



OFFICE OF THE CITY COUNCIL

PUBLIC NOTICE

Notice of Public Hearings

Pursuant to Act 267 of the Public Acts of 1976 (Open Meetings Act) and Flint City Charter Section 1-405, **NOTICE IS HEREBY GIVEN** that the Flint City Council will hold **PUBLIC HEARINGS** at **5:30 p.m., on MONDAY, SEPTEMBER 23, 2024**, in the City Council Chambers, 3rd Floor, Flint City Hall, 1101 S. Saginaw Street, Flint, for the following purpose(s):

240192.6 – A Public Hearing for Ordinance No. 240192.1, an ordinance to amend Chapter 46, Utilities, Article II, Water Supply and Sewage Disposal System, of the Flint City Code of Ordinances, by the addition of Division 5, Replacement of Lead Service Lines.

240342.6 – A Public Hearing for Ordinance No. 240342, an ordinance to amend the Flint Code of Ordinances by amending Chapter 31, General Offenses, Article I, In General, by amending Section 31-16.2, Fireworks.

Copies of Ordinances No. 240192.1 and 240342 are available for public inspection at the City Clerk's Office, 2nd Floor, Flint City Hall.

Persons with disabilities may participate in these Public Hearings by emailing a request for accommodations (including, but not limited to, interpreters) to CouncilPublicComment@cityofflint.com, with the subject line *Request for Accommodation*, or by contacting the City Clerk at (810) 766-7418.

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

Davina G. Donahue, City Clerk

POSTED: 9/18/2024

240192.1

ORDINANCE NO. _____

An Ordinance to amend Chapter 46, Utilities, Article II, Water Supply and Sewage Disposal System, of the Flint City Code of Ordinances, by the addition of Division 5, Replacement of Lead Service Lines.

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

Sec. 1. An Ordinance to amend Chapter 46, Utilities, Article II, Water Supply and Sewage Disposal System, by the addition of Division 5, Replacement of Lead Service Lines, which shall read in its entirety:

DIVISION 5: REPLACEMENT OF LEAD SERVICE LINES

§46-75. Purpose and Definitions.

- (a) Purpose. The purpose of this ordinance is to provide for the removal and replacement of all lead service lines in the City of Flint.
- (b) Definitions. As used in this ordinance the following words shall have the following meaning:
 - (1) *Service Line* shall mean the pipe or conduit located on a parcel of property which connects any building, dwelling or structure in the City of Flint to the City of Flint's public water distribution system.
 - (a) The *private side* of a service line shall mean that portion of the service line which extends from the building, dwelling or structure to the beginning of a public right of way.
 - (b) The *public side* of a service line shall mean that portion of the service line which extends on, under or through a public right of way.
 - (2) *Lead Service Line* shall mean a service line that is made of lead or galvanized steel.
 - (3) *Owner* shall mean any person or entity which holds legal or equitable title to any parcel of property in the City of Flint upon which a service line is located. The term *Owner* shall include the executor, trustee, guardian or receiver of an estate or trust which holds legal or equitable title to a parcel of property, including a mortgagee or vendee in possession.

§46-76. Lead Service Lines Declared a Public Nuisance, Replacement

- (a) The existence of a lead service line or lines in the City of Flint is declared a public nuisance and may be abated as provided by law.

- (b) The absence of City records indicating that the service line was inspected and/or replaced after 2015 at any given property shall create a rebuttable presumption that a lead service line exists at that property.
- (c) A lead service line may be replaced at no expense to the owner of the property under the Lead Service Line Replacement Program as described in §46-77 of this ordinance.

§ 46-77. Lead Service Line Replacement Program

- (a) A Lead Service Line Replacement Program shall be managed by the City of Flint Department of Public Works.
- (b) The Lead Service Line Replacement Program shall replace any lead service line in the City of Flint, at no expense to the owner of the property, on a schedule to be determined by the City.
- (c) To participate in the Lead Service Line Replacement Program, an owner must:
 - (1) Register with the City of Flint Department of Public Works in a form acceptable to the Department of Public Works;
 - (2) Grant the agents, employees and/or contractors of the City of Flint, permission to enter the property upon which the lead service line is located or believed to be located, during any daylight hours, for the purpose of replacing the lead service line.
- (d) Failure of an owner to participate in the Lead Service Line Replacement Program shall constitute a public nuisance subject to abatement.
- (e) The deadlines of this subsection may be extended by the City of Flint Department of Public Works for good cause.

