new, diverse housing choices.
3. Ensure that residential redevelopment and new infill developments complement and enhance the character of the existing neighborhoods and have a positive effect on property values.

Furthermore, the subject site and surrounding area is designated as Traditional Neighborhood Residential which contemplates duplexes, row houses, townhomes and detached single family homes. Therefore, the subject rezoning is consistent with the City's Master Plan.

- B. Compatibility of the site's physical, geological, hydrological, and other environmental features with the uses permitted in the proposed zoning district.

**Comments:** The site is a former school. Aside from the building, the site it is largely open with few significant natural features.

- C. Evidence the applicant cannot receive a reasonable return on Investment through developing the property with one (1) or more of the uses permitted under the current zoning.

**Comments:** Infill projects that include major demolition, which is the case here, need a certain level of density to make the project feasible. It is especially true when the end goal is to provide affordable housing.

- D. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure, and potential influence on property values.

**Comments:** Although the surrounding area is largely single family, the school has been vacant for some time, which cannot be positive to a neighborhood. However, the Planning Commission and applicant should strive to ensure that the ultimate development contains features (building design and materials, open space, landscaping, etc.) that benefit the surrounding neighbors. These are details that will be discussed during the site plan review process.

- E. The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of the City.

**Comments:** The site is served with public utilities and services. We will defer to the City Engineer to comment further on the adequacy of those services.

- F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

**Comments:** The site has good accessibility from adjacent streets which include Carlisle, New York, and Chicago. All provide excellent accessibility to W. Walton.

- G. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the requested zoning district.

**Comments:** The size is of sufficient size and regularly shaped to allow for reasonable development of the site.

H. If a rezoning is appropriate, the requested zoning district is more appropriate from the City's perspective than another zoning district.

**Comments:** Given the intent of the Master Plan and the challenges of development of the site, the proposed rezoning would be appropriate and beneficial to the City and the surrounding neighborhood.

I. If the request is for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.

**Comments:** Although the applicant indicates that the intent is to build townhomes, the request is to rezone to R-3 Multiple Family Residential. Commissioners should be aware that if this project does not advance, other uses permitted in the R-3 District are possible. However, most uses which could be potentially objectionable are special exception uses. Therefore, the City would have a great deal of discretion to determine the compatibility of uses of the site.

J. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.

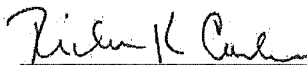
**Comments:** Given the fact that the site was once used as a school, there was some degree of activity that was previously experienced by the neighborhood. The fact that it will be developed in a residential manner is not incompatible with the surrounding area.

**Recommendations:**

The proposed rezoning is consistent with the City's Master Plan and will allow for redevelopment of a site which is currently vacant. The proposed zoning category provides a realistic option to the current R-1 category which would allow for demolition of the building and infill with new housing.

Planning Commission Recommended APPROVAL, 5-0 for the rezoning of case ZMA23-001 from R-1 to R-3 zoning district at the public hearing on March 1, 2023.

Note: A protest petition was filed for this application at the first reading on March 21, 2023 that met the requirement of 6.806.(A)(2), which is 20% of the voters within 100 feet of the subject property signing the petition. With this protest petition, it requires a 2/3 vote of the council membership for approval of the Zoning Map Amendment, which is five (5) votes no matter how many members are present in a meeting.

  
\_\_\_\_\_  
CARLISLE/WORTMAN ASSOC., INC  
Richard K. Carlisle, FAICP  
Past President/Senior Principal

Edits by Mark Yandrick  
City of Pontiac Planning Manager

## 204 W. New York Avenue Aerial View







## **Carlisle Townhomes Project Narrative**

### **I. Project Description and Purpose**

Community Housing Network (CHN) is excited to partner with Venture, Inc on a proposed housing development, Carlisle Townhomes, which will continue building on CHN's and Venture's long standing community revitalization efforts in Pontiac. The development is named after Gloria Hardiman Carlisle, the first elected black President of the Pontiac School District Board. Carlisle Townhomes will consist of 42 rental townhomes spread out among five buildings at the former Wever School located at 204 W. New York Avenue. The units will be one- and two-bedrooms with five barrier-free units. The total development cost is \$15,939,900.

The former and long-vacant school building at the site is not economically viable to be repurposed and will be demolished. The site is currently held by the Oakland County Treasurer and CHN is working with them to secure an option on the property. The property is 3.8 acres and planned amenities for the residents include a community center, playground, attractive landscaping, and green space throughout. Carlisle Townhomes addresses the needs of current Pontiac residents for safe, decent affordable housing.

The property is well situated to be funded with Low Income Housing Tax Credits, Federal Home Loan Bank Affordable Housing Program grants, gap financing from the Michigan State Housing Development Authority, as well as other state and county funds that could be used to help with the cost of demolition of the school building.

### **II. Project Location**

Carlisle Townhomes will be located in northwest Pontiac just east of Waterford Township and south of the City of Lake Angelus. The 42 townhomes will be on a single site at 204 W New York Ave., bordered on the north by W. Chicago Avenue, on the south by W. New York Avenue, on the east by Carlisle Street, and on the west by Walton Boulevard.

### **III. Development Team**

The development team assembled are all experienced in providing services that lead to the successful development and maintenance of affordable housing, specifically LIHTC funded developments. All team members have also worked on previous CHN developments. CHN will be the developer, Rohde Construction is the general contractor, Architectural Solutions, Ltd is the architectural firm, Mallory, Lapka, Scott & Selin, PLLC is the legal firm, Maner Costerisan is the accounting firm, and Al Martin of Acera is the development consultant.



PHONE 248.928.0111 • TOLL FREE 866.282.3119 • FAX 248.928.0122  
5505 Corporate Drive, Suite 300, Troy, MI 48098 • [communityhousingnetwork.org](http://communityhousingnetwork.org)  
Community Housing Network, Inc. is a 501(c)(3) organization. Donations are tax deductible as allowable by law.





#### IV. Organization Experience

Since its inception, CHN has developed 907 units of affordable housing for people in need. CHN has been able to accomplish this by accessing a variety of public and private funding from sources such as MSHDA, multiple Federal Home Loan Banks, Oakland and Macomb County HOME funds, Low Income Housing Tax (LIHTC) Credits, and HUD Section 811.

CHN believes strongly in the philosophy of "build and stay" – becoming a member of the community. The organization works diligently to forge long-term relationships with the neighborhoods where it works, helping connect neighbors to each other and to the resources that build stability and a sense of community. UPR VI is further proof of CHN's long term commitment to the Unity Park Neighborhood.

CHN has extensive experience developing and managing LIHTC development units as demonstrated by the table below:

<b>Name of LIHTC Development</b>	<b>Location</b>	<b># of Units</b>	<b># of Supportive Housing Units</b>	<b>Investment Amount</b>	<b>Year of Funding</b>
Palmer Pointe Townhomes	Pontiac, MI	24	9	\$5,695,991	2011
Unity Park Rentals I	Pontiac, MI	32	8	\$8,680,199	2013
Grafton Townhomes	Eastpointe, MI	48	12	\$11,621,515	2014
Unity Park Rentals III	Pontiac, MI	12	6	\$3,229,340	2015
Jefferson Oaks	Oak Park, MI	60	21	\$15,733,500	2015
Unity Park Rentals II	Pontiac, MI	12	6	\$3,208,140	2015
Unity Park Rentals IV	Pontiac MI	11	6	\$3,337,860	2016
Erin Park	Eastpointe, MI	52	25	\$14,794,000	2019
Unity Park Rentals V	Pontiac, MI	12	12	\$4,190,828	2019
Garfield Landing	Sault Ste Marie, MI	36	0	\$11,362,000	2021

#### V. Unit Breakdown

Unit Description	Income Targeting	Total # of Units	Unit Gross Rent	Monthly Rent	Annual Rent
1 Bedroom PBV*	60%	4	\$1,047	\$4,188	\$50,256
1 Bedroom	60%	4	\$1,007	\$3,560	\$42,720
2 Bedroom PBV*	60%	17	\$1,334	\$22,678	\$272,136
2 Bedroom	60%	17	\$1,064	\$18,088	\$217,056
Total		42		\$48,514	\$582,168

\*PBV (Project Based Voucher) is a project-based voucher for supportive housing units, income target is 30%-60% of Area Median Income.

**STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF PONTIAC**

**ORDINANCE NO. \_\_\_\_\_**

**ZONING ORDINANCE MAP AMENDMENT**

**AN ORDINANCE TO AMEND APPENDIX B OF THE MUNICIPAL CODE OF THE CITY OF PONTIAC, AMENDING ARTICLE 2, SECTION 2.103—ZONING MAP, TO CHANGE THE ZONING CLASSIFICATIONS FOR A PARCEL ON W NEW YORK AVE, ON THE WEST SIDE OF CARLISLE STREET BETWEEN NEW YORK AVENUE AND W. CHICAGO AVENUE FROM R-1 ONE FAMILY DWELLING TO R-3 MULTIPLE FAMILY DWELLING.**

**THE CITY OF PONTIAC ORDAINS:**

**Section 1. Amendments.**

That the Zoning Map of the City of Pontiac, said map being incorporated by reference in the Zoning Ordinance for the City of Pontiac pursuant to Article 2 therefor, be and the same is hereby amended, changed, and altered so that hereafter the zoning classifications for the below legal descriptions, also known as 204 W. New York Ave, on the west side of Carlisle Street between New York Avenue and W. Chicago Avenue, Tax ID: 14-08-343-011, shall be rezoned from R-1 One Family Dwelling to R-3 Multiple Family Dwelling.

**Legal Description (as provided):**

T3N, R10E, SEC 8 MARIMONT SUB LOTS 302 TO 314 INCL. ALSO LOTS 385 TO 400 INCL. ALSO THAT PART OF VAC ½ OF ALLEY ADJ TO SD LOT 302 9/27/89 COR.

**Section 2. Repealer and Severability.**

All other parts and provisions of the Zoning Ordinance shall remain in effect, amended only as provided above. If any section, clause or provision of this Ordinance shall be declared to be unconstitutional, void, illegal or ineffective by any Court of competent jurisdiction, such section,

clause or provision declared to be unconstitutional, void or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

**Section 3. Effective Date**

The foregoing amendment to the City of Pontiac Zoning Map was approved and adopted by the City Council on \_\_\_\_\_, 2023, after a public hearing as required pursuant to the Michigan Act 110 of 2006, as amended. The Ordinance shall be effective on \_\_\_\_\_, 2023, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Map Amendment in a publication in a newspaper of general circulation in the zoning district as required by Section 401 of Act 110 of 2006, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

**ORDINANCE DECLARED ADOPTED.**

**#7**

# **RESOLUTION**



**Council Resolution to approve a proposed budget amendment for Budget Year 2022-2023,**

**Increase the appropriation in the following GL accounts**

101-690-804.016 – Legal Services – Iron Mountain - \$10,000,  
101-690-971.000 – Land Purchase - \$26,500  
101-721-719.001 – Dental Insurance - \$1,500  
101-721-721.010 – Healthcare Waiver - \$6,000  
249-371-852.010 – Cable TV Intranet - \$1,200

---

**WHEREAS**, the Redevelopment and Housing Department has been operating without adequate appropriation for some of the expense line items given below which are essential for the functioning of Redevelopment, Planning, and Building operations; and

**WHEREAS**, the Senior Accountant of the City of Pontiac has requested a budget amendment for the current fiscal year to increase the appropriation for the following five (5) expense line items for the Redevelopment and Housing Department:

GL Account number 101-690-804.016 – Legal Services- Iron Mountain - \$10,000 - Reason for amendment - There was no budget appropriation in the current fiscal year for this essential service.

GL Account number 101-690-971.000 – Land Purchase - \$26,500 - Reason for amendment – These purchases were not anticipated, hence, there was no appropriation in the original budget.

GL account number 101-721-719.001 – Dental Insurance - \$1,500 - Reason for amendment - There was no budget appropriation in the current fiscal year for this employee benefit line item.

GL account number 101-721-721.010 - Healthcare Waiver - \$6,000 - Reason for amendment - There was no budget appropriation in the current fiscal year for this employee benefit.

GL Account number 249-371-852.010 – Services – Cable TV / Intranet - \$1,200 - Reason for amendment - There was no budget appropriation in the current fiscal year for this essential service.

**NOW, THEREFORE, BE IT RESOLVED** that the budget of the City of Pontiac, Michigan for the fiscal year ending June 30, 2023, is hereby amended as follows for the Code Enforcement Division:

The appropriation for GL Account number 101-690-804.016 – Legal Services- Iron Mountain - shall be increased by \$10,000.

The appropriation for GL account number 101-690-971.000 – Land Purchase - shall be increased by \$26,500.

The appropriation for GL account number 101-721-719.001 – Dental Insurance - shall be increased by \$1,500.

The appropriation for GL account number 101-721-721.010 - Healthcare Waiver - shall be increased by \$6,000.

The appropriation for GL account number 249-371-852.010 – Services – Cable TV / Intranet - shall be increased by \$1,200.

**BE IT FURTHER RESOLVED** that the total increase in appropriation for these five items (5) for the Code Enforcement Division shall be \$45,200.

**#8**

# **RESOLUTION**



**Council Resolution to approve the proposed budget amendment for Budget Year 2022-2023,**

**Increase the appropriation in the following GL accounts**

101-733-702.004 – Overtime Wages -\$20,000,  
101-733-749.001 – Motor Fuel, Oil & Lubricants - \$2,000  
101-733-818.006 – Contractual mowing services - \$25,000  
101-733-852.010 – Services – Cable TV/Intranet - \$2,640

---

**WHEREAS**, the Code Enforcement Division has been operating without adequate appropriation for some of the essential expense line items which are essential for the functioning of Code Enforcement operation; and

**WHEREAS**, the Senior Accountant of the City of Pontiac has requested a budget amendment for the current fiscal year to increase the appropriation for the following four (4) expense line items for the Code Enforcement Division:

**GL Account number 101-733-702.004 - Overtime Wages - \$18,000** - Reason for amendment - to complete the inspection of all the apartment complexes in the City for compliance.

**GL Account number 101-733-749.001 - Motor Fuel, Oil & Lubricants - \$2,000** - Reason for amendment – Increase in the vehicle use due to increase in the Code Enforcement activities.

**GL account number 101-733-818.006 - Contractual Mowing Services - \$25,000** - Reason for amendment - The current appropriation is not sufficient to cover the cost of mowing due to vigorous enforcement of the code.

**GL account number 101-733-852.010 - Services - Cable TV/Intranet - \$2,640** - Reason for amendment - There was no budget appropriation in the current fiscal year for this essential service.

**NOW, THEREFORE, BE IT RESOLVED** that the budget of the City of Pontiac, Michigan for the fiscal year ending June 30, 2023, is hereby amended as follows for the Code Enforcement Division:

The appropriation for GL Account number 101-733-702.004 - Overtime Wages - shall be increased by \$18,000.

The appropriation for GL Account number 101-733-749.001 - Motor Fuel, Oil & Lubricants - shall be increased by \$2,000.

The appropriation for GL account number 101-733-818.006 - Contractual Mowing Services - shall be increased by \$25,000.

The appropriation for GL account number 101-733-852.010 - Services - Cable TV/Intranet - shall be increased by \$2,640.



**BE IT FURTHER RESOLVED** that the total increase in appropriation for these four (4) items for the Code Enforcement Division shall be \$47,640.

**#9**

# **RESOLUTION**



*Department of Public Works*

**OFFICIAL MEMORANDUM**

---

**TO:** Pontiac City Council

**FROM:** Allen H. Cooley III, Director of Public Works

**CC:** Mayor Tim Greimel and Deputy Mayor Khalfani Stephens

**DATE:** March 21, 2023

**RE:** **Purchase of Mowing equipment**

---

The Department of Public Works along with the Mayor's office have worked to bring several services back in house at the City of Pontiac. In order to accomplish this goal, we will need additional equipment to support the work within the City.

DPW plans to provide in house grass service for Parks, City grounds and ROW medians throughout the City. We have staffed up as these employees are also used for the Snow removal work that we already brought in house. Working with the purchasing department we are able to use Sourcewell Cooperative site for competitively bid equipment and items.

The DPW Department is looking to purchase 6 Scag Turf Tiger II 61" zero turn ride on mowers and 2 Scag V-Ride 48" stand on mowers at a cost of \$99,214.00 Dollars. The Sourcewell quote is part of the packet with individual costs per machine. Burdick Street Landscape Supply & Equipment is the local vendor for this equipment through Sourcewell Contract.

This equipment will be purchase out of ARPA funds that the Pontiac City Council has allocated.

After review of 3 different equipment manufactures available in Sourcewell and Omni Coop's it is the recommendation of the Department of Public Works that the Pontiac City Council approves the purchase of said equipment from Burdick Street Landscape Supply & Equipment.

WHEREAS, the City of Pontiac DPW will purchase equipment needed for lawn mowing of Parks and Grounds.

WHEREAS, it is necessary to have this equipment to properly in house mowing operations.

NOW, THEREFORE IT IS RESOLVED:

WHEREAS, the Pontiac City Council authorizes the DPW Director to purchase needed mowing equipment from Burdick Street Landscape Supply & Equipment for a cost of \$99,214.00.

## PAGE: 1

TERMS: Net 30  
SALES TYPE: Quote

DATE: 3/21/2023  
ORDER #: 152836  
CUSTOMER #: 11859  
CP: KEVIN  
LOCATION: 1  
STATUS: Active

## SHIP TO

CITY OF PONTIAC - DPW  
47450 WOODWARD AVE  
PONTIAC, MI 48342 U.S.A.

[illegible]

Prices reflected on this quote are valid for 10 days.

SUBTOTAL:	\$99,214.00
TAX:	\$0.00
ORDER TOTAL:	<u>\$99,214.00</u>

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

**SCAG**  
POWER EQUIPMENT

SIMPLY THE BEST.

LAWN MAINTENANCE AND DEBRIS/  
TURF MANAGEMENT EQUIPMENT



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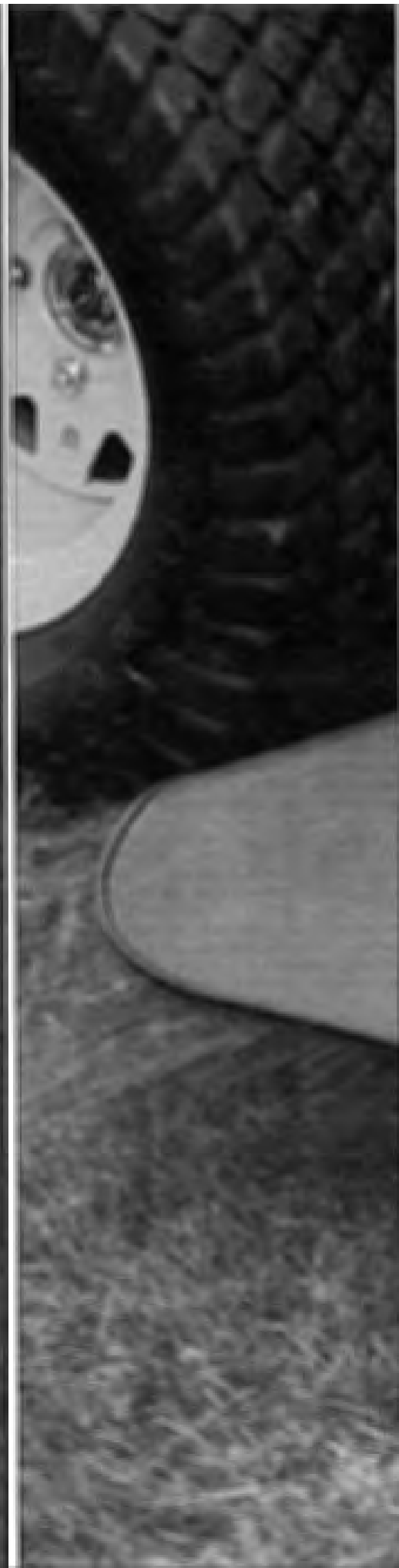
# WHEN WE SAY SIMPLY THE BEST, WE MEAN IT.

Our product line is continually evolving to meet the changing demands of your work. Because a subpar weld or poorly designed component will eventually cause you unnecessary downtime, we design and engineer each and every one of our machines with precise attention to detail and quality control that borders on obsessive. Plus, we only use the most exceptional materials to manufacture our machines to the highest standards.

When you buy a Scag®, you're not just buying a lawnmower, debris blower, truck loader or spreader-sprayer; you're investing in your livelihood. And it's our promise to you that we've put it all on the line to deliver the most tough, dependable machines that are ready to go out and get the job done right—because when we say **SIMPLY THE BEST**, we mean it.

**SCAG**  
POWER EQUIPMENT

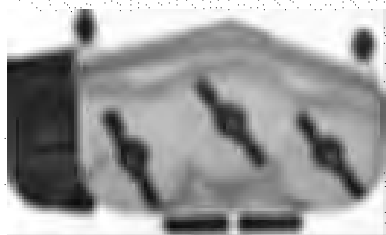
**SIMPLY THE BEST.**



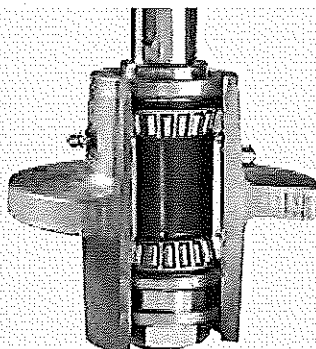




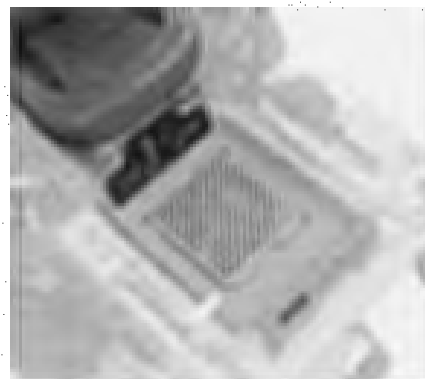
**SCAG**  
POWER EQUIPMENT



Velocity Plus™ Cutter Decks deliver an unmatched quality-of-cut and a wide, even discharge.



Heavy-duty Scag® spindles are the envy of the industry — Velocity Plus and Advantage™ decks.



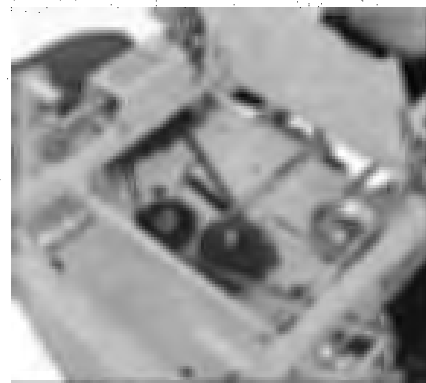
Operator Suspension System with a coil-over shock provides incredible, adjustable comfort without affecting cut quality — Cheetah II™.



Hydraulic oil coolers and/or pump-cooling fans extend component life — most mower models, excluding V-Ride II™ 32"/36", SWZ and SW.



Heavy-duty driveshaft delivers solid, dependable power to the cutter deck — Turf Tiger II™.

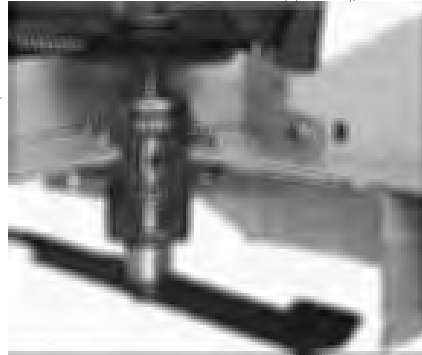


Service points are easily accessible to decimate downtime and maximize your productivity.

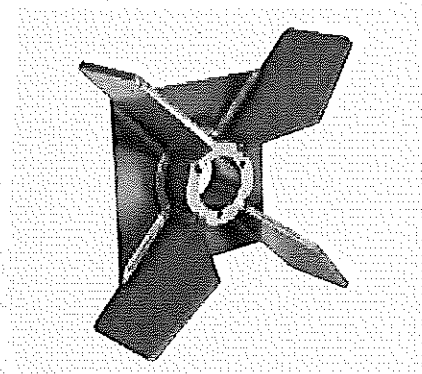
# THE SCAG DIFFERENCE



Ground speeds up to 16 mph ensure high productivity — Cheetah II.



Tri-Plate construction on Velocity Plus deck provides superior strength — V-Ride II and select zero-turn riders.

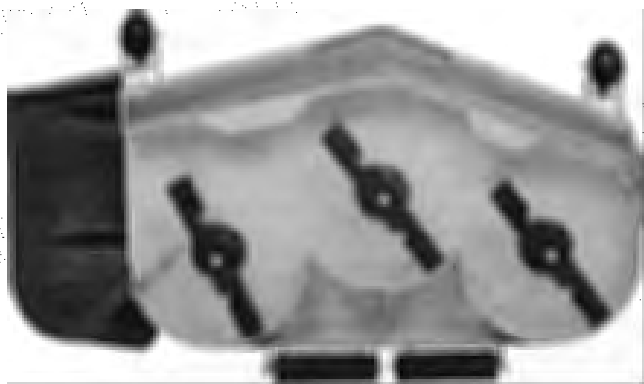


All Scag blower and truck loader impellers are fabricated in-house, then dynamically balanced to ensure ultra-smooth performance and long service life.



The Tiger Eye™ Advanced Monitoring System keeps a constant, real-time "eye" on important system functions on select Scag machines. A wide variety of systems are monitored in real time, giving you valuable information in just a glance, right from the operator's seat. The backlit panel makes viewing easy in all conditions, from direct sunlight to complete darkness.

**SCAG**  
POWER EQUIPMENT



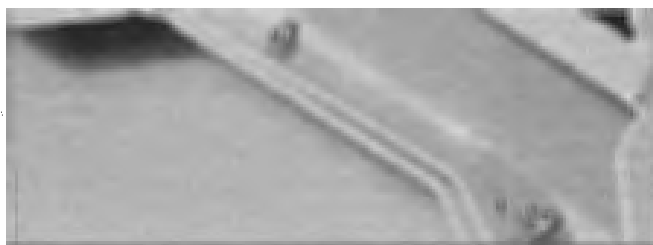
**VELOCITY**  
PLUS

## VELOCITY PLUS CUTTER DECK

Velocity Plus™ decks are legendary because of their proven performance and durability. No other deck leaves a smoother cut or channels and disperses clippings more evenly. The Velocity Plus deck combines a uniquely productive baffle design with the force of ultra-fast blade tip speeds to create a windstorm of air speed that disperses clippings far and wide. Professional cutters will tell you, no other deck has that downright toughness or provides a better cut than the Scag® Velocity Plus Cutter Deck.

- The Scag Turbo Baffle increases discharge velocity and creates a fanning pattern of discharged clippings, dispersing them cleanly and evenly—virtually eliminating windrowing and clumping, even in heavy cutting conditions. The Turbo Baffle is standard on Velocity Plus cutter decks on riders and stand-on models.
- 48", 52", 61" and 72" Velocity Plus deck sizes available.
- Specially designed cutter blades stay sharper, longer.
- Extra-large discharge opening for maximum clipping dispersal.
- Dual 12", rear-mounted anti-scalp rollers provide additional turf protection; includes Turf Tiger II™, Cheetah II™ and Tiger Cat® II.
- Replaceable trim-side wear pad protects the deck and landscaping from scraping and impact damage (Velocity Plus and current Advantage™ decks).

