

City of Flint, Michigan

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



Meeting Agenda - Final

Friday, November 19, 2021

5:00 PM

COUNCIL CHAMBERS

LEGISLATIVE COMMITTEE

*Dennis Pfeiffer, Chairperson, Ward 8
Allie Herkenroder, Vice Chairperson, Ward 7*

Eric Mays, Ward 1

Quincy Murphy, Ward 3

Jerri Winfrey-Carter, Ward 5

Ladel Lewis, Ward 2

Judy Priestley, Ward 4

Tonya Burns, Ward 6

Eva Worthing, Ward 9

Inez M. Brown, City Clerk

Davina Donahue, Deputy City Clerk

ROLL CALL

READING OF DISORDERLY PERSONS CITY CODE SUBSECTION

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.

PUBLIC SPEAKING

Per the amended Rules Governing Meetings of the Council (as adopted by the City Council on Monday, June 12, 2017), two (2) minutes per speaker. Only one speaking opportunity per speaker.

COUNCIL RESPONSE

Per the amended Rules Governing Meetings of the Council (as adopted by the City Council on Monday, June 12, 2017), Councilpersons may respond to any public speaker, but only one response and only when all public speakers have been heard. Individual council response is limited to two minutes.

SPECIAL ORDERS

210517 Special Order/Two Water Ordinances

A Special Order as requested by Councilperson Mays to discuss the two water ordinances (210423.1 and 210424) approved by City Council on September 27, 2021.

ORDINANCES

210214.2 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.] [NOTE: Ordinance amended to change penalties.]

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).

- 210333.1** 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). [NOTE: Ordinance amended to change penalties.]
- 210400** Amendment/Ordinance/Chapter 1 (General Provisions)/Addition of Section 1-134.1 (Prohibition on Illegal Use of Controlled Substances by Elected Officials While on City Property or Engaged in City Business)
- An ordinance to amend the Ordinances of the City of Flint by amending Chapter 1 (General Provisions), with the addition of Section 1-134.1 (Prohibition on Illegal Use of Controlled Substances by Elected Officials While on City Property or Engaged in City Business).

DISCUSSION ITEMS

- 210563** Discussion Item/Ordinance No. 210495/Service Charge in Lieu of Taxes/901 Flats Limited Dividend Housing Association, LLC
- A Discussion Item as requested by Councilperson Mays: re, he would like to discuss Ordinance No. 210495 a Service Charge in Lieu of Taxes for 901 Flats Limited Dividend Housing Association, LLC. [Referral Action Date: 11/15/2021 @ City Council Meeting.]

OUTSTANDING DISCUSSION ITEMS

- 200500** Council Review/Rules Governing Meetings of the Council (RGMC)
- Per the "Rules Governing Meetings of the Council", the Flint City Council shall review the "Rules Governing Meetings of the Council" (RGMC). [NOTE: RGMC Rule No. 33.1 states that, "Every December, the City Council shall place an item on the Special Affairs Committee agenda for review of these rules." Because Special Affairs meetings are suspended indefinitely due to health concerns, it has been added to this agenda.] [NOTE: The "Rules Governing Meetings of the Council" were originally adopted by the City Council on May 10, 1976, with a 1st Amendment adopted May 24, 2010, a 2nd Amendment adopted on April 27, 2015, and a 3rd Amendment adopted June 12, 2017.]
- 210209** Discussion Item/Combining Lots
- A Discussion Item as requested by Councilperson Winfrey-Carter to discuss combining lots, specifically for Peggy Brisbane-Noblitt. [Referral Action Date: 4/22/2021 @ City Council Legislative Committee Electronic Public Meeting.]

ADJOURNMENT

210333.1

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 THE FIRST, SECOND AND SUBSEQUENT VIOLATIONS OF THIS ORDINANCE; TO DECLARE THAT A MOTOR VEHICLE, WHICH HAS BEEN USED TO FACILITATE, IN ANY MANNER, A SECOND OR SUBSEQUENT VIOLATION OF THIS

ORDINANCE IS A PUBLIC NUISANCE; TO PROVIDE FOR THE SEIZURE, IMPOUNDMENT AND FORFEITURE OF ANY MOTOR VEHICLE WHICH HAS BEEN USED TO FACILITATE, IN ANY MANNER, A SECOND OR SUBSEQUENT 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 BUT IS NOT LIMITED TO 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) THE FIRST VIOLATION OF THIS ORDINANCE SHALL BE A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN THIRTY (30) DAYS IN JAIL, OR A FINE OF NOT MORE THAN TWO-HUNDRED FIFTY DOLLARS (\$250.00), OR BOTH.

