

PLANNING COMMISSION AGENDA

*Meetings: Third Tuesday - 7:00 p.m.
Wednesday, February 17, 2021*

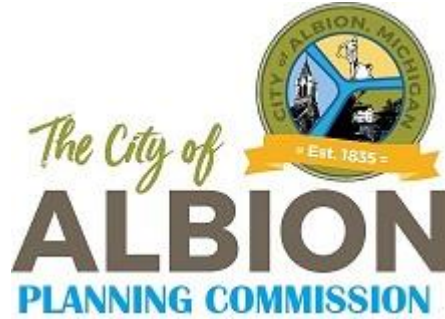
City Council Chambers ♦ Second Floor ♦ 112 West Cass Street ♦ Albion, MI 49224

Page	
	I. CALL TO ORDER (REMINDER: TURN OFF CELL PHONES)
	II. ROLL CALL OF THE COMMISSION
	III. APPROVAL OF PRIOR MEETING MINUTES
3 - 6	A. APPROVE JANUARY 20, 2021 MINUTES PLANNING COMMISSION - 20 Jan 2021 - Minutes - Pdf
	IV. CORRESPONDENCE
	V. PUBLIC HEARING
7	A. ORDINANCE # 2021-02, AN ORDINANCE TO AMEND CHAPTER 100, ARTICLE VII, TO ADD SECTION 7.10A, MEDICAL USE OF MARIHUANA Public Notice 2-17-21 (2)
	VI. ORDER OF BUSINESS
8 - 13	A. APPROVE RECOMMENDATION OF ORDINANCE # 2021-02, AN ORDINANCE TO AMEND CHAPTER 100, ARTICLE VII, TO ADD SECTION 7.10A, MEDICAL USE OF MARIHUANA Ordinance 2021-02 (002)
	B. APPROVE MEDICAL MARIHUANA GROWER RENEWAL LICENSE FOR GREENWELL BIOMEDICINALS LLC
	C. APPROVE MEDICAL MARIHUANA PROVISIONING CENTER RENEWAL LICENSE FOR GREENHOUSE FARMS ALBION 1, LLC D/B/A SUNNIE'S
14	D. APPROVAL TO COMBINE THREE PARCELS-PARCEL A-619 AUSTIN AVENUE; PARCEL B-617 AUSTIN AVENUE AND PARCEL C-611 AUSTIN AVENUE INTO ONE PARCEL OWNED BY THE ALBION ECONOMIC DEVELOPMENT CORPORATION (AEDC) EDC Austin Ave 619 617 611
15 - 19	E. DISCUSSION MOBILE FOOD VENDORS Traverse City Mobile Food Vendor Ordinance
	F. DISCUSSION-CREATION OF NEW COMPREHENSIVE/STRATEGIC PLAN

- G. EXCUSE ABSENT BOARD MEMBERS
- VII. PUBLIC COMMENTS
- VIII. ADJOURNMENT

PLANNING COMMISSION PUBLIC HEARING PROCESS

- 1) THE PLANNING COMMISSION CHAIR OPENS THE HEARING
- 2) CHAIR SUMMARIZED THE PROCESS
- 3) STAFF PRESENTS REPORT ON APPLICANT'S REQUEST
- 4) CHAIR READS ANY CORRESPONDENCE INTO THE RECORD
- 5) PUBLIC SPEAKING PORTION OF HEARING
 - INDIVIDUALS IN SUPPORT
 - OPPOSITION SPEAKERS
 - QUESTIONS & REBUTTAL (DIRECTED THROUGH THE CHAIR)
 - PUBLIC SPEAKING PORTION OF HEARING CLOSED
- 6) FINDING OF FACTS
- 7) BOARD BEGINS DELIBERATIONS



MINUTES
PLANNING COMMISSION
Wednesday, January 20, 2021 @ 7:00 PM
Zoom Meeting

I CALL TO ORDER (Reminder: turn off cell phones)

Chair G Strander called the Planning Commission meeting to order at 7:00 p.m.