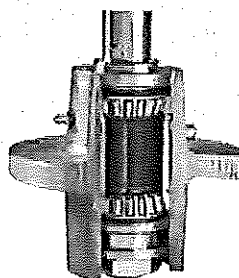
*Actual product may differ from photo.*



Scag's patented Custom-Cut Baffle™ allows convenient adjustment of under-deck airflow for optimum performance under all conditions. Whether you are tackling difficult-to-cut grass or collecting leaves in the fall, you will be prepared to handle the job with ease.



Scag cutter decks deliver superior strength and performance. Three layers of high-strength steel create the nearly ½"-thick (0.485") Tri-Plate cutter deck top (V-Ride II™ and select zero-turn riders). Scag Velocity Plus and Advantage decks are backed with a 3-year, "no-crack" warranty.



## AN INDUSTRY BENCHMARK THE SCAG HEAVY-DUTY SPINDLE

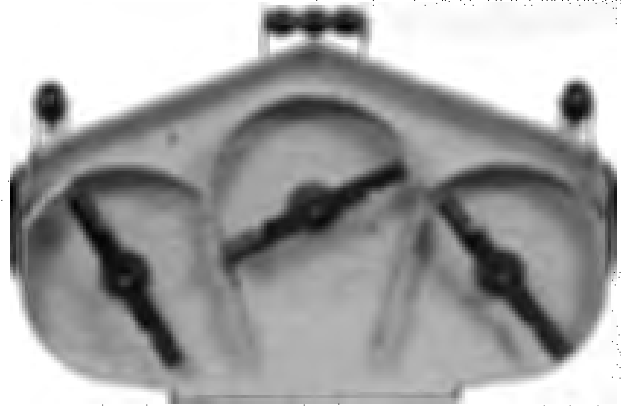
- Heavy-duty, 1½"-diameter shaft made of high-strength, hardened steel alloy.
- Matched set of tapered roller bearings provides up to 50% more load-carrying capacity than ball bearings.
- Top-mounted fitting for easy greasing.
- Grease relief valve prevents over-greasing.
- Secured with ⅝", grade-8 mounting hardware for superior strength.
- Three-year limited warranty (see page 77 for details).

*Note: Patriot™, Freedom Z®, Liberty® Z and SWZT use a maintenance-free, sealed-aluminum-housing, ball-bearing spindle design.*

# CUTTER DECKS

## THE SCAG VELOCITY PLUS REAR-DISCHARGE CUTTER DECK

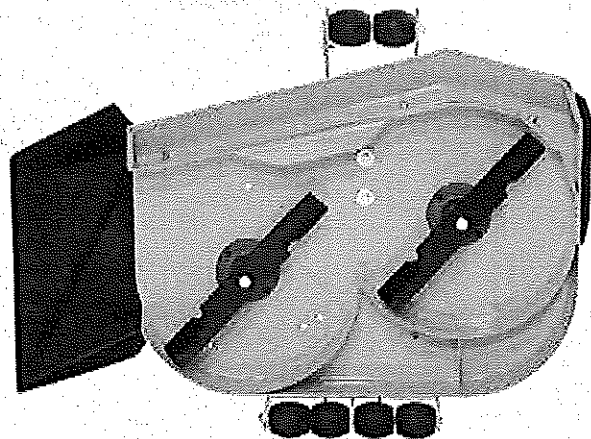
The 61" Velocity Plus Cutter Deck is available with rear discharge (RD) on the Scag Cheetah II. Same tough spindles and Tri-Plate deck top, same Scag toughness built in. The Velocity Plus RD deck is ideal for cemeteries, roadsides, medians and parking lots, or any location where side-discharging is not allowed or is undesirable.



## Advantage

### ADVANTAGE DECK

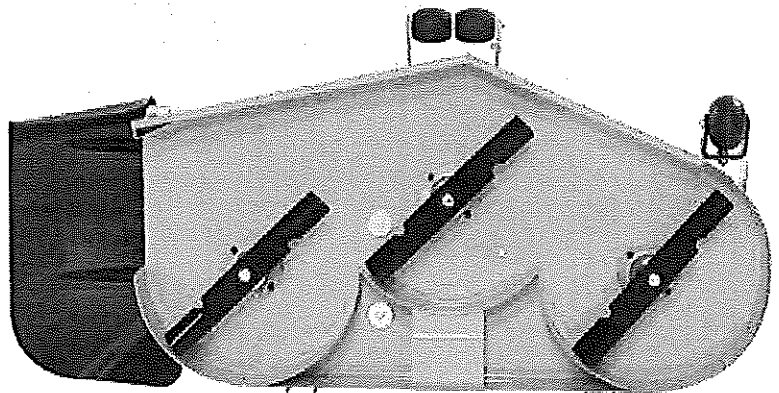
For over two decades, the Advantage deck has been providing an ultra-smooth cut on any grass. Equipped with the adjustable Custom-Cut Baffle and Scag's heavy-duty cast-iron spindle, this deck has what it takes to do the job right for a very long time. 32" and 36" widths available. Available on some V-Ride II, SWZ and SW models.



## HERO™

### HERO DECK

The Hero™ deck design was originally introduced with the Freedom Z, and is now found on the Patriot, Liberty Z and SWZT models as well. This extra-strong, fully fabricated and welded deck features "maintenance-free" aluminum spindles for years of worry-free performance. Available in 36", 42", 48", 52" and 61" widths.





**SCAG**  
POWER EQUIPMENT

TURFTIGER II



SCAG Power Equipment, Inc. 800-451-7263

Have that with the head of the pack. That Tiger II is machine that's tougher than any job you can throw at it. Engineered for superior durability, productivity and comfort, the That Tiger II gives you the edge over whatever nature throws at you while leaving you ready to take on the next challenge.

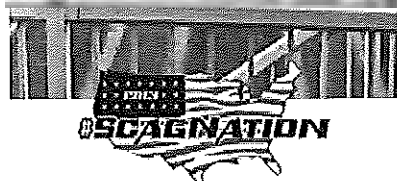
IT'S TIME FOR YOU TO RISE  
TO THE TOP OF THE FOOD CHAIN.

**TURF** Tiger II



**SCAG**  
POWER EQUIPMENT

# TURF TIGER II



**DWIGHT P.**  
Sun Prairie, WI

**SCAG OWNER FOR 1 YEAR  
COMMERCIAL OPERATOR**

**WHY DID YOU CHOOSE SCAG?**

*"They allow me to  
showcase my very  
best stripes."*

**HOW DOES OWNING A SCAG  
IMPROVE YOUR BUSINESS?**

*"We can give our  
customers the highest-  
quality service because  
we use the highest-  
quality equipment."*

**PROPANE**   
**ELECTRONIC FUEL-INJECTION**

Turf Tiger II™ propane-powered model features a Kohler® Command PRO® EFI engine, along with a standard industrial, 33.5 lb/7.9-gallon, aluminum LP tank. Vapor withdrawal for maximum reliability.



Actual product may differ from photos.



## FEATURES & SPECIFICATIONS

- High-strength, double-tube steel frame ensures a solid foundation for years of reliable service; replaceable front caster wheel weldment.
- Cutter deck driveshaft system provides consistent, reliable power and a wide cutting-height range; deck cutting heights range from 1½" to 6" in ¼" increments.
- Heavy-duty drive system features dual 16 cc pumps and high-torque 18 ci Parker wheel motors for responsive, dependable power.
- Up to 12 mph forward speed for maximum productivity.
- Large-capacity hydraulic system includes a large oil cooler to increase hydraulic component efficiency and extend system life; pump cooling fans further cool the hydraulic system.
- Fabricated, welded and reinforced Velocity Plus™ Cutter Deck is ultra-strong and true commercial-grade. Tri-Plate deck is nearly ½" thick.
- Large caster wheels feature tapered roller bearings in axles and pivots for long life; lip seal keeps grease in and dirt out.
- Flat-free caster tires reduce maintenance costs and keep you in the field, cutting grass.
- Large 6-ply, 26" drive tires deliver superior traction and a smooth ride.
- Command-Comfort Operator Station features unprecedented levels of adjustability and ergonomics. This individualized system fights fatigue and provides maximum comfort and convenience.
  - 4-point, rubber iso-mounted, torsion-spring suspension seat adjusts to operator's weight to provide superior comfort. Seat features full padding, forward/rearward adjustment, high back, adjustable armrests and adjustable back angle.
  - Quick-Fit™ steering control levers are fully adjustable to provide a custom fit for maximum comfort.
  - 3-position deck-lift foot pedal allows individualized comfort for operators of all heights.
- Convenient cup holder keeps beverage within reach.
- ROPS (Roll-Over Protection System) is standard equipment, featuring low hinge point for easy transport and storage.
- Adjustable, foot-operated parking brake allows the operator to apply the brake without removing hands from the steering controls. Ausco disc brakes for reliable performance.
- Ultra-low center of gravity makes the Turf Tiger II surefooted on a wide variety of terrain.
- Large-capacity, single fuel tank with a large, angled neck for easy filling provides hours of cutting without refueling; 12-gallon capacity. Tank is mounted under the seat to lower the center of gravity for better stability and handling.
- Tiger Eye™ Advanced Monitoring System keeps a constant, real-time "eye" on important system functions of the Turf Tiger II. (Specific functions vary by mower model and engine.)

## FUEL INJECTION

### MAXIMIZE POWER & REDUCE FUEL COSTS

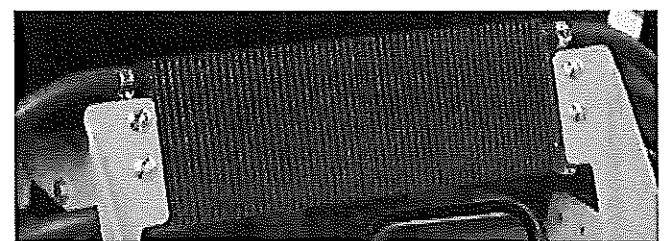
The Scag® Turf Tiger II is available with an air-cooled Briggs & Stratton® Vanguard® BIG BLOCK™ EFI engine. This engine is equipped with electronic fuel injection (EFI) to reduce fuel consumption and maximize power. The Turf Tiger II can also be outfitted with a Kawasaki® FD850D-DFI (digital fuel injection) or propane-powered Kohler Command PRO EFI engine that optimizes fuel economy and maximizes your profitability.



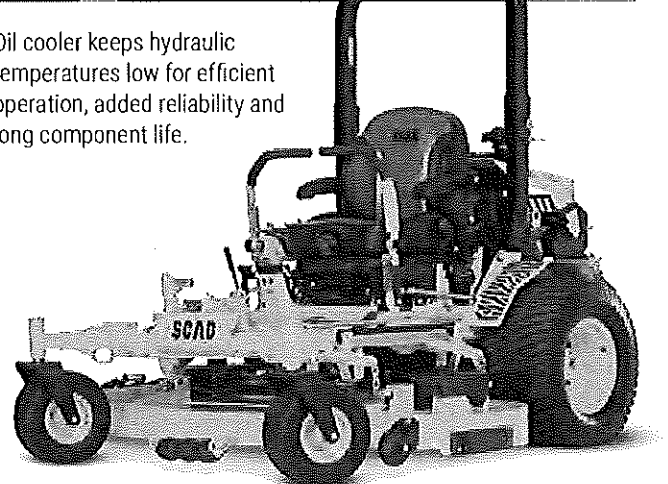
Dual 16 cc Hydro-Gear® pumps power this dependable drive system. Pump shock valves ensure reliability and long life. Cooling fans help maintain safe operating temperatures.



Heavy-duty driveshaft delivers solid, dependable power to the cutter deck. Specially engineered for ease of maintenance.



Oil cooler keeps hydraulic temperatures low for efficient operation, added reliability and long component life.



**SCAG**  
POWER EQUIPMENT

CHIEFTAIN



Visit [www.scag.com](http://www.scag.com) for more information.

# CHEETAH II

EVERETT MOTORWORKS, DALLAS.

**IN YOUR WORLD, IT PAYS TO BECOME MORE  
SWIFT, AGILE AND POWERFUL—LITERALLY.**

Stay on top with the quick and precise Cheetah II™, a machine that devours jobs at a pace you've only dreamed of while delivering an unmatched quality of cut and incredibly smooth ride. With the Cheetah II, you'll never be caught from behind.



**SCAG**  
POWER EQUIPMENT

# CHEETAH II



## **COLE H.**

**SCAG OWNER FOR 2 YEARS  
COMMERCIAL OPERATOR**

### **WHY DID YOU CHOOSE SCAG?**

*"Best cutting mower  
I have tried and a good  
local dealer."*

### **HOW DOES OWNING A SCAG IMPROVE YOUR BUSINESS?**

*"I am able to mow more  
efficiently due to the  
quality-of-cut compared  
to other mower brands  
I have had in the past."*

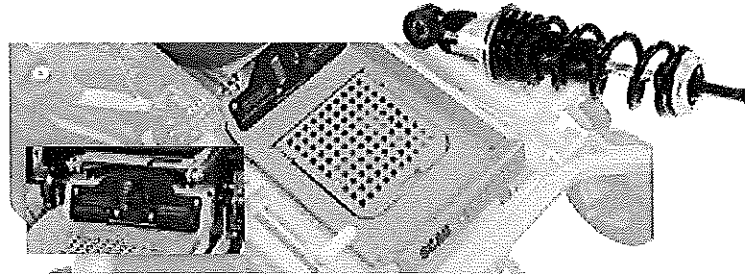


*Actual product may differ from photos.*

## FEATURES & SPECIFICATIONS

- Quick-Fit™ steering control levers, the Operator Suspension System and a spacious footplate reduce fatigue for comfortable operation.
- Double-tube mainframe makes the Cheetah II™ tough, durable and dependable year after year.
- Extra-low center of gravity gives the Cheetah II surefooted stability on a wide variety of terrain.
- Fabricated, welded and reinforced Velocity Plus™ Cutter Deck is ultra-strong and truly commercial-grade. Tri-Plate deck top is nearly ½" thick.
- Engine options include Kawasaki® FX EFI or Briggs Vanguard® EFI.
- Dual tanks provide up to a 13-gallon fuel capacity to keep you mowing for hours, ensuring better productivity.
- Heavy-duty Ogura GT5 (350 ft lb) clutch; adjustable air gap for long service life.
- Adjustable, three-position steering-lever-dampener mounting lets you customize the feel and responsiveness of the controls for easier operation.
- Convenient cup holder keeps beverage within reach.
- Foot-operated parking brake allows the operator to apply the brake without removing hands from the steering controls.
- Dual, integrated Hydro-Gear® transaxles give you responsive, dependable power; a cooling fan on each unit keeps operating temperatures low.
- Large-capacity hydraulic system increases component efficiency and extends system life.
- Extra-large drive tires provide dependable traction and a smooth ride.
- 6"-wide, flat-free front caster tires have tapered roller bearings in the axles and pivots for long life; lip seals keep grease in and dirt out.
- Tiger Eye™ Advanced Monitoring System keeps a constant, real-time "eye" on important system functions of the Cheetah II. (Specific functions vary by mower model and engine.)
- Integrated tie-down locations make securing the Cheetah II on a trailer simple.

## OPERATOR SUSPENSION SYSTEM



Isolates the operator station from the effects of rough terrain. A coil-over shock provides effective suspension action right where it's needed, and only where it's needed, for a smooth ride. Adjust the suspension system on the fly from firm to soft with a selection of five settings to match your personal preference.

This ultra-simple design utilizes only three moving parts to cushion the operator while maintaining the structural integrity of the mower's frame. Most importantly, this suspension system has no negative effect on the quality-of-cut.



The comfortable, contoured seat features rubber iso-mounts at four points to absorb vibration and increase comfort.



Two-speed ZT-5400® transaxle lets you choose either Low Range to travel up to 12 mph or High Range for up to 16 mph.



Operator-friendly instrument panel includes a conveniently located ignition switch, cutter-deck-engagement switch, choke, throttle controls and Tiger Eye Advanced Monitoring System.

**SCAG**  
POWER EQUIPMENT

TIGER CAT II



Always practice safe mowing techniques.

# ***TIGER CAT II***

**THE POWER OF A TIGER.  
THE SWIFTNESS OF A CAT.**

The nimble Tiger Cat® II combines the best of both worlds. Making full use of its compact footprint and robust engine, this easily adjustable and extremely durable machine gets into, around and out of tight spaces quickly—putting you on the path toward increased profitability.

**SCAG**  
POWER EQUIPMENT

TIGER CAT II



#ScagNation Profile



**MIKE R.**  
Amherst, NY

**SCAG OWNER FOR 10 YEARS  
COMMERCIAL OPERATOR**

**WHY DID YOU CHOOSE SCAG?**

*"Scag construction is superior to other brands, and they design mowers to be serviceable and to last a very long time. I would never own anything else."*



*Actual product may differ from photos.*



## FEATURES & SPECIFICATIONS

- Heavy-duty, tubular-steel frame provides a solid foundation for years of reliable service; replaceable front caster wheel weldment.
- Fabricated, welded and reinforced Velocity Plus™ Cutter Deck is ultrastrong and truly commercial-grade. Tri-Plate deck is nearly ½" thick.
- Powerful drive system features dependable design, while dual 12 cc pumps and high-torque, cast-iron wheel motors ensure reliable power.
- Up to 12 mph forward and 5 mph reverse ground speeds make quick work of tough jobs.
- Low center of gravity delivers sure footing on a variety of terrain.
- Torsion-spring suspension seat adjusts to operator's weight to provide superior comfort. Seat features full padding, forward/rearward adjustment, high back, adjustable armrests and adjustable back angle.
- 4-point, rubber iso-mounting provides additional comfort to the seat.
- Large 24" drive tires ensure solid traction and curb-climbing ability.
- 9.5-gallon approximate fuel capacity for hours of cutting time. Large fuel tank filler neck allows for quick refueling. Fuel tank features a molded-in cup holder for extra convenience.
- Foot-operated parking brake allows the operator to apply the brake without removing hands from the steering controls. Ausco disc brakes for reliable performance.
- Large flat-free caster wheels feature tapered roller bearings for long life. Lip seals keep grease in and dirt out.
- Tough idler pulley system features all-steel pulleys, high-quality bearings and pulley-bearing debris guards for long, reliable service.
- Tiger Eye™ Advanced Monitoring System keeps a constant, real-time "eye" on important system functions of the Tiger Cat® II. (Specific functions vary by mower model and engine.)
- User-friendly design provides simple operation and allows easy access for maintenance.
- Air-filtration systems ensure clean engine air for maximum power and long life; heavy-duty remote canister filter on Kawasaki® FX and Briggs Vanguard® engines.
- All Tiger Cat II models include standard twin-stick steering controls, flat-free front caster tires and foldable Roll-Over Protection System (ROPS).

- 
- A variety of accessories are available for the Tiger Cat II, such as:
    - Grass Catchers.
    - Mulching Systems.
    - Trailer Hitch.
    - Tiger Striper Lawn Striping System.
    - Chrome Wheel Covers.
    - LED Light Kit.
    - Operator-Controlled Discharge Chute (OCDC).

See page 53 for additional options.



Operator-friendly instrument panel includes a conveniently located ignition switch, cutter-deck-engagement switch, choke, throttle controls and Tiger Eye Advanced Monitoring System.



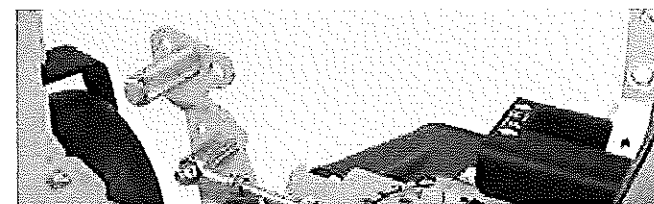
High-torque, cast-iron wheel motors ensure dependability. Heavy-duty drive system is designed for reliability.



Heavy-duty Ogura GT3.5 clutch features 250 ft lb of holding strength. Adjustable air gap for long life.



Entire foot plate area lifts to provide complete access to the top of the deck for easy servicing.



Adjustable, 3-position deck-lift foot pedal makes changing the height-of-cut fast and easy. Adjusts from 1" to 5" in ¼" increments.



Rugged 12 cc hydraulic pumps feature pressure-relief valves and top-mounted fans for added reliability and longer life.

**SCAG**  
POWER EQUIPMENT

PATRIOT



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# PATRIOT

 **USA SCAG**

**BUILT TO DELIVER MAINTENANCE-FREE,  
HIGH-PERFORMANCE OPERATION AND  
A BEAUTIFUL QUALITY-OF-CUT.**

The Patriot® makes a statement; it says you're a hardworking lawn care professional that believes in getting a job done right. In other words, this machine is built to make money and leave your customers—and their neighbors—satisfied with your hardwork.

**SCAG**  
POWER EQUIPMENT

**PATROL**



**SEAN R.**  
West Camp, NY

**SCAG OWNER FOR 1 YEAR  
HOMEOWNER OPERATOR**

**WHY DID YOU CHOOSE SCAG?**

*"Great dealership and  
looking for a durable/  
reliable mower."*

**HOW DOES OWNING A SCAG  
IMPROVE YOUR LANDSCAPING?**

*"Saves time with cutting  
speed and reliability."*

**FAVORITE FEATURES OF YOUR SCAG?**

*"The quality-of-cut,  
drive-motor power  
and comfort."*



2-Bag Grass Catcher with Spindle-Driven Blower  
See page 48 for details.

Actual product may differ from photos.

## FEATURES & SPECIFICATIONS

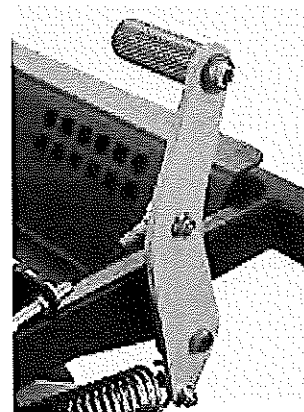
- 52" or 61" cutter deck with anti-scalp rollers provides a beautiful quality-of-cut.
- Hero™ cutter deck features sealed aluminum spindles with ball bearings that deliver maintenance-free, high-performance operation; ½"-thick mounting flange.
- Torsion-spring suspension seat is easily adjustable and delivers a high level of operator comfort.
- Low-maintenance mower design reduces grease points for operator convenience.
- 6.5-gallon total fuel capacity maximizes refueling intervals to save time and get the job done fast. Large, angled fuel neck for easy filling.
- Cup holder and storage tray built into fuel tank for operator convenience.
- Innovative height-of-cut adjustment is quick and conveniently adjusts from 1½" to 5" in ¼" increments.
- Self-adjusting belt systems keep belts in constant, proper adjustment for long life.
- Commercial-grade, powder coat paint for an attractive, professional finish and increased durability.
- Digital hour meter features preprogrammed maintenance reminders.
- Highly flexible discharge chute will not dent and is easy on the landscape.
- Low-profile, foldable Roll-Over Protection System (ROPS).
- Hydro-Gear® ZT-3100® (SPZ52) or ZT-3400® (SPZ61) hydro transaxles (2 independent units with charge pumps and all-metal gears) deliver smooth drive power while spin-on oil filters provide easy maintenance.
- Extra-low center of gravity for maximum stability over challenging terrain.
- Ground speeds up to 10 mph (SPZ61) or 8.5 mph (SPZ52) for maximum productivity.
- Large front caster tires and extra-large 22" (SPZ52) or 24" (SPZ61) drive tires for solid traction and a smooth ride.
- Foot-operated parking brake activates a disc brake system; Ausco disc brakes for reliable performance.
- Rubber iso-mounted footplate for increased operator comfort.
- 2-year commercial or 3-year/500-hour non-commercial mower warranty. See the Scag® Limited Warranty Statement for complete details.



Powerful Kawasaki® FX V-Twin, Briggs Vanguard® or Kohler® Command PRO® engine options up to 26 hp provide smooth, reliable power.



Convenient operator station puts the mower controls within easy reach.



Cutter-deck-lift foot pedal is spring-assisted and makes raising the cutter deck smooth and easy.



Pierced, extruded-steel footplate is rubber iso-mounted for enhanced comfort.



Four-corner deck-leveling system ensures easy cutter-deck adjustments for an even cut.



Ogura GT2 (108 ft lb) PTO clutch brake for easy deck engagement. Adjustable internal air gap for long life.

**SCAG**  
POWER EQUIPMENT

FREEDOM Z



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# ***FREEDOM*** **Z**

 **USA SCAG**

AVAILABLE AT RENT

**ALL BUSINESS. EVEN AT HOME.**

The Freedom Z<sup>®</sup> is perfect for landscapers needing a machine that can go the distance or for the pro-at-home who owns a large acreage lot. Commercial quality through and through, this machine is comfortable anywhere the job needs to be done.



**SCAG**  
POWER EQUIPMENT

**FREEDOM Z**



**JACKSON S.**

Louisville, KY

**SCAG OWNER FOR 2 YEARS  
COMMERCIAL OPERATOR**

**FAVORITE FEATURE OF YOUR SCAG?**

*"The quality-of-cut is  
unsurpassed."*

**HOW DOES OWNING A SCAG  
IMPROVE YOUR BUSINESS?**

*"After I cut with  
a Scag for the first  
time, I decided to start  
a lawn business."*



*Actual product may differ from photos.*



## FEATURES & SPECIFICATIONS

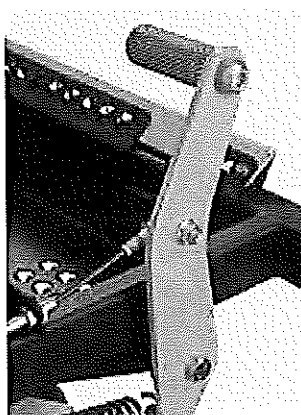
- 48" or 52" Hero™ cutter deck with anti-scalp rollers provides a beautiful quality-of-cut.
- Hero cutter deck features sealed aluminum spindles with ball bearings that deliver maintenance-free, high-performance operation; ½"-thick mounting flange.
- Comfortable, thick-cushioned seat is easily adjustable and delivers a high level of operator comfort.
- Low-maintenance mower design reduces grease points for operator convenience.
- 6.5-gallon total fuel capacity maximizes refueling intervals to save time and get the job done fast.
- Cup holder and storage tray built into fuel tank for operator convenience.
- Innovative height-of-cut adjustment is quick and conveniently adjusts from 1" to 4½" in ¼" increments.
- Easy-to-read fuel gauge adds convenience.
- Interlocked parking brake system prevents movement when parked on slopes. The mower will not operate with the brake on, preventing premature brake wear.
- Self-adjusting belt systems keep belts in constant, proper adjustment for long life.
- Hydro-Gear® ZT-2800® hydro transaxles (2 independent units with charge pumps and all-metal gears) deliver smooth drive power while spin-on oil filters provide easy maintenance.
- Large front caster tires and 20" drive tires ensure solid traction and a smooth ride.
- Digital hour meter features preprogrammed maintenance reminders to help you keep your mower running great.
- Ground speeds up to 8 mph for high productivity.
- Highly flexible discharge chute will not dent and is easy on the landscape.
- Low-profile, fixed-position Roll-Over Protection System (ROPS). Foldable ROPS option available as an accessory.
- Extra-low center of gravity for maximum stability over challenging terrain.
- Commercial-grade powder coat paint for an attractive, professional finish and increased durability.
- 3-year/500-hour non-commercial or 1-year commercial mower warranty. See the Scag® Limited Warranty Statement for complete details.