§ 46-78. Violation and Remedies

- (a) An owner who fails to comply with the provisions of this ordinance shall be responsible for a municipal civil infraction as provided under § 1-13 to § 1-20 of the Flint City Code of Ordinances.
- (b) The City attorney for the City of Flint may maintain an action to enforce the provisions of this ordinance and may seek equitable relief to abate any nuisance.
- (c) An owner who violates the provisions of this ordinance shall also be liable for the costs of any action to abate a nuisance under this ordinance, including reasonable attorneys fees, but not including the costs of inspecting and/or replacing a service line.

Sec. 2. This Ordinance shall become effective 30 days after enactment.

Adopted this ___ day of _____, 2024.

FOR THE CITY:

For the City Council

Sheldon A. Neeley, Mayor

APPROVED AS TO FORM:

William Y. Kim, City Attorney

PRE-ENCUMBERED? YES NO REQUISITION NO:

ACCOUNTING APPROVAL: _____ Date: _____

WILL YOUR DEPARTMENT NEED A CONTRACT? YES NO

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: *(This will depend on the term of the bid proposal)*

BUDGET YEAR 1 \$N/A

BUDGET YEAR 2 \$N/A

BUDGET YEAR 3 \$N/A

OTHER IMPLICATIONS *(i.e., collective bargaining)*: None

STAFF RECOMMENDATION: *(PLEASE SELECT)*: APPROVED
 NOT APPROVED

DEPARTMENT HEAD SIGNATURE:

William Kim, City Attorney

ORDINANCE NO. _____

An Ordinance to amend Chapter 46, Utilities, Article II, Water Supply and Sewage Disposal System, of the Flint City Code of Ordinances, by the addition of Division 5, Replacement of Lead Service Lines.

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

Sec. 1. An Ordinance to amend Chapter 46, Utilities, Article II, Water Supply and Sewage Disposal System, by the addition of Division 5, Replacement of Lead Service Lines, which shall read in its entirety:

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DIVISION 5: REPLACEMENT OF LEAD SERVICE LINES

§46-75. Purpose and Definitions.

- (a) Purpose. The purpose of this ordinance is to provide for the removal and replacement of all lead service lines in the City of Flint.
- (b) Definitions. As used in this ordinance the following words shall have the following meaning:
 - (1) *Service Line* shall mean the pipe or conduit located on a parcel of property which connects any building, dwelling or structure in the City of Flint to the City of Flint's public water distribution system.
 - (a) The *private side* of a service line shall mean that portion of the service line which extends from the building, dwelling or structure to the beginning of a public right of way.
 - (b) The *public side* of a service line shall mean that portion of the service line which extends on, under or through a public right of way.
 - (2) *Lead Service Line* shall mean a service line that is made of lead or galvanized steel.
 - (3) *Owner* shall mean any person or entity which holds legal or equitable title to any parcel of property in the City of Flint upon which a service line is located. The term *Owner* shall include the executor, trustee, guardian or receiver of an estate or trust which holds legal or equitable title to a parcel of property, including a mortgagee or vendee in possession.

§46-76. Lead Service Lines Declared a Public Nuisance, Replacement

- (a) The existence of a lead service line or lines in the City of Flint is declared a public nuisance and may be abated as provided by law.

- (b) The absence of City records indicating that the service line was inspected and/or replaced after 2015 at any given property shall create a rebuttable presumption that a lead service line exists at that property.
- ~~(e) The owner of the property upon which the lead service line is located shall be responsible for determining how the lead service line will be replaced.~~
- (dc) A lead service line may be replaced at no expense to the owner of the property under the Lead Service Line Replacement Program as described in §46-77 of this ordinance.
- ~~(e) An owner who does not wish to participate in the Lead Service Line Replacement Program shall arrange to have a licensed plumber or other qualified service provider replace the lead service line within one year of the effective date of this ordinance.~~
- ~~(f) The City of Flint shall not be required to reimburse an owner who does not wish to participate in the Lead Service Line Replacement Program for any cost or expense associated with replacing the lead service line.~~