II ROLL CALL of the Commission

PRESENT: Albert Amos (home) ; Mark Lelle (home); Tom Pitt (home); Sharon Ponds (home); Lenn Reid (home); George Strander (home) and Joseph Verbeke (home)

ABSENT: Mayor Snyder and S Kipp

ADMINISTRATION: Haley Snyder, Interim City Manager; Jill Domingo, City Clerk; John Tracy, Director of Planning, Building & Code Enforcement and Ian Arnold, Incoming Planning & Building Director

III APPROVAL OF Prior Meeting MINUTES

A. MINUTES

Moved by Commissioner Pitt, seconded by Commissioner Ponds

To approve minutes as presented

	For	Against	Abstained	Absent
Ponds Commissioner	x			
Lelle Commissioner	x			
Pitt Commissioner	x			
Kipp Chief Public				x

Safety/Commissioner				
Reid (2)	x			
Verbeke Commissioner	x			
Snyder Mayor				x
Amos Commissioner	x			
Strander Chairman	x			
	7	0	0	2

Carried

IV CORRESPONDENCE

Director of Planning, Building & Code Enforcement Tracy stated we received a letter from Thomas Leary, 819 Burr Oak St. pertaining to the public hearing for the special use permit for Knauf Insulation

V PUBLIC HEARING

- A. SPECIAL USE PERMIT TO INCREASE HEIGHT OF 2 AREAS OF EXISTING INDUSTRIAL USE FACILITY TO ACCOMMODATE NEW PRODUCTION EQUIPMENT FOR KNAUF INSULATION, 1000 E. NORTH ST.

Chair G Strander opened the public hearing at 7:03 p.m.

No public comments were received

Commissioner Comments were as follows:

Commissioner L Reid who asked if everyone on the Planning Commission had received the copy of the letter from Mr. Leary as he stated in the letter he did not have the equipment to join the Zoom meeting

Chair G Strander stated that Mr. Leary could telephone into the meeting if he was unable to connect via the Zoom meeting

Commissioner Pitt stated Mr. Leary sent the letter with his objections

Chair G Strander closed the Public Hearing at 7:05 p.m.

VI Order of Business

- A. APPROVE SPECIAL USE PERMIT FOR KNAUF INSULATION, 1000 E.

NORTH ST

Moved by Commissioner Pitt, seconded by Commissioner Lelle

Approve Special Use Permit for Knauf Insulation, 1000 E. North St.

	For	Against	Abstained	Absent
Ponds Commissioner	x			
Lelle Commissioner	x			
Pitt Commissioner	x			
Kipp Chief Public Safety/Commissioner				x
Reid (2)	x			
Verbeke Commissioner	x			
Snyder Mayor				x
Amos Commissioner	x			
Strander Chairman	x			
	7	0	0	2

Carried

B. EXCUSE ABSENT BOARD MEMBER

Moved by Commissioner Pitt, seconded by (2) Reid

To Excuse Mayor Snyder

Commissioner S Kipp was not excused

	For	Against	Abstained	Absent
Ponds Commissioner	x			
Lelle Commissioner	x			
Pitt Commissioner	x			
Kipp Chief Public Safety/Commissioner				x
Reid (2)	x			
Verbeke Commissioner	x			
Snyder Mayor				x
Amos Commissioner	x			
Strander Chairman	x			
	7	0	0	2

Carried

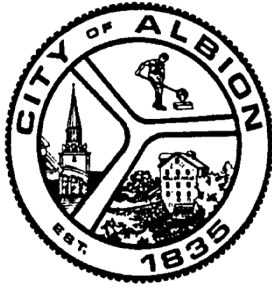
VII PUBLIC COMMENTS

Director of Planning, Building & Code Enforcement introduced new
Director of Planning & Building Ian Arnold

Comments were received from Commissioners T Pitt, G Strander and A
Amos; Director of Planning, Building & Code Enforcement Tracy and
Incoming Director of Planning and Building Arnold

VIII ADJOURNMENT

Jill A. Domingo, City Clerk



City of Albion

Planning and Building Department
112 West Cass Street
Albion, Michigan 49224

(517) 629-7189 Office

iarnold@cityofalbionmi.gov

Notice of Public Hearing:

The Planning Commission of the City of Albion will be holding a public hearing on Wednesday, February 17th, 2021 at 7:00 p.m. at their regular meeting being held via Zoom. Zoom meeting details are available at www.cityofalbionmi.gov.