Powerful V-Twin engine options up to 26 hp provide smooth, reliable power.



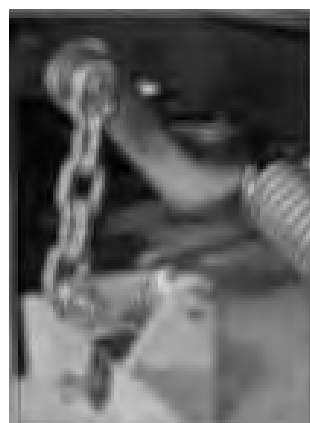
Convenient operator station puts the mower controls within easy reach.



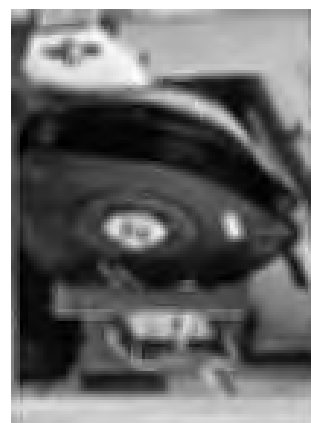
Cutter-deck-lift foot pedal is spring-assisted and makes raising the cutter deck smooth and easy.



Pierced, extruded-steel footplate for enhanced comfort.



Four-corner deck-leveling system ensures easy cutter-deck adjustments for an even cut.



Ogura GT1 (74 ft lb) PTO clutch brake for easy deck engagement. Adjustable internal air gap for long life.

**SCAG**  
POWER EQUIPMENT

LIBERTY Z



©2004 SCAG Power Equipment, Inc.

# ★ LIBERTY ★ Z

 USA SCAG

COME HOME TO THE BEST

**BECAUSE EVERY HOME DESERVES STRIPES.**

The Liberty® Z is designed and manufactured to deliver a top-of-the-line experience at a homeowner price point. It's a machine that's most at home, at your home. The Liberty Z gives more people the chance to see why Scag® machines are simply the best.



**SCAG**  
POWER EQUIPMENT

**LIBERTY Z**



**#ScagNation Profile**



**ALAN M.**

Lisbon, CT

**SCAG OWNER FOR 1 YEAR  
HOMEOWNER OPERATOR**

**HOW DOES OWNING A SCAG  
IMPROVE YOUR LANDSCAPING?**

*"Residentially it assists  
in dominating the  
neighborhood!"*

**FAVORITE FEATURE OF YOUR SCAG?**

*"The Tiger Striper Lawn  
Striping System  
for sure!"*

New 42" model (shown) available.



*Actual product may differ from photos.*

## FEATURES & SPECIFICATIONS

- Low-maintenance mower design reduces grease points for owner convenience.
- Fully fabricated and welded 36", 42", 48", 52" or 61" Hero™ cutter deck with anti-scalp rollers provides a beautiful quality-of-cut. This is the same proven deck design found on the Freedom Z® and Patriot™ models.
- Ground speeds up to 7 mph for high productivity.
- Hydro-Gear® ZT-2800® or ZT-3100® (61" model) hydro transaxles (2 independent units with charge pumps and all-metal gears) deliver smooth drive power and feature spin-on oil filters for easy maintenance. The 48" model features proven Tuff Torq transaxles.
- Extra-low center of gravity for maximum stability.
- Large 11" front caster tires and 20" drive tires for solid traction and a smooth ride.
- Sealed aluminum cutter deck spindles with ball bearings deliver maintenance-free, high-performance operation; ½"-thick mounting flange for incredible strength.
- Self-adjusting belt systems keep belts in constant, proper alignment for long life.
- Easy access to the engine oil-drain and filters for quick and simple maintenance.
- Powder coat paint for a showroom-quality finish and increased durability.
- Full-featured instrument panel with all controls within convenient reach of the operator.
- Digital hour meter features preprogrammed maintenance reminders to help you keep your mower running great.
- Large-diameter, padded, adjustable steering levers for ergonomic operation.
- Highly flexible discharge chute will not dent and is easy on the landscape.
- Wide, spacious footplate with extruded pattern for safe traction while getting on and off the mower.
- Fuel capacity of up to 5.5 gallons (48", 52" and 61" models) maximizes refueling intervals to save time and get the job done fast. Cup holder built into the fuel tank for operator convenience.
- 5-year/750-hour non-commercial mower warranty. See the Scag® Limited Warranty Statement for details.
- A variety of accessories are available to meet your specific needs, such as:
  - 2-Bag Grass Collection System.
  - Hurricane Mulch System.
  - LED Light Kit.
  - Trailer Hitch.

See page 53 for additional options.



Cushioned, contoured and bolstered seat is adjustable and delivers a high level of comfort. Standard armrests on the 48", 52" and 61" models provide additional stability and comfort no matter how long the job.



Heavy-duty, tubular-steel frame provides a solid foundation for years of reliable service.



Easy-to-use height-of-cut adjustment is quick and conveniently adjusts from 1½" to 4½" in ¼" increments.



Add a 2-Bag Grass Collection System to your Liberty® Z mower to give your lawn a pristine, clipping-free finish.

**SCAG**  
POWER EQUIPMENT

V-RIDE II



1994 model shown. MSRP: \$1,999.00.

# V-RIDE II

COVER DISTANCE

**WITHOUT HAVING TO TAKE A BREAK.**

Featuring a comfortable operator platform with first class suspension that minimizes fatigue to the operator, the V-Ride II™ delivers a natural, intuitive and smooth riding position the entire day. With unrivaled performance, stability and durability, this machine helps keep you in top-top condition to get the job done day after day, year after year.

**SCAG**  
POWER EQUIPMENT

**V-RIDE II**

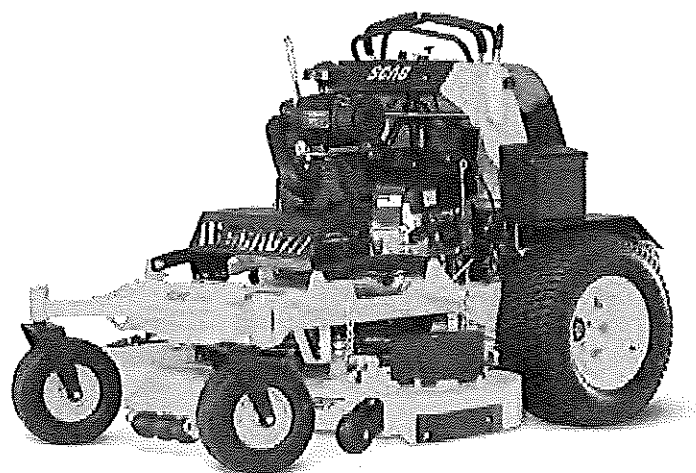


**MATTHEW H.**  
Mount Vernon, OH

**SCAG OWNER FOR 1 YEAR  
COMMERCIAL OPERATOR**

**WHY DID YOU CHOOSE SCAG?**

*"Being in the green industry, you need reliable and long-lasting equipment, and that's why I chose Scag. They have excellent support and they are built to last!"*



*Actual product may differ from photos.*



## FEATURES & SPECIFICATIONS

- Spacious operator platform with adjustable suspension delivers a smooth ride and reduces operator fatigue.
- Scag® heavy-duty cutter deck spindles with 1½" hardened-steel shaft, cast-iron housing and greaseable, tapered roller bearings provide reliable strength. Spindles covered by a 3-year warranty.
- Strong, reliable Ogura PTO clutch engages and disengages the blades quickly and easily with adjustable air gap for long life. Models with 37 hp or more feature a SoftStart Electric Clutch Controller.
- Powerful and efficient Kawasaki® and Briggs Vanguard® engines provide smooth, reliable power. EFI options deliver exceptional fuel efficiency and dependable performance.
- Heavy-duty canister air filter available on Briggs Vanguard and Kawasaki FX and FX EFI engines.
- Heavy-duty steel frame construction ensures a solid foundation for long life.
- Built-in tie-down points allow for quick and easy transport.
- Large drive tires provide surefooted traction: 20" tires on the 32" and 36" models; 24" tires on the 48", 52" and 61" models.
- Rugged dual hydraulic drive system delivers dependable power with 12 cc Hydro-Gear® pumps with cooling fans; 10 cc pumps on 32" and 36" V-Ride II™.
- Productive ground speeds help get the job done fast: up to 10.5 mph on most models; up to 8.5 mph on 32" and 36" models.
- Large 8-gallon fuel tank (6.75-gallon fuel tank on the 36" and 5-gallon on the 32" models). All models feature large, angled filler neck and fuel gauge for operator convenience.
- Flat-free (semi-pneumatic) front caster tires eliminate downtime and expense caused by flat tires.
- Tiger Eye™ Advanced Monitoring System keeps a constant, real-time "eye" on important system functions of the V-Ride II. (Specific functions vary by mower model and engine. Not available on 32" or 36" models.)
- The 32" and 36" Advantage™ and the 48", 52" and 61" Velocity Plus™ Cutter Decks provide an unmatched quality-of-cut and a wide, even discharge. Tri-Plate deck tops on 36"-61" models are nearly ½" thick.
- The V-Ride II is covered by a strong 2-year commercial or 3-year/500-hour non-commercial mower warranty. See the Scag Limited Warranty Statement for details.
- A variety of accessories are available for the V-Ride II such as:
  - 2-Bag Spindle-Driven Grass Catcher.
  - Side-Mounted Fabric Grass Catcher.
  - Hurricane Plus™ Mulch System.
  - Blade Buddy™.
  - Operator-Controlled Discharge Chute (OCDC).
  - LED Light Kit.

See page 53 for additional options.



Ergonomic operator controls provide incredible ease of use along with maximum comfort. Intuitive control design minimizes the learning curve for new operators.



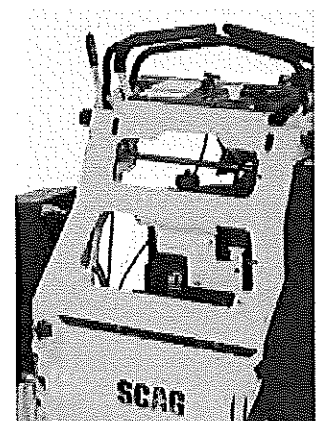
Easily change cutting heights in the field with no tools (1½" to 4½" in ¼" increments). Deck can be lifted from the operating position with the pull of a spring-assisted lever.



Easy-to-reach, full-featured instrument panel has ignition key, cutter-deck-engagement switch, throttle, choke and Tiger Eye Advanced Monitoring System. (Tiger Eye not available on 32" and 36" V-Ride II models.)



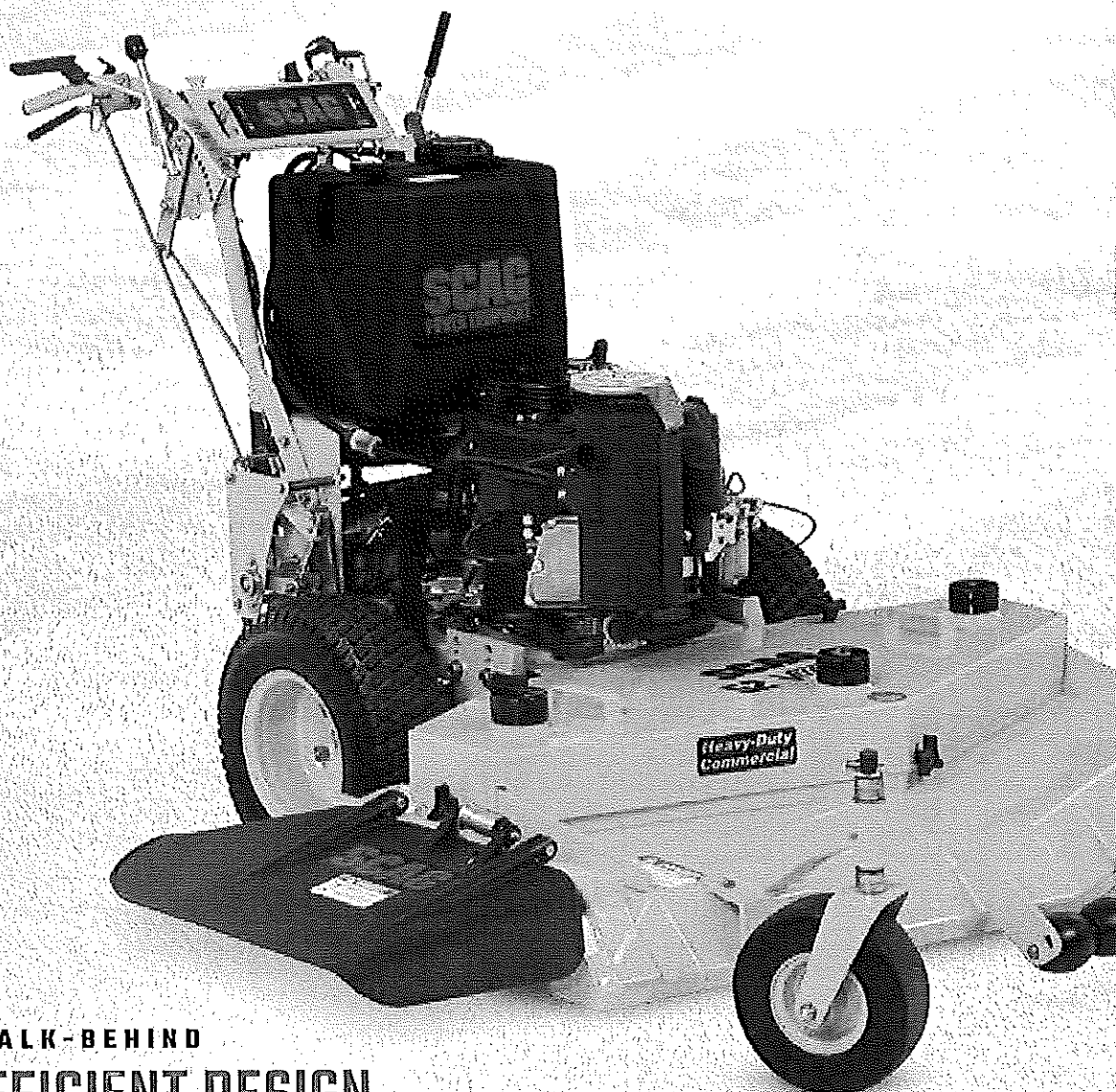
Extra-large comfort cushion allows for comfortable operation, hour after hour. Adjustable platform suspension further enhances operator comfort.



Comfort cushion and lower panel are removable to allow quick and easy service access to the hydraulic system.

**SCAG**  
POWER EQUIPMENT

SWZ



## HYDRO-DRIVE WALK-BEHIND SIMPLE & EFFICIENT DESIGN

Hydraulic power and simple design combine to make the SWZ the most efficient and easy-to-handle walk-behind you can buy. The SWZ has all the features Scag® mowers are famous for: tough, durable components for long life and heavy-duty cutter decks that deliver an unmatched cut.

- Heavy-duty Advantage™ and Velocity Plus™ Cutter Decks are constructed for outstanding durability (52" and 61" decks are made with a 10-gauge top and 7-gauge skirt, 36" and 48" decks are constructed of 7-gauge steel).
- Tough spindle assembly features a cast-iron housing with a heavy-duty flange secured with  $\frac{3}{16}$ " grade-8 mounting hardware. Tapered roller bearings add 50% more load-carrying capacity than ball bearings. Covered by a 3-year limited warranty.
- Productive ground speeds up to 7.4 mph get the job done fast.
- Large 5.5-gallon fuel tank features a molded-in cup holder and large filler neck.
- Convenient instrument panel puts controls at operator's fingertips. Panel has key, cutter-deck-engagement switch, choke and throttle. SWZ also includes tracking adjustment, parking brake, forward-speed lever and digital hour meter.
- Fixed cutter deck adjusts from  $1\frac{3}{4}$ " to  $4\frac{1}{2}$ " in  $\frac{1}{4}$ " increments.
- Large 16" drive wheels feature rounded edges for better flotation and less turf tearing.
- Flat-free (semi-pneumatic) front caster tires reduce maintenance costs and keep you in the field, cutting grass.
- Nylon hydraulic fluid reservoir features a large surface area to keep operating temperatures low.

*Actual product may differ from photos.*



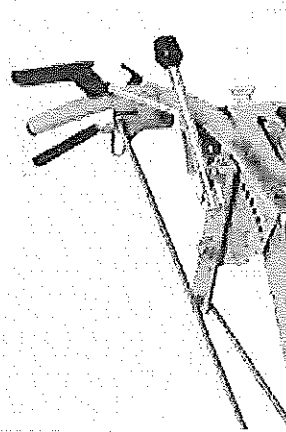
**ADDISON E.**  
Neptune, NJ

**SCAG OWNER FOR 6 YEARS  
COMMERCIAL OPERATOR**

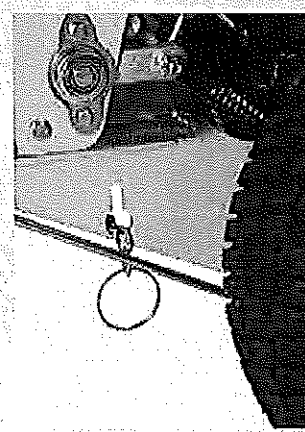
**WHY DID YOU CHOOSE SCAG?**  
*"Quality."*

**HOW DOES OWNING A SCAG  
IMPROVE YOUR BUSINESS?**  
*"Less breaking down,  
which means less  
downtime."*

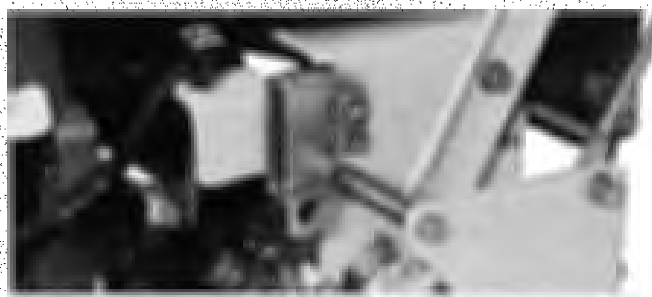
- Brake interlock switch prevents operation of unit with parking brake on.
- Hydro transmission belt is self-adjusting to save maintenance time and extend belt life.
- Belt cover has easy-access holes to reach the top spindle nuts for blade removal.
- Flexible discharge chute will not dent and is easy on landscaping.



Spring-assisted EZ-Grip design reduces hand force required to operate drive controls for maximum operator comfort.



Declutch cold-start feature enhances cold-weather starting. It uses a large, easy-to-pull chain that locks into a slot in the engine deck to relieve pump pressure.



Adjust-A-Trac tool is conveniently mounted on the engine deck for quick and easy neutral and tracking adjustments in the field.



Dependable Ogura clutch engages and disengages the blades quickly and easily. Adjustable air gap for long life.

**SCAG**  
POWER EQUIPMENT

SW



## BELT-DRIVE WALK-BEHIND SIMPLE & EASY-TO-SERVICE DESIGN

Simple-to-maintain belt-drive design and five-speed transmission makes the SW easy to service and operate. Economical, durable and productive, the SW Walk-Behind provides years of dependable operation and an outstanding return on investment.

- Heavy-duty Advantage™ and Velocity Plus™ Cutter Decks are constructed for outstanding durability (52" decks are made with a 10-gauge top and 7-gauge skirt; 32", 36" and 48" decks are constructed of 7-gauge steel).
- Large drive wheels feature rounded edges for better flotation and less turf tearing.
- Large 5.5-gallon fuel tank features a molded-in cup holder and large filler neck.
- Tough spindle assembly features a cast-iron housing with a heavy-duty flange secured with  $\frac{5}{16}$ " grade-8 mounting hardware. Tapered roller bearings add 50% more load-carrying capacity than ball bearings. Covered by a 3-year limited warranty.
- Fixed cutter deck adjusts from 1 $\frac{3}{4}$ " to 4 $\frac{1}{2}$ " in  $\frac{1}{4}$ " increments.
- Flat-free (semi-pneumatic) front caster tires reduce maintenance costs and keep you in the field, cutting grass.
- Full commercial-grade construction ensures years of productive use.

*Actual product may differ from photos.*



**NICHOLAS C.**  
Winfield Park, NJ

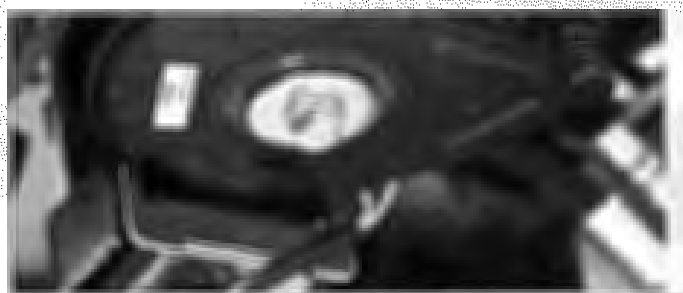
**SCAG OWNER FOR 20+ YEARS**

**WHY DID YOU CHOOSE SCAG?**

*"It does jobs so much faster and can make lawns look like green carpets."*

**HOW DOES OWNING A SCAG IMPROVE YOUR BUSINESS?**

*"It just makes life easier and it can cut high grass with ease."*



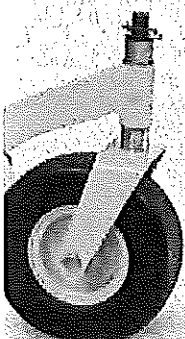
Dependable Ogura clutch engages and disengages the blades quickly and easily. Adjustable air gap for long life.



Five-speed Peerless transmission features nine-spline coupler shafts for durability and a wide selection of forward ground speeds.



Spring-assisted EZ-Grip design reduces hand force required to operate drive controls for maximum operator comfort.



- Productive ground speeds up to 6 mph get the job done fast.
- Convenient instrument panel puts controls at operator's fingertips. Panel has key, cutter-deck-engagement switch, choke, throttle and digital hour meter.
- Belt cover has easy-access holes to reach the top spindle nuts for blade removal.
- Flexible discharge chute will not dent and is easy on landscaping.



**SCAG**  
POWER EQUIPMENT

17MS



## HYDRO-DRIVE WALK-BEHIND

# COMFORTABLE & DEPENDABLE OPERATION

- Large 18" drive tires and 9" front caster tires provide stability.
- Ground speeds up to 7 mph forward and 3 mph in reverse get the job done fast.
- Available with a Kawasaki® FS series engine for smooth, reliable power. Convenient oil-drain access allows for easy maintenance.
- Large 5.5-gallon fuel tank features a molded-in cup holder and large filler neck for convenience; built-in fuel gauge.
- Adjustable height-of-cut from 1½" to 4½" in ¼" increments.
- Extra-strong, fully fabricated and welded steel Hero™ cutter deck; 36", 48", 52" or 61" floating deck design provides a beautiful quality-of-cut.
- Sealed aluminum spindles with ball bearings deliver maintenance-free, high-performance operation; ½"-thick mounting flange for strength.
- Strong, reliable Ogura PTO clutch engages and disengages the blades quickly and easily. Adjustable air gap for long life and reduced maintenance costs.

*Actual product may differ from photos.*



**ZACHARY G.**  
Knoxville, TN

**SCAG OWNER FOR 5 YEARS  
COMMERCIAL OPERATOR**

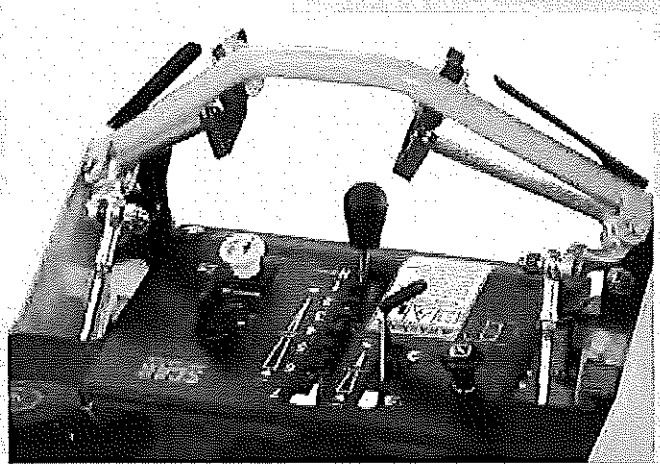
**WHY DID YOU CHOOSE SCAG?**

*"The highest quality  
and craftsmanship  
in the game."*

**HOW DOES OWNING A SCAG  
IMPROVE YOUR BUSINESS?**

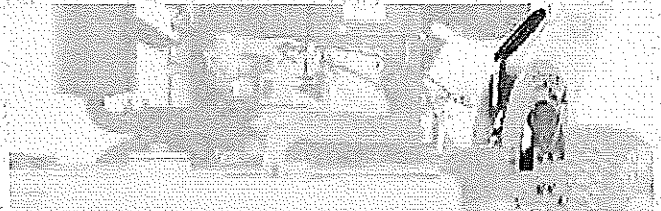
*"Less maintenance,  
better on fuel, less time  
spent doing repairs."*

- 3-year/500-hour non-commercial or 2-year commercial mower warranty. See the Scag® Limited Warranty Statement for complete details.
- Easy-to-reach, full-featured instrument panel has ignition key, cutter-deck-engagement switch, speed-selection lever, throttle, choke and digital hour meter.
- Brake interlock switch prevents operation of unit with parking brake on.



## ERGONOMIC CONTROL SYSTEM

Ultra-comfortable, ergonomic control system designed to make operation easy, hour after hour. The controls not only contour to the natural angles of your extended arms but are placed to keep your hands out of harm's way when mowing next to trees and bushes. Unitized handle construction provides added strength.



Innovative, rider-style height-of-cut adjustment is quick and convenient.



Dual hydraulic ZT-2800® transaxles with cooling fans and steel fan covers allow independent, amazingly smooth and positive power to each wheel; two independent units with charge pumps and all-metal gears. Rear skid plate protects the underside and transaxles from impact damage.



Dependable Ogura clutch engages and disengages the blades quickly and easily. Adjustable air gap for long life.

**SCAG**  
POWER EQUIPMENT

SFC



SFC-30-7CV



SFC-30-7CV-S

## **FINISH CUT WALK-BEHIND FINISH THE JOB**

Fully welded and fabricated using ultra-strong, military-grade steel for years of dependable performance, the SFC-30 Finish Cut Walk-Behind Mower is no pushover. Packing big productivity and versatility into a compact form, this commercial-grade machine delivers a beautiful, professional quality-of-cut, helping you put the finishing touches on the job or at home.

- Heavy-duty construction ensures years of worry-free service and productivity.
- Blade brake clutch allows the operator to disengage cutter blades without shutting off the machine.
- Offset cutter blade layout results in a simple, more user-friendly system than timed belt setups.
- Easy-to-maintain design means belt replacement takes less than half the time as compared to timed belt designs. Tool-free removal of belt cover.
- Proven, maintenance-free GT MV 702 transmission delivers dependable drive power.
- Productive ground speeds help get the job done fast; up to 4 mph.