(2) THE SECOND OR SUBSEQUENT VIOLATION OF THIS ORDINANCE SHALL BE A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN NINETY (90) DAY IN JAIL, OR A FINE OF NOT MORE THEN FIVE-HUNDRED DOLLARS (\$500.00), OR BOTH.

E. DECLARATION OF PUBLIC NUISANCE

(1) ANY MOTOR VEHICLE USED TO FACILITATE, IN ANY MANNER, A SECOND OR SUBSEQUENT 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 TO FACILITATE, IN ANY MANNER, A SECOND OR SUBSEQUENT 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 PROVIED 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 67TH DISTRICT 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 67TH DISTRICT COURT TO ABATE, BY FORFEITURE, THE PUBLIC NUISANCE CAUSED BY A MOTOR VEHICLE WHICH HAS BEEN USED TO FACILITATE, IN ANY MANNER, A SECOND OR SUBSEQUENT 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 A MOTOR VEHICLE HAS BEEN USED TO FACILITATE, IN ANY MANNER, A SECOND OR SUBSEQUENT VIOLATION OF THIS ORDINANCE,

THE 67TH DISTRICT 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 TO FACILITATE, IN ANY MANNER, A SECOND OR SUBSEQUENT VIOLATION OF THIS ORDINANCE SHALL NOT BE REQUIRED.

(4) IF THE COURT FINDS THE MOTOR VEHICLE HAS NOT BEEN USED TO FACILITATE, IN ANY MANNER, A SECOND OR SUBSEQUENT 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 HAD BEEN USED TO FACILITATE, IN ANY MANNER, A SECOND OR SUBSEQUENT VIOLATION OF THIS ORDINANCE;

(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

210400

ORDINANCE NO. _____

An Ordinance to add a prohibition on the illegal use of controlled substances by elected officials, while on City property or while engaged in City business, to the Flint City Code of Ordinances .

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 adding to Chapter 1, General Provisions, the following Section, which shall read in its entirety as follows:

§1-134.1 PROHIBITION ON ILLEGAL USE OF CONTROLLED SUBSTANCES BY ELECTED OFFICIALS WHILE ON CITY PROPERTY OR ENGAGED ON CITY BUSINESS.

(A) ELECTED OFFICIALS OF THE CITY OF FLINT ARE PROHIBITED, WHILE ON CITY PROPERTY OR ENGAGED IN CITY BUSINESS, FROM USING CONTROLLED SUBSTANCES, AS DEFINED BY MCL §333.7104(3), EXCEPT AS OTHERWISE PERMITTED BY ARTICLE 7 OF THE MICHIGAN PUBLIC HEALTH CODE, MCL 333.7101 ET SEQ., OR OTHER SIMILAR STATE OR FEDERAL LAWS.

(B) ELECTED OFFICIALS OF THE CITY OF FLINT WHO, WHILE ON CITY PROPERTY OR ENGAGED IN CITY BUSINESS, ARE INVOLVED IN AN ACCIDENT RESULTING IN INJURIES TO OTHERS OR DAMAGE TO CITY PROPERTY,

ARE SUBJECT TO ANY DRUG TESTING POLICIES APPLICABLE TO CITY OF FLINT EMPLOYEES.

(C) ELECTED OFFICIALS OF THE CITY OF FLINT ARE SUBJECT TO ANY RANDOMIZED DRUG TESTING POLICIES APPLICABLE TO CITY OF FLINT EMPLOYEES.

(D) TO IMPLEMENT THIS SECTION, THE CITY OF FLINT'S HUMAN RESOURCES / LABOR RELATIONS DEPARTMENT MAY ENACT REGULATIONS AND POLICIES, SUBJECT TO THE APPROVAL OF CITY COUNCIL.

Sec. 2. This ordinance shall become effective immediately upon publication.

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, Motors Vehicles and Traffic, Article II, Operation of Vehicles, Section 28-65, Drag Racing.

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, Section 28-65, Drag Racing, which shall be amended to read in its entirety:

§ 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.~~

~~(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.~~

~~(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.~~

~~(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 fine and imprisonment in the discretion of the Court, for each such offense.~~