The purpose of the public hearing is to hear public comment on the following matter:

***CITY OF ALBION
ORDINANCE #2021-02***

***AN ORDINANCE TO AMEND CHAPTER 100, ARTICLE VII, TO ADD SECTION 7.10a,
MEDICAL USE OF MARIHUANA***

All residents interested or affected by the adoption of this resolution will have the right and opportunity to be heard at the public hearing.

Jill Domingo
City Clerk

**CITY OF ALBION
ORDINANCE #2021-02**

AN ORDINANCE TO AMEND CHAPTER 100, ARTICLE VII, TO ADD SECTION
7.10a, MEDICAL USE OF MARIHUANA

Purpose and Finding: As the council is already aware, commercial medical marihuana facilities in Michigan are currently regulated by the Michigan Medical Marihuana Facilities Licensing Act (MMFLA). Caregiver grows are subject to the Michigan Medical Marihuana Act (MMMA) as they are not intended to be commercial operations. Recently, however, some individuals have developed more sophisticated operations claiming to operate under the MMMA, but becoming more commercialized. i.e. multiple caregivers operating at a single location. This issue was recently addressed in the Michigan Supreme Court case of *Deruiter v Township of Byron*, 505 Mich 130, 949 NW2d 91 (2020). The *Deruiter* Court unanimously ruled that Byron Township could regulate caregiver operations as a home occupation under the Township's zoning ordinance, including, but not limited to limiting operations to residentially zoned areas and instituting a permit process. The following ordinance is a nearly identical version of the Byron Township ordinance adapted for the City of Albion to regulate caregiver grows. Approval is recommended.

THE CITY OF ALBION ORDAINS:

Section 1. Chapter 100, Article VII, of the Codified Ordinances of the City of Albion, is hereby amended, by adding Section 7.10a, as follows:

Sec. 7.10a. – Medical Use of Marihuana

1. A registered primary caregiver, operating in compliance with the Michigan Medical Marihuana Act, hereinafter ("MMMA"), the MMMA General Rules, and the requirements of this section, shall be permitted as a home occupation, as regulated by this subsection. The City of Albion makes the following findings, in support of its determination that the regulation of registered primary caregivers as a permitted home occupation is consistent with the purposes and intent of the MMMA:
 - a. The MMMA does not create a general right for individuals to use, possess, or deliver marihuana in Michigan.
 - b. 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.

- c. 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.
 - d. The MMMA provides that a registered primary caregiver may assist no more than five (5) qualifying patients with their medical use of marihuana.
 - e. The MMMA does not, therefore, create a new vocation for entrepreneurs or others who wish to engage in the sale of marihuana to more than five persons in a commercial setting. Instead, the MMMA is directed at improving the health and welfare of qualifying patients.
 - f. The health and welfare of qualifying patients is improved by permitting the operations of registered primary caregivers as a home occupation, because this allows qualifying patients who suffer from serious or debilitating medical conditions symptoms to obtain the benefits of the medical use of marihuana in a residential setting, without having to unnecessarily travel into commercial areas.
 - g. By permitting the operations of registered primary caregivers as a home occupation, rather than in a commercial setting, this 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 operation, in the nature of a marihuana collective, cooperative or dispensary.
2. The following standards and requirements shall apply to the location at which the medical use of marihuana is conducted by a primary caregiver:

- a. A registered primary caregiver shall not engage in the medical use of marihuana as a home-based occupation except in those areas of the City of Albion zoned: R-1 and R-2.
- b. A registered primary caregiver shall not possess marihuana, or otherwise engage in the medical use of marihuana, in a school bus, on the grounds of any preschool or primary or secondary school, or in any correctional facility.
- c. Not more than two (2) registered primary caregivers, who shall also be full-time residents of the dwelling, shall be permitted to operate at any one property.
- d. The medical use of marihuana shall be conducted entirely within a dwelling or attached garage, except that a registered primary caregiver may keep and cultivate, in an “enclosed, locked facility” (as that phrase is defined by the MMMA), up to twelve (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 twelve (12) additional marihuana plants for personal use, if the primary caregiver is also registered as a qualifying patient under the MMMA.
- e. A sign identifying the home occupation by word, image or otherwise, or indicating that the medical use of marihuana is taking place on the premises, shall not be permitted; nor shall any vehicle having such a sign be parked anywhere on the premises.
- f. Except for lighting, heating, watering, drying or other equipment, or fertilizers, herbicides or other chemicals directly related to the medical use of marihuana, no other materials or equipment not generally associated with normal ownership, use, and maintenance of a dwelling shall be permitted.
- g. Distribution of marihuana or use of items in the administration of marihuana shall not occur at or on the premises of the primary caregiver. A qualifying patient shall not visit, come to, or be present at the residence of the primary caregiver to purchase, smoke, consume, obtain or receive possession of any marihuana.
- h. Except for the primary caregiver, no other person shall deliver marihuana to the qualifying patient.

- i. No one under the age of 18 years shall have access to medical marihuana.
- j. No on-site consumption or smoking of medical marihuana by qualifying patients shall be permitted within the dwelling (or on the property) of a primary caregiver, except for lawful medical marihuana consumption by the primary caregiver if registered as a qualifying patient under the MMMA.
- k. Medical marihuana shall not be grown, processed, handled or possessed at the dwelling of the primary caregiver beyond that which is permitted by law.
- l. All necessary building, electrical, plumbing and mechanical permits shall be obtained for any portion of a building or structure in which equipment and devices that support the cultivation, growing or harvesting of marihuana are located or used.
- m. If marihuana is grown or located in a room with windows, all interior lighting shall be shielded to prevent ambient light from creating a distraction for adjacent properties.
- n. The registered primary caregiver, tenant, occupant, or property owner shall not permit the emission of Marihuana odor from any source to result in detectable odors that leave the premises upon which they originated and interfere with the reasonable and comfortable use and enjoyment of another's property. Whether or not a Marihuana odor emission interferes with the reasonable and comfortable use and enjoyment of a property shall be measured against the objective standards of a reasonable person of normal sensitivities. The registered primary caregiver, tenant, occupant, or property owner shall install and maintain in operable condition a system which precludes the emission of Marihuana odor from the property or dwelling;
- o. Related merchandise or products shall not be sold or distributed from the dwelling or property of the primary caregiver, apart from the permitted quantity of medical marihuana or medical marihuana derivatives.
- p. To ensure compliance with all applicable requirements and laws, the portion of a building or other structure, such as a cultivation room, where energy use and heating requirements exceed typical residential limits and chemical storage occurs, are subject to inspection and approval by the City of Albion Planning and Zoning

official, the Chief of Public Safety, or other individual designated by the city.

- q. The property, dwelling and all enclosed, locked facilities shall be available for inspection upon request by the City of Albion Planning and Zoning official, the Chief of Public Safety, any law enforcement officer, or other individual designated by the city.
- r. The operations of a registered primary caregiver, as a home occupation, shall be permitted only with the prior issuance of a City permit.
- s. A complete and accurate application shall be submitted on a form provided by the City and an application fee in an amount determined by resolution of the City Council shall be paid.
- t. The permit application shall include the name and address of the applicant; the address of the property; proof, such as a driver's license, voter registration card or similar record showing that the dwelling is the applicant's full-time residence; a current state registration card issued to the primary caregiver; a full description of the nature and types of equipment which will be used in marihuana cultivation and processing; and a description of the location at which the use will take place. The City of Albion Planning and Zoning official may require additional information necessary to demonstrate compliance with all requirements. The Planning and Zoning official shall review the application to determine compliance with this Ordinance.
- u. A permit shall be granted if the application demonstrates compliance with this Ordinance. The use shall be maintained in compliance with the requirements of this Ordinance. Any departure shall be grounds to revoke the permit and take other lawful action. If a permit is revoked, the applicant shall not engage in the activity unless and until a new permit is granted.
- v. Information treated as confidential under the MMMA, including the primary caregiver registry identification card and any information about qualifying patients associated with the primary caregiver, which is received by the City, shall be maintained separately from public information submitted in support of the application. It shall not be distributed or otherwise made available to the public and shall not be subject to disclosure under the Freedom of Information Act.

3. Except as otherwise permitted by City ordinance, or the Michigan Medical Marihuana Facilities Licensing Act, it is unlawful to establish or operate a for-profit or nonprofit medical marihuana dispensary, collective or cooperative within the City, even if such use is intended for the medical use of marihuana.
4. The use of the dwelling or other permitted facility of a qualifying patient to cultivate medical marihuana in accordance with the MMMA, solely for personal use, does not require a permit under this subsection; however, all applicable City ordinance requirements must be met.
5. The provisions of this section do not apply to the personal use and/or internal possession of marihuana by a qualifying patient in accordance with the MMMA, for which a permit is not required.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

Section 3. Repeal. Any ordinance(s) inconsistent with this ordinance are hereby repealed.

This Ordinance shall take effect on _____, 2021 after publication.

First Reading:

_____, 2021

Ayes _____
Nays _____
Absent _____

Jill Domingo,
Clerk

Second Reading & Adoption:

_____, 2021

Ayes _____
Nays _____
Absent _____

Victoria Snyder,
Mayor



- **Chapter 865 - Mobile Food Vending**

- **865.01 - Intent.**

In the interest of encouraging mobile food vendors who add to the vibrancy and desirability of Traverse City, while providing a framework under which such businesses operate, this ordinance is established.

(Ord. 963. Passed 5-6-13)

- **865.02 - Definitions.**

(a)

Mobile food vending shall mean vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a food service establishment under Public Act [92](#) of 2000, which may include the ancillary sales of branded items consistent with the food, such as a tee shirt that bears the name of the organization engaged in mobile food vending.

(b)

Mobile food vending unit shall mean any motorized or non-motorized vehicle, trailer, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale.

(c)

Vendor shall mean any individual engaged in the business of mobile food vending; if more than one individual is operating a single stand, cart or other means of conveyance, then vendor shall mean all individuals operating such single stand, cart or other means of conveyance.

(d)

Operate shall mean all activities associated with the conduct of business, including set up and take down and/or actual hours where the mobile food vending unit is open for business.

(Ord. 963. Passed 5-6-13)

- **865.03 - Permit required.**

No vendor shall engage in mobile food vending without a permit from the City Clerk authorizing such vending. The City Clerk shall prescribe the form of such permits and application for such permit. All permits shall be prominently displayed on the mobile food vending unit. No vending through a mobile food vending unit of food and/or other human consumables shall be permitted unless it meets the definition of mobile food vending as defined by this ordinance.

(Ord. 963. Passed 5-6-13)

- **865.04 - Duration; non-transferability.**

Permits may be issued by the City Clerk for a calendar year from the date of issuance. Any permit issued under this chapter is non-transferable.

(Ord. 963. Passed 5-6-13)

- **865.05 - Application.**

Every vendor desiring to engage in mobile food vending shall make a written application to the City Clerk for a permit under this chapter. The applicant shall truthfully state, in full, all information requested by the City Clerk and be accompanied by a fee established by resolution of the City Commission. Additionally, the applicant shall provide all documentation, such as insurance, as required by the city.

(Ord. 963. Passed 5-6-13)

- **865.06 - Fees.**

An application for a permit under this chapter shall be accompanied by a fee in the amount established by resolution of the City Commission. There shall be no proration of fees. Fees are non-refundable once a permit has been issued by the City Clerk. No fee shall be charged to any honorably discharged veteran of the United States Military who is a resident of the State of Michigan and submits official documentation evidencing such to the City Clerk. If operating on non-city property, no fee shall be charged to a business which is on the city's tax rolls whose normal business includes the sale of food and/or beverages. No one shall hire or subcontract such vendors in an attempt to evade the provisions of this chapter.

(Ord. 963. Passed 5-6-13)

- **865.07 - Investigation by the city clerk.**

For mobile food vending within residential areas, approval must be given by the City Clerk prior to issuance of a permit by the City Clerk.

(Ord. 963. Passed 5-6-13. Ord. 1026. Passed 9-8-15)

- **865.08 - Requirements.**

Any vendor engaging in mobile food vending shall comply with the following requirements:

(1)

Provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other waste attributable to the vendor on a daily basis.

(2)

If operating on city-owned or controlled property, may only locate on such property as established in a resolution adopted by the City Commission. If parked on public streets, vendors shall conform to all applicable parking regulations.

(3)

Not operate on public property within one block of a City-authorized street fair, public festival, farmers market or event being conducted without authorization from the event sponsor.

(4)

Not use any flashing or blinking lights or strobe lights; all exterior lights over 60 watts shall contain opaque, hood shields to direct the illumination downward.

(5)

Not use loud music, amplification devices or "crying out" or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the City.