*Actual product may differ from photos.*



## #ScagNation Profile



**DILLON C.**  
Galena, KS

**SCAG OWNER FOR 3 YEARS  
COMMERCIAL OPERATOR**

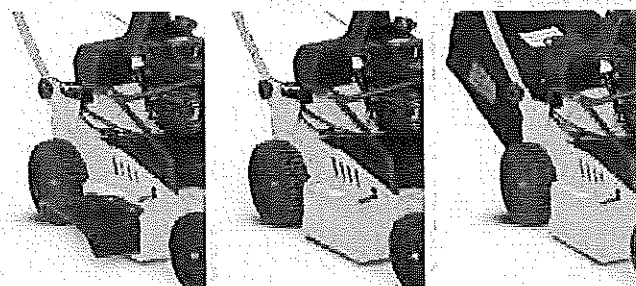
**HOW DOES OWNING A SCAG  
IMPROVE YOUR BUSINESS?**

*"I can now start mowing early in the morning without worrying about the grass clumping from being wet. The Scag still delivers a perfect cut."*

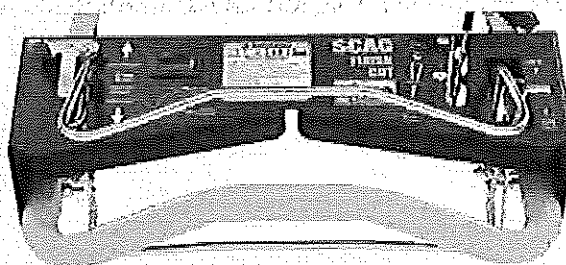
- Extra-strong, fully fabricated and welded cutter deck; 14-gauge, grade 100, military-grade steel deck shell with 12-gauge spindle reinforcement plate. ¼" trim-side bar provides extra protection.
- Powerful and efficient Kohler® Command PRO® CV224 engine delivers ample power, along with exceptional efficiency and dependable performance.
- Quick engine oil-drain paired with Kohler's Clean-Change™ System make for easy oil changes without a mess.
  - 3-year limited engine warranty through Kohler.
  - 1-gallon fuel tank provides long run time (excludes CA models).
- Large, wide tires provide dependable traction and even load disbursement; fixed-position or swiveling front wheels, depending on the model.
- Front and rear tie-down points for easy trailering.
- Strong warranty: 1-year commercial or 3-year / 500-hour non-commercial limited warranty coverage against manufacturing defects.



Front swivel caster wheel model offers increased ease of maneuverability in highly landscaped areas. Swivel Wheel accessory also available to convert fixed-wheel models.



3-in-1 versatility delivers the ability to side-discharge, mulch or collect clippings. All items come standard, so you can meet the demands of any job without purchasing extra accessories.



Ultra-comfortable, ergonomic control system is designed to make operation easy, hour after hour. 5-position handlebar height adjustment.



Single-point, rider-style height-of-cut adjustment. Cutting heights from 1½" to 5" in ¼" increments. Pin installs from the top for quick, easy changes.

**SCAG**  
POWER EQUIPMENT

ACCESSORIES



TURF TIGER II



TIGER CAT II

*Actual product may differ from photos.*

## CLAM-SHELL GRASS CATCHER

- High-capacity, 12-bushel/112-gallon hopper.
- Easily dump the hopper from the operator's seat. Ideal for on-site dumping or dumping onto a tarp.
- After the initial installation, the blower, debris tube and hopper can be quickly removed or reinstalled.
- High-speed, balanced, all-steel blower is spindle-driven off of the cutter deck. No auxiliary engine means less weight, less maintenance, lower cost and quieter operation.
- The debris screen simply slides out from the side of the hopper and can be cleaned at any time without having to first empty the hopper.
- Spring-loaded, self-adjusting belt drives the powerful, debris-reducing blower.
- Vertical blower design increases mower width by only 8½" for the Turf Tiger II™, Cheetah II™ and Tiger Cat® II models. That's narrower than the discharge chute and allows for easy trimming and convenient trailer loading.
- Blower assembly (excluding belt) is covered by a 1-year warranty.



**CLAM-SHELL GRASS CATCHER & FABRIC 3-BAG GRASS CATCHER:** All spindle-driven catchers have a balanced, all-steel, 4-blade blower that pulverizes debris, reducing particle size to increase packing density.



**CLAM-SHELL GRASS CATCHER & FABRIC 3-BAG GRASS CATCHER:** Both of the catchers include front weights and a mounting bar, keeping the center of gravity low and stable (number of weights depends on catcher and mower model).

## FABRIC 3-BAG GRASS CATCHER

- High-capacity, 16-bushel/148-gallon bagging system.
- Individual bags are ideal for dumping into containers or back of a truck.
- After the initial installation, the blower, debris tube and 3-bag collection unit can be quickly removed or reinstalled.
- High-speed, balanced, all-steel blower is spindle-driven off of the cutter deck. No auxiliary engine means less weight, less maintenance, lower cost and quieter operation.
- Metal debris screen inside hood is durable and easy to clean.
- Spring-loaded, self-adjusting belt drives the powerful, debris-reducing blower.
- Vertical blower design increases mower width by only 8½" for the Turf Tiger II, Cheetah II and Tiger Cat II models. That's narrower than the discharge chute and allows for easy trimming and convenient trailer loading.
- Blower assembly (excluding belt) is covered by a 1-year warranty.



**FABRIC 3-BAG GRASS CATCHER:** Three tapered, commercial-grade, fabric grass-collection bags make dumping easy. Optimum debris packing means less time emptying the bags and more productive mowing.



**FABRIC 3-BAG GRASS CATCHER:** Hard, molded-plastic bottoms help keep the bags safe from curb and trailer damage. The steel grab handle and tapered bag design make emptying the bags easy.

**SCAG**  
POWER EQUIPMENT

ACCESSORIES



V-RIDE II



PATRIOT

- 2-Bag Grass Catcher with Spindle-Driven Blower available for V-Ride II™ and Patriot™ models only. Not available for 32" and 36" V-Ride II models. Spindle-driven 2-bag catcher models include a 6" debris tube.

*Actual product may differ from photos.*

## FABRIC GRASS CATCHERS



LIBERTY Z

### FABRIC 2-BAG GRASS CATCHER

- Heavy-duty, 2-Bag Grass Catcher with 8" debris tube provides seven bushels of collection capacity. This system uses ultra-tough, commercial-grade bags for optimum debris packing and easy emptying. Fits Patriot, Freedom Z® and Liberty® Z models.

### FABRIC BAG GRASS CATCHER

- The Scag® Fabric Bag Grass Catcher features a 4-cubic-foot capacity and is lightweight for easy dumping.



Two tapered, commercial-grade, fabric grass-collection bags make dumping easy. Optimum debris packing means less time emptying the bags and more productive mowing.



Hard, molded-plastic bottoms help keep the bags safe from curb and trailer damage. The steel grab handle and tapered bag design make emptying the bags easy.



2-Bag Grass Catchers include front weights and a mounting bar, keeping the center of gravity low and stable (number of weights depends on catcher and mower model).



All spindle-driven catchers have a balanced, all-steel, 4-blade blower that pulverizes debris, reducing particle size to increase packing density. Spindle-Driven Blower available for V-Ride II and Patriot models only.

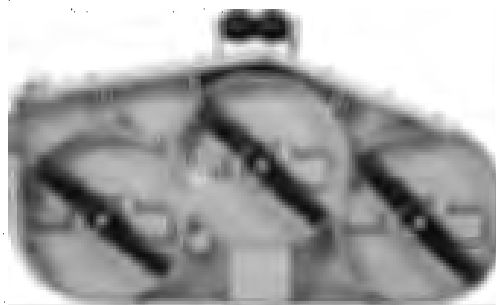




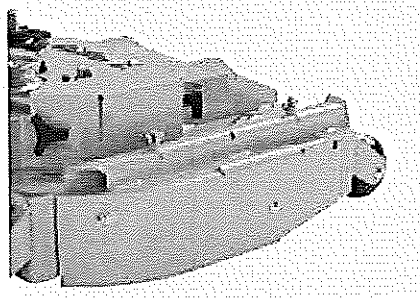
# SCAG POWER EQUIPMENT



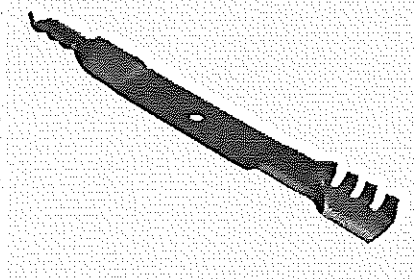
**HURRICANE PLUS™ MULCH SYSTEM** fits all Velocity Plus™ decks. The patented mulching system employs productive "Eye of the Hurricane" mulching plates, baffles and Eliminator™ blades.



**HURRICANE MULCH SYSTEM** is also available for most new Hero™ decks on Patriot™, Freedom Z®, Liberty® Z and SWZT mower models.



**CONVENIENT SCAG® MULCH PLATE** lets you convert from side discharge to mulching mode while in the field. There's a mulching plate designed to fit all current and most previous Scag mowers.



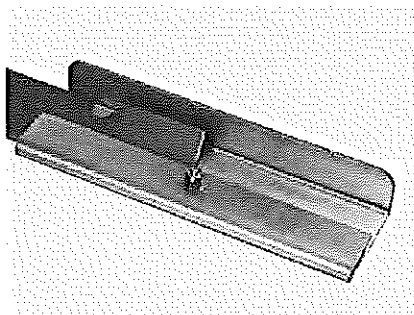
**ELIMINATOR BLADES** feature a serrated "double-cut" edge, shredding the grass and returning clippings and nutrients back to the soil. Eliminator blades are included with the Hurricane Plus Mulch System or can be purchased separately for use with the Mulch Plate. Other blades also available for various cutting conditions.



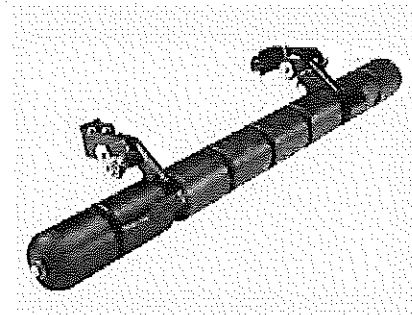
**THE SCAG OPERATOR-CONTROLLED DISCHARGE CHUTE (OCDC)** allows the operator to temporarily close off the cutter deck's discharge opening when mowing along sidewalks, around flower beds, etc. Available for select Velocity Plus deck models only.



**REPLACEABLE WEAR PAD** protects the trim side of the deck from curb and trailer damage. Also protects property from being damaged by the deck. Available for select Velocity Plus and Advantage™ deck models only.



**PATENTED BLADE BUDDY™** prevents cutter blade from rotating while changing blades. Makes blade removal and reinstallation quick and easy.



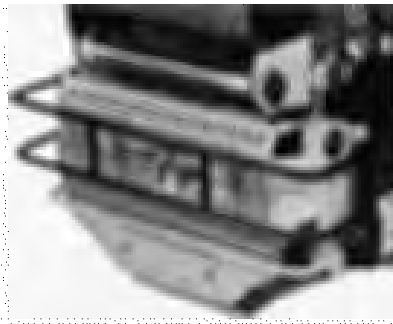
**PATENTED SCAG TIGER STRIPER LAWN STRIPING SYSTEM** gives grass a high-profile, professionally striped finish. It features a spring-loaded roller design for enhanced pattern appearance. Kit easily installs and removes in minutes. Kits available for Patriot, Freedom Z, Liberty Z, Turf Tiger II™, Cheetah II™ and Tiger Cat® II, as well as select previous models.

*Accessories may vary by model and may differ from photos shown here.*

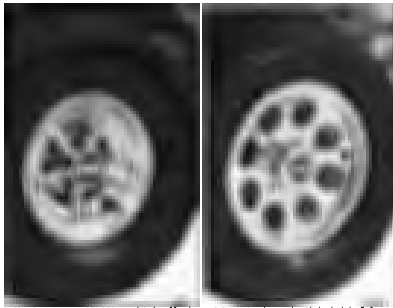
# MOWER ACCESSORIES



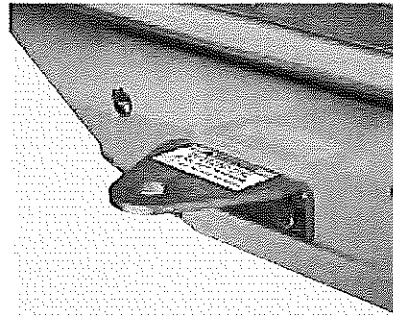
**LED LIGHT KIT** is easy to mount and extends visibility. Various kits available to fit all new zero-turn and stand-on mowers. Light kit options also available to fit Windstorm® blower and truck loaders. Appearance of light kit varies by machine model.



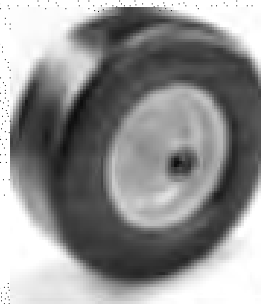
**TURF TIGER BUMPER** provides additional protection against trailer damage and damage from objects in the field. Fits Turf Tiger II models. (May not be used in conjunction with grass catchers.)



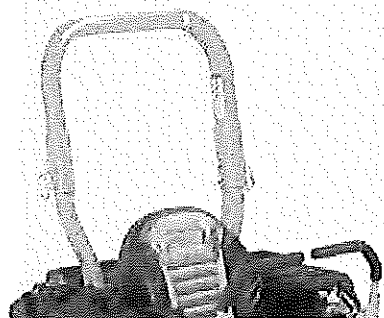
**CHROME WHEEL COVERS** are made of extremely durable plastic. Available in 8" and 12" diameters to fit most Patriot, Liberty Z, Turf Tiger II, Cheetah II, Tiger Cat II and V-Ride II™ models, Windstorm and some SWZT and SWZ models. Sold in sets of two to fit the rear drive wheels.



**TRAILER HITCH** (250 lb capacity) lets you haul a trailer or pull tow-behind attachments. Available for Turf Tiger II, Cheetah II and Tiger Cat II models, as well as some other previous models. Patriot, Freedom Z and Liberty Z Hitch also available.



**SEMI-PNEUMATIC, FLAT-FREE CASTER TIRES** minimize downtime. Available in a wide range of sizes to fit most mowers. Standard on most new models, excluding Patriot, Freedom Z and Liberty Z. Available as an option for the Patriot and Freedom Z and select previous models.



**ROLL-OVER PROTECTION SYSTEM (ROPS)** folds down for transport and storage. Easy-mount ROPS features OSHA 1928 certification and seatbelt. Available as an option for current Freedom Z and some other previous Scag models.



## WEAR IT WITH PRIDE

**ScagShop.com** is your exclusive online source for the latest official Scag wearables and gift items. Check out the fantastic selection of hats, shirts (adult and youth sizes), jackets, drinkware, signage, gifts and much more. Place your order directly online and have it shipped right to your home or workplace. Great prices, fast service. Check back often so you don't miss out on the newest styles!

*Items shown above are for illustration only. Actual selection of items can change often and without notice or obligation.*

*Note: Scag replacement parts and machine accessories are not available on ScagShop.com. Contact your local Scag dealer to order these items.*



## SCAG FILTERS & LUBRICANTS

You have invested in Scag: "Simply the Best" power equipment that money can buy. Why would you risk the longevity of its critical systems by using inferior filters and lubricants?

Genuine Scag Filters and Lubricants are specially designed to meet the specific needs of your high-performance Scag machine.

**SCAG**  
POWER EQUIPMENT



**RIDERS\*** 1500 cc 18 HP 1800 cc 22 HP  
 \*Based on 1500 cc 18 HP 1800 cc 22 HP  
 \*Based on 1500 cc 18 HP 1800 cc 22 HP

**ON THE JOB**

**AT HOME**



**RIDERS\*** 1500 cc 18 HP 1800 cc 22 HP  
 \*Based on 1500 cc 18 HP 1800 cc 22 HP  
 \*Based on 1500 cc 18 HP 1800 cc 22 HP



# UNMATCHED PRODUCTIVITY

## OPTIONAL MOWER ACCESSORIES BY MODEL REFERENCE

Some accessories listed may not fit all sizes of models indicated. Many of the accessories shown are also available to fit older Scag® mowers. Contact your Scag dealer for details.

	TURF TIGER II™	CHEETAH II™	TIGER CAT® II	PATRIOT™	FREEDOM 2®	LIBERTY® Z	V-RIDE II™	SWZT	SWZ	SW	SFC
CLAM-SHELL SPINDLE-DRIVEN GRASS CATCHER	•	•	•								
FABRIC 3-BAG SPINDLE-DRIVEN GRASS CATCHER	•	•	•								
FABRIC 2-BAG GRASS CATCHER				•	•	•					
2-BAG SPINDLE-DRIVEN GRASS CATCHER*				•			•				
FABRIC BAG GRASS CATCHER GC-F4				•	•	•	•	•	•	•	
CHROME WHEEL COVERS	•	•	•	•		•	•	•	•		
SWIVEL WHEEL											•
HURRICANE/HURRICANE PLUS™ MULCH SYSTEM	•	•	•	•	•	•	•	•	•	•	
MULCH PLATE**	•	•	•	•	•	•	•	•	•	•	
TIGER STRIPER LAWN STRIPING SYSTEM**	•	•	•	•	•	•					
TRAILER HITCH**	•	•	•	•	•	•					
LED LIGHT KIT	•	•	•	•	•	•	•				
FLAT-FREE CASTER TIRE**				•	•						
BLADE BUDDY™	•	•	•	•	•	•	•	•	•	•	•
TURF TIGER BUMPER	•										
OPERATOR-CONTROLLED DISCHARGE CHUTE (OCDC)	•	•	•				•				
ADDITIONAL BLADE OPTIONS	•	•	•	•	•	•	•	•	•	•	

\* 2-Bag Spindle-Driven Grass Catcher is not available for 32" and 36" V-Ride II models.

\*\* Also available for some older models.

Actual products may differ from photos.

ACCESSORIES 53

NO FRILLS. JUST STRENGTH  
IN SIMPLICITY.

# IT'S EASY TO SAY SIMPLY THE BEST.

But talk is cheap. Anyone can talk the talk, but it takes incredible commitment and hard work to walk the walk, especially in an industry where people easily see through marketing. That's why we pride ourselves on our time-tested engineering, precision craftsmanship and the belief in the strength of rugged simplicity and no-nonsense practicality. We've proven for decades that greatness doesn't need to be overly complicated. At Scag®, flashy bells and whistles are secondary to the fundamentals of strong welds, right cut-mixes, easy-to-use controls and exceptional materials.





SCAG Walk-Behind Leaf Blower

**SCAG**  
POWER EQUIPMENT

TURF STORM



1-800-451-7273



# TURF•STORM

SPREAD THE WORD. BECAUSE THAT IS HERE.

**AN INDISPENSABLE TOOL FOR THE SERIOUS  
LANDSCAPE CHEMICAL APPLICATOR.**

The Turf Storm™ is built tough™ enough to treat large commercial properties or residential lawns, and anyone else looking to expand their lawn care offerings. Offering liquid and dry capacities for maximum productivity and profitability, this machine helps create better turf faster and more efficiently than ever before.

**SCAG**  
POWER EQUIPMENT

**TURF STORM**



Actual product may differ from photos.

### TURF STORM

Model	STS60-21BV
Engine	Briggs Vanguard <sup>®</sup>
HP**	21
Liquid Capacity	60 gallons (30 each tank)
Dry/Granular Capacity	220 lb

See full specifications on page 74.

\*Consult with your Scag<sup>®</sup> dealer for more information.

\*\*Engine power levels as rated by the manufacturer. All models subject to availability.

Pre-production unit shown; actual product may vary from photos shown.

Shown equipped with the optional Foam Marker Kit. This accessory must be purchased separately and installed on the Turf Storm<sup>®</sup>.

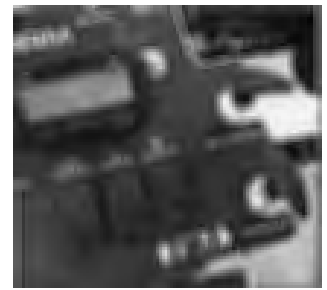
Always wear proper personal protective equipment when operating. Reference the safety recommendations of each chemical used for specific guidelines.

## FEATURES & SPECIFICATIONS

- Ergonomic drive-control-lever design provides incredible ease of use with adjustable front bar for precise speed control for accurate application rate.
- A spacious operator platform with extra-large operator comfort cushion and coil-spring suspension deliver a smooth ride.
- Heavy-duty construction ensures years of dependable service and worry-free productivity.
- Important structural components made of stainless steel resist the effects of repeated exposure to commonly used, highly corrosive chemicals.
- Wide stance and minimal length optimize the machine's overall maneuverability and stability.
- Incredible machine balance ensures sure footing, eliminating the need for locking front casters.
- Rugged dual-hydraulic drive system delivers dependable power with 10 cc Hydro-Gear® pumps and 14.5 ci Parker wheel motors.
- Productive ground speeds up to 8.5 mph help get the job done fast.
- Large 5-gallon fuel tank features a large filler neck, fuel gauge and molded-in cup holder for operator convenience.
- Powerful and efficient 21 hp Vanguard engine delivers ample power, exceptional efficiency and dependable performance while a 50-amp charging system ensures dependable spreader operation and battery life.
- Smooth-riding, large 20" drive tires and 16" caster tires provide dependable traction.
- Front and rear tie-down points enable easy trailering.
- 8-foot-wide, fold-away spray boom (with 5 gpm sprayer pump) features five nozzles delivering spraying widths of 2, 6, 8 or 10 feet.
- Hinged boom arms fold inward for transport or for tight space access.
- Replaceable nozzle design (with strainer) accommodates most standard tips, allowing you to install the right tip for the job and conditions.
- Dual 30-gallon liquid tanks (60-gallon total) keep you spraying longer; equipped with drain valves and a pre-pump, 50-mesh screen strainer for easy draining and cleaning.
- Drain plug at the lowest part of the tank allows for quick and convenient tank draining and cleaning in between the use of different chemicals.
- Strong 2-year commercial / 2-year non-commercial / 90-day rental limited warranty with coverage against manufacturing defects.
- A variety of accessories\* will be available for the Turf Storm, allowing you to customize the machine for maximum productivity based on your specific needs:
  - 7 gpm Pump.
  - Foam Marker Kit.
  - Rear-Mounted Material Storage Trays.
  - LED Light Kit.
  - Weight Kit.



Accuracy and consistency of application are easy to maintain with controls and gauges that are clearly marked and located within easy reach. High-quality switches, levers, dials and gauges ensure reliable engagement/adjustment and long life.



Removable cushion and open lower area allow quick and easy service access to the hydro drive pumps, hydro oil reservoir and other mechanicals.



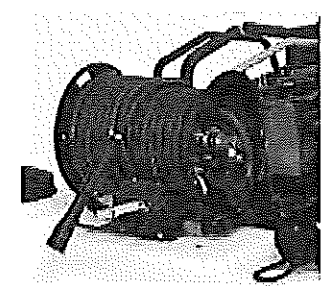
Dry/granular hopper has generous 220-pound capacity.



Hopper cover is included to help keep granular materials dry to prevent clumping and sticking.



Spread dry materials up to 25 feet wide thanks to a high-torque electric spreader motor.



Heavy-duty hose reel with 75 feet of high-pressure hose lets you reach those spaces that are too tight or steep to drive into.

**SCAG**  
POWER EQUIPMENT

WINDSTORM




SCAG is a registered trademark of SCAG Corporation.



# WINDSTORM

A TRACTOR SUPPLY COMPANY

**A STORM IS ON THE HORIZON, AND IT'S  
ABOUT TO BLOW TOUGH JOBS AWAY.**



Here comes the Trac<sup>®</sup> Windstorm<sup>®</sup>, powered by a 37 hp, fuel-injected Briggs Vanguard<sup>®</sup> BHS BLOCK<sup>™</sup> engine to deliver incredible ground-clearing force. An ultra-compact, stand-on design gives you the maneuverability needed in tight spaces while its exclusive, multi-directional air output lets you direct airflow exactly where you need it. Keep an eye on the weather — the WINDSTORM is here.

**SCAG**  
POWER EQUIPMENT

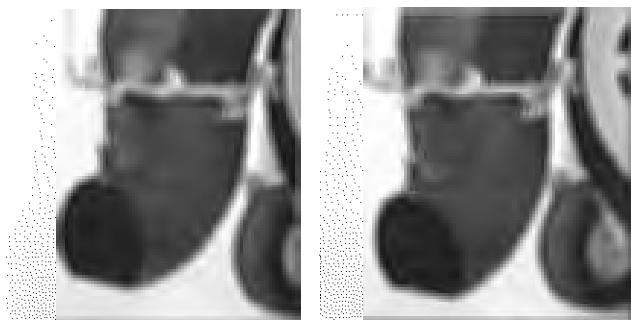
**WINDSTORM**



## NOZZLE DIRECTION SYSTEM

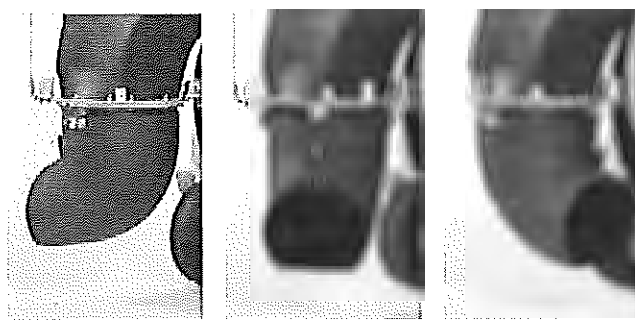
Scag's exclusive NDS (Nozzle Direction System) provides unprecedented control of the air-discharge tilt and rotation.

*Quick and easy control via fingertip switches:*



A convenient mechanical lever gives you easy access to 16 degrees of vertical tilt adjustment. Lowering the tilt angle helps loosen and blast stubborn debris. Raising the tilt angle reduces blowback.

*Actual product may differ from photos.*



Two switches allow for automatic left/right horizontal rotation or manual rotation adjustment; 180 degrees of rotation, left to right. Unlike other stand-on blowers, Scag's innovative NDS design ensures maximum air output in any direction in which the nozzle is aimed. Equipped with direction-indicator flag for operator convenience.

## FEATURES & SPECIFICATIONS

- Massive air output of up to 6,000 effective CFM\* (7,500 theoretical peak CFM\*\*) provides incredible ground-clearing force on a variety of surfaces and applications.
- Heavy-duty blower construction ensures years of dependable service and worry-free productivity.
  - Impeller: 23" steel, 8-blade, dynamically balanced.
  - Impeller Mounting: Tapered locking hub.
- Rugged dual-hydraulic drive system delivers dependable power with 12 cc Hydro-Gear® pumps and 14 ci Parker wheel motors.
- Large-capacity hydraulic system includes pump cooling fans which help lower hydraulic system temperatures for added reliability and longevity.
- Productive ground speeds help get the job done fast: up to 10.5 mph.
- Large 8-gallon fuel tank features large, angled filler neck and fuel gauge for operator convenience.
- Powerful and efficient 37 hp Briggs Vanguard® BIG BLOCK™ EFI engine delivers huge power, along with exceptional efficiency and dependable performance.
- Strong, reliable Ogura PTO clutch engages and disengages the blower quickly and easily; adjustable air gap for long life.
  - Ogura's patented SoftStart Electric Clutch Controller ensures smooth engagement to reduce wear and improve lifespan of belts and mechanical parts, and eliminates potential engine stall and RPM droop.
- Wide stance and minimal length optimize the machine's overall maneuverability and stability.
- Large 24" drive tires provide surefooted traction.
- Flat-free (semi-pneumatic) front caster tires eliminate downtime and expense caused by flat tires.
- Front and rear tie-down points for easy trailering.
- Strong warranty: 2-year commercial / 2-year non-commercial / 90-day rental limited warranty coverage against manufacturing defects.
- A variety of accessories are available for the Windstorm®, such as: LED Light Kit and Chrome Wheel Covers.

### WINDSTORM

Model	WS23-37BV-EFI
Impeller Diameter	23"
HP***	37
Engine	Briggs Vanguard® EFI

See full specifications on page 75.

\*Effective CFM: Calculation obtained by applying accepted engineering methods of measuring overall average airflow volume. This is the default figure published by Scag® for all of its blowers and truck loaders. Visit [Scag.com/pro-tip/cfm-definition](http://Scag.com/pro-tip/cfm-definition) to learn more.

\*\*Theoretical Peak CFM: Figure derived by assuming the highest single-point measurement obtained during testing would apply to the overall airflow volume calculation. This figure is published by some other brands of blowers as their default "CFM" measurement.

\*\*\*Engine power levels as rated by the manufacturer. All models subject to availability.



Ergonomic drive-control-lever design provides incredible ease of use.



Easy-to-reach, full-featured instrument panel for easy viewing and operation.



Removable cushion and lower panel allow quick and easy service access, while a spacious operator platform with coil-spring suspension provides a smooth ride.



The Tiger Eye™ Advanced Monitoring System keeps a constant, real-time "eye" on important system functions of your Windstorm. The system features blue backlighting for low-light conditions, yet has high-contrast visibility in full sunlight. IP67-rated water- and dustproof with a scratch-resistant lens for worry-free performance in any conditions.

Systems monitored\*: Operator presence, PTO and parking brake circuits; safety interlock module, hour meter and volt meter/charging system.

An optional Air Filter Service Indicator accessory is available.

\*Systems monitored may vary by engine.

**SCAG**  
POWER EQUIPMENT

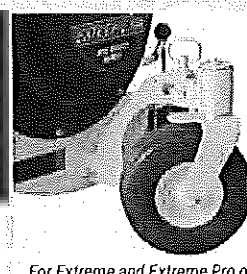
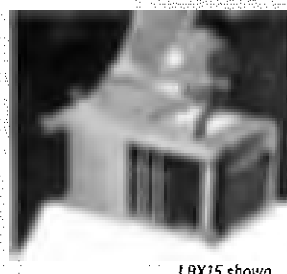
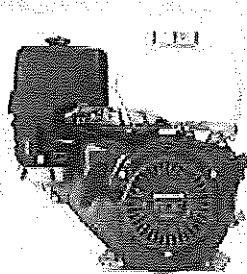
WHEELED BLOWERS



## WHEELED BLOWERS CLEAR THE WAY

Ready to roll when you are, nimble and powerful Scag® Wheeled Blowers clear leaves and other debris away with ease and efficiency. Easily transportable to wherever a job takes you, these low-maintenance blowers run smoothly and dependably on any surface. Depending on your needs, choose from three different CFM outputs to get the job done—and show leaves what you're made of.

*Extreme Pro shown. Actual product may differ from photos.*



LBX15 shown. For Extreme and Extreme Pro only.

#### HONDA ENGINE

#### DISCHARGE CHUTE

#### SWIVEL WHEEL KIT

- Heavy-duty construction for dependable strength and long life.
- Impeller is dynamically balanced for smooth operation and optimum performance.
- A 2° blower tilt at discharge gets airflow under leaves without losing ground clearance.
- Comfortable Sure-Grip foam wraps around tubular-steel, iso-mounted handles.
- Heavy-duty, 3/4" solid-steel axles.
- Tie-down bracket and lift handle (Extreme™ and Extreme Pro™).
- Engine features low-oil shutoff.
- Proven Honda® engines on the Extreme and Extreme Pro.
  - Powerful and quiet with low fuel consumption and low emissions.
  - Precision-balanced engine provides exceptionally smooth performance.
- Commercial-grade, all-steel, mechanical throttle control features a plastic debris cover for worry-free performance.
- Large discharge openings are positioned only 2" off the ground for better debris lifting.
  - Front- or side-discharge adjustment via a simple lever.
  - Extreme and Extreme Pro also have an adjustable discharge angle via a remote lever on the handlebar.
- Front Swivel Wheel accessory is available to add even easier maneuverability for Extreme and Extreme Pro models.

	CLASSIC™	EXTREME™	EXTREME PRO™
Model	LBC15-BS950	LBX15-GX270	LBXP17-GX390
Engine	Briggs & Stratton® BS950	Honda® GX270	Honda® GX390
HP*	6.5	8.5	11.7
CFM Output	1,392	2,293	2,824
Frame Construction	All-steel, welded 10-gauge		
Impeller	15", 4-blade, welded steel	15", 6-blade, welded steel	17", 6-blade, welded steel
Impeller Mounting	Keyed crankshaft, bolt with thread-lock	Tapered locking hub	
Vibration Control	4-point iso-mount handlebar	8-point iso-mount handlebar	
Discharge Control	Front/Side	Front/Side, remote angle adjustment	
Front Wheel	1.5" x 6" flat-free tire	9" x 3.5" pneumatic tire	4.10 x 3.5" pneumatic tire
Rear Wheels	4.10 x 3.5" pneumatic Turf Safe tires		13" x 5"-6" pneumatic Turf Safe tires
Warranty	1-Year Commercial; 2-Year Non-Commercial; 90-Day Rental	2-Year Commercial; 2-Year Non-Commercial; 90-Day Rental	

\*Engine power levels as rated by the manufacturer. All models subject to availability.

See full specifications on page 75.

**SCAG**  
POWER EQUIPMENT

TRUCK LOADERS



**INDUSTRIAL TOW-BEHIND**  
**LEAVE THE REST BEHIND**

When the best demand the best, it's time for the toughest and most powerful: the Scag® Industrial Tow-Behind Truck Loader. No matter the job—from landscaping and municipal operations to golf courses—this machine features the commercial-grade size and performance needed to get the job done. Leave the rest behind and work with the best.

TLB25-35BV shown. Actual product may differ from photos.





- 25"-diameter, welded-steel impeller with ½"-thick steel blades.
- Adjustable, commercial-grade hose boom with chain support and spring-pin transport lock.
- Convenient, bolt-in, replaceable ¼"-steel wear liners.
- Reliable electric start (battery and all-weather box included).
- Ambidextrous nozzle handle.
- 4-ply tires with Torflex® (3,500 lb) heavy-duty axles.
- Front swivel jack with wheel and rear stand.
- Height-adjustable 2⅝" ball hitch (TLB25-35BV and TLB25-37CH) or pintle hitch (TLB25-49KBD) standard.
- Standard 3-hole tool rack.
- Highway-ready:\*
  - Fenders, safety chains, tail lights, side markers and license plate bracket.
  - Standard Roadside Package (traffic cones and wheel chocks with holders).
- 3-position, adjustable-length trailer tongue on TLB25-35BV and TLB25-37CH models.
- Transport-lock pin secures the intake nozzle to the trailer when not in use.
- Various accessories available.

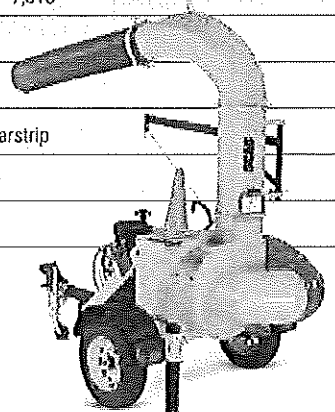
\*Reference your local regulations to ensure compliance.

**BRIGGS & STRATTON  
VANGUARD BIG BLOCK**

**KOHLER  
COMMAND PRO**

**KUBOTA  
DIESEL**

Model	TLB25-35BV	TLB25-37CH	TLB25-49KBD
Engine	Briggs & Stratton® Vanguard® BIG BLOCK™, V-Twin, electric start	Kohler® Command PRO®, V-Twin, electric start	Kubota®, 4-cylinder, liquid-cooled, electric start
HP**	35	37	49
Fuel Capacity	8.5 gallons		
CFM Output	6,781	6,909	7,318
Impeller / Housing	25" welded steel, 4 blades in 10.5"-wide housing		
Impeller Mounting	Straight bore		
Hose	84" length, 16"-diameter intake hose; 0.045 blue thermoplastic rubber, wire helix with wearstrip		
Hitch Class Required	10,000 lb		
Accessories	Brake Kit; Light Kit		
Warranty	2-Year Commercial; 2-Year Non-Commercial; 90-Day Rental		



\*\*Engine power levels as rated by the manufacturer. All models subject to availability.

**SCAG**  
POWER EQUIPMENT

TRUCK LOADERS



**TOW-BEHIND**

## **IT KEEPS GOING AND GOING**

Featuring two engine options and a two-year warranty, the ultra-tough Scag® Tow-Behind Truck Loader delivers peace of mind for operators that need a machine that can keep up with them. Designed firstmost with durability in mind, the Tow-Behind Truck Loader can handle whatever a job throws at it. Simply put, this machine is built to last.

*TL20W-29BV shown. Actual product may differ from photos.*





- 20"-diameter, welded-steel impeller with  $\frac{3}{8}$ "-thick steel blades.
- Adjustable hose boom with chain support and spring-pin transport lock.
- Convenient, bolt-in, replaceable  $\frac{1}{4}$ "-steel wear liners.
- Rear access to wear plates and impeller.
- Reliable electric start (battery and all-weather box included).
- Ambidextrous nozzle handle.
- Torflex® (2,000 lb) heavy-duty axles.
- Highway-ready:\*
  - Fenders, safety chains, tail lights, side markers and license plate bracket.
  - Optional Roadside Package (traffic cones and wheel chocks with holders).
- Front swivel jack with wheel and rear stand.
- Standard 3-hole tool rack.
- Height-adjustable, 2" ball hitch standard; will also accept a pintle hitch or  $2\frac{5}{16}$ " ball hitch.
- 3-position, adjustable-length trailer tongue.
- Transport-lock pin secures the intake nozzle to the trailer when not in use.
- Various accessories available.

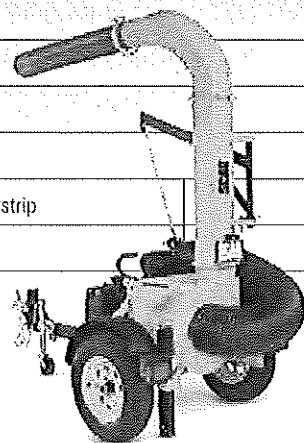
\*Reference your local regulations to ensure compliance.

#### KOHLER ELECTRONIC FUEL INJECTION

#### BRIGGS & STRATTON VANGUARD BIG BLOCK

Model	TL20W-26CH-EFI	TL20W-29BV
Engine	Kohler® Command PRO® EFI, V-Twin, electric start	Briggs & Stratton® Vanguard® BIG BLOCK™, V-Twin, electric start
HP**	26.5	29
Fuel Capacity	5.5 gallons	
CFM Output	4,680	
Impeller / Housing	20" welded steel, 4 blades in 7.5"-wide housing	
Impeller Mounting	Tapered locking hub	
Hose	120" length, 12"-diameter intake hose; 0.045 black thermoplastic rubber, wire helix with wearstrip	
Accessories	Brake Kit; Roadside Package (traffic cones & wheel chocks with holders); Light Kit	
Warranty	2-Year Commercial; 2-Year Non-Commercial; 90-Day Rental	

\*\*Engine power levels as rated by the manufacturer. All models subject to availability.



**SCAG**  
POWER EQUIPMENT

TRUCK LOADERS

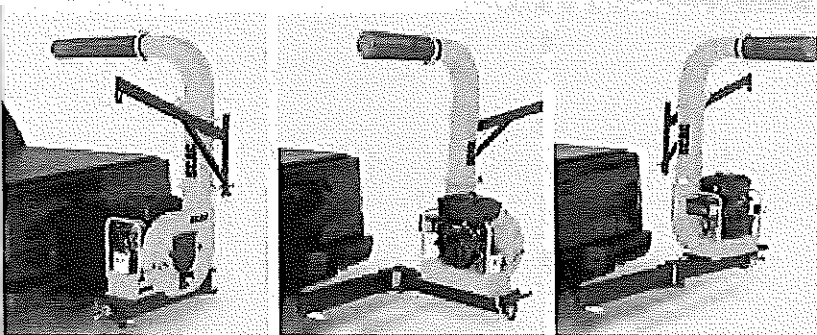


**SKID-MOUNT**

## **STAND YOUR GROUND**

Known for their durability, Scag® Skid-Mount Truck Loaders don't quit. Increasing uptime and productivity with industry-leading reliability, they're manufactured with robust, heavy-duty components to handle the toughest jobs—keeping your operation going for the long haul.

*TLS20-18BV shown. Actual product may differ from photos.*



*TLS20-18BV shown with swing-away TL Hitch-Mount accessory.*

- Heavy-duty, all-steel, welded construction.
- 20"-diameter, welded-steel impeller with 1/8"-thick steel blades.
- Replaceable, 1/4" wear liners in blower housing.
- Easy rear access to wear plates and impeller.
- Reliable electric start (battery included).
- Adjustable hose boom and spring-pin transport lock.
- Ambidextrous nozzle handle.
- Comes standard with 4" skid risers; swing-away Hitch-Mount option available (TLS20-18BV).
- Stack Extension accessory offers customization to better fit your personal setup.
- Quick-detach hose for quick and easy transport, storage and cleaning.
- Transport-lock pin secures the intake nozzle to the loader when not in use.
- Optional Light Kit available.

#### SKID-MOUNT

#### INDUSTRIAL SKID-MOUNT

Model	TLS20-18BV	TLS20W-29BV
Engine	Briggs & Stratton® Vanguard®, V-Twin, electric start	Briggs & Stratton® Vanguard® BIG BLOCK™, V-Twin, electric start
HP*	18	29
Fuel Capacity	1.75 gallons	5.5 gallons
CFM Output	3,075	4,680
Impeller / Housing	20" welded steel, 4 blades in 6"-wide housing	20" welded steel, 4 blades in 7.5"-wide housing
Impeller Mounting	Tapered locking hub	
Hose	120' length, quick-detach, 10"-diameter intake hose; 0.045 black	120' length, quick-detach, 12"-diameter intake hose; 0.045 black
Accessories	Swing-away TL Hitch-Mount accessory (Class III hitch or heavier required); Light Kit; Stack Extension	Light Kit; Stack Extension
Warranty	2-Year Commercial; 2-Year Non-Commercial; 90-Day Rental	

\*Engine power levels as rated by the manufacturer. All models subject to availability.

# SPECIFICATIONS



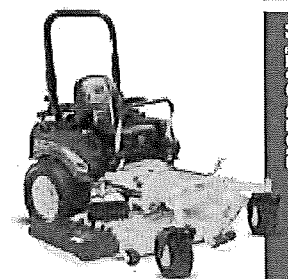
**TURF TIGER II™**

MODEL NUMBER	DECK WIDTH	HP*	ENGINE
STTII-52V-25CH-LP-EFI	52"	25	Kohler® Command PRO® LP – propane-powered, electronic fuel injection
STTII-52V-31BV		31	Briggs Vanguard® BIG BLOCK™
STTII-61V-25CH-LP-EFI	61"	25	Kohler® Command PRO® LP – propane-powered, electronic fuel injection
STTII-61V-25KBD		25	Kubota® – 3-cylinder, diesel-powered
STTII-61V-31BV		31	Briggs Vanguard® BIG BLOCK™
STTII-61V-31DFI		31	Kawasaki® – digital fuel injection, liquid-cooled
STTII-61V-40BV-EFI	72"	40	Briggs Vanguard® BIG BLOCK™ – electronic fuel injection
STTII-72V-25KBD		25	Kubota® – 3-cylinder, diesel-powered
STTII-72V-31DFI		31	Kawasaki® – digital fuel injection, liquid-cooled
STTII-72V-40BV-EFI		40	Briggs Vanguard® BIG BLOCK™ – electronic fuel injection



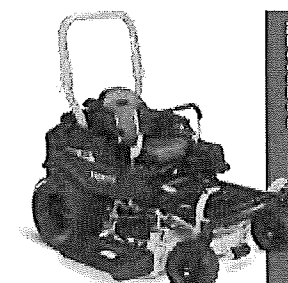
**CHEETAH II™**

SCZII-61V-37BV-EFI	61"	37	Briggs Vanguard® BIG BLOCK™ – electronic fuel injection
SCZII-61V-38FX-EFI		38	Kawasaki® FX – electronic fuel injection
SCZII-61RD-38FX-EFI		38	Kawasaki® FX – electronic fuel injection
SCZII-72V-37BV-EFI	72"	37	Briggs Vanguard® BIG BLOCK™ – electronic fuel injection
SCZII-72V-38FX-EFI		38	Kawasaki® FX – electronic fuel injection



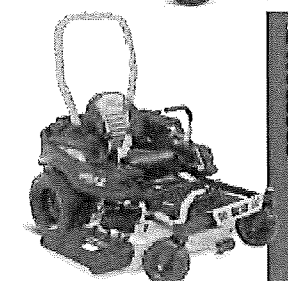
**TIGER CAT™ II**

STCII-48V-22FX	48"	22	Kawasaki® FX
STCII-52V-26FT-EFI	52"	26	Kawasaki® FT – electronic fuel injection
STCII-52V-28BV-EFI		28	Briggs Vanguard® BIG BLOCK™
STCII-61V-26FT-EFI	61"	26	Kawasaki® FT – electronic fuel injection
STCII-61V-32BV		32	Briggs Vanguard® BIG BLOCK™



**PATRIOT™**

SPZ-52H-22FX	52"	22	Kawasaki® FX – V-twin
SPZ-52H-23CV		23	Kohler® Command PRO® – V-twin
SPZ-52H-26BV		26	Briggs Vanguard® – V-twin
SPZ-61H-23FX	61"	23	Kawasaki® FX – V-twin
SPZ-61H-25CV		25	Kohler® Command PRO® – V-twin
SPZ-61H-26BV		26	Briggs Vanguard® – V-twin



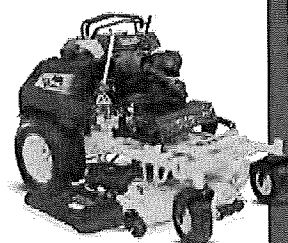
**FREEDOM Z®**

SFZ-48H-24KT	48"	24	Kohler® 7000 Series – V-Twin
SFZ-52H-26KT	52"	26	Kohler® 7000 Series – V-Twin



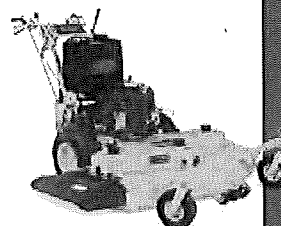
# **LIBERTY® Z**

MODEL NUMBER	DECK WIDTH	HP*	ENGINE
SZL-36H-18FR	36"	18	Kawasaki® FR – V-twin
SZL-36H-20KT		20	Kohler® 7000 series – V-twin
SZL-42H-22KT	42"	22	Kohler® 7000 series – V-twin
SZL-48H-22KT	48"	22	Kohler® 7000 series – V-twin
SZL-52H-23FR	52"	23	Kawasaki® FR – V-twin
SZL-61H-24FR	61"	26	Kawasaki® FR – V-twin



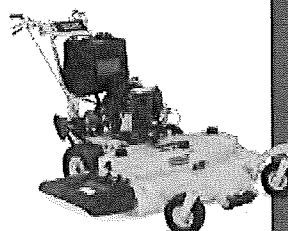
# **V-RIDE II™**

SVRII-32A-16FX	32"	16	Kawasaki® FX – V-twin
SVRII-36A-19FX	36"	19	Kawasaki® FX – V-twin
SVRII-48V-22FX	48"	22	Kawasaki® FX – V-twin
SVRII-52V-26FT-EFI	52"	26	Kawasaki® FT – electronic fuel injection
SVRII-52V-37BV-EFI		37	Briggs Vanguard® BIG BLOCK™ – electronic fuel injection
SVRII-61V-38FX-EFI	61"	38	Kawasaki® FX – V-twin – electronic fuel injection
SVRII-61V-40BV-EFI		40	Briggs Vanguard® BIG BLOCK™ – electronic fuel injection



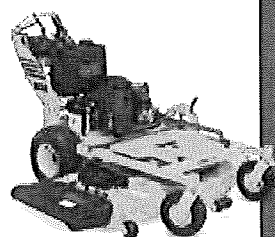
# **SWZ**

SWZ-36A-14FS	36"	14	Kawasaki® FS – V-twin
SWZ-48V-15FSE	48"	15	Kawasaki® FS – V-twin, electric-start
SWZ-52V-18FSE	52"	18	Kawasaki® FS – V-twin, electric-start
SWZL-52V-22FSE		22	Kawasaki® FS – V-twin, electric-start
SWZL-61V-22FSE	61"	22	Kawasaki® FS – V-twin, electric-start



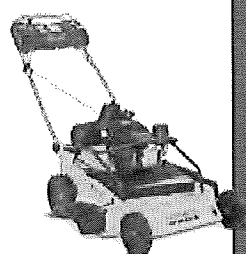
# **SW**

SW-32-14FS	32"	14	Kawasaki® FS – V-Twin
SW-36A-14FS	36"	14	Kawasaki® FS – V-Twin
SW-48V-14FS	48"	14	Kawasaki® FS – V-Twin
SW-52V-15FS	52"	15	Kawasaki® FS – V-Twin



# **SWZT**

SWZT-36H-14FS	36"	14	Kawasaki® FS – V-Twin
SWZT-48H-15FSE	48"	15	Kawasaki® FS – V-Twin, electric-start
SWZT-52H-18FSE	52"	18	Kawasaki® FS – V-Twin, electric-start
SWZT-61H-22FSE	61"	22	Kawasaki® FS – V-Twin, electric-start



# **SFC**

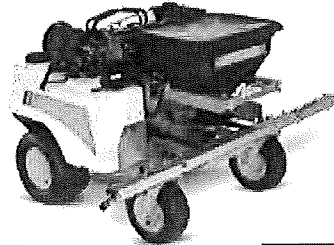
SFC-30-7CV	30"	7	Kohler® Command PRO® CV224
SFC-30-7CV-CA		7	Kohler® Command PRO® CV224 (California)
SFC-30-7CV-S (front swivel wheels)		7	Kohler® Command PRO® CV224
SFC-30-7CV-S-CA (front swivel wheels)		7	Kohler® Command PRO® CV224 (California)

Model lineup is subject to change. Check Scag.com and consult with your local Scag Dealer for current availability.

\*Engine power levels as rated by the manufacturer. All models subject to availability.

**SCAG**  
POWER EQUIPMENT

# SPECIFICATIONS

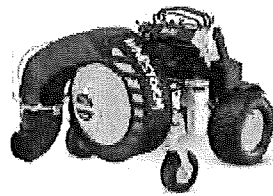
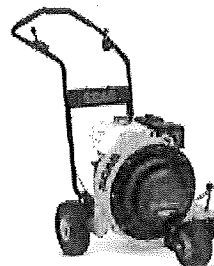


TURF STORM™

Model	STS60-21BV
Total Fuel Capacity	5 gallons; features large filler neck, fuel gauge
Engine	Briggs & Stratton® Vanguard®
HP*	21
Drive System Type	Dual hydraulic
Frame Construction	Stainless steel
Front Wheels	16" caster tires
Rear Wheels	20" drive tires
Liquid Capacity	60 gallons (30 each tank)
Dry/Granular Capacity	220 lb
Pumps	Hydro-Gear®: 10 cc
Motors	Parker 14.5 ci
Forward Ground Speed	Up to 8.5 mph
Charging System	50 amp
Length	67"
Width (spray booms in)	54"
Max Width (spray booms out)	82"
Height	50"
Weight (dry weight / tanks & hopper empty)	965 lb
Warranty	2-Year Commercial; 2-Year Non-Commercial; 90-Day Rental; limited warranty coverage against manufacturing defects

\*Engine power levels as rated by the manufacturer.  
All models subject to availability.



**WINDSTORM®****EXTREME PRO™****EXTREME™****CLASSIC™**

Model	WS23-37BV-EFI	LBXP17-GX390	LBX15-GX270	LBC15-BS950
Engine	Briggs & Stratton® Vanguard® EFI	Honda® GX390	Honda® GX270	Briggs & Stratton® BS950
HP*	37	11.7	8.5	6.5
CFM Output	Effective CFM: 6,000** Theoretical Peak CFM: 7,500***	2,824	2,293	1,392
Electric Clutch	Ogura GT3.5 (250 ft lb) with SoftStart Electric Clutch Controller	n/a		
Frame Construction	All-steel, welded 10-gauge			
Impeller Construction	All-steel, welded, 8-blade, dynamically balanced	All-steel, welded, 6-blade, dynamically balanced		All-steel, welded, 4-blade, dynamically balanced
Impeller Mounting	Tapered locking hub			Keyed crankshaft, bolt with thread-lock
Impeller Diameter / Width	23" / 8.5"	17" / 4.25"	15" / 4.25"	15" / 3.5"
Housing Construction	All-steel, welded, 12-gauge front and side housing plate and 10-gauge back housing plate	All-steel, welded, 10-gauge front and back housing plates; 12-gauge skirt		
Housing Width	10"	6.0"		4.5"
Blower Tilt Angle	16 degrees of total vertical tilt; 180 degrees of left/right horizontal rotation	2-degree tilt at discharge; allows blower to more effectively get under wet, heavy debris		
Handlebar	n/a	Tubular steel with thick, comfortable foam grip; 3-position, adjustable height		
Vibration Control	n/a	8-point iso-mount handlebar		4-point iso-mount handlebar
Discharge Opening	69 square inches	25.25 square inches		16 square inches
Discharge Control, Front/Side	Nozzle Direction System features a separate auto left/right switch and fine-tune switch for up to 180 degrees of rotation	Quick-lever located near discharge		
Discharge Control, Angle	Located for easy reach from operator's position; up to 16 degrees of vertical tilt adjustment	Discharge angle control via remote lever on handlebar		n/a
Axle	n/a	3/4"-diameter steel		
Front Wheel(s)	13" x 5"-6", flat-free	4.10" x 3.5" pneumatic tire	9" x 3.5" pneumatic tire	1.5" x 6" flat-free tire
Rear Wheels	24" x 9.5"-12", 4-ply	13" x 5"-6" pneumatic Turf Safe tires	4.10" x 3.5" pneumatic Turf Safe tires	
Length	71.50"	52"	56"	43"
Width	51"	30.25"	28"	27"
Weight	943 lb	190 lb	160 lb	105 lb
Warranty	2-Year Commercial; 2-Year Non-Commercial; 90-day Rental	2-Year Commercial; 2-Year Non-Commercial; 90-Day Rental		1-Year Commercial; 2-Year Non-Commercial; 90-Day Rental

\* Engine power levels as rated by the manufacturer. All models subject to availability.

\*\* Effective CFM: Calculation obtained by applying accepted engineering methods of measuring overall average airflow volume. This is the default figure published by Scag® for all of its blowers and truck loaders. Learn more at [Scag.com/pro-tip/cfm-definition](http://Scag.com/pro-tip/cfm-definition).

\*\*\* Theoretical Peak CFM: Figure derived by assuming the highest single-point measurement obtained during testing would apply to the overall airflow volume calculation. This figure is published by some other brands of blowers as their default "CFM" measurement.

