

260134

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE FLINT CITY CODE OF ORDINANCES BY AMENDING CHAPTER 11.

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 11, BUILDING CODE BY ADDING ARTICLE I, VACANT BUILDINGS, BY ADDING SECTION(S) 11-3.1 THROUGH 11-3.11 WHICH SHALL READ IN THEIR ENTIRETY AS FOLLOWS:

§11-3.1 PURPOSE.

- (1) IT SHALL BE THE POLICY OF THE CITY OF FLINT TO REQUIRE THAT OWNERS OR POSSESSORS OF VACANT BUILDINGS, MUST REGISTER THESE STRUCTURES WITH THE CITY OF FLINT BUILDING AND SAFETY INSPECTIONS DEPARTMENT.**
- (2) THE PURPOSE OF THIS ARTICLE IS TO HELP PROTECT THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF FLINT BY PREVENTING BLIGHT, PROTECTING PROPERTY VALUES AND NEIGHBORHOOD INTEGRITY, AVOIDING THE CREATION AND MAINTENANCE OF NUISANCES AND ENSURING SAFE AND SANITARY MAINTENANCE OF DWELLINGS. FURTHER, IT IS IMPORTANT FOR THE CITY TO BE ABLE TO CONTACT OWNERS OF VACANT PROPERTIES FOR PROPERTY MAINTENANCE, FIRE SAFETY AND POLICE PURPOSES.**
- (3) THIS ARTICLE SHALL BE KNOWN AS THE "CITY OF FLINT VACANT BUILDING ORDINANCE."**

§11-3.2 DEFINITIONS.

THE FOLLOWING WORDS, TERMS AND PHRASES, WHEN USED IN THIS ARTICLE SHALL HAVE THE MEANINGS ASCRIBED TO THEM IN THIS SECTION:

ABANDONED PROPERTY MEANS A RESIDENTIAL OR COMMERCIAL STRUCTURE THAT IS VACANT AND MEETS ONE OR MORE OF THE FOLLOWING CRITERIA:

- (a) PROVIDES A LOCATION FOR LOITERING, VAGRANCY, UNAUTHORIZED ENTRY OR OTHER CRIMINAL ACTIVITY.**
- (b) HAS BEEN VACANT FOR MORE THAN SIXTY DAYS.**

- (c) HAS BEEN BOARDED OR PARTIALLY BOARDED RESTRICTING INGRESS AND EGRESS THROUGH WINDOWS AND/OR DOORS FOR AT LEAST THIRTY DAYS.
- (d) HAS REAL ESTATE TAXES IN ARREARS FOR A PERIOD OF TIME EXCEEDING 365 DAYS.
- (e) HAS EITHER WATER, SEWER, ELECTRIC OR GAS OR ANY OF THE FOREGOING UTILITIES DISCONNECTED, ILLEGALLY CONNECTED OR NOT IN USE FOR MORE THAN SIXTY (60) DAYS.
- (f) HAS NOT BEEN MAINTAINED IN COMPLIANCE WITH THE CITY CODE REQUIREMENTS THAT RELATE TO PROPERTY MAINTENANCE.
- (g) HAS BEEN ONLY PARTIALLY COMPLETED AND IS NOT FIT FOR HUMAN OCCUPANCY.
- (h) HAS HAD ITS WIRING, PLUMBING OR OTHER FIXTURES ESSENTIAL FOR OCCUPANCY REMOVED.
- (i) THE OWNER HAS NO INTENT TO RETURN TO OR MAINTAIN THE PROPERTY.

DEPARTMENT MEANS THE DEPARTMENT OF PLANNING, BUILDING AND DEVELOPMENT.

FORECLOSURE MEANS THE PROCESS BY WHICH A MORTGAGE IS ENFORCED AGAINST A PARCEL OF REAL PROPERTY THROUGH SALE OR OFFERING FOR SALE TO SATISFY THE DEBT OF THE TRUSTOR (BORROWER).

MORTGAGE MEANS A RECORDED LIEN OR INTEREST IN REAL PROPERTY TO SECURE PAYMENT OF A LOAN.