(6)

Comply with the city's Noise Ordinance, Sign Ordinance and all other City ordinances.

(7)

Comply with all applicable federal, state and county regulations.

(8)

May have one portable sign that is six square feet, with no dimension greater than three feet and no height (with legs) greater than four feet, located within five feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian and/or vehicle safety.

(9)

Within residential areas, a mobile food vendor may only operate between the hours of 9:00 a.m. and 9:00 p.m.; and in commercial areas, a mobile food vendor may only operate between the hours of 7:00 a.m. and 11:00 p.m. On private property within commercial area, a mobile food vendor may only operate between the hours of 6:00 a.m. and 3 a.m. Other restrictions regarding hours of operation may be established by resolution of the City Commission.

(10)

No mobile food vending unit may be left unattended for more than two hours; and any mobile food vending unit not in operation shall be removed between the hours of 11:00 p.m. and 7:00 a.m. in commercial areas and 9:00 p.m. to 9:00 a.m. in residential areas. This subsection applies to mobile food vending units operating on city-controlled property only.

(11)

Not represent the granting of a permit under this chapter as an endorsement by the City.

(12)

Shall not utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any city street, alley, or sidewalk except in a safe manner.

(Ord. 963. Passed 5-6-13, Ord. 988. Passed 1-21-14)

- **865.09 - Parking beyond limits allowed by city ordinance and order.**

Any mobile food vending unit with a valid mobile food vending license may park in a city-controlled parking space for durations as authorized by the permit; and such mobile food vending unit shall not be restricted to the hours where parking would otherwise be allowed in the particular parking space. Provided, however, that no mobile food vending unit shall park in a City-controlled parking space if parking is prohibited altogether. Any mobile food vending unit parked in a metered parking space with a valid mobile food vending license shall activate the meter at all times while parked by depositing the appropriate sum of money into the parking meter.

(Ord. 963. Passed 5-6-13)

- **865.10 - Impoundment.**

Any equipment associated with food vending that are not in compliance with this chapter and left on public property may be impounded at the owner's expense.

(Ord. 963. Passed 5-6-13)

- **865.11 - Other permits.**

A permit obtained under this chapter shall not relieve any vendor of the responsibility for obtaining any other permit, or authorization required by any other ordinance, statute or administrative rule.

(Ord. 963. Passed 5-6-13)

- **865.12 - Revocation.**

The City Clerk shall revoke the permit of any vendor engaged in mobile food vending who ceases to meet any requirement of this chapter or violates any other federal, state or local regulation, makes a false statement on their application, or conducts activity in a manner that is adverse to the protection of the public health, safety and welfare.

Immediately upon such revocation, the City Clerk shall provide written notice to the permit holder by certified mail to their place of business or residence as indicated on the application. Immediately upon such revocation, the permit shall become null and void.

(Ord. 963. Passed 5-6-13)

- **865.13 - Complaints; appeals.**

If a written complaint is filed with the City Clerk alleging a food vendor has violated the provisions of this chapter, the City Clerk shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the City Clerk, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified. If a permit is denied or revoked by the City Clerk, or if a written complaint is certified pursuant to this Chapter, the applicant or holder of a permit may appeal to and have a hearing before the City Manager. The City Manager shall make a written determination, after presentation by the applicant and investigation by the City Clerk, as to whether or not the grounds for denial, revocation or complaint are true. If the City Manager determines that such grounds are supported by a preponderance of the evidence, the action of City Clerk or filing of the complaint shall be sustained and the applicant may appeal the City Manager's decision to a court of competent jurisdiction.

(Ord. 963. Passed 5-6-13)

- **865.14 - Appearance tickets.**

The Police Chief and sworn officers of the Police Department, or such other officials as designated by the City Manager are authorized to issue and serve appearance tickets with respect to a violation of this chapter pursuant to Michigan law. Appearance tickets shall be in such form as determined by the City Attorney and shall be in conformity with all statutory requirements.

(Ord. 963. Passed 5-6-13)

- **865.15 - Civil infraction.**

A vendor who violates this chapter is responsible for a civil infraction and subject to a fine of \$500.00 per day. Provided, however, that the fine for parking violations shall be those as outlined in [Chapter 488](#) of these codified ordinances.

(Ord. 963. Passed 5-6-13. Ord. 970. Passed 6-3-13)