## TOW-BEHIND

## INDUSTRIAL TOW-BEHIND

Model	TL20W-26CH-EFI	TL20W-29BV	TLB25-35BV	TLB25-37CH	TLB25-49KBD
Engine	Kohler® Command PRO® EFI, V-Twin, electric start	Briggs & Stratton® Vanguard® BIG BLOCK™, V-Twin, electric start	Briggs & Stratton® Vanguard® BIG BLOCK™, V-Twin, electric start	Kohler® Command PRO®, V-Twin, electric start	Kubota®, 4-cylinder, liquid-cooled, electric start
HP*	26.5	29	35	37	49
Fuel Capacity / Tank	5.5 gallons / plastic tank with built-in fuel gauge		8.5 gallons / steel tank with built-in fuel gauge		
CFM Output	4,680		6,781	6,909	7,318
Frame Construction	All-steel, welded				
Impeller Construction	4-blade, 3/8"-thick blades, all-steel, welded		4-blade, 1/2"-thick blades, all-steel, welded		
Impeller Mounting	Tapered locking hub		Straight bore		
Impeller Diameter / Width	20" / 6.5"		25" / 9"		
Blower Housing Construction	Removable back panel for easy impeller & wear plate access				
Blower Housing Width	7.5"		10.5"		
Blower Housing Wear Plates	Standard: 1/4" steel, replaceable				
Hose	120" length, 12"-diameter intake hose; 0.045 black thermoplastic rubber, wire helix with wearstrip		84" length, 16"-diameter intake hose; 0.045 blue thermoplastic rubber, wire helix with wearstrip		
Unit Mounting	Hitch: At least Class III rating		Hitch: At least 10,000 lb rating		
Discharge Tube	Clear thermoplastic, 8" diameter				
Throttle Control	Commercial-grade, all-steel mechanicals, plastic debris cover		Commercial-grade, all-steel mechanicals		
Highway Ready**	Yes – optional Roadside Package available		Yes – standard Roadside Package		
Axle	Heavy-duty Dexter Torflex® axle - 2,000 lb		Heavy-duty Dexter Torflex® axle - 3,500 lb		
Tires	205 / 75 R15 highway tires with steel wheels				
Trailer Width	53.5"		66.75"		
Height	110"		121.25"		
Weight	990 lb	1,060 lb	1,700 lb		2,300 lb
Warranty	2-Year Commercial; 2-Year Non-Commercial; 90-Day Rental		2-Year Commercial; 2-Year Non-Commercial; 90-Day Rental		

## SKID-MOUNT

## INDUSTRIAL SKID-MOUNT

Model	TLS20-18BV	TLS20W-29BV
Engine	Briggs & Stratton® Vanguard®, V-Twin, electric start	Briggs & Stratton® Vanguard® BIG BLOCK™, V-Twin, electric start
HP*	18	29
Fuel Capacity / Tank	1.75 gallons / engine-mounted metal tank	5.5 gallons / plastic tank with built-in fuel gauge
CFM Output	3,075	4,680
Frame Construction	All-steel, welded	
Impeller Construction	4-blade, 3/8"-thick blades, all-steel, welded	
Impeller Mounting	Tapered locking hub	
Impeller Diameter / Width	20" / 5.25"	20" / 6.5"
Blower Housing Construction	Removable back panel for easy impeller & wear plate access	
Blower Housing Width	6"	7.5"
Blower Housing Wear Plates	Standard: 1/4" steel, replaceable	
Hose	120" length, 10"-diameter quick-detach intake hose; 0.045 black	120" length, 12"-diameter quick-detach intake hose; 0.045 black
Unit Mounting	4" steel skid risers	
Discharge Tube	Clear thermoplastic, 7" diameter	Clear thermoplastic, 8" diameter
Throttle Control	Commercial-grade, all-steel mechanicals, plastic debris cover	
Height	74.25" (without skid or hitch mount attached)	75" (without skid mount attached)
Weight	437 lb	675 lb
Warranty	2-Year Commercial; 2-Year Non-Commercial; 90-Day Rental	

\* Engine power levels as rated by the manufacturer. All models subject to availability.

\*\* Reference your local regulations to ensure compliance.



# WARRANTIES

Since Scag Power Equipment was established in 1983, we've built an industry-wide reputation for producing reliable, heavy-duty commercial equipment. We are proud of the quality of our mowers and their well-earned reputation for durability. The Scag® warranty policy shows our commitment to you and to the products we manufacture. See your local Scag dealer for details on the warranty policy or reference the Limited Warranty Statement included in your operator's manual.

## **TURF TIGER II, CHEETAH II, TIGER CAT II, V-RIDE II, SWZ & SW WARRANTY**

### **2-YEAR COMMERCIAL MACHINE WARRANTY\***

Frame and structural components including oil reservoirs, fittings, oil coolers, electrical switches and clutches, pulleys, hydraulic pumps and wheel motors are covered for two years of commercial use. This warranty covers manufacturing defects for two years, including parts and labor (excludes wear items).

### **3-YEAR CUTTER DECK SPINDLE WARRANTY\***

Velocity Plus™ and Advantage™ Cutter Decks are equipped with the exclusive Scag heavy-duty, cast-iron cutter blade spindle. We ensure our spindle's dependability, not only through its top-quality construction, but also through complete coverage of parts and labor for the first and second years, and parts only for the third year. Applies to commercial and non-commercial use.

### **3-YEAR OR 500-HOUR NON-COMMERCIAL\*\* MACHINE WARRANTY\***

Frame and structural components including oil reservoirs, fittings, oil coolers, electrical switches and clutches, pulleys, hydraulic pumps and wheel motors are covered for three years or 500 hours (whichever comes first) of non-commercial use. This warranty covers manufacturing defects for three years or 500 hours (whichever comes first), including parts and labor (excludes wear items).

## **PATRIOT & SWZT WARRANTY**

### **2-YEAR COMMERCIAL MACHINE WARRANTY\***

### **3-YEAR OR 500-HOUR NON-COMMERCIAL\*\* MACHINE WARRANTY\***

## **FREEDOM Z & SFC WARRANTY**

### **1-YEAR COMMERCIAL MACHINE WARRANTY\***

### **3-YEAR OR 500-HOUR NON-COMMERCIAL\*\* MACHINE WARRANTY\***

## **LIBERTY Z WARRANTY**

### **5-YEAR OR 750-HOUR NON-COMMERCIAL\*\* MACHINE WARRANTY\***

## **TURF STORM SPREADER-SPRAYER, TRUCK LOADERS, WINDSTORM, EXTREME PRO BLOWER & EXTREME BLOWER WARRANTY**

### **2-YEAR COMMERCIAL MACHINE WARRANTY\***

Frame and structural components including frame, blower housing, oil reservoirs, fittings, oil coolers, electrical switches and clutches, pulleys, hydraulic pumps and wheel motors (where applicable) are covered for two years of commercial use. This warranty covers manufacturing defects for two years, including parts and labor (excludes wear items).

### **2-YEAR NON-COMMERCIAL\*\* MACHINE WARRANTY\***

## **CLASSIC BLOWER WARRANTY**

### **1-YEAR COMMERCIAL MACHINE WARRANTY\***

### **2-YEAR NON-COMMERCIAL\*\* MACHINE WARRANTY\***

## **ALL PRODUCTS**

### **90-DAY WEAR ITEM WARRANTY & RENTAL USE\***

Wear items, including drive belts, blades, hydraulic hoses, tires and batteries, and rental use are warranted for 90 days.

## **ENGINE WARRANTY**

Engines and engine components are covered by the individual engine manufacturer. See engine owner's manual for warranty period and details.

\*Warranty time periods are from the date of purchase, are only applicable to the original owner and are non-transferable. Warranty does not cover wear items, misuse, abuse, lack of maintenance, etc. See the Limited Warranty Statement in your owner's manual for more details.

\*\* "Non-Commercial" is defined as single-property usage, where the single property is the residence of the owner of the product. If the product is being used on more than the owner's single property, it is deemed commercial use and this warranty does not apply. Scag Power Equipment reserves the right to deny and/or void this warranty if evidence clearly points to commercial use.



## **SCAG GOLD EXTENDED WARRANTY**

Consult with your Scag dealer for information about purchasing the Scag Gold Extended Warranty to protect your investment even longer.



Scag Power Equipment, Division of Metalcraft of Mayville, Inc.  
1000 Metalcraft Drive, Mayville, WI 53050



### GENUINE SCAG PARTS

Protect your Scag® equipment investment by using only genuine Scag replacement parts. Only genuine Scag parts are designed for an exact fit and to provide maximum performance and reliability. Do not settle for cheap imitations. Insist on genuine Scag replacement parts.



### NEXT-DAY EMERGENCY PARTS DELIVERY

AVOID DOWNTIME WITH EXCELLENT DEALER SUPPORT

Scag dealers strive to keep a comprehensive inventory of service parts on hand and ready to meet your needs. We know you need to minimize downtime to make your business profitable. If a needed part is not in stock, Scag Emergency Parts Delivery can get that part to your dealer via next-day air delivery! Ask your dealer for details about this special service.



### SCAG FINANCING PROGRAMS

YOUR EQUIPMENT BUDGET CAN GO EVEN FURTHER

We make it easy for you to own "Simply the Best" outdoor power equipment with special financing programs. Your Scag dealer can provide complete information on how to economically put a Scag machine to work for you.

OFFICIAL LAWN MOWER &  
DEBRIS MANAGEMENT  
EQUIPMENT OF:



Visit [Scag.com/company/about-us/](https://Scag.com/company/about-us/) to learn  
more about Scag Partnerships.

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more about the promotion terms and conditions.

WE PROUDLY SUPPORT:



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p/n 22-23

**SCAG.COM**



**#10**

**RESOLUTION**



*Department of Public Works*

**OFFICIAL MEMORANDUM**

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**TO:** Pontiac City Council

**FROM:** Allen H. Cooley III, Director of Public Works

**CC:** Mayor Tim Greimel and Deputy Mayor Khalfani Stephens

**DATE:** March 21, 2023

**RE:** **Purchase of Trailers to Haul Mowing equipment**

---

The Department of Public Works along with the Mayor's office have worked to bring several services back in house at the City of Pontiac. In order to accomplish this goal, we will need additional equipment to support the work within the City.

DPW plans to provide in house grass service for Parks, City grounds and ROW medians throughout the City. We have staffed up as these employees are also used for the Snow removal work that we already brought in house.

The DPW Department is looking to purchase 2-2023 Sure Trac 7' x 18' landscape/utility trailers at a cost of \$10,998.00. These trailers were not the lowest cost but gave the highest weight rating for strength and will be able to serve a dual purpose in giving DPW the ability to use them for mowing equipment and also future equipment purchased.

This equipment will be purchased out of ARPA funds that the Pontiac City Council has allocated.

After review of 3 different trailer manufacturers it is the recommendation of the Department of Public Works that the Pontiac City Council approves the purchase of said trailers from U.S.27 Motorsports & Trailers.

WHEREAS, the City of Pontiac DPW will purchase trailers needed for carrying lawn mowing equipment.

WHEREAS, it is necessary to have this equipment to properly in house mowing operations.

NOW, THEREFORE IT IS RESOLVED:

WHEREAS, the Pontiac City Council authorizes the DPW Director to purchase needed mowing equipment from U.S.27 Motorsports & Trailers for a cost of \$10,998.00.

# U.S.27 MOTORSPORTS & TRAILERS

5301 N. U.S. 27 HWY  
ST. JOHNS MI 48879  
989-224-8874

Vincente Jimenez

## Buyer's Order

Date  
Deal No.  
Salesperson Chandler Wright  
Lienholder NONE

48341

H 248-758-3930 W

C 248-758-3930

Email vjimenez@pontiac.mi.us

I hereby agree to purchase the following unit(s) from you under the terms and conditions specified. Delivery is to be made as soon as possible. It is agreed, however, that neither you nor the manufacturer will be liable for failure to make delivery.

### Unit Information

New/U	Year	Make	Model	Serial No.	Stock No.	Price (Incl factory options)
New	2023	SURE-TRAC	7X18 TTOP 7K TAN	5JW1U1824P1374713	NB281	\$5,499.00
New	2023	SURE-TRAC	7X18 TTOP 7K TAN	5JW1U182XP1378846	NC16	\$5,499.00

### Options:

Dealer Unit Price	\$10,998.00
Factory Options	\$0.00
Added Accessories	\$0.00
Freight	\$0.00
Dealer Prep	\$0.00

### Notes:

Cash Price	\$10,998.00
Trade Allowance	\$0.00
Payoff	\$0.00
Net Trade	\$0.00
Net Sale (Cash Price - Net Trade)	\$10,998.00
Sales Tax	\$0.00
Title/License/Registration Fees	\$0.00
Document or Administration Fees	\$0.00
Credit Life Insurance	\$0.00
Accident & Disability	\$0.00
Total Other Charges	\$0.00
Sub Total (Net Sale + Other Charges)	\$10,998.00
Cash Down Payment	\$0.00
Amount to Pay/Finance	\$10,998.00

### Trade Information

Monthly Payment of \$234.57 For 60 Months at 9.99% Interest

NOTICE TO BUYER: (1) Do not sign this agreement before you read it or if it contains any blank spaces to be filled in. (2) You are entitled to a completely filled in copy of this agreement. (3) If you default in the performance of your obligations under this agreement, the vehicle may be repossessed and you may be subject to suit and liability for the unpaid indebtedness evidenced by this agreement.

TRADE-IN NOTICE: Customer represents that all trade in units described above are free of all liens and encumbrances except as noted.

\*With Approved Credit. Interest rates and monthly payment are approximate and may vary from those determined by the lender.

Customer Signature \_\_\_\_\_ Dealer Signature \_\_\_\_\_

Thank You for Your Business!

# ST TUBE TOP UTILITY - TANDEM AXLE

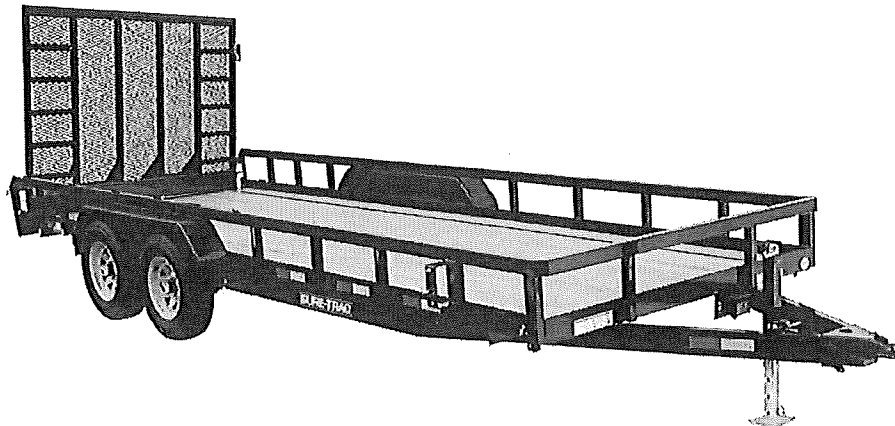
	TA 7' x 14'	TA 7' x 16'	TA 7' x 18'	TA 7' x 20'	TA 7' x 16'	TA 7' x 18'	TA 7' x 20'
Model #	ST8214TAT-B-070	ST8216TAT-B-070	ST8218TAT-B-070	ST8220TAT-B-070	ST8216TAT-B-100	ST8218TAT-B-100	ST8220TAT-B-100
GVWR (lb.)	7000	7000	7000	7000	9900	9900	9900
GAWR (lb. / axle)	3500	3500	3500	3500	5200	5200	5200
Curb Weight	1700	1820	2200	2410	2530	2650	2770
Payload	5300	5180	4800	4590	7370	7250	7130
Frame	3 x 2 x 1/4 Angle		4 x 3 x 1/4 Angle		5 x 3 x 1/4 Angle		
Cross Members	3 x 2 x 3/16 Angle (24" On-Center)						
Top Rail	2 x 2 Square Tube				3 x 2 Tube		
Tongue	4" Channel (A-Frame)				5" Channel (A-Frame)		
Uprights	2 x 2 square Tube						
Coupler	2-5/16" A-Frame Coupler						
Jack	Setback 2K Zinc Plated Jack				Setback 7K Drop Leg Jack		
Fenders	Tread Plate, Double Brake						
Easy Lube Axles	Cambered Brake (Both Axles)				Cambered Brake (Both Axles)		
Suspension	Equalized Leaf Spring						
Tires	205/75R15 LRC				225/75R 15 LRD		
Wheels	15", 5 on 4.5, Radial Tires				15", 6 on 5.5, Radial Tires		
Decking	2 x 6 Pressure Treated Pine						
Lights	All LED Lights						
Electric Plug	7-Way RV-Style Molded Plug						
Finish	Powder Coated High Gloss Black						
Overall Length	215"	239"	263"	287"	239"	263"	287"
Bed Length	168"	192"	216"	240"	192"	216"	240"
Bed Width	81.5"	81.5"	81.5"	81.5"	81.5"	81.5"	81.5"
Deck Height	18"	18"	18"	18"	19.5"	19.5"	19.5"
Coupler Height	16"	16"	16"	16"	17"	17"	17"
Gate	2 x 2 Tube, Mesh Covered, Full-Width Spring Assist Ramp Gate with Handle				Reinforced (Ladder Style)		

## 10K MODELS

INCLUDE SETBACK 7K DROP LEG JACK, 3" X 2" TUBE TOP RAIL AND LADDER REINFORCED GATE

## TUBE TOP UTILITY - TANDEM AXLE STANDARD FEATURES

13" Tall Sides 2" x 2" Tube Top Rail (7K Models) 3" x 2" Tube Top Rail (10K Models) Tube Uprights 2-5/16" A-Frame Coupler 7-Way RV-Style Molded Plug Breakaway Switch with Battery Wiring Enclosed In Tubular Steel Setback 2K Zinc Plated Jack (7K Models) Setback 7K Drop Leg Jack (10K Models)	Fold-Flat HD Ramp Gate with Handle Fold-Flat HD Reinforced (Ladder Style) Ramp Gate with Handle (10K Models) Spring-Assisted Rear Ramp Gate Self-Retained Gate Pins Tread Plate Fenders Brakes on Both Axles Easy Lube Hubs 15" Radial Tires Silver Wheels	Wheel Assembly, 205 75R15 LRC (7K Models) Wheel Assembly, 225 75R15 LRD (10K Models) Powder Coat Finish Pressure Treated 2" x 6" Decking Front and Rear Board Retainers Stake Pockets Spare Tire Carrier All LED Lights
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**#11**

**RESOLUTION**



Department of Public Works

**OFFICIAL MEMORANDUM**

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**TO:** Pontiac City Council

**FROM:** Allen H. Cooley III, Director of Public Works

**CC:** Mayor Tim Greimel and Deputy Mayor Khalfani Stephens

**DATE:** March 21, 2023

**RE:** **RCOC Traffic Signal Agreement for 5 Locations**

---

The City of Pontiac has approved a contract with MDOT for Auburn Rd Signal Modernization and addition of new High Intensity Activated Crosswalk System (HAWK) and Rectangular Rapid Flash Beacon (RRFB) system for crosswalks.

These new sites on Auburn Ave. @ 30ft E of Astor, @ Jesse, @ 125' W of Carriage Circle, @ 450' W of Paddock and @ St. Francis.

Each traffic signal within the City has its own agreement for operation and maintenance by Road Commission for Oakland County (RCOC)

It is the recommendation of the Department of Public Works, Engineering Division, that this City sign the attached RCOC traffic signal agreements for new Auburn Ave Traffic Signals at Astor, Jesse, Carriage Circle, Paddock and St. Francis

WHEREAS, The City of Pontiac has entered into a contract with Michigan Department of Transportation, to install the devises and;

WHEREAS, The Department of Public Works, Engineering Division has reviewed the subject agreement, and;

WHERAS, the O&M costs are budgeted in the 2022/2023 Fiscal Year Major Street budget,

NOW, THEREFORE

IT IS RESOLVED: The Pontiac City Council authorizes the Director of Public Works to sign the 5 RCOC Traffic Signal Agreements for Auburn Ave.



**STATE OF MICHIGAN  
BOARD OF COUNTY ROAD COMMISSIONERS  
OAKLAND COUNTY  
AGREEMENT FOR TRAFFIC CONTROL DEVICE**

**Type of Work:** Traffic Signal Installation and Maintenance

**Location:** Auburn Road at Jessie Street RRFB

**Signal No:** 1585

**Date Effective:**

Under authority of state law and by virtue of resolution formally adopted by their respective governing bodies, the under-signed hereby agree to participate in the cost of installation, removal, maintenance and operation of the above traffic control device on the basis of the following division of costs. (Title to equipment shall remain with the purchasing agency, unless purchased for roads not under the jurisdiction of the Board of County Road Commissioners of the County of Oakland.) Invoices for costs are to be billed monthly by the Road Commission for Oakland County ("RCOC").

**DIVISION OF COSTS**

AGENCY	Percent	INSTALLATION	MAINTENANCE
		Estimated Cost	Percent
City of Pontiac	100 %	\$ Permit	100 %
Total	100 %	\$ Permit	100 %

It is further agreed that the RCOC will be the agency invoiced for energy billings and/or communications billings ("BILLINGS"). The RCOC will pay the invoices for the BILLINGS and subsequently invoice the CITY OF PONTIAC seeking reimbursement for payment of the BILLINGS pursuant to the division of costs stated above. The RCOC's payment of the BILLINGS shall be included as maintenance costs on the RCOC invoice to the CITY OF PONTIAC.

It is further agreed that the agency responsible for making original and replacement installations and performing maintenance shall be the RCOC. The CITY OF PONTIAC is the agency responsible for the costs related to installation. The CITY OF PONTIAC is the agency responsible for participating in maintenance costs, and the RCOC will invoice the CITY OF PONTIAC for the maintenance costs pursuant to the division of costs stated above.

CITY OF PONTIAC shall pay all RCOC invoices within 30 days of the date of the invoice.

Each party to this agreement will remain responsible for any and all claims arising out of its own acts and/or omissions during the performance of the agreement, as provided by this agreement or by law. In addition, this is not intended to increase or decrease either party's liability for or immunity from tort claims. This agreement is also not intended to nor will it be interpreted as giving either party a right of indemnification, either by contract or by law, for claims arising out of the performance of this agreement.

In the event the traffic control device referred to in this agreement is located on a road or street that is under the jurisdiction of the RCOC and by virtue of this agreement will be maintained by an agency other than the RCOC, then and in that event the said agency hereby acknowledges that it is undertaking the RCOC's duty to maintain the said traffic control device, further agrees to provide insurance coverage protecting the RCOC, and further agrees to provide a Certificate of Insurance acceptable to the RCOC upon the agency's execution of this agreement.

This agreement is terminable on thirty days written notice by any party. The CITY OF PONTIAC shall pay any outstanding invoices upon written notice of the termination, and the final invoice shall be paid immediately upon receipt.

---

**APPROVED:**  
**ROAD COMMISSION FOR OAKLAND COUNTY**

Date \_\_\_\_\_

By \_\_\_\_\_  
Danielle Deneau, P.E.  
DIRECTOR OF TRAFFIC-SAFETY  
Title of Authorized Official

---

**APPROVED:**  
**CITY OF PONTIAC**

Date \_\_\_\_\_

By \_\_\_\_\_  
\_\_\_\_\_  
Title of Authorized Official

---

\*Certified copy of resolution must be submitted with this form for new installations.

**STATE OF MICHIGAN  
BOARD OF COUNTY ROAD COMMISSIONERS  
OAKLAND COUNTY  
AGREEMENT FOR TRAFFIC CONTROL DEVICE**

**Type of Work:** Traffic Signal Installation and Maintenance

**Location:** Auburn Road 30 feet east of Astor Street RRFB

**Signal No:** 1587

**Date Effective:**

Under authority of state law and by virtue of resolution formally adopted by their respective governing bodies, the under-signed hereby agree to participate in the cost of installation, removal, maintenance and operation of the above traffic control device on the basis of the following division of costs. (Title to equipment shall remain with the purchasing agency, unless purchased for roads not under the jurisdiction of the Board of County Road Commissioners of the County of Oakland.) Invoices for costs are to be billed monthly by the Road Commission for Oakland County ("RCOC").

**DIVISION OF COSTS**

AGENCY	Percent	INSTALLATION	MAINTENANCE
		Estimated Cost	Percent
City of Pontiac	100 %	\$ Permit	100 %
Total	100 %	\$ Permit	100 %

It is further agreed that the RCOC will be the agency invoiced for energy billings and/or communications billings ("BILLINGS"). The RCOC will pay the invoices for the BILLINGS and subsequently invoice the CITY OF PONTIAC seeking reimbursement for payment of the BILLINGS pursuant to the division of costs stated above. The RCOC's payment of the BILLINGS shall be included as maintenance costs on the RCOC invoice to the CITY OF PONTIAC.

It is further agreed that the agency responsible for making original and replacement installations and performing maintenance shall be the RCOC. The CITY OF PONTIAC is the agency responsible for the costs related to installation. The CITY OF PONTIAC is the agency responsible for participating in maintenance costs, and the RCOC will invoice the CITY OF PONTIAC for the maintenance costs pursuant to the division of costs stated above.

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---

**APPROVED:**  
**ROAD COMMISSION FOR OAKLAND COUNTY**

Date \_\_\_\_\_

By \_\_\_\_\_

Danielle Deneau, P.E.

DIRECTOR OF TRAFFIC-SAFETY

Title of Authorized Official

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**APPROVED:**  
**CITY OF PONTIAC**

Date \_\_\_\_\_

By \_\_\_\_\_

\_\_\_\_\_  
Title of Authorized Official

---

\*Certified copy of resolution must be submitted with this form for new installations.

**STATE OF MICHIGAN  
BOARD OF COUNTY ROAD COMMISSIONERS  
OAKLAND COUNTY  
AGREEMENT FOR TRAFFIC CONTROL DEVICE**

**Type of Work:** Traffic Signal Installation and Maintenance

**Location:** Auburn Road, 125 feet west of Carriage Circle Drive HAWK signal

**Signal No:** 1588

**Date Effective:**

Under authority of state law and by virtue of resolution formally adopted by their respective governing bodies, the under-signed hereby agree to participate in the cost of installation, removal, maintenance and operation of the above traffic control device on the basis of the following division of costs. (Title to equipment shall remain with the purchasing agency, unless purchased for roads not under the jurisdiction of the Board of County Road Commissioners of the County of Oakland.) Invoices for costs are to be billed monthly by the Road Commission for Oakland County ("RCOC").

**DIVISION OF COSTS**

AGENCY	Percent	INSTALLATION	MAINTENANCE
		Estimated Cost	Percent
City of Pontiac	100 %	\$ Permit	100 %
Total	100 %	\$ Permit	100 %

It is further agreed that the RCOC will be the agency invoiced for energy billings and/or communications billings ("BILLINGS"). The RCOC will pay the invoices for the BILLINGS and subsequently invoice the CITY OF PONTIAC seeking reimbursement for payment of the BILLINGS pursuant to the division of costs stated above. The RCOC's payment of the BILLINGS shall be included as maintenance costs on the RCOC invoice to the CITY OF PONTIAC.

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This agreement is terminable on thirty days written notice by any party. The CITY OF PONTIAC shall pay any outstanding invoices upon written notice of the termination, and the final invoice shall be paid immediately upon receipt.

APPROVED:  
**ROAD COMMISSION FOR OAKLAND COUNTY**

APPROVED:  
**CITY OF PONTIAC**

Date \_\_\_\_\_

Date \_\_\_\_\_

By \_\_\_\_\_

By \_\_\_\_\_

Danielle Deneau, P.E.  
DIRECTOR OF TRAFFIC-SAFETY  
Title of Authorized Official

\_\_\_\_\_  
Title of Authorized Official

\*Certified copy of resolution must be submitted with this form for new installations.