A. FINDINGS AND PURPOSE

DRAG RACING UPON PUBLIC STREETS RESULTS NOT ONLY IN UNSAFE TRAFFIC CONDITIONS FOR OTHER VEHICLES, PLAYING CHILDREN AND PEDESTRIANS, BUT ALSO ATTRACTS ROWDY, UNCIVIL AND INTIMIDATING CROWDS, AND DRAWS CRIMINAL ACTIVITY TO THE VICINITY OF THE RACING, INCLUDING GAMBLING UPON THE OUTCOME OF THE RACES, WHICH ENGENDERS FEAR AND DISINVESTMENT AMONG LOCAL RESIDENTS AND PREVENTS THE FULL AND PEACEFUL ENJOYMENT OF THEIR PROPERTY, AND IMPACTS NEGATIVITY ON THE HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY. THEREFORE, IT IS THE PURPOSE OF THIS ORDINANCE TO PROHIBIT ANY PERSON OR PERSONS FROM DRAG RACING AS DEFINED HEREIN, TO PROVIDE CRIMINAL PENALTIES FOR THE FIRST, SECOND AND SUBSEQUENT VIOLATIONS OF THIS ORDINANCE, TO DECLARE THAT A MOTOR VEHICLE WHICH HAS BEEN USED TO FACILITATE, IN ANY MANNER, A SECOND OR SUBSEQUENT VIOLATION

OF THIS ORDINANCE IS A PUBLIC NUISANCE, TO PROVIDE FOR THE SEIZURE, IMPOUNDMENT AND FORFEITURE OF ANY MOTOR VEHICLE USED TO FACILITATE, IN ANY MANNER, A SECOND OR SUBSEQUENT 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 "DRAG RACE" MEANS THE OPERATION OF TWO OR MORE MOTOR VEHICLES FROM A POINT SIDE BY SIDE AT ACCELERATING SPEEDS IN A COMPETATIVE ATTEMPT TO OUT-DISTANCE EACH OTHER OVER A COMMON SELECTED COURSE OR WHERE TIMING IS INVOLVED OR TIMING DEVICES ARE USED TO MEASURE THE ACCELERATION OF SPEEDS BY PARTICIPATING VEHICLES.

AS USED IN THIS ORDINANCE THE TERM "OWNER" INCLUDES BUT IS NOT LIMITED TO 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 OR PERSONS TO OPERATE ANY MOTOR VEHICLE UPON ANY HIGHWAY OR 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 DISTANCE, OR IN A DRAG RACE AS DEFINED HEREIN.

(2) IT SHALL BE UNLAWFUL FOR ANY PERSON OR PERSONS TO AID AND ABET IN ANY MANNER THE OPERATION OF A MOTOR VEHICLE IN VIOLATION OF THIS ORDINANCE.

(3) THE OPERATION OF TWO OR MORE MOTOR VEHICLES AT SPEEDS IN EXCESS OF LAWFULLY ESTABLISHED SPEED LIMITS OR RAPIDLY ACCELERATING FROM A COMMON STANDING POINT TO A SPEED IN EXCESS OF A LAWFULLY ESTABLISHED SPEED LIMIT SHALL BE PRIMA FACIA EVIDENCE OF DRAG RACING AND A VIOLATION OF THIS ORDINANCE.

D. PENALTY

(1) THE FIRST VIOLATION OF THIS ORDINANCE SHALL BE A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN THIRTY (30) DAYS IN JAIL, OR A FINE OF NOT MORE THAN TWO-HUNDRED FIFTY DOLLARS (\$250.00), OR BOTH.

(2) THE SECOND OR SUBSEQUENT 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 THEN FIVE-HUNDRED DOLLARS (\$500.00), OR BOTH.

E. DECLARATION OF PUBLIC NUISANCE

(1) ANY MOTOR VEHICLE USED TO FACILITATE, IN ANY MANNER,

A SECOND OR SUBSEQUENT 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 TO FACILITATE, IN ANY MANNER, A SECOND OR SUBSEQUENT 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 67TH DISTRICT 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 67TH DISTRICT COURT TO ABATE, BY FORFEITURE, THE PUBLIC NUISANCE CAUSED BY A MOTOR VEHICLE WHICH HAS BEEN USED TO FACILITATE, IN ANY MANNER, A SECOND OR SUBSEQUENT 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 A MOTOR VEHICLE HAS BEEN USED TO FACILITATE, IN ANY MANNER, A SECOND OR SUBSEQUENT VIOLATION OF THIS ORDINANCE, THE 67TH DISTRICT 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 TO FACILITATE, IN ANY MANNER, A SECOND OR SUBSEQUENT VIOLATION OF THIS ORDINANCE SHALL NOT BE REQUIRED.

(5) IF THE COURT FINDS THE MOTOR VEHICLE HAS NOT BEEN USED TO FACILITATE, IN ANY MANNER, A SECOND OR SUBSEQUENT 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 HAD BEEN USED TO FACILITATE, IN ANY MANNER, A SECOND OR SUBSEQUENT VIOLATION OF THIS ORDINANCE;

(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.

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 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