

City of Flint, Michigan

*Third Floor, City Hall
1101 S. Saginaw Street
Flint, Michigan 48502
www.cityofflint.com*



Meeting Agenda - Final

Monday, July 26, 2021

4:30 PM

ELECTRONIC PUBLIC MEETING

SPECIAL AFFAIRS COMMITTEE

*Maurice D. Davis, Chairperson, Ward 2
Allan Griggs, Vice Chairperson, Ward 8*

*Eric Mays, Ward 1
Kate Fields, Ward 4
Herbert J. Winfrey, Ward 6*

*Santino J. Guerra, Ward 3
Jeri Winfrey-Carter, Ward 5
Monica Galloway, Ward 7*

Eva Worthing, Ward 9

Inez M. Brown, City Clerk

Davina Donahue, Deputy City Clerk

SPECIAL PUBLIC NOTICE -- ELECTRONIC PUBLIC MEETING**PUBLIC NOTICE
FLINT CITY COUNCIL ELECTRONIC PUBLIC MEETING**

On Friday, October 5, 2020, the Michigan Supreme Court (MSC) issued an order declaring that the Emergency Powers of Governor (EPG) Act as an unconstitutional delegation of legislative authority, which was the primary authority relied on by Governor Whitmer for her COVID-19 related executive orders. Subsequently, Governor Whitmer requested that the MSC clarify that their order does not go into effect until October 30, 2020. On Monday October 12, 2020, the Michigan Supreme Court rejected Governor Whitmer's request to delay the effect of its decision to strike down the EPG. On, Tuesday, October 13, 2020, Senate Bill 1108 passed, amending the Open Meetings Act to allow municipalities to hold electronic meetings. On Friday, October 16, 2020, Governor Whitmer signed into law Senate Bill 1108 amending the Open Meetings Act. Subsequently, on December 22, 2020, Public Act 267 of 1976 was amended through Senate Bill 1246 extending the electronic meetings with no reason through March 31, 2021. The act also allows that after March 31, 2021, electronic meetings may be held if a local state of emergency was declared. On March 23, 2020, the Flint City Council extended Mayor Neeley's declaration of emergency indefinitely due to the COVID-19 pandemic. Therefore, the following meeting will be held electronically:

**Flint City Council Special Affairs Committee
Monday, July 26, 2021, at 4:30 p.m.**

The public and media may listen to the meeting online by live stream at <https://www.youtube.com/channel/UCp2cWTuocUM3awU4xXWzwaw> or through Start Meeting Solution by dialing (617) 944-8177. If unable to call in, please dial (206) 451-6011.

1. In order to speak during the PUBLIC SPEAKING PERIOD of each meeting by telephone, participants will also call (617) 944-8177. If unable to call in, please dial (206) 451-6011:
 - a. All callers will be queued and muted until the Public Speaking portion of each agenda;
 - b. Public speakers will be unmuted in order and asked if they wish to address the City Council ON ANY SUBJECT;
 - c. Public speakers should state and spell their name for the record and will be allowed two (2) minutes for public speaking during each meeting;
 - d. The speaker will be returned to mute after the 2 minutes have expired;
 - e. After the telephonic public speakers for the last committee meeting are completed, emailed public comments will be read by the City Clerk. All emailed public comments will be timed for 2 minutes;
 - f. Per Rules Governing Meetings of the Council (Rule 7.1 VII), there will only be one speaking opportunity per speaker per meeting.

Consequently, public participants who call in and speak during the public speaking period of the meetings WILL NOT have written comments as submitted read by the City Clerk.

2. The public may send public comments by email to CouncilPublicComment@cityofflint.com no later than 10 minutes prior to the meeting start time of 4:30 p.m.

3. Persons with disabilities may participate in the meeting by the above-mentioned means or by emailing a request for an accommodation to CouncilPublicComment@cityofflint.com, with the subject line Request for Accommodation, or by contacting the City Clerk at (810) 766-7418 to request

accommodation - including but not limited to interpreters.

If there are any questions concerning this notice, please direct them to City Council office at (810) 766-7418.

ROLL CALL

MEMBER REMOTE ANNOUNCEMENT

Pursuant to the newly revised Open Meetings Act, each Council member shall state that they are attending the meeting remotely and shall state where he or she is physically located (county or city and state).

MEMBER CONTACT INFORMATION

Eric Mays - (810) 922-4860; Maurice Davis - mdavis@cityofflint.com; Santino Guerra - sguerra@cityofflint.com; Kate Fields - kfields@cityofflint.com; Jerri Winfrey-Carter - jwinfrey-carter@cityofflint.com; Herbert Winfrey - (810) 691-7463; Monica Galloway - mgalloway@cityofflint.com; Allan Griggs - agriggs@cityofflint.com; Eva Worthing - eworthing@cityofflint.com.

PROCEDURES ON CONDUCTING ELECTRONIC MEETINGS

All boards and commissions must adhere to all laws established under the Michigan Compiled Laws and in accordance with the revisions to the Open Meetings Act adopted in Senate Bill 1246, as passed on December 17, 2020, and signed into law on December 22, 2020, and subsequent amendments that may be adopted.

READING OF DISORDERLY PERSONS CITY CODE SUBSECTION

Any person that persists in disrupting this meeting will be in violation of Flint City Code Section 31-10, Disorderly Conduct, Assault and Battery, and Disorderly Persons, and will be subject to arrest for a misdemeanor. Any person who prevents the peaceful and orderly conduct of any meeting will be given one warning. If they persist in disrupting the meeting, that individual will be subject to arrest. Violators shall be removed from meetings.

RESOLUTIONS

APPOINTMENTS

ORDINANCES

The following ordinances were postponed from the 7-21-21 Legislative Committee due to lack of a quorum.

210214.1 Amendment/Ordinance/Chapter 28 (Motor Vehicles & Traffic)/Article II (Operation of Vehicles)/Addition of Sections 28-65 (a) - (d), Section 28-65.1 and Section 28-65.2 (Drag Racing)

An amendment to the ordinance to amend Chapter 28 (Motor Vehicles and Traffic), Article II (Operation of Vehicles) of the Code of the City of Flint by adding Sections 28-65 (a) - (d), Section 28-65.1 and Section 28-65.2 (Drag Racing). [NOTE: Ordinance amended to correct typographical and technical errors.]

210231 Amendment/Ordinance/Chapter 24 (Housing)/Article I (International Property Maintenance Code)/Addition of Section 24-5 (Landlords Removal and Disposal Process Regarding Evictions)

An ordinance to amend the Code of the City of Flint by amending Chapter 24 (Housing), Article I (International Property Maintenance Code), with the addition of Section 24-5 (Landlords Removal and Disposal Process Regarding Evictions).

210332 Amendment/Ordinance/Chapter 9 (Animals and Fowl)/Article I (In General)/Section 9.1 (Cruelty to Animals Prohibited)/Addition of Sections 9-1.1 through 9-1.6

Ordinance to amend the Code of the City of Flint by amending Chapter 9 (Animals & Fowl), Article 1 (In General) by amending 9-1 (Cruelty to Animals Prohibited) by adding Sections 9-1.1 through 9-1.6.

210333 Amendment/Ordinance/Chapter 28 (Motor Vehicles & Traffic)/Addition of Section 28-95 (Loitering In or About a Motor Vehicle)

An ordinance to amend Chapter 28 (Motor Vehicles and Traffic), by the addition of Section 28-95 (Loitering In or About a Motor Vehicle).

ADDITIONAL COUNCIL DISCUSSION

ADJOURNMENT

210214.1

ORDINANCE NO. _____

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 28, Motor Vehicles and Traffic, Article II, Operation of Vehicles.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 28, Motor Vehicles and Traffic, Article II, Operation of Vehicles, by the amendment of Sections 28-65 (a) – (d), and the addition of Sections 28-65.2, Definitions, and 28-65.3, Nuisance Prohibited, which shall read in its entirety as follows:

§ 28-65 DRAG RACING.

(a) It shall be unlawful for any person to operate any vehicle upon any highway, or any other place open to the general public, including any area designated for the parking of motor vehicles, within this City, in a speed or acceleration contest or for the purpose of making a speed record, whether from a standing start or otherwise over a measured or unmeasured distance, or in a drag race as herein defined. **SUCH AN ACTIVITY MAY ALSO BE CITED AS A PUBLIC NUISANCE.**

(b) **DRAG RACING** means the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other over a common selected course or where timing is involved or where timing devices are used in a competitive acceleration of speeds by participating vehicles. Persons rendering assistance in any manner to such competitive use of vehicles shall be equally charged as participants. The operation of two or more vehicles either at speeds in excess of prima facie lawfully established speeds or rapidly accelerating from a common standing point to a speed in excess of such prima facie lawful speed is prima facie evidence of drag racing and is

unlawful. **THE USE OF A VEHICLE TO ENGAGE IN RACING UPON PUBLIC STREETS WITHOUT A PERMIT RESULTS NOT ONLY IN UNSAFE TRAFFIC CONDITIONS FOR OTHER VEHICLES, PLAYING CHILDREN, AND PEDESTRIANS, BUT ALSO ATTRACTS ROWDY, UNCIVIL, INTIMIDATING, AND CRIMINAL ACTIVITY TO THE VICINITY OF THE RACING, INCLUDING GAMBLING UPON THE OUTCOME OF THE RACES, WHICH ENGENDERS FEAR AND DISINVESTMENT AMONG NEIGHBORHOOD RESIDENTS AND PREVENTS THE FULL AND PEACEFUL ENJOYMENT OF THE USE OF THEIR PROPERTY, OR OTHERWISE IMPACTS NEGATIVITY ON THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY.**

(c) ~~As provided by law, the Police Department may provide for the immediate removal of a vehicle from public or private property to a place of safekeeping at the expense of the registered owner of the vehicle when there is reasonable cause to believe that the vehicle was used in the commission of a crime including, but not limited to, a violation of this section.~~ **SUCH ACTIVITY MAY BE DECLARED TO BE A PUBLIC NUISANCE, WHICH JUSTIFIES TAKING FIRM ACTION TO ABATE THE PUBLIC NUISANCE, INCLUDING IMPOUNDMENT AND FORFEITURE OF THE PROPERTY.**

(d) ~~Violation of this section shall be a misdemeanor, punishable by a fine of not less than two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) or by imprisonment not to exceed ninety (90) days or by both such fine and imprisonment in the discretion of the Court, for each such offense.~~ **AS PROVIDED BY LAW, THE POLICE DEPARTMENT MAY PROVIDE FOR THE IMMEDIATE REMOVAL OF A VEHICLE FROM PUBLIC OR PRIVATE PROPERTY TO A PLACE OF SAFEKEEPING AT THE EXPENSE OF THE REGISTERED OWNER OF THE VEHICLE WHEN THERE IS**

REASONABLE CAUSE TO BELIEVE THAT THE VEHICLE WAS USED IN THE COMMISSION OF A CRIME INCLUDING, BUT NOT LIMITED TO, A VIOLATION OF THIS SECTION.

§ 28-65.2 DEFINITIONS

(A) *EXCESSIVELY HIGH RATES OF SPEED* MEANS ANY SPEED THAT IS 15 MPH OR MORE OVER THE SPEED LIMIT.

(B) *OWNER* OF A VEHICLE INCLUDES A PERSON IN WHOSE NAME THE VEHICLE IS TITLED, AND ANY CHATTEL MORTGAGEE OR ASSIGNEE OR OTHER LIEN-HOLDER WHOSE LIEN HAS BEEN FILED IN THE OFFICE OF THE SECRETARY OF STATE OR THE OFFICE OF THE GENESEE COUNTY REGISTER OF DEEDS PRIOR TO THE COMMENCEMENT OF THE ACTION, AS WELL AS A PERSON WHO IS DEEMED BY LAW TO BE A CONSTRUCTIVE OWNER

(C) *PERMIT* MEANS WRITTEN AUTHORIZATION FROM A GOVERNMENT ENTITY AUTHORIZING A SPECIFIC ACTIVITY IN A DESIGNATED AREA, OR IN THE CASE OF A PRIVATE PAVED SURFACE, THEN WRITTEN AUTHORIZATION FROM THE OWNER AUTHORIZING THE SPECIFIC ACTIVITY IN A DESIGNATED AREA.

(D) *PERSON* INCLUDES ANY INDIVIDUAL, FIRM, PARTNERSHIP, CORPORATION, COMPANY, ASSOCIATION, JOINT STOCK ASSOCIATION, OR JOINT VENTURE OR COMBINATION ACTING AS A UNIT, AND THE PLURAL AS WELL AS THE SINGULAR NUMBER, AND INCLUDES ANY TRUSTEE, RECEIVER, ASSIGNEE, OR OTHER

SIMILAR REPRESENTATIVE THEREOF.

(E) *PUBLIC STREETS* MEANS A STREET, FREEWAY, ALLEYWAY, PUBLIC PARKING LOT, OR ANY OTHER PAVED SURFACE, INCLUDING A PRIVATE PAVED SURFACE WHICH IS USED WITHOUT THE OWNER'S PERMISSION, WHICH HAS NOT BEEN SPECIFICALLY DESIGNED FOR RACING VEHICLES.

(F) *RACING* MEANS TO (1) RACE A VEHICLE EITHER AGAINST ANOTHER VEHICLE OR AGAINST A TIME- OR SPEED-MEASURING DEVICE, WHETHER OR NOT THERE IS AN AGREEMENT TO RACE; OR (2) DRIVE A VEHICLE AT EXCESSIVELY HIGH RATES OF SPEED OR ACCELERATION OR IN ANOTHER RECKLESSLY DANGEROUS MANNER IN AN EXHIBITION OR CONTEST OF DRIVING PROWESS, SUCH AS DRIFTING, SLIDING, OR 'DONUTS ' (INVOLVING LOSS OF TRACTION AND/OR REPEATEDLY DRIVING THE VEHICLE IN CIRCLES OR FIGURE EIGHTS OR IN A SIDEWAYS MOTION IN CIRCLES OR FIGURE EIGHTS) THAT IS RECKLESSLY DANGEROUS AND COULD CAUSE SERIOUS INJURY OR DEATH AND/OR IS AN IMPEDIMENT TO TRAFFIC.

(G) *RECKLESSLY* MEANS CARELESSLY AND HEEDLESSLY OR WITHOUT DUE CAUTION AND CIRCUMSPECTION, IN WILLFUL AND WANTON DISREGARD OF THE RIGHTS OR SAFETY OF PERSONS OR PROPERTY, OR IN A MANNER SO AS TO ENDANGER OR BE LIKELY TO

ENDANGER ANY PERSON OR PROPERTY.

(H) VEHICLE INCLUDES, BUT IS NOT LIMITED TO, EVERY DEVICE IN, UPON, OR BY WHICH ANY PERSON OR PROPERTY IS OR MAY BE TRANSPORTED OR DRAWN UPON PUBLIC STREETS, INCLUDING SELF-PROPELLED DEVICES. VEHICLE DOES NOT INCLUDE DEVICES EXCLUSIVELY MOVED BY HUMAN POWER OR USED EXCLUSIVELY UPON STATIONARY RAILS OR TRACKS OR POWER-DRIVEN MOBILITY DEVICE WHEN THAT POWER-DRIVEN MOBILITY DEVICE IS BEING USED BY AN INDIVIDUAL WITH A MOBILITY DISABILITY.

(I) VIOLATION OF THIS SECTION SHALL BE A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT LESS THAN TWO HUNDRED FIFTY DOLLARS (\$250.00) NOR MORE THAN FIVE HUNDRED DOLLARS (\$500.00) OR BY IMPRISONMENT NOT TO EXCEED NINETY (90) DAYS OR BY BOTH SUCH FINE AND IMPRISONMENT IN THE DISCRETION OF THE COURT, FOR EACH SUCH OFFENSE.

§ 28-65.3 NUISANCE PROHIBITED

(A) THE CHIEF LEGAL OFFICER MAY MAINTAIN AN ACTION FOR A NUISANCE ABATEMENT EQUITABLE RELIEF IN THE NAME OF THE CITY OF FLINT IN THE GENESEE COUNTY CIRCUIT COURT.

(B) UPON FINDING THAT A PUBLIC NUISANCE EXISTS, THE SEVENTH CIRCUIT COURT MAY RENDER JUDGMENT AND ENTER AN ORDER OF ABATEMENT.

(C) A VEHICLE WHICH HAS BEEN USED FOR RACING UPON THE PUBLIC STREETS, INCLUDING ITS CONTENTS OR ANY TRACTOR OR TRAILER USED TO TRANSPORT THE RACING VEHICLE TO AND FROM THE RACING SITE; OR ANY TOOLS OR EQUIPMENT USED TO SERVICE, MAINTAIN OR REPAIR THE RACING VEHICLE; OR ANY PROCEEDS OF RACING MAY BE IMPOUNDED OR CONTINUE TO BE IMPOUNDED FOR A PERIOD OF UP TO ONE YEAR, ORDERED TO BE SOLD IN THE MANNER PROVIDED FOR THE SALE OF CHATTELS UNDER EXECUTION, OR FORFEITED TO THE SEIZING AGENCY.

(D) UPON THE SALE OF A RACING VEHICLE, OR ITS CONTENTS, OR A TRACTOR OR TRAILER USED TO TRANSPORT THE RACING VEHICLE TO OR FROM THE RACING SITE, OR ANY TOOLS OR EQUIPMENT USED TO SERVICE, MAINTAIN, OR REPAIR THE RACING VEHICLE, THE PROCEEDS SHALL BE DISPOSED OF IN THE FOLLOWING ORDER OF PRIORITY:

(1) TO PAY FOR THE COSTS OF KEEPING THE PROPERTY AND THE EXPENSES OF THE SALE.

(2) TO PAY ALL BONA FIDE SECURED INTERESTS AND LIENS ON THE PROPERTY, PROVIDED THAT THE SECURED PARTY OR LIEN-HOLDER HAD NO KNOWLEDGE OR NOTICE THAT THE PROPERTY WAS BEING USED TO MAINTAIN A PUBLIC NUISANCE.

(3) TO PAY FOR COURT COSTS AND TO REIMBURSE APPROPRIATE UNITS OF GOVERNMENT OR AN INSTITUTING NEIGHBORHOOD ORGANIZATION FOR THE COSTS OF ENFORCING AND PROSECUTING THE ACTION, INCLUDING ANY COSTS OF INCARCERATION NOT OTHERWISE

REIMBURSED WHICH ARE GENERATED DUE TO A CONTEMPT CHARGE AGAINST THE OWNER OR AN AGENT OR EMPLOYEE OF THE OWNER ARISING FROM THE ABATEMENT ORDER.

(4) THE REMAINING BALANCE SHALL BE DEPOSITED IN THE CITY OF FLINT'S GENERAL FUND OR DISTRIBUTED AS ORDERED BY THE COURT.

(E) THE CITY OF FLINT SHALL SEEK FROM A PERSON SENTENCED TO JAIL FOR CONTEMPT, FULL REIMBURSEMENT FOR THE COSTS OF INCARCERATION, AND MAY PLACE A CLAIM WITH THE SEVENTH CIRCUIT COURT FOR A PORTION OF THE PROCEEDS OF ANY SALE OF ANY RACING VEHICLE OR ITS CONTENTS OR ALLIED EQUIPMENT OR TOOLS, WHICH IS SOLD UNDER THE SAME COURT ORDER OR FOR A PORTION OF THE PROCEEDS FROM THE RACING.

(F) THE PROVISIONS, SANCTIONS AND REMEDIES SET FORTH IN THIS CHAPTER ARE IN ADDITION TO THE SANCTIONS AND REMEDIES PROVIDED IN STATE AND OTHER MUNICIPAL LAW, AND ARE NOT INTENDED TO COMPRISE, SUBSTITUTE FOR OR PLACE A LIMITATION UPON THOSE OTHER LAWS.

(G) IF ANY PROVISIONS OF THIS ORDINANCE SHALL BE HELD INVALID, THE REMAINDER OF THE ORDINANCE SHALL NOT BE AFFECTED THEREBY.

Sec. 2. This Ordinance shall become effective this _____ day of _____, 2021, A.D.

Adopted this _____ day of _____, 2021, A.D.

FOR THE CITY:

Sheldon A. Neeley, Mayor

Inez M. Brown, City Clerk

APPROVED AS TO FORM:

Angela Wheeler, Chief Legal Officer

210231

ORDINANCE NO. _____

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 24, Housing; Article I, International Property Maintenance Code.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 24, Housing, Article I, International Property Maintenance Code, by addition of Section 24-5 Landlords Removal and Disposal Process Regarding Evictions which shall read in its entirety as follows:

§ 24-5 Landlords Removal and Disposal Process Regarding Evictions:

(A) IT SHALL BE UNLAWFUL FOR A LANDLORD, AGENT OF LANDLORD, COURT OFFICER, SHERIFF, BAILIFF, DEPUTY SHERIFF, OR POLICE OFFICER TO REMOVE, DISPOSE OF OR PLACE A PROPERLY OR LEGALLY EVICTED TENANT(S) PERSONAL PROPERTY FROM THE PREMISES AND PLACE ONTO THE CURB, SIDEWALK, LAWN, YARD, STREET OR IN PUBLIC RIGHT-OF-WAY AND LEAVE UNATTENDED.

(B) A LANDLORD, AGENT OF LANDLORD, COURT OFFICER, SHERIFF, BAILIFF, DEPUTY SHERIFF, OR POLICE OFFICER SHALL PROPERLY REMOVE OR DISPOSE OF TENANT(S) PERSONAL BELONGINGS OR PROPERTY BY NOTIFYING TENANT(S) OF ITS INTENTIONS AND MUST ADVISE TENANT(S) WHEN AND WHERE PERSONAL PROPERTY IS OR WILL BE STORED.

(C) THE LANDLORD SHALL BE RESPONSIBLE FOR COSTS OF TRANSPORTING AND STORING TENANT(S) PERSONAL BELONGINGS AND PROPERTY FOR A REASONABLE TIME, UPON NOTICE TO THE TENANT(S) AND LANDLORD MAY PASS ON COSTS OF TRANSPORTING AND STORAGE FEES TO TENANT(S).

(D) THE LANDLORD, AGENT OF LANDLORD, COURT OFFICER, SHERIFF, BAILIFF, DEPUTY SHERIFF, OR POLICE OFFICER IF CHOOSES TO CONTACT AN APPROPRIATE AGENCY TO COME REMOVE PROPERTY, OR BELONGINGS FROM THE PREMISES THAT WAS PLACED ON THE CURB, SIDEWALK, LAWN, YARD, STREET, OR IN PUBLIC-RIGHT-AWAY, BUT MUST REMAIN AT THE SITE UNTIL ARRIVAL OF THE AGENCY AND LANDLORD SHALL BE RESPONSIBLE FOR ANY PROPERTY, DEBRIS, OR TRASH LEFT BEHIND AND MAY PASS ON COSTS TO THE TENANT(S).

(E) ANY PERSON OR PERSONS WHO VIOLATES THIS CHAPTER IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT MORE THAN \$500 AND/OR IMPRISONMENT UP TO 90 DAYS OR BOTH. SUCH FINE AND/OR IMPRISONMENT MAY BE IMPOSED AT THE DISCRETION OF THE COURT.

(F) IF ANY PROVISION OF THIS ORDINANCE SHALL BE HELD INVALID, THE REMAINDER OF THE ORDINANCE SHALL NOT BE AFFECTED THEREBY.

Sec. 2. This Ordinance shall become effective this _____ day of _____, 2020, A.D.

Adopted this _____ day of _____, 2020, A.D.

FOR THE CITY:

Sheldon A. Neeley, Mayor

Inez M. Brown, City Clerk

APPROVED AS TO FORM:

Angela Wheeler, Chief Legal Officer

ORDINANCE NO. _____

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 9, General Offenses; Article I, In General.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 9, General Offenses; Article I, by amending 9-1 and the addition of Sections 9-1.1 thru 9-1.6 Animals and Fowl which shall read in its entirety as follows:

§ 9-1 CRUELTY TO ANIMALS PROHIBITED.

It shall be unlawful for any person to ~~drive or work~~ overwork, torture, torment, cruelly beat, maim, disfigure, or without just cause or excuse kill an animal, or for an owner, possessor, or person who assumes the custody or charge of an animal, to abandon it or cause the animal to be abandoned in any place without making provisions for the animal's adequate care by providing it with sufficient food, water, shelter and medical attention to maintain the animal in a state of good health.

§ 9-1.1 FOR THE PURPOSE OF THIS SECTION:

(A) "PHYSICAL CONDITION" SHALL INCLUDE ANY SPECIAL MEDICAL NEEDS OF A DOG OR ANIMAL DUE TO DISEASE, ILLNESS, AGE, BREED, KIND, OR TYPE ABOUT WHICH THE OWNER OR PERSON WITH CUSTODY OR CONTROL OF THE DOG OR ANIMAL SHOULD REASONABLY BE AWARE.

(B) "INCLEMENT WEATHER" SHALL MEAN WEATHER CONDITIONS THAT ARE LIKELY TO ADVERSELY AFFECT THE HEALTH OR SAFETY OF THE DOG OR ANIMAL, INCLUDING BUT NOT

LIMITED TO RAIN, SLEET, ICE SNOW, WIND, OR EXTREME HEAT AND COLD.

(C) "DOGS THAT ARE LEFT OUTDOORS" SHALL MEAN DOGS/ANIMALS THAT ARE OUTDOORS IN INCLEMENT WEATHER WITHOUT READY ACCESS TO, OR THE ABILITY TO ENTER, A HOUSE, AN APARTMENT BUILDING, OFFICE BUILDING, OR ANY OTHER PERMANENT STRUCTURE THAT COMPLIES WITH THE STANDARDS ENUMERATED IN PARAGRAPH (B) OF SUBDIVISION THREE OF THIS SECTION.

(D) "ANIMAL" INCLUDES EVERY LIVING CREATURE EXCEPT A HUMAN BEING. A PERSON WHO OVERDRIVES, OVERLOADS, TORTURES OR CRUELLY BEATS OR UNJUSTIFIABLY INJURES, MAIMS, MUTILATES OR KILLS ANY ANIMAL, OR DEPRIVES ANY ANIMAL OF NECESSARY SUSTENANCE, FOOD, OR DRINK, IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE 93 DAYS, OR BY A FINE OF NOT MORE THAN FIVE-HUNDRED DOLLARS, OR BOTH.

§ 9-1.2 (A) ANY PERSON WHO OWNS OR HAS CUSTODY OR CONTROL OF A DOG, CAT, DOMESTIC PET/COMPANION THAT IS LEFT OUTDOORS SHALL PROVIDE IT WITH SHELTER APPROPRIATE TO ITS BREED, TYPE OR KIND, PHYSICAL CONDITION AND THE CLIMATE. ANY PERSON WHO KNOWINGLY VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE GUILTY OF A VIOLATION PUNISHABLE BY A FINE NOT LESS THAN \$50.00, NOR MORE THAN \$100.00 FOR A FIRST OFFENSE, AND A FINE OF NOT LESS THAN \$100.00, NOR MORE THAN \$250.00, FOR A SECOND AND SUBSEQUENT OFFENSE. BEGINNING SEVENTY-TWO HOURS AFTER A CHARGE OF VIOLATING THIS SECTION, EACH DAY THAT A DEFENDANT FAILS

TO CORRECT THE DEFICIENCIES IN THE DOG/ANIMAL SHELTER FOR A DOG, PET, ANIMAL THAT HE OR SHE OWNS OR THAT IS IN HIS OR HER CUSTODY OR CONTROL AND THAT IS LEFT OUTDOORS, SO AS TO BRING IT INTO COMPLIANCE WITH THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A SEPARATE OFFENSE.

§ 9-1.3 MINIMUM STANDARD FOR DETERMINING WHETHER SHELTER IS APPROPRIATE TO A DOG'S/ANIMAL'S BREED. PHYSICAL CONDITION AND THE CLIMATE SHALL INCLUDE:

(A) FOR ALL DOGS/ANIMALS THAT ARE RESTRAINED IN ANY MANNER OUTDOORS, SHADE BY NATURAL OR ARTIFICIAL MEANS TO PROTECT THE DOG/ANIMAL FROM DIRECT SUNLIGHT AT ALL TIMES WHEN EXPOSURE TO SUNLIGHT IS LIKELY TO THREATEN THE HEALTH OF THE DOG/PET/ANIMAL.

(B) FOR ALL DOGS/PETS/COMPANION ANIMALS THAT ARE LEFT OUTDOORS IN INCLEMENT WEATHER, A HOUSING FACILITY, WHICH MUST: (1) HAVE A WATERPROOF ROOF; (2) BE STRUCTURALLY SOUND WITH INSULATION APPROPRIATE TO LOCAL CLIMATIC CONDITIONS AND SUFFICIENT TO PROTECT THE DOG/ANIMAL FROM INCLEMENT WEATHER; (3) BE CONSTRUCTED TO ALLOW EACH DOG/ANIMAL ADEQUATE FREEDOM OF MOVEMENT TO MAKE NORMAL POSTURAL ADJUSTMENTS, INCLUDING THE ABILITY TO STAND UP, TURN AROUND, AND LIE DOWN WITH LIMBS OUTSTRETCHED; AND (4) ALLOW FOR EFFECTIVE REMOVAL OF EXCRETIONS, OTHER WASTE MATERIALS, DIRT AND TRASH. THE HOUSING FACILITY AND THE AREA IMMEDIATELY SURROUNDING IT

SHALL BE REGULARLY CLEANED TO MAINTAIN A HEALTHY AND SANITARY ENVIRONMENT AND TO MINIMIZE HEALTH HAZARDS.

§ 9-1.4 INADEQUATE SHELTER MAY BE INDICATED BY THE APPEARANCE OF THE HOUSING FACILITY ITSELF, INCLUDING BUT NOT LIMITED TO SIZE, STRUCTURAL SOUNDNESS, EVIDENCE OF CROWDING WITHIN THE HOUSING FACILITY, OR BY THE APPEARANCE OR PHYSICAL CONDITION OF THE DOG OR ANIMAL. FURTHERMORE, NO ANIMAL SHALL BE LEFT OUTSIDE LONGER THAN 15 MINUTES WHEN WEATHER TEMPERATURES ARE/REACH ZERO OR SUB-ZERO DEGREES.