§ 46-77. Lead Service Line Replacement Program

- (a) A Lead Service Line Replacement Program shall be managed by the City of Flint Department of Public Works.
- (b) The Lead Service Line Replacement Program shall replace any lead service line in the City of Flint, at no expense to the owner of the property, on a schedule to be determined by the City.
- (c) To participate in the Lead Service Line Replacement Program, an owner must:
 - (1) Register with the City of Flint Department of Public Works in a form acceptable to the Department of Public Works;
 - (2) Grant the agents, employees and/or contractors of the City of Flint, permission to enter the property upon which the lead service line is located or believed to be located, during any daylight hours, for the purpose of replacing the lead service line.
- ~~(d) An owner who does not participate in the Lead Service Line Replacement Program shall provide the City of Flint Department of Public Works with the following documentation to prove the private side of a lead service line has been replaced:~~
 - ~~(1) The name, address and telephone number of the licensed plumber or other qualified service provider that replaced the private side of the lead service line; and~~
 - ~~(2) An invoice, receipt, or other documentation showing that the private side of the lead service line has been replaced, the prior service line composition, and on what date the replacement occurred.~~
- (ed) Failure of an owner to participate in the Lead Service Line Replacement Program shall constitute a public nuisance subject to abatement.

- (c) ~~The deadlines of this division subsection may be extended by the City of Flint Department of Public Works for good cause.~~

§ 46-78. Violation and Remedies

- (a) ~~An owner who fails to comply with the provisions of this ordinance, and or who fails to cause or arrange for the removal of a lead service line from the owner's property, shall be responsible for a municipal civil infraction as provided under § 1-13 to § 1-20 of the Flint City Code of Ordinances.~~
- (b) ~~The City attorney for the City of Flint may maintain any action to enforce the provisions of this ordinance and may seek equitable relief to abate any nuisance.~~
- (c) ~~Any owner person who violates the provisions of this ordinance shall also be liable for the costs of this any action to abate a nuisance under this ordinance, including a reasonable attorneys' fees, but not including the costs of inspecting and or replacing a service line.~~

Sec. 2. This Ordinance shall become effective 30 days after enactment.

Adopted this ___ day of _____, 2024.

FOR THE CITY:

For the City Council

Sheldon A. Neeley, Mayor

APPROVED AS TO FORM:

William Y. Kim, City Attorney

PRE-ENCUMBERED? YES NO REQUISITION NO:

ACCOUNTING APPROVAL: _____ Date: _____

WILL YOUR DEPARTMENT NEED A CONTRACT? YES NO

WHEN APPLICABLE, IF MORE THAN ONE (1) YEAR, PLEASE ESTIMATE TOTAL AMOUNT FOR EACH BUDGET YEAR: *(This will depend on the term of the bid proposal)*

BUDGET YEAR 1 \$N/A

BUDGET YEAR 2 \$N/A

BUDGET YEAR 3 \$N/A

OTHER IMPLICATIONS *(i.e., collective bargaining)*: None

STAFF RECOMMENDATION: *(PLEASE SELECT)*: APPROVED
 NOT APPROVED

DEPARTMENT HEAD SIGNATURE:

William Kim, City Attorney

240342

ORDINANCE NO. _____

An Ordinance to amend the Flint City Code of Ordinances by amending Chapter 31, General Offenses.

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 31, General Offenses, Article I, In General, by amending ~~and renumbering Section 31-20.3~~ Section 31-16.2, Fireworks, which shall read in its entirety as follows:

§31-16.2. FIREWORKS.

(a) *Definitions.* As used in this section:

APA STANDARD 87-1. 2001 APA standard 87-1, standard for construction and approval for transportation of fireworks, novelties, and theatrical pyrotechnics, published by the American Pyrotechnics Association of Bethesda, Maryland.

ARTICLES PYROTECHNIC. Pyrotechnic devices for professional use that are similar to Consumer Fireworks in chemical composition and construction but not intended for consumer use, that meet the weight limits for Consumer Fireworks but are not labeled as such, and that are classified as UN0431 or UN0432 under 49 CFR 172.101.

CONSUMER FIREWORKS. Fireworks devices that are designed to produce visible effects by combustion, that are required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR Parts 1500 and 1507, and that are listed in APA Standard 87-1, 3.1.2, 3.1.3, OR 3.5. Consumer Fireworks does not include Low-Impact Fireworks.

DISPLAY FIREWORKS. Large fireworks devices that are explosive materials intended for use in fireworks displays and designed to produce visible or audible effects by combustion, deflagration, or detonation, as provided in 27 CFR 555.11, 49 CFR 172, and APA Standard 87-1, 4.1.

FIREWORK OR FIREWORKS. Any composition or device, except for a starting pistol, a flare gun, or a flare, designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of Consumer Fireworks, Low-Impact Fireworks, Articles Pyrotechnic, Display Fireworks and special effects.

LOW-IMPACT FIREWORKS. Ground and handheld sparkling devices as that phrase is defined under APA Standard 87-1, 3.1, 3.1.1.1 to 3.1.1.8, AND 3.5.