**STATE OF MICHIGAN  
BOARD OF COUNTY ROAD COMMISSIONERS  
OAKLAND COUNTY  
AGREEMENT FOR TRAFFIC CONTROL DEVICE**

**Type of Work:** Traffic Signal Installation and Maintenance

**Location:** Auburn Road, 450' west of Paddock Street RRFB

**Signal No:** 1584

**Date Effective:**

Under authority of state law and by virtue of resolution formally adopted by their respective governing bodies, the under-signed hereby agree to participate in the cost of installation, removal, maintenance and operation of the above traffic control device on the basis of the following division of costs. (Title to equipment shall remain with the purchasing agency, unless purchased for roads not under the jurisdiction of the Board of County Road Commissioners of the County of Oakland.) Invoices for costs are to be billed monthly by the Road Commission for Oakland County ("RCOC").

**DIVISION OF COSTS**

AGENCY	INSTALLATION		MAINTENANCE	
	Percent	Estimated Cost	Percent	
City of Pontiac	100 %	\$ Permit	100 %	
Total	100 %	\$ Permit	100 %	

It is further agreed that the RCOC will be the agency invoiced for energy billings and/or communications billings ("BILLINGS"). The RCOC will pay the invoices for the BILLINGS and subsequently invoice the CITY OF PONTIAC seeking reimbursement for payment of the BILLINGS pursuant to the division of costs stated above. The RCOC's payment of the BILLINGS shall be included as maintenance costs on the RCOC invoice to the CITY OF PONTIAC.

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---

**APPROVED:**  
**ROAD COMMISSION FOR OAKLAND COUNTY**

Date \_\_\_\_\_

By \_\_\_\_\_  
Danielle Deneau, P.E.  
DIRECTOR OF TRAFFIC-SAFETY  
Title of Authorized Official

---

**APPROVED:**  
**CITY OF PONTIAC**

Date \_\_\_\_\_

By \_\_\_\_\_  
\_\_\_\_\_  
Title of Authorized Official

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\*Certified copy of resolution must be submitted with this form for new installations.

**STATE OF MICHIGAN  
BOARD OF COUNTY ROAD COMMISSIONERS  
OAKLAND COUNTY  
AGREEMENT FOR TRAFFIC CONTROL DEVICE**

**Type of Work:** Traffic Signal Installation and Maintenance

**Location:** Auburn Road at Francis Street RRFB

**Signal No:** 1586

**Date Effective:**

Under authority of state law and by virtue of resolution formally adopted by their respective governing bodies, the under-signed hereby agree to participate in the cost of installation, removal, maintenance and operation of the above traffic control device on the basis of the following division of costs. (Title to equipment shall remain with the purchasing agency, unless purchased for roads not under the jurisdiction of the Board of County Road Commissioners of the County of Oakland.) Invoices for costs are to be billed monthly by the Road Commission for Oakland County ("RCOC").

**DIVISION OF COSTS**

AGENCY	Percent	INSTALLATION	MAINTENANCE
		Estimated Cost	Percent
City of Pontiac	100 %	\$ Permit	100 %
Total	100 %	\$ Permit	100 %

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It is further agreed that the agency responsible for making original and replacement installations and performing maintenance shall be the RCOC. The CITY OF PONTIAC is the agency responsible for the costs related to installation. The CITY OF PONTIAC is the agency responsible for participating in maintenance costs, and the RCOC will invoice the CITY OF PONTIAC for the maintenance costs pursuant to the division of costs stated above.

CITY OF PONTIAC shall pay all RCOC invoices within 30 days of the date of the invoice.

Each party to this agreement will remain responsible for any and all claims arising out of its own acts and/or omissions during the performance of the agreement, as provided by this agreement or by law. In addition, this is not intended to increase or decrease either party's liability for or immunity from tort claims. This agreement is also not intended to nor will it be interpreted as giving either party a right of indemnification, either by contract or by law, for claims arising out of the performance of this agreement.

In the event the traffic control device referred to in this agreement is located on a road or street that is under the jurisdiction of the RCOC and by virtue of this agreement will be maintained by an agency other than the RCOC, then and in that event the said agency hereby acknowledges that it is undertaking the RCOC's duty to maintain the said traffic control device, further agrees to provide insurance coverage protecting the RCOC, and further agrees to provide a Certificate of Insurance acceptable to the RCOC upon the agency's execution of this agreement.

This agreement is terminable on thirty days written notice by any party. The CITY OF PONTIAC shall pay any outstanding invoices upon written notice of the termination, and the final invoice shall be paid immediately upon receipt.

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APPROVED:  
**ROAD COMMISSION FOR OAKLAND COUNTY**

Date \_\_\_\_\_

By \_\_\_\_\_  
Danielle Deneau, P.E.  
DIRECTOR OF TRAFFIC-SAFETY  
Title of Authorized Official

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APPROVED:  
**CITY OF PONTIAC**

Date \_\_\_\_\_

By \_\_\_\_\_  
\_\_\_\_\_  
Title of Authorized Official

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\*Certified copy of resolution must be submitted with this form for new installations.

**#12**

**RESOLUTION**



# CITY OF PONTIAC

## OFFICIAL MEMORANDUM

*Finance*

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**TO:** Honorable City Council President and City Council

**FROM:** Sekar Bawa, Senior Accountant

**CC:** Mayor Tim Greimel, Khalfani Stephens, Deputy Mayor

**DATE:** March 23, 2023

**RE:** **Council Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023.**  
**Increase the appropriation in the following GL accounts:**  
249-371-702.000 – Salaries & Wages -\$19,140,  
249-371-715.000 – FICA City Contribution - \$1,465  
249-371-716.000 – Medical Insurance - \$3,000  
249-371-718.500 – MERS Employer Contribution - \$975

The Building Inspection Division is in urgent need of an Inspector to work in the ARPA Housing Rehabilitation Program. If approved, this Inspector will be paid an annual salary of \$76,550.

We require additional funding for the period from April through June in the current fiscal year to pay for this essential service.

We are requesting an increase in the budget appropriations in the following GL line items:

249-371-702.000 – Salaries & Wages	\$19,140
249-371-715.000 – FICA City Contribution	\$1,465
249-371-716.000 – Medical Insurance	\$3,000
249-371-718.500 – MERS Employer Contribution	\$975
<b>Net Decrease in the Building Inspection Fund Balance</b>	<b><u>\$24,580</u></b>

*This item cannot be approved until after the resolution to authorize the city clerk to publish the notice of the budget amendment has been approved and one week after the publication of the notice.*



**Council Resolution to authorize the City Clerk to publish the proposed budget amendment for Budget Year 2022-2023,**

**Increase the appropriation in the following GL accounts:**

249-371-702.000 – Salaries & Wages -\$19,140,  
249-371-715.000 – FICA City Contribution - \$1,465  
249-371-716.000 – Medical Insurance - \$3,000  
249-371-718.500 – MERS Employer Contribution - \$975

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**WHEREAS**, the Building Inspection Division is in urgent need of an Inspector to work in the ARPA Housing Rehabilitation Program.; and

**WHEREAS**, the Building Inspector is proposed to be paid at an annual salary of \$76,550:

**WHEREAS**, the Building Division require additional funding for the period from April through June in the current fiscal year to pay for this essential service; and

**NOW, THEREFORE, BE IT RESOLVED** that the budget of the City of Pontiac, Michigan for the fiscal year ending June 30, 2023, is hereby amended as follows for the Building Division:

The appropriation for GL Account number 249-371-702.000 – Salaries & Wages - shall be increased by \$119,140.

The appropriation for GL Account number 249-371-715.000 – FICA City Contribution - shall be increased by \$1,465.

The appropriation for GL account number 249-371-716.000 – Medical Insurance - shall be increased by \$3,000.

The appropriation for GL account number 249-371-718.500 – MERS Employer Contribution - shall be increased by \$975.

**BE IT FURTHER RESOLVED** that the total increase in appropriation for these four (4) items for the Building Division shall be \$24,580.



**#13**

**RESOLUTION**



# CITY OF PONTIAC

## OFFICIAL MEMORANDUM

*Finance*

---

**TO:** Honorable City Council President and City Council

**FROM:** Sekar Bawa, Senior Accountant

**CC:** Mayor Tim Greimel, Khalfani Stephens, Deputy Mayor

**DATE:** March 8, 2023

**RE:** **Council Resolution to approve the proposed budget amendment for Budget Year 2022-2023.**  
**Changes in the Estimated Revenue and the Appropriation in the following GL accounts**  
101-000-532.000 – Federal Grant Others – (\$10,000,000)  
101-000-674.285 – Contribution from ARPA - \$10,000,000  
285-000-532.000-REVLOS – Federal Grants Others – 10,000,000  
285-699-956.101-REVLOS – Contribution to General Fund - \$10,000,000

In the budget year 2022-23, the City Council approved the transfer of \$10,000,000 from the ARPA funds to the General Fund revenue to offset the revenue loss due to COVID pandemic. This transfer was budgeted in the incorrect revenue line item in the General Fund.

Further, this transfer should have been budgeted in the Fund 285 – ARPA which was established in accordance with the Uniform State Chart of Accounts to track the ARPA grant related transactions.

This budget amendment is proposed to properly account for the above transfer.

101-000-532.000 – Federal Grant Others	(\$10,000,000)
101-000-674.285 – Contribution from ARPA	\$10,000,000
285-000-532.000-REVLOS – Federal Grants Others	\$10,000,000
285-699-956.101-REVLOS – Contribution to General Fund	\$10,000,000

This amendment does not affect fund balance in either the General Fund or the ARPA Fund.

*This item cannot be approved until after the resolution to authorize the city clerk to publish the notice of the budget amendment has been approved and one week after the publication of the notice.*



**Council Resolution to approve the proposed budget amendment for Budget Year 2022-2023,**

**Changes in the Estimated Revenue and the Appropriation in the following GL accounts**

101-000-532.000 – Federal Grant Others – (\$10,000,000)  
101-000-674.285 – Contribution from ARPA - \$10,000,000  
285-000-532.000-REVLOS – Federal Grants Others – 10,000,000  
285-699-956.101-REVLOS – Contribution to General Fund - \$10,000,000

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**WHEREAS**, in the budget year 2022-23, the City Council approved the transfer of \$10,000,000 from the ARPA fund to the General Fund revenue to offset the revenue loss due to COVID pandemic; and

**WHEREAS**, this transfer was budgeted in the incorrect revenue line item in the General Fund; and

**WHEREAS**, this transfer should have been budgeted in the Fund 285 – ARPA which was established in accordance with the Uniform State Chart of Accounts to track the ARPA grant related transactions; and

**NOW, THEREFORE, BE IT RESOLVED** that the budget of the City of Pontiac, Michigan for the fiscal year ending June 30, 2023, is hereby amended as follows:

The Estimated Revenue in GL Account number 101-000-532.000 – Federal Grant Others - shall be decreased by \$10,000,000.

The Estimated Revenue in GL Account number 101-000-674.285– Contribution from ARPA- shall be increased by \$10,000,000.

The Estimated Revenue in GL Account number 285-000-532.000-REVLOS – Federal Grant Others - shall be increased by \$10,000,000.

The appropriation for GL account number 285-699-956.101-REVLOS – Contribution to General Fund - shall be increased by \$10,000,000.

**#14**

**RESOLUTION**



## OFFICIAL MEMORANDUM

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**TO:** Honorable City Council President and City Council

**FROM:** Alexandra Borngesser, Director of Grants & Philanthropy

**DATE:** March 14<sup>th</sup>, 2023

**RE:** **Council resolution to approve the proposed budget amendment to establish budget appropriations in the amount of \$1,000 to account 285-699-902.005-ARPPRK Public Notices, \$10,000 to account 285-699-728.000-ARPPRK Postage, \$10,000 to account 285-699-901.000-ARPPRK Printing and Bindery Services, \$15,000 to account 285-699-818-.000-ARPPRK Other Professional Services, \$571,428.50 to account 285-699-816.101 Prof. Serv. – District 1, \$571,428.50 to account 285-699-816.102 Prof. Serv. – District 2, \$571,428.50 to account 285-699-816.103 Prof. Serv. – District 3, \$571,428.50 to account 285-699-816.104 Prof. Serv. – District 4, \$571,428.50 to account 285-699-816.105 Prof. Serv. – District 5, \$571,428.50 to account 285-699-816.106 Prof. Serv. – District 6, \$571,428.50 to account 285-699-816.107 Prof. Serv. – District 7.**

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In March of 2021, President Biden signed the American Rescue Plan Act into law. This act is meant to provide aid to both state and local governments, and to promote local communities' recovery and revitalization following the impacts of COVID-19. The City of Pontiac was allocated \$37.7 million from the American Rescue Plan Act. The funding provided under ARPA provides a unique opportunity for state and local governments to make strategic investments in long-lived assets, rebuild reserves to enhance financial stability, and cover temporary operating shortfalls until economic conditions and operations normalize in the wake of COVID-19.

In an effort to put ARPA funds into action, and to mitigate the impacts of COVID-19 on Pontiac residents, the City has established the Pontiac Park Revitalization Program. On November 10<sup>th</sup> 2022, the Pontiac City Council unanimously approved the Executive Administration's ARPA program budget, allocating \$4,000,000 to establish a Park Revitalization Program for neighborhood and mini parks, and to fund the administration of the program. Cities with robust park systems experience stronger economies, a decrease in crime, increased property value, and protection from environmental impacts of urban landscapes. The benefit of investing in Pontiac's parks is invaluable and the public will reap those benefits by way of a stronger economy, safer neighborhoods, and a more resilient environment.

The requested budget amendment below will fund the first round of the Pontiac Park Revitalization Program with \$4,000,000 for the program and \$36,000 for program related expenses and administrative support.



**Council resolution to approve the proposed budget amendment to establish budget appropriations in the amount of \$1,000 to account 285-699-902.005-ARPPRK Public Notices, \$10,000 to account 285-699-728.000-ARPPRK Postage, \$10,000 to account 285-699-901.000-ARPPRK Printing and Bindery Services, \$15,000 to account 285-699-818-.000-ARPPRK Other Professional Services, \$571,428.50 to account 285-699-816.101 Prof. Serv. – District 1, \$571,428.50 to account 285-699-816.102 Prof. Serv. – District 2, \$571,428.50 to account 285-699-816.103 Prof. Serv. – District 3, \$571,428.50 to account 285-699-816.104 Prof. Serv. – District 4, \$571,428.50 to account 285-699-816.105 Prof. Serv. – District 5, \$571,428.50 to account 285-699-816.106 Prof. Serv. – District 6, \$571,428.50 to account 285-699-816.107 Prof. Serv. – District 7.**

**WHEREAS,** the City of Pontiac was awarded The City of Pontiac was allocated \$37.7 million from the State and Local Fiscal Recovery Fund(SLFRF) under the American Rescue Plan Act (ARPA), and;

**WHEREAS,** the funding provided under ARPA provides a unique opportunity for state and local governments to make strategic investments in long-lived assets, rebuild reserves to enhance financial stability, and cover temporary operating shortfalls until economic conditions and operations normalize in the wake of COVID-19, and;

**WHEREAS,** the City's Executive Administration worked to build a programming budget for the use of its \$37,700,000 in SLFRF funding that reflects the needs of the community, and;

**WHEREAS,** the Pontiac City Council unanimously approved the Executive Administration's ARPA Program Budget on November 10<sup>th</sup>, 2022, allocating \$4,000,000 to establish a park revitalization program for neighborhood and mini parks, and to fund the administration of the program, and;

**WHEREAS,** in an effort to put ARPA funds into action, and to mitigate the impacts of COVID-19 on Pontiac residents, the City has established the Pontiac Park Revitalization Program, and;

**WHEREAS,** the following budget amendment reflects funding for the Pontiac Park Revitalization Program and associated costs, and;

**WHEREAS,** the budget amendment will increase the budgeted appropriations in the amount of \$4,035,999.50, representing the Pontiac Home Repair Program expenditures.

**NOW THEREFORE,** be it resolved that the City Council hereby approves the proposed budget amendment to establish budget appropriations in the amount of \$1,000 to account 285-699-902.005-ARPPRK Public Notices, \$10,000 to account 285-699-728.000-ARPPRK Postage, \$10,000 to account 285-699-901.000-ARPPRK Printing and Bindery Services, \$15,000 to account 285-699-818-.000-ARPPRK Other Professional Services, \$571,428.50 to account 285-699-816.101 Prof. Serv. – District 1, \$571,428.50 to account 285-699-816.102 Prof. Serv. – District 2, \$571,428.50 to account 285-699-816.103 Prof. Serv. – District 3, \$571,428.50 to account 285-699-816.104 Prof. Serv. – District 4, \$571,428.50 to account 285-699-816.105 Prof. Serv. – District 5, \$571,428.50 to account 285-699-816.106 Prof. Serv. – District 6, \$571,428.50 to account 285-699-816.107 Prof. Serv. – District 7.

**#15**

**RESOLUTION**



## OFFICIAL MEMORANDUM

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**TO:** Honorable City Council President and City Council

**FROM:** Alexandra Borngesser, Director of Grants & Philanthropy

**DATE:** March 14<sup>th</sup>, 2023

**RE:** **Council resolution to approve the proposed budget amendment to establish budget appropriations in the amount of \$60,000 to account 285-699-702.000-ARPHRP Salaries and Wages, \$4,590 to account 285-699-715.000-ARPHRP F.I.C.A – City Contribution, \$11,210 to account 285-699-716.000-ARPHRP Medical Insurance, \$4,200 to account 285-699-718.500-ARPHRP MERS Employer Contributions, \$10,000 to account 285-699-728.000 Postage, \$3,000 to account 285-699-901.000-ARPHRP Printing and Bindery Service, \$500 to account 285-699-902.005-ARPHRP Public Notices, and \$1,100,000 to account 285-699-818.000-ARPHRP Other Professional Services.**

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In March of 2021, President Biden signed the American Rescue Plan Act into law. This act is meant to provide aid to both state and local governments, and to promote local communities' recovery and revitalization following the impacts of COVID-19. The City of Pontiac was allocated \$37.7 million from the American Rescue Plan Act. The funding provided under ARPA provides a unique opportunity for state and local governments to make strategic investments in long-lived assets, rebuild reserves to enhance financial stability, and cover temporary operating shortfalls until economic conditions and operations normalize in the wake of COVID-19.

In an effort to put ARPA funds into action, and to mitigate the impacts of COVID-19 on Pontiac residents, the City has established the Pontiac Home Repair Program. On November 10<sup>th</sup> 2022, the Pontiac City Council unanimously approved the Executive Administration's ARPA program budget, allocating \$3,622,000 to establish a home repair program and fund the administration of the program. The objective of this program is to help homeowners complete major home repair projects that improve the quality and safety of their housing and increase their chances of remaining in their homes long term.

To be eligible for the Home Repair Program residents need to own their home and be the current occupant. The home must be in the city of Pontiac. The household income should not exceed 80% AMI. Residents must complete the Pontiac Home Repair Program Application and provide all supporting documentation.

The requested budget amendment below will fund the first round of the Pontiac Home Repair Program with \$1,100,000 for programming and \$93,500 program related expenses and administrative support.





**Council resolution to approve the proposed budget amendment to establish budget appropriations in the amount of \$60,000 to account 285-699-702.000-ARPHRP Salaries and Wages, \$4,590 to account 285-699-715.000-ARPHRP F.I.C.A – City Contribution, \$11,210 to account 285-699-716.000-ARPHRP Medical Insurance, \$4,200 to account 285-699-718.500-ARPHRP MERS Employer Contributions, \$10,000 to account 285-699-728.000 Postage, \$3,000 to account 285-699-901.000-ARPHRP Printing and Bindery Service, \$500 to account 285-699-902.005-ARPHRP Public Notices, and \$1,100,000 to account 285-699-818.000-ARPHRP Other Professional Services.**

**WHEREAS**, the City of Pontiac was awarded The City of Pontiac was allocated \$37.7 million from the State and Local Fiscal Recovery Fund(SLFRF) under the American Rescue Plan Act (ARPA), and;

**WHEREAS**, the funding provided under ARPA provides a unique opportunity for state and local governments to make strategic investments in long-lived assets, rebuild reserves to enhance financial stability, and cover temporary operating shortfalls until economic conditions and operations normalize in the wake of COVID-19, and;

**WHEREAS**, the City's Executive Administration worked to build a programming budget for the use of its \$37,700,000 in SLFRF funding that reflects the needs of the community, and;

**WHEREAS**, the Pontiac City Council unanimously approved the Executive Administration's ARPA Program Budget on November 10<sup>th</sup>, 2022, allocating \$3,622,000 to establish a home repair program and fund the administration of the program, and;

**WHEREAS**, in an effort to put ARPA funds into action, and to mitigate the impacts of COVID-19 on Pontiac residents, the City has established the Pontiac Home Repair Program, and;

**WHEREAS**, the following budget amendment reflects funding for the Pontiac Home Repair Program and associated costs, and;

**WHEREAS**, the budget amendment will increase the budgeted appropriations in the amount of \$1,193,500, representing the Pontiac Home Repair Program expenditures.

**NOW THEREFORE**, be it resolved that the City Council hereby approves the proposed budget amendment to establish budget appropriations in the amount of \$60,000 to account 285-699-702.000-ARPHRP Salaries and Wages, \$4,590 to account 285-699-715.000-ARPHRP F.I.C.A – City Contribution, \$11,210 to account 285-699-716.000-ARPHRP Medical Insurance, \$4,200 to account 285-699-718.500-ARPHRP MERS Employer Contributions, \$10,000 to account 285-699-728.000 Postage, \$3,000 to account 285-699-901.000-ARPHRP Printing and Bindery Service, \$500 to account 285-699-902.005-ARPHRP Public Notices, and \$1,100,000 to account 285-699-818.000-ARPHRP Other Professional Services.

**#16**

**RESOLUTION**



## OFFICIAL MEMORANDUM

**TO:** Honorable City Council President and City Council

**FROM:** Alexandra Borngesser, Director of Grants & Philanthropy

**DATE:** March 28<sup>th</sup>, 2023

**RE:** **Council resolution to authorize the City Clerk to publish the proposed budget amendment to establish budget appropriations in the amount of \$ 99,214 to account 285-485-977.007-ARPDW Mowers, \$10,998 to account number 285-458-977.009-ARPDW Trailers, and \$2,000 to account number 285-458-977.008-ARPDW Special Equipment.**

In March of 2021, President Biden signed the American Rescue Plan Act into law. This act is meant to provide aid to both state and local governments, and to promote local communities' recovery and revitalization following the impacts of COVID-19. The City of Pontiac was allocated \$37.7 million from the American Rescue Plan Act. The funding provided under ARPA provides a unique opportunity for state and local governments to make strategic investments in long-lived assets, rebuild reserves to enhance financial stability, and cover temporary operating shortfalls until economic conditions and operations normalize in the wake of COVID-19.

In an effort to put ARPA funds into action, and to mitigate the impacts of COVID-19 on Pontiac residents, the City allocated \$5,221,320 to various infrastructure projects permissible under the final rules from the United States Treasury. On November 10<sup>th</sup> 2022, the Pontiac City Council unanimously approved the Executive Administration's ARPA program budget, allocating \$5,221,320 to this activity with, dedicating \$1,000,000 for pedestrian enhancements and the Department of Public works. The objective of the aforementioned resources is to help mitigate the impacts of COVID-19 on the community.

The administration is proposing the purchase of 8 mowers, 2 trailers, and other special equipment to aid the Department of Public Works staff in blight removal and park maintenance. The cost breakdown can be reviewed below.

Project Code	Program Expense	Amount
ARPDW	2 Mowers - 48" V-Ride II / 23hp Kohler	\$ 17,002.00
ARPDW	6 Mowers - EFI 61" Turf Tiger II / 38hp Kohler EFI	\$ 82,212.00
ARPDW	2 Trailers - 2023 Sure Trac. 7x18 TTOP 7k TAN	\$ 10,998.00
ARPDW	Weed Whips & Blowers	\$ 2,000.00



**Council resolution to authorize the City Clerk to publish the proposed budget amendment to establish budget appropriations in the amount of \$ 99,214 to account 285-485-977.007-ARPDW Mowers, \$10,998 to account number 285-458-977.009-ARPDW Trailers, and \$2,000 to account number 285-458-977.008-ARPDW Special Equipment.**

**WHEREAS**, the City of Pontiac was awarded The City of Pontiac was allocated \$37.7 million from the State and Local Fiscal Recovery Fund(SLFRF) under the American Rescue Plan Act (ARPA), and;

**WHEREAS**, the funding provided under ARPA provides a unique opportunity for state and local governments to make strategic investments in long-lived assets, rebuild reserves to enhance financial stability, and cover temporary operating shortfalls until economic conditions and operations normalize in the wake of COVID-19, and;

**WHEREAS**, the City's Executive Administration worked to build a programming budget for the use of its \$37,700,000 in SLFRF funding that reflects the needs of the community, and;

**WHEREAS**, the Pontiac City Council unanimously approved the Executive Administration's ARPA Program Budget on November 10<sup>th</sup>, 2022, allocating \$1,000,000 to pedestrian enhancements and DPW Support; and,

**WHEREAS**, in an effort to put ARPA funds into action, and to mitigate the impacts of COVID-19 on Pontiac residents, the administration is proposing the purchase of 8 mowers, 2 trailers, and other special equipment to aid the Department of Public Works staff in blight removal and park maintenance; and,

**WHEREAS**, the following budget amendment reflects funding for the associated costs, and;

**WHEREAS**, the budget amendment will increase the budgeted appropriations in the amount of \$112,212, representing the purchase of the aforementioned equipment.

**NOW THEREFORE**, be it resolved that the City Council hereby authorizes the City Clerk to publish the proposed budget amendment to establish budget appropriations in the amount of \$ 99,214 to account 285-485-977.007-ARPDW Mowers, \$10,998 to account number 285-458-977.009-ARPDW Trailers, and \$2,000 to account number 285-458-977.008-ARPDW Special Equipment.

**#17**

**RESOLUTION**

## CITY OF PONTIAC OFFICIAL MEMORANDUM

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**TO:** The Honorable Pontiac City Council

**FROM:** Alexandra Borngesser, Director of Grants & Philanthropy

**DATE:** March 28, 2022

**RE:** **Resolution to approve The City of Pontiac's application submission to the Financially Distressed Cities, Villages, and Townships grant program through the Michigan Department of Treasury in the amount of \$353,007.**

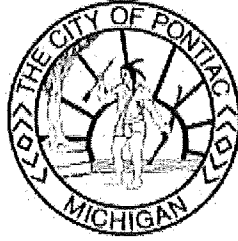
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### EXECUTIVE SUMMARY

The Executive Office of Mayor Tim Greimel kindly requests the approval of The City of Pontiac's submission of a grant application to the Financially Distressed Cities, Villages, and Townships (FDCVT) grant program through the Michigan Department of Treasury in the amount of \$353,007. The FDCVT program focuses on repair or replacement of obsolete critical infrastructure or equipment.

In 2009 the City of Pontiac purchased a fleet of dump trucks to be utilized for salt, plowing, hauling debris and other uses. These vehicles are now 14 years old, and have exceeded their average life expectancy of 7 to 10 years. The funds requested in this grant application will allow the City to replace 3 of the dump trucks with new models.