§ 9-1.5 UPON A FINDING OF ANY VIOLATION OF THIS SECTION, ANY DOG(S)/ANIMAL(S) SEIZED PURSUANT TO THE PROVISIONS OF THIS ARTICLE THAT HAVE NOT BEEN VOLUNTARILY SURRENDERED BY THE OWNER OR CUSTODIAN OR FORFEITED PURSUANT TO COURT ORDER SHALL BE RETURNED TO THE OWNER OR CUSTODIAN ONLY UPON PROOF THAT APPROPRIATE SHELTER AS REQUIRED BY THIS SECTION IS BEING PROVIDED.

§ 9-1.6 NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT ANY PROTECTIONS AFFORDED TO DOGS OR OTHER ANIMALS UNDER ANY OTHER PROVISIONS OF THIS ARTICLE.

(A) ANY PERSON WHO VIOLATES THIS CHAPTER IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY A FINE OF NOT MORE THAN \$500 AND/OR IMPRISONMENT UP TO 90 DAYS AND MUST COMPLETE 40 HOURS OF COURT ORDERED COMMUNITY SERVICE RELATED, AFFILIATED OR CONNECTED TO THE HUMANE AND

**PROPER CARE, GROOMING, RAISING
AND/OR TREATMENT TO ANIMALS.**

Sec. 2. This Ordinance shall become effective this _____ day of _____, 2021, A.D.

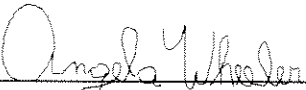
Adopted this _____ day of _____, 2021, A.D.

FOR THE CITY:

Sheldon A. Neeley, Mayor

Inez M. Brown, City Clerk

APPROVED AS TO FORM:



Angela Wheeler, Chief Legal Officer

ORDINANCE NO. _____

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 28, Motor Vehicles and Traffic, by the addition of Section 28-95, Loitering In Or About A Motor Vehicle.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF FLINT:

Sec. 1. An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 28, Motor Vehicles and Traffic, by the addition of Section 28-95, Loitering In Or About A Motor Vehicle, which shall read in its entirety as follows:

§ 28-95. LOITERING IN OR ABOUT A MOTOR VEHICLE

(A) PURPOSE

THE PURPOSE OF THIS ORDINANCE IS TO PROHIBIT ANY PERSON FROM LOITERING IN OR ABOUT A MOTOR VEHICLE IN SUCH A MANNER AS TO IMPEDE THE FREE FLOW OF PEDESTRIAN OR VEHICULAR TRAFFIC, TO DISTURB THE PUBLIC PEACE, OR TO CREATE A NOISE DISTURBANCE; TO FURTHER PROHIBIT ANY PERSON FOUND LOITERING IN OR ABOUT A MOTOR VEHICLE IN VIOLATION OF THIS ORDINANCE FROM REFUSING A POLICE OFFICER'S REASONABLE ORDER TO DISPURSE AND/OR MOVE ON; TO PROVIDE CRIMINAL PENALTIES FOR A VIOLATION OF THIS ORDINANCE; TO DECLARE THE ACT OF LOITERING IN OR ABOUT A MOTOR VEHICLE A PUBLIC NUISANCE; TO PROVIDE FOR THE SEIZURE, IMPOUNDMENT AND FORFEITURE OF ANY MOTOR

VEHICLE USED IN VIOLATION OF THIS ORDINANCE OR WHICH FACILITATES A VIOLATION OF THIS ORDINANCE; AND TO PROVIDE FOR THE DISPOSITION OF A MOTOR VEHICLE WHICH HAS BEEN FORFEITED UNDER THIS ORDINANCE.

(B) DEFINITIONS

AS USED IN THIS ORDINANCE THE TERM "FACILITATE" MEANS TO AID, HELP, MAKE POSSIBLE OR BRING ABOUT.

AS USED IN THIS ORDINANCE THE TERM "LOITER" MEANS TO STOP, STAND, IDLE, PARK OR REMAIN PARKED IN OR ABOUT A MOTOR VEHICLE LOCATED IN OR AT A PUBLIC PLACE OR A PLACE OPEN TO THE PUBLIC. THE TERM "LOITER" ALSO MEANS TO COLLECT, GATHER, CONGREGATE OR BE A MEMBER OF A GROUP OR CROWD OF PEOPLE WHO ARE GATHERED TOGETHER IN OR ABOUT A MOTOR VEHICLE OR MOTOR VEHICLES, IN ANY PUBLIC PLACE OR PLACE OPEN TO THE PUBLIC.

AS USED IN THIS ORDINANCE THE TERM "PUBLIC PLACE" MEANS ANY PUBLIC STREET, ROAD OR HIGHWAY, ALLEY, LANE, SIDEWALK, CROSSWALK, OR OTHER PUBLIC WAY, PUBLIC RESORT, PLACE OF AMUSEMENT, PARK, PLAYGROUND, PUBLIC BUILDING OR GROUNDS APPURTENANT THERETO, SCHOOL BUILDING OR SCHOOL GROUNDS, PUBLIC PARKING LOT, OR ANY VACANT LOT.

AS USED IN THIS ORDINANCE THE TERM "*PLACE OPEN TO THE PUBLIC*" MEANS ANY PLACE OPEN TO THE PUBLIC OR ANY PLACE TO WHICH THE PUBLIC IS INVITED, INCLUDING ANY PRIVATELY OWNED PLACE OF BUSINESS, PRIVATE PARKING LOT, OR PRIVATE INSTITUTION, INCLUDING PLACES OF WORSHIP, CEMETARIES, OR ANY PLACE OF AMUSEMENT AND ENTERTAINMENT WHETHER OR NOT A CHARGE OF ADMISSION OR ENTRY THERETO IS MADE, INCLUDING THE GROUNDS, OPEN AREAS AND PARKING LOT OF ANY STORE, OFFICE OR APARTMENT BUILDING OPEN TO THE PUBLIC

AS USED IN THIS ORDINANCE THE TERM "*OWNER*" INCLUDES A PERSON IN WHOSE NAME THE MOTOR VEHICLE IS TITLED AND/OR REGISTERED, AND/OR ANY LIENHOLDER WHOSE LIEN HAS BEEN FILED WITH THE SECRETARY OF STATE PRIOR TO THE COMMENCEMENT OF A NUISANCE ABATEMENT ACTION REGARDING THE MOTOR VEHICLE, AS WELL AS A PERSON WHO IS DEEMED BY LAW TO BE A CONSTRUCTIVE OWNER.

(C) PROHIBITED CONDUCT

(1) IT SHALL BE UNLAWFUL FOR ANY PERSON TO LOITER IN OR AT PUBLIC PLACE, OR TO LOITER IN OR AT A PLACE OPEN TO THE PUBLIC, AND:

(a) IMPEDE, INTERFERE OR OTHERWISE OBSTRUCT IN ANY MANNER THE FREE PASSAGE OF PEDESTRIAN AND/OR VEHICULAR

TRAFFIC TO, FROM AND/OR THROUGH THE PUBLIC PLACE OR PLACE OPEN TO THE PUBLIC; OR

(b) DISTURB THE PUBLIC PEACE IN ANY MANNER DESCRIBED IN SECTION 31-10 OF THE FLINT CITY CODE OF ORDINANCES, INCLUDING BUT NOT LIMITED TO ENGAGING IN LOUD OR AGGRESSIVE CONDUCT, ENGAGING IN CONDUCT WHICH IS INTENDED TO AND DOES CAUSE ANOTHER PERSON TO FEEL ANGRY, FRIGHTENED, INTIMIDATED, EMBARRASSED OR HARRASSED, ENGAGING IN CONDUCT WHICH INFLECTS INJURY OR INCITES AN IMMEDIATE BREACH OF THE PEACE, AND/OR ENGAGING IN CONDUCT WHICH INTENTIONALLY MAKES OR CAUSES TO BE MADE ANY OPEN EXPOSURE OF THE HUMAN MALE OR FEMALE GENITALS, PUBIC AREA, BUTTOCKS OR THE FEMALE BREASTS, INCLUDING BUT NOT LIMITED TO URINATING OR DEFECATING IN PUBLIC; OR

(c) CREATE A NOISE DISTURBANCE AS DESCRIBED IN SECTION 31-53 OF THE FLINT CITY CODE OF ORDINANCES, INCLUDING BUT NOT LIMITED TO PLAYING A RADIO, MUSICAL INSTRUMENT OR OTHER DEVICE WHICH REPRODUCES AND AMPLIFIES SOUND IN SUCH A MANNER AS TO CREATE A NOISE DISTURBANCE ACROSS A REAL PROPERTY BOUNDARY, OR PLAYING A RADIO, MUSICAL INSTRUMENT OR OTHER DEVICE WHICH REPRODUCES AND AMPLIFIES SOUND IN SUCH A MANNER AS TO CREATE A NOISE DISTURBANCE AT 50 FEET (15 METERS) FROM A MOTOR VEHICLE.

(2) IT SHALL BE UNLAWFUL FOR ANY PERSON TO:

(a) LOITER IN OR AT A PUBLIC PLACE IN VIOLATION OF THIS ORDINANCE, OR TO LOITER IN OR AT A PLACE OPEN TO THE PUBLIC IN VIOLATION OF THIS ORDINANCE; AND

(b) FAIL TO OBEY THE REASONABLE ORDER OF A UNIFORMED POLICE OFFICER OR PROPERLY IDENTIFIED POLICE OFFICER WHO IS NOT IN UNIFORM TO DISBURSE AND/OR MOVE ON FROM THE PUBLIC PLACE AND/OR THE PLACE OPEN TO THE PUBLIC.

D. PENALTY

(1) A VIOLATION OF THIS ORDINANCE SHALL BE A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAYS IN JAIL OR A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS (\$500.00), OR BOTH.

E. DECLARATION OF PUBLIC NUISANCE

(1) LOITERING IN OR ABOUT A MOTOR VEHICLE IN ANY MANNER WHICH VIOLATES THIS ORDINANCE IS DECLARED A PUBLIC NUISANCE.

(2) ANY MOTOR VEHICLE USED IN VIOLATION OF THIS ORDINANCE, OR ANY MOTOR VEHICLE WHICH IS USED TO FACILITATE, IN ANY MANNER, A VIOLATION OF THIS ORDINANCE, IS

DECLARED A PUBLIC NUISANCE, AND MAY BE SEIZED, IMPOUNDED AND FORFEITED AS PROVIDED BY THIS ORDINANCE.

F. SEIZURE, IMPOUNDMENT AND FORFEITURE OF MOTOR VEHICLE

(1) A POLICE OFFICER WHO HAS REASONABLE CAUSE TO BELIEVE A MOTOR VEHICLE HAS BEEN USED IN VIOLATION OF THIS ORDINANCE, OR HAS BEEN USED TO FACILITATE, IN ANY MANNER, A VIOLATION OF THIS ORDINANCE, MAY SEIZE THE MOTOR VEHICLE AND IMPOUND IT AS PROVIDED BY LAW.

(2) A MOTOR VEHICLE WHICH HAS BEEN SEIZED AND IMPOUNDED AS PROVIDED BY THIS THIS ORDINANCE IS SUBJECT TO FORFEITURE AS PROVIDED BY THIS ORDINANCE.