(b) *Permit for use of fireworks; application; purpose of use; age limitation.*

(1) The Fire Marshal, upon application in writing, on forms provided by the Fire Department, may grant a permit for the use of fireworks otherwise prohibited within the corporate limits, manufactured for public display by municipalities, fair associations, amusement parks, or other organizations or groups of individuals approved by the City, if the applicable provisions of this section are complied with. A permit granted under this subsection shall not be transferable, nor shall a permit be issued to a person under the age of 18 years.

(2) The Fire Marshal, upon application in writing, may grant a permit, on forms provided by the Fire Department, to a resident wholesale dealer or jobber to have in his/her possession

within the corporate limits. A permit granted under this subsection is not transferable, nor shall a permit be issued to a person under the age of 18 years.

(3) Before a permit for a pyrotechnic display is issued, the person, firm, or corporation making application shall furnish proof of financial responsibility by a bond or insurance in an amount deemed necessary by the Fire Marshal to satisfy claims for damages to property or personal injuries arising out of an act or omission on the part of the person, firm, or corporation, or an agent or employee thereof, in the amount, character, and form the Fire Marshal determines necessary for the protection of the public.

(4) A permit shall not be issued to a nonresident person, firm, or corporation for conduct of a pyrotechnic display in this State until the person, firm, or corporation has appointed in writing a resident member of the bar of this State or a resident agent to be his legal representative upon whom all process in an action or proceeding against him may be served.

(5) The Fire Marshal shall rule on the competency and qualifications of operators of pyrotechnic displays, as the operator has furnished in his application form, and on the time, place, and safety aspects of the displays before granting permits.

(c) Use of Consumer Fireworks.

(1) Except as provided in paragraph (2) and (3) below, it shall be unlawful for any person to ignite, discharge or use Consumer Fireworks, as that term is defined in section (a).

~~(2) A Person may ignite, discharge or use Consumer Fireworks between the hours of 8:00am and midnight on the day preceding, the day of, and the day after the following national holidays:~~

~~Martin Luther King, Jr. day, the 3rd Monday in January;~~

~~Washington's Birthday, the 3rd Monday in February;~~

~~Memorial Day, the last Monday in May;~~

~~Independence Day, July 4;~~

~~Labor Day, the 1st Monday in September;~~

~~Columbus Day, the 2nd Monday in October;~~

~~Veterans Day, November 11;~~

~~Thanksgiving Day, the 4th Thursday in November; and,~~

~~Christmas Day, December 25.~~

(2) A Person may ignite, discharge, or use Consumer Fireworks after 11:00am on the following days:

(i) December 31 until 1:00am on January 1.

(ii) The Saturday and Sunday immediately preceding Memorial Day until 11:45pm on each of those days.

(iii) June 29 to July 4 until 11:45pm on each of those days.

(iv) July 5, if that date is a Friday or Saturday until 11:45pm.

(v) The Saturday and Sunday immediately preceding Labor Day until 11:45pm on each of those days.

~~(3) On New Year's Day, January 1, a Person may ignite, discharge or use Consumer Fireworks between the hours of 8:00am and 1:00am. On the day before and the day after New Year's Day, a Person may ignite, discharge or use Consumer Fireworks between the hours of 8:00am and midnight.~~

(4)(3) A Person shall not ignite, discharge, or use Consumer Fireworks on Public Property, school property, church property, or the property of another Person without the organization's or Person's express permission to use those Consumer Fireworks on those premises. Except as otherwise provided in this subsection, a Person that violates this subsection is responsible for a civil infraction and may be ordered to pay a civil fine of not more than Five Hundred Dollars (\$500.00).

~~(5)(4)~~ Consumer Fireworks shall not be ignited, discharged or used by a Person under the influence of Alcoholic Liquor or Controlled Substances or a combination of both.

~~(6)(5)~~ Low-Impact Fireworks shall not be ignited, discharged or used by a Person under the influence of Alcoholic Liquor or Controlled Substances or a combination of both.

(d) *Penalty provisions for violation.*

(1) Any Person who is in violation of this section is responsible for a civil infraction and may be ordered to pay a civil fine of not more than Five Hundred Dollars (\$500.00) for each violation.

(e) *Severability.*

The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

Sec. 2. This Ordinance shall become effective this _____ day of _____, 2024, A.D.

Adopted this _____ day of _____, 2024, A.D.

FOR THE CITY:

For the City Council

Sheldon A. Neeley, Mayor

APPROVED AS TO FORM:

Joseph Kuptz, Acting City Attorney