Resolution on Following Page



## **CITY OF PONTIAC CITY COUNCIL**

### **Resolution to approve The City of Pontiac's application submission to the Financially Distressed Cities, Villages, and Townships grant program through the Michigan Department of Treasury in the amount of \$353,007.**

**WHEREAS**, the City of Pontiac desires to submit an application to the Financially Distressed Cities, Villages, and Townships grant program through the Michigan Department of Treasury in the amount of \$353,007; and,

**WHEREAS**, the grant program requires that the City of Pontiac certify compliance with all Grant Program requirements; and,

**WHEREAS**, the State of Michigan requires each municipality's governing body to adopt a resolution authorizing participation in the proposed project prior to finalizing the award of grants from the State of Michigan's FDCVT grant program; and,

**WHEREAS**, the grant program does not require matching funds.

**THEREFORE, BE IT RESOLVED** that the Pontiac City Council hereby approves participation in the Financially Distressed Cities, Villages, and Townships program, authorizes the submission of an application in the amount of \$353,007, authorizes the administration to provide this resolution indicating its approval to the State of Michigan, and to submit and execute documents requested by the State of Michigan relating to the FDCVT requirements.

**GENERAL CONTRACTORS FOR HOME REPAIR PROGRAM SOLICITATION No. 23-690-001**

City of Pontiac Bid Tabulation							
	<u>Bellman Schwartz</u>	<u>DiMambro Constriction</u>	<u>Integrated Contracting</u>	<u>Mando Construction</u>	<u>PDSI</u>	<u>Glnasis Construction</u>	<u>We Preserve Michigan, LLC.</u>
TIME DATE STAMP	3/2/23 2:00PM	3/3/23 2:00PM	3/3/23 2:00PM	3/2/23 2:00PM	3/3/23 2:00PM	3/3/23 2:00PM	3/3/23 2:02PM
SEALED BID	YES	YES	YES	YES	YES	YES	YES
ORGANIZED FORMAT	YES	NO	YES	YES	YES	YES	YES
CONTRACT TERMS	YES						
ACCEPTED		YES	YES	YES	YES	YES	YES
GOOD STANDING	YES	YES	YES	YES	NO	YES	YES
ATTACHMENT "B" COMPLETED	YES	YES	YES	YES	YES	YES	YES
CONTACT INFORMATION	YES	YES	YES	YES	YES	YES	YES
EXECUTIVE SUMMARY	YES	YES	YES	NO	YES	YES	YES
SCOPE & TIMELINE	YES	NO	YES	NO	YES	YES	YES
PRICE GUARANTEE	YES	YES	YES	YES	YES	YES	YES
REFERENCES	YES	YES	YES	YES	YES	YES	YES
PRICE PROPOSAL	YES	YES	YES	YES	YES	YES	YES
PROJECT EXECUTIVE					\$105.00 PER HOUR	\$150.00 PER HOUR	
PROJECT MANAGER					\$90.00 PER HOUR	\$55.00 PER HOUR	
ESTIMATOR					\$85.00 PER HOUR	\$75.00 PER HOUR	
PROJECT ENGINEER					\$85.00 PER HOUR	\$50.00 PER HOUR	
ACCOUNTANT					\$45.00 PER HOUR	\$40.00 PER HOUR	
SUPERINTENDENT	\$35.00 PER HOUR		\$100.00 PER HOUR		\$85.00 PER HOUR	\$85.00 PER HOUR	
PRIMARY (SUB.)	\$35.00 PER HOUR						
GENERAL / ALL TRADES	\$15.00 PER HOUR	\$85.00 PER HOUR					\$45.00 PER HOUR
CARPENTER				\$75.00 PER HOUR			
ELECTRICAL	\$28.00 PER HOUR		\$125.00 PER HOUR PLUS MATERIAL & PERMITS				
PLUMBER	\$25.00 PER HOUR		\$125.00 PER HOUR PLUS MATERIAL & PERMITS				
HVAC			\$125.00 PER HOUR PLUS MATERIAL & PERMITS				
LABORER	\$20.00 PER HOUR		\$50.00 PER HOUR	\$65.00 PER HOUR			
GENERAL MARKUP	20%	0%	30%	20%	20%	20%	10%-20%



**GENERAL CONTRACTORS FOR HOME REPAIR PROGRAM SOLICITATION No. 23-690-001**

	Bellman Schwartz	DiMambro Constriction	Integrated Contracting	Mando Construction	PDSI	Ginasis Construction	We Preserve Michigan, LLC.
TIME DATE STAMP	3/2/23 2:00PM	3/3/23 2:00PM	3/3/23 2:00PM	3/2/23 2:00PM	3/3/23 2:00PM	3/3/23 2:00PM	3/3/23 2:02PM
SEALED BID	YES	YES	YES	YES	YES	YES	YES
ORGANIZED FORMAT	YES	NO	YES	YES	YES	YES	YES
CONTRACT TERMS ACCEPTED	YES	YES	YES	YES	YES	YES	YES
GOOD STANDING	YES	YES	YES	YES	NO	YES	YES
ATTACHMENT "B" COMPLETED	YES	YES	YES	YES	YES	YES	YES
CONTACT INFORMATION	YES	YES	YES	YES	YES	YES	YES
EXECUTIVE SUMMARY	YES	YES	YES	NO	YES	YES	YES
SCOPE & TIMELINE	YES	NO	YES	NO	YES	YES	YES
PRICE GUARANTEE	YES	YES	YES	YES	YES	YES	YES
REFERENCES	YES	YES	YES	YES	YES	YES	YES
PRICE PROPOSAL	YES	YES	YES	YES	YES	YES	YES
PROJECT EXECUTIVE					\$105.00 PER HOUR	\$150.00 PER HOUR	
PROJECT MANAGER					\$90.00 PER HOUR	\$55.00 PER HOUR	
ESTIMATOR					\$85.00 PER HOUR	\$75.00 PER HOUR	
PROJECT ENGINEER					\$85.00 PER HOUR	\$50.00 PER HOUR	
ACCOUNTANT					\$45.00 PER HOUR	\$40.00 PER HOUR	
SUPERINTENDENT	\$35.00 PER HOUR		\$100.00 PER HOUR		\$85.00 PER HOUR	\$85.00 PER HOUR	
PRIMARY (SUB.)	\$35.00 PER HOUR						
GENERAL / ALL TRADES	\$15.00 PER HOUR	\$85.00 PER HOUR					\$45.00 PER HOUR
CARPENTER				\$75.00 PER HOUR			
ELECTRICAL	\$28.00 PER HOUR		\$125.00 PER HOUR PLUS MATERIAL & PERMITS				
PLUMBER	\$25.00 PER HOUR		\$125.00 PER HOUR PLUS MATERIAL & PERMITS				
HVAC			\$125.00 PER HOUR PLUS MATERIAL & PERMITS				
LABORER	\$20.00 PER HOUR		\$50.00 PER HOUR	\$65.00 PER HOUR			
GENERAL MARKUP	20%		30%	20%	20%	20%	10%-20%

**#18**

**RESOLUTION**



# CITY OF PONTIAC

## OFFICIAL MEMORANDUM

*Executive Branch*

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**TO:** Honorable Mayor, Council President, and City Council Members

**FROM:** Alicia Martin, Purchasing Manager

**DATE:** March 21, 2023

**RE:** **Request for Council to Approve Prequalified List of Contractors, Bid Award, and Contract Execution**

The purchasing manager facilitated the competitive bid process for General Contractors for The Home Repair Program. The solicitation was posted on 2/5/2023 and closed on 3/3/2023. A total of 34 firms partially or completely downloaded the solicitation documents. A total of seven firms submitted a proposal for prequalification. The purchasing assistant verified all seven contractors' references and checked to make sure contractors met the City's licensing and insurance requirements. As a result, the Economic Development Manager, along with the Purchasing Manager, requests that Council approves that Purchasing and Economic Development establishes a list of pre-qualified contractors, awards the bid to those contractors, and executes an agreement.

WHEREAS, The Purchasing Division has completed its due diligence by requesting a contract amendment in accordance with the City's municipal code, Division II. Purchasing, Section 2-519;

WHEREAS, the Purchasing Manager is requesting to establish a three-year agreement with contractors, which covers the same period of The Home Repair Program;

NOW, THEREFORE, The Pontiac City Council approves the bid award and that the mayor executes a three-year agreement, with options to renew, with Bellman/Schwartz L.C., We Preserve Michigan LLC, Ginasis Construction and Design Inc, Pontiac Drywall Systems, Inc., Mando Construction, Intergrated Contractors, Dimambro Construction, LLC, by the Mayor.

AM

**#19**

**RESOLUTION**



# CITY OF PONTIAC

## OFFICIAL MEMORANDUM

*Executive Branch*

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**TO:** Honorable Mayor, Council President, and City Council Members

**FROM:** Alicia Martin, Purchasing Manager

**DATE:** March 24, 2023

**RE:** Covenant Cemetery Contract Extension

Covenant Cemetery has provided the City of Pontiac with administrative and burial management services for Oak Hill and Ottawa Park Cemeteries since 2017 due to previous contractor leaving after failed negotiations; Covenant provided services on a month-to-month basis during this time. On November 27, 2018, City Council passed a resolution authorizing the Mayor to enter into a contract with Covenant Cemetery Services for 2018-2023. However, the contract has a term end date of December 2022.

The Purchasing Manager is requesting an additional extension of the Covenant Cemetery contract until June 30, 2023. The Purchasing team has required more time to complete negotiations with Covenant than expected. After much deliberation and concluding the negotiations, we are dissatisfied with the outcome and are now soliciting bids for managed care services. The solicitation will help verify whether other service providers are interested in managing Ottawa Park and Oak Hill for the City. We also have an opportunity to view other service providers' approaches and methodologies to managed-care services.

The Purchasing Manager is in the process of contacting a consultant who assisted the City of Rochester with their managed care solicitation, in hopes of identifying additional service providers. The RFP for Cemetery Managed Care Services was posted to BidNet and the City's Purchasing web page on March 5 and will conclude on April 7.

WHEREAS, the agreement between the City and Covenant for management services for Oak Hill and Ottawa Park is due to expire on March 24, 2023.

WHEREAS, Oak Hill and Ottawa Park cemeteries require ongoing administrative and management care services;

WHEREAS, the City and Covenant had entered into negotiations for an improved contract;

WHEREAS, Covenant was only willing to agree to improved contract terms for the City if the City were to enter into a contract of multiple years that extends beyond December 31, 2023;

WHEREAS, the existing contract between the City and Covenant only allows an extension until the end of December 31, 2023; and

WHEREAS,

the City in order to pursue improved contract terms in its cemetery management agreement must, therefore, go out with a Request for Proposals (RFP);

NOW, THEREFORE,  
BE IT RESOLVED

that the City Council hereby approves extending the Covenant agreement until June 30, 2023 in order to allow time for the issuance of an RFP and selection of a management company for Oak Hill and Ottawa Park and that Mayor Tim Greimel may execute the extension agreement for continued administrative and burial management services.



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## PROPOSAL FOR MANAGEMENT OF OAK HILL AND OTTAWA PARK CEMETERIES

Covenant Cemetery Services, Inc., herein also referred to as "Covenant" is pleased to propose to The City of Pontiac, herein also referred to as "The City" or "Pontiac" the following outline of services and responsibilities for management of "Historic" Oak Hill Cemetery and Ottawa Park Cemetery. While this proposal may not include unknown items for either party, it is agreed that both Covenant Cemetery Services, Inc. and The City of Pontiac will, at all times, work together to provide the highest level of service to the community we serve.

This proposal is based partially upon the approval of the City of Pontiac to allow Covenant Cemetery Services, Inc., the right to expand the interment products available to our community including the expansion of the current Mausoleum Garden and Columbarium and other Niche Units and the addition of private family estate products.

Covenant is researching the potential to construct new facilities for interment using our own funds. We would require the right to hold all the deeds or certificates for interment rights for all crypts and niches should new buildings be constructed. Covenant would maintain the burial rights with a percentage payment made to the City based on the sale of the new inventory. There are currently no crypts available in inventory and many families have expressed their desire to own crypts in the cemetery. Covenant would agree to pay the City of Pontiac 15% of all funds received on the sales of these crypts following the building phase of the project. We hope that the City of Pontiac would use these funds to establish a saving account for the Perpetual Care of the building in the future.

As its first order of business, Covenant is seeking to construct a new garden mausoleum. The mausoleum will be 4 crypts high and, although it will be simple, it will be a custom design. The crypt and niche fronts will be black granite with names and images etched on the stone. Covenant will look to Scott Goodsell, President of G.H. Forbes Associates Architects to recommend a concrete contractor, crane operator/ crypt setter, and membrane roofing contractor amongst other trades. Covenant plans to construct at least a portion of the building including pre-cast crypts, granite fronts / trims and masonry. Before any work begins, The City must approve the construction. A copy of Mr. Goodsell's resume and his company profile is included with this proposal.

The intent is to pre-sell the mausoleum and erect a temporary mausoleum at the south tip of the triangular plot of land where the existing garden mausolea currently stand. In order to pre-sell, the City will have to approve the schematic design and master plan (phased construction) for this triangle, known as Block 5 of Ottawa Park Cemetery. G.H. Forbes Associates Architects will also create a 3-dimensional model (not a photo realistic rendering) to spark public interest and simple sales maps to record the sales. Covenant plans to finance this construction through advance sales of crypts and niches

in this project. It is important to note The City of Pontiac is NOT being asked to provide funding for this project, only your approvals to move forward and your understanding that Covenant Cemetery Services will hold the deeds or certificates for interment rights for all crypts and niches constructed. Because Covenant Cemetery Services, Inc. will be covering the cost of construction, no construction liens will be placed on the building.

### **Ongoing Management Responsibilities**

Covenant will continue to be paid directly by the families and/or funeral directors for all opening and closing services provided, including late arrival, holiday, and weekend charges as well as for all ancillary merchandise sold, including markers, monuments, foundation installation and layout fees, vaults, caskets, cremation urns, etc. and will be responsible for the delivery and installation of such products and services.

Covenant will continue to submit to the City of Pontiac on a quarterly basis, a report of all sales of graves, crypts or niches. Covenant will provide a quarterly report of payments received on the sales of graves, crypts or niches and will submit 15% of all funds received for these items following the building phase of the project. We would recommend the City of Pontiac Department of Public Works for to establishment of a cemetery care fund.

Business Administrative Services including Management oversight as required plus the minimum of two full-time employee on site to assist with cemetery management, recordkeeping, burial sales, etc. will be provided during stated Management Office Hours below, in exchange for the Opening & Closing fees and sales revenue generated.

M-F 9am – 4pm

Sat 9am – 1pm or until last burial arrives.

Closed Sundays and Holidays

Spring, Summer & Fall Grounds Maintenance work is generally referred to throughout the industry as Mowing & Maintenance, but it includes far more than mowing. It is reference to the detailed work our professional staff handle throughout the seasons, including mowing and trimming of both open areas and around new and historic markers, monuments and features by our trained and supervised staff who understand the care needed to avoid damage to the family memorials and other cemetery features while navigating the often dangerous terrain of the properties.

The grounds staff also handles the mulching of fall leaves with mowers, trash removal from sections to City provided bins and dumpster(s), work order requests from families for raising, leveling and top soil and seeding of graves and other areas that have sunken. Work order requests from families for raising and leveling of markers and monuments that have sunken or are leaning. Also included is the removal and trimming of small trees and bushes, small branch removal, the services of our "Gardening Person" who maintains and cares for the cemetery plants and gardens at both locations. Our staff watches over the properties to insure the general cemetery beautification projects are continuously moving forward. They are also often the first point of contact with families, which requires them to be more than just a summer intern, but rather a trained professional who can help families locate loved ones, answer questions and make suggestions as required.



We currently provide these services on a weekly basis at the rate of \$2500 per week for Oak Hill Cemetery and \$1350 per week for Ottawa Park Cemetery. This rate includes onsite insured staff at both locations as needed, use of Covenant owned mowers, trimmers, and other gardening equipment, including mowing equipment, employee and equipment insurance, and ongoing maintenance and replacement costs. As discussed, the overall cost for mowing and maintenance will DECREASE over a 5 year period for Ottawa Park. The costs for Oak Hill will be fixed for the term of this agreement. The weekly costs each year for the mowing/maintenance period will be as follows: (note we anticipate mowing/maintenance/spring and summer cleanup periods to average 25-30 weeks per year depending on the weather conditions.)

PERIOD	OAK HILL COSTS	OTTAWA PARK COSTS
COMPARISON 2018	\$2500.00	\$1350.00
Spring -Fall 2019	\$2500.00	\$1350.00
Spring-Fall 2020	\$2500.00	\$1000.00
Spring-Fall 2021	\$2500.00	\$650.00
Spring-Fall 2022	\$2500.00	\$300.00

NOTE: If both parties agree to a new or extended management agreement for 2023 the Mowing/Maintenance costs for Ottawa Park going forward would be reduced to \$0.00

The City of Pontiac Dept. of Public Works will be responsible for patching/repairing the cemetery roads each year and provide snow removal services for the Oak Hill location as well as salt, salting services and snow stakes for both locations. Covenant will provide the staff to handle the plowing of snow off the roads and entrances at the Ottawa Park location using the dump truck and plow provided by the City of Pontiac for snow falls of 5.99 inches and below. Snow falls over 5.99 inches may require assistance from the City of Pontiac larger equipment and staff to be determined based on availability and burial schedules. Covenant Plowing rates are as follows:

Clearing of snow accumulation from parking areas and cemetery roads are charged per occurrence on a weekly basis based on the following amounts of snowfall:

	Current Rate	Winter 2018 Rate
1.5 – 3.99 inches	\$186.68	\$200.00
4.0 – 5.99 inches	\$224.00	\$250.00
6.0 – 7.99 inches	\$270.68	\$300.00
8.0 – 9.99 inches	\$322.67	\$350.00
10.0-11.99 inches	\$388.00	\$400.00
12.0 inches and above	\$466.68	\$500.00

Plowing Rates going forward will be limited to 5% annual increases.

We will continue with our current understanding that the Buildings and Roads, Water System Maintenance and Utilities and other related costs will be the responsibility of the City of Pontiac. Buildings must be maintained with working phone lines, data lines, heating and cooling systems and plumbing services to operate efficiently. We would also require the continued use of the City of Pontiac's instance of TechniServe, Inc's. "The Cemetery Manager" programs. The assurance that TechniServe provides for your data management processing and backup services is essential to the day to day operation of the cemeteries.

The City will continue to provide a backhoe at each of the cemeteries as well as a shared dump truck with snow plow capabilities to be available for use by our staff for burial and grounds keeping related purposes.

We would also request that the City provide 4x8 plywood sheets for use on grounds to avoid excess damage to the grounds from heavy equipment. Ottawa Park currently has adequate plywood, but Oak Hill has nothing available. 30 sheets minimum are needed at each location.

It is our hope that you have found our company worthy of continuing to provide services to the City of Pontiac. This proposal would be for a period of 4 years with renewals annually or longer going forward, subject to the agreement of both parties.



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## PROPOSAL FOR MANAGEMENT OF OAK HILL AND OTTAWA PARK CEMETERIES

### **SCHEDULE 1 : City Responsibilities**

#### **"Historic" Oak Hill and Ottawa Park Cemeteries**

##### **Main Chapel and Office Buildings**

Building Maintenance for Capital Items such as Roof Replacement (needed ASAP, the roof on the chapel/office building at Ottawa Park required 9 buckets in the main chapel and 6 other leaks in the other parts of the building.

HVAC Systems (Boiler, Air Conditioners)

Plumbing and Septic Systems

Electrical Service

Windows, Doors, Flooring

Removal of Retorts at Ottawa Park as required.

NOTE: Chapel at Oak Hill needs some plaster repair that should be done this spring as pieces are dropping and could hit someone.

##### **Shop Buildings**

Building Maintenance for Capital Items such as

Roof Repairs/Replacement (repairs needed on main pole barn)

Electrical Service NOTE: It is our understanding that the shop building at Oak Hill will have electrical soon and is in need of a new roof.

Doors, Windows

##### **Vehicles**

Major Equipment Repairs/Replacements for:

Back Hoes, Dump Trucks, Plows, Snow Blowers and Vans

##### **Burial Equipment**

Repairs/ Replacements for:

Burial Tents and Lowering Devices

NOTE: Should not be needed for several years.

**Grounds, Roads and Sidewalks**

Repairs, Replacements and Removals for:

Paved and Unpaved Roads

Cement Sidewalks and Curbs

Cemetery Water and Sewer Lines

Top Soil and Seed for Grounds Maintenance

Dead, Unhealthy and Unsafe Tree Removals and Stumping

Features, Crypts, Niches and Private Mausoleum Buildings Roofs, Foundations, tucking and other related maintenance.

**Utilities**

Electrical Expenses

Natural and Propane Gas Expenses

Water, Sewer and Septic Cleaning Expenses

Telephone and Communication Expenses

**Office Furniture and Equipment List that Belongs to the City of Pontiac**

NOTE: These are specified as Covenant and The City each have items currently in use at the Ottawa Park location. (When the Oak Hill Office opens this list may have to be updated. Currently all Furniture and Equipment at Oak Hill belongs to the City.

Ottawa Park City Owned Items:

3 Dell Desktop Computers, Monitors and Keyboards

1 HP Color Printer

1 Older Desktop Computer and Printer with Older Cemetery Records in Access Database

5 Black and Wood Padded Waiting Room/Office Chairs

All Standard Style Black, Yellow and Silver File Cabinets plus all Blue Lateral File Cabinets  
Conference Table

6 Black Weave Style Conference Table Chairs

4 Black Secretary rolling chairs

2 Black and Brown L Shaped Office Desks

1 Blue Desk with Gray/Pink Overheads and Pink partition Walls

1 Grey Executive Desk

1 Pink and Wood Executive Chair and 2 Pink and Wood Side Chairs

All Chapel Pews, Casket Bier and Flower Stands

1 Meilink Vault

1 small round wood table, 1 Queen tables 6 misc chairs



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PROPOSAL FOR MANAGEMENT OF  
**OAK HILL AND OTTAWA PARK CEMETERIES**  
**SCHEDULE 2 : Covenant Responsibilities**

"Historic" Oak Hill and Ottawa Park Cemeteries

**Main Chapel and Office Buildings**

- Building Maintenance for Non- Capital Items such as
- Regular Building Cleaning
- Carpet and Floor Cleaning
- Portable Air Conditioners
- Window and Door Cleaning
- Light Bulbs and Keys

**Shop Buildings**

- Building Maintenance for Non-Capital Items such as
- Building Cleanliness
- Light Bulbs and Keys

**Vehicles**

- All Gas, Oil and Hydraulic Grease Costs and Regular Cleanings for:
- Back Hoes, Dump Trucks, Plows, Snow Blowers and Vans
- Covenant owns and maintains all lawn mowers and weed whips at both locations

**Burial Equipment**

- Burial Tents and Lowering Devices NOTE: Should not be needed for several years.

**Grounds, Roads and Sidewalks**

- Covenant will use caution and standard practice to help protect the condition of
- and immediately report any problems to the City of Pontiac but will not be responsible for repair or replacement costs for:
- Paved and Unpaved Roads
- Cement Sidewalks and Curbs
- Cemetery Water and Sewer Lines
- Dead, Unhealthy and Unsafe Tree Removals and Stumping
- Features, Crypts, Niches and Private Mausoleum Buildings Roofs, Foundations, tucking and other related maintenance.

### **Communication Equipment / Utilities**

Allworx Phone Equipment – Covenant will provide for use, an Allworx VOIP Phone system connected to the City of Pontiac phone and communication lines during the term of this contract, including all wiring and data connections. The 3 Phones and related equipment that were in use when our relationship began are stored in the Chapel store room and easily reconnected to the existing old wiring.

Any cabling attached to floors and walls for the Allworx system will become the property of the City should this agreement end. The Phone System and all Phones will remain the property of Covenant and removed.

### **Office Furniture and Equipment List that Belongs to Covenant Cemetery Services, Inc.**

NOTE: These are specified because both Covenant and The City each have items currently in use at the Ottawa Park location. (When the Oak Hill Office opens this list may have to be updated.)

Currently all Furniture and Equipment at Oak Hill belongs to the City.

#### **Ottawa Park, Covenant Owned Items:**

- 5 laptop Computers with wireless Keyboards and Mice
- 1 HP Color Printer
- 1 B&W Brother MFC Printer
- 1 Burgundy Swivel Executive Chair (belongs personally to Charles Sornig)
- 4 Standard Style 4 Drawer Beige File Cabinets
- 4 Lateral Style Brown and Beige File Cabinets
- 2 Epson Scanners and 2 Desktop Calculators
- 2 Drawer lateral wooden file cabinet
- 1 Kerby Sentra Vacuum and 1 Shop Vac
- 3 Grey Brocade Cubicles with Overheads, Desk Tops, File drawers and related hardware.
- 1 U-Shaped Black Desk/Credenza with overhead and lighting
- 1 Cross Cut Shredder
- Various Floor Lamps
- Various Tools and Grounds Maintenance Equipment


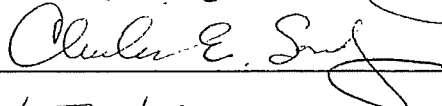
### **Building Improvements**

Covenant requests permission to paint the wood paneled walls and joiners in the reception and manager offices at their expense, should they choose to do so.


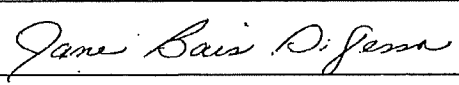
SIGNATURE PAGE FOR MANAGEMENT AGREEMENT  
FOR PONTIAC MUNICIPAL CEMETERIES  
BETWEEN  
THE CITY OF PONTIAC  
AND  
COVENANT CEMETERY SERVICES

IN WITNESS WHEREOF, the undersigned indicate by their signatures that they are  
authorized to act on behalf of their respective party in this capacity.

CONTRACTOR

Print Officer Name: Michael Butts  
Print Officer Title: President  
Signature:   
Witnessed:   
Date: 12/17/18

MUNICIPALITY

Print Officer Name: Deirdre Waterman, MD  
Print Officer Title: Mayor  
Signature:   
Witnessed:   
Date: 12/16/18

**MEMO OF UNDERSTANDING**  
**between**  
**Covenant Cemetery Services ("Covenant" herein)**  
**and**  
**The City of Pontiac ("The City")**  
**Collectively "the Parties"**

This Memo of Understanding is authorized by City Council Proceeding #\_\_\_\_\_ authorized by the Pontiac City Council on \_\_\_\_\_ date \_\_\_\_\_ and is between COVENANT CEMETERY SERVICES ("Covenant") and THE CITY OF PONTIAC, a Michigan Municipal Corporation ("the City"), collectively known as "the Parties" herein.

Whereas, the Parties have entered into an agreement for management services for Oak Hill and Ottawa Park which is due to expire on March 24, 2023; and Oak Hill and Ottawa Park cemeteries require ongoing administrative and management care services; and

Whereas the Parties desire to continue the uninterrupted performance of such services under the terms of the current contract until June 30, 2023 while the competitive bidding process is conducted by the City for a new contract;

The Parties hereby agree to continue to perform under the terms of the existing contract executed December 17, 2018, and to continue such performance until June 30, 2023.

\_\_\_\_\_  
Covenant Cemetery Services  
Michael Butts, President

\_\_\_\_\_  
City of Pontiac  
Tim Greimel, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date