(3) WITHIN THIRTY (30) DAYS OF RECEIVING ACTUAL OR CONSTRUCTIVE NOTICE THAT A MOTOR VEHICLE HAS BEEN SEIZED AS PROVIDED BY THIS ORDINANCE, THE OWNER OF THE MOTOR VEHICLE MAY PROVIDE WRITTEN NOTICE TO THE CHIEF LEGAL OFFICER OF THE CITY OF FLINT, OR HIS OR HER DESIGNEE, THAT THE OWNER IS CONTESTING THE FORFEITURE AND DEMAND THAT THE CHIEF LEGAL OFFICER OR HIS OR HER DESIGNEE, FILE A COMPLAINT TO ABATE A PUBLIC NUISANCE IN THE GENESEE COUNTY CIRCUIT COURT, AND HAVE THE MOTOR VEHICLE DECLARED FORFEITED TO THE CITY OF FLINT. IF THE OWNER DOES NOT PROVIDE

WRITTEN NOTICE TO THE CHIEF LEGAL OFFICER, OR HIS OR HER DESIGNEE, WITHIN THIRTY (30) DAYS OF THE DATE THE OWNER RECEIVES ACTUAL OR CONSTRUCTIVE NOTICE THE MOTOR VEHICLE HAS BEEN SEIZED, THE MOTOR VEHICLE SHALL BE ADMINISTRATIVELY FORFEITED TO THE CITY OF FLINT.

G. ABATEMENT OF PUBLIC NUISANCE BY FORFEITURE

(1) THE CHIEF LEGAL OFFICER OF THE CITY OF FLINT, OR HIS OR HER DESIGNEE, MAY MAINTAIN AN ACTION IN THE GENESEE COUNTY CIRCUIT COURT TO ABATE, BY FORFEITURE, THE PUBLIC NUISANCE OF A MOTOR VEHICLE USED IN VIOLATION OF THIS ORDINANCE, OR WHICH HAS BEEN USED TO FACILITATE, IN ANY MANNER, A VIOLATION OF THIS ORDINANCE..

(2) THE ACTION TO ABATE THE NUISANCE MAY BE FILED WITHIN FOURTEEN (14) DAYS OF THE DATE THE CHIEF LEGAL OFFICER OF THE CITY OF FLINT, OR HIS OR HER DESIGNEE, RECEIVES WRITTEN NOTICE THAT THE OWNER OF THE MOTOR VEHICLE IS CONTESTING THE FORFEITURE.

(3) UPON A FINDING THAT THE MOTOR VEHICLE HAS BEEN USED IN VIOLATION OF THIS ORDINANCE, OR HAS BEEN USED TO FACILITATE, IN ANY MANNER, A VIOLATION OF THIS ORDINANCE, THE GENESEE COUNTY CIRCUIT COURT SHALL DECLARE THE MOTOR VEHICLE FORFEITED TO

THE CITY OF FLINT, AND ORDER THE MOTOR VEHICLE BE DISPOSED AS PROVIDED BY THIS ORDINANCE.

(4) PROOF THE OWNER KNEW THE MOTOR VEHICLE HAD BEEN USED IN VIOLATION OF THIS ORDINANCE, OR KNEW THE MOTOR VEHICLE HAD FACILITATED A VIOLATION OF THIS ORDINANCE IN ANY MANNER, SHALL NOT BE REQUIRED.

(4) IF THE COURT FINDS THE MOTOR VEHICLE HAS NOT BEEN USED IN VIOLATION OF THIS ORDINANCE, OR HAS NOT BEEN USED TO FACILITATE, IN ANY MANNER, A VIOLATION OF THIS ORDINANCE, ,OR THE CHIEF LEGAL OFFICER OF THE CITY OF FLINT, OR HIS OR HER DESIGNEE, DOES NOT FILE AN ACTION TO ABATE, BY FORFEITURE, THE NUISANCE OF THE MOTOR VEHICLE, THE MOTOR VEHICLE SHALL BE PROMPTLY RETURNED TO THE OWNER.

(H) DISPOSITION OF FORFEITED VEHICLE

(1) A MOTOR VEHICLE WHICH HAS BEEN FORFEITED PURSUANT TO THIS ORDINANCE MAY BECOME THE PROPERTY OF THE CITY OF FLINT, OR MAY BE SOLD BY THE CITY OF FLINT IN THE SAME MANNER PROVIDED FOR THE SALE OF CHATTELS UNDER EXECUTION.

(2) UPON THE SALE OF A MOTOR VEHICLE PURSUANT TO THIS ORDINANCE, THE PROCEEDS OF THE SALE SHALL BE DISTRIBUTED IN THE FOLLOWING ORDER OF PRIORITY:

(a) TO PAY FOR THE COST OF IMPOUNDING THE MOTOR VEHICLE AND THE EXPENSES OF THE SALE;

(b) TO PAY ALL BONA FIDE SECURED INTERESTS AND LIENS ON THE MOTOR VEHICLE, PROVIDED THAT THE SECURED PARTY OR LIEN HOLDER HAD NO KNOWLEDGE THE MOTOR VEHICLE WAS HAD BEEN USED IN VIOLATION OF THIS ORDINANCE, OR HAD FACILITATED A VIOLATION OF THIS ORDINANCE IN ANY MANNER;

(c) TO PAY FOR COURT COSTS AND REIMBURSE THE CITY OF FLINT FOR THE COST OF ENFORCING AND PROSECUTING THIS ORDINANCE;

(d) THE REMAINING BALANCE SHALL BE DEPOSITED IN THE CITY OF FLINT'S GENERAL FUND OR DISTRIBUTED AS ORDERED BY THE COURT.

(I) THE PROVISIONS, SANCTIONS AND REMEDIES SET FORTH IN THIS ORDINANCE ARE IN ADDITION TO ANY OTHER PROVISIONS, SANCTIONS AND/OR REMEDIES AVAILABLE TO THE CITY OF FLINT UNDER STATE, FEDERAL AND LOCAL LAW, AND ARE NOT INTENDED TO COMPROMISE, SUBSTITUTE, OR PLACE ANY LIMITATION UPON THOSE OTHER PROVISIONS, SANCTIONS OR REMEDIES IN ANY MANNER WHATSOEVER.

(J) IF ANY PROVISION OF THIS ORDINANCE SHALL BE HELD

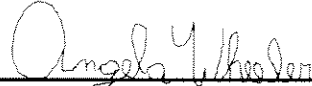
INVALID, THE REMAINDER OF THE ORDINANCE SHALL NOT BE EFFECTED THEREBY.

FOR THE CITY:

Sheldon A. Neeley, Mayor

Inez M. Brown, City Clerk

APPROVED AS TO FORM:



Angela Wheeler, Chief Legal Officer