MORTGAGEE MEANS A PERSON, FIRM, OR CORPORATION HOLDING A MORTGAGE ON A PROPERTY

OWNER MEANS AN INDIVIDUAL, CO-PARTNERSHIP, ASSOCIATION, CORPORATION, COMPANY, FIDUCIARY, OR OTHER PERSON OR LEGAL ENTITY HAVING A LEGAL OR EQUITABLE TITLE TO REAL PROPERTY AND ANY LENDER UNDER A NOTE SECURED BY A MORTGAGE OR ANY PERSON, FIRM, OR CORPORATION HOLDING A MORTGAGE ON A RESIDENTIAL STRUCTURE THAT HAS INITIATED, IS IN THE PROCESS OF, OR HAS COMPLETED FORECLOSURE PROCEEDINGS, FILED A COMPLAINT FOR FORECLOSURE BY JUDICIAL ACTION OR IS PUBLISHING A NOTICE OF FORECLOSURE BY ADVERTISEMENT

VACANT PROPERTY MEANS AN IMPROVED LOT OR PARCEL OF REAL PROPERTY WITH AT LEAST ONE BUILDING OR STRUCTURE THAT IS NOT

CURRENTLY USED OR OCCUPIED. PROVIDED, HOWEVER, A BUILDING OR STRUCTURE WHICH REMAINS FURNISHED, UTILITIES CONNECTED OR IN USE, AND THE PROPERTY MAINTAINED WHILE THE OWNER IS ABSENT, SHALL NOT BE CONSIDERED ABANDONED.

REGISTRATION OF VACANT AND ABANDONED PROPERTY.

AN OWNER OF A VACANT PROPERTY IN THE CITY SHALL REGISTER THAT PROPERTY WITH THE DEPARTMENT BY FILING A COMPLETED "REGISTRATION OF VACANT PROPERTY" FORM CONTAINING ALL THE INFORMATION REQUIRED BY THIS ARTICLE ON FORMS PROVIDED BY THE DEPARTMENT AND BY PAYING ANY REGISTRATION AND INSPECTION FEES REQUIRED BY THIS ARTICLE WITHIN THE FOLLOWING TIMES:

- 1. A VACANT AND ABANDONED PROPERTY SHALL BE REGISTERED WITHIN 60 DAYS OF THE VACANCY UNLESS AN EXCEPTION IN ACCORDANCE WITH SECTION 11-3.7.**
- 2. ABANDONED RESIDENTIAL PROPERTY SHALL BE REGISTERED IN ACCORDANCE WITH SECTION 151.073 OF THE FLINT CITY CODE OF ORDINANCES.**

§ 11-3.3 MORTGAGEE'S OBLIGATION TO DETERMINE VACANCY OR ABANDONMENT

A MORTGAGEE WHO BECOMES AN OWNER, AS DEFINED HEREIN, AS A RESULT OF THE INITIATION OF FORECLOSURE PROCEEDINGS, SHALL AT ALL TIMES EXERCISE REASONABLE CARE TO DETERMINE IF THE PROPERTY IS VACANT OR ABANDONED. IF THE MORTGAGEE DETERMINES THE PROPERTY IS VACANT OR ABANDONED, OR IF THROUGH THE EXERCISE OF REASONABLE CARE SHOULD HAVE DETERMINED THE PROPERTY IS VACANT OR ABANDONED, THE MORTGAGEE SHALL, WITHIN 21 DAYS, COMPLY WITH THE REGISTRATION REQUIREMENTS OF THIS ARTICLE.

§ 11-3.4 REGISTRATION FORM

OWNERS OR THEIR DESIGNEE WHO ARE REQUIRED TO REGISTER THEIR PROPERTIES PURSUANT TO THIS ARTICLE SHALL DO SO BY SUBMITTING A COMPLETED FORM CONTAINING THE INFORMATION SPECIFIED IN THIS SECTION. THE FORM MAY BE PROVIDED BY AN AGENT FOR AN OWNER PROVIDED THE AGENT'S WRITTEN AUTHORIZATION FROM THE OWNER IS PROVIDED WITH THE FORM. THE FORM SHALL INCLUDE ALL OF THE FOLLOWING INFORMATION:

- 1. THE ADDRESS OF THE PROPERTY AND THE NAME AND ADDRESS OF**

ALL OWNERS OF THE PROPERTY. IF THE PROPERTY OWNER IS A LIMITED LIABILITY COMPANY, THE NAME AND ADDRESS OF THE MANAGING MEMBER AND/OR REGISTERED AGENT. IF THERE ARE NO MANAGING MEMBERS, THE NAME AND ADDRESS OF ALL MEMBERS. IF ANY OF THE MEMBERS OR MANAGING MEMBERS REQUIRED TO BE DISCLOSED UNDER THIS SECTION ARE LIMITED LIABILITY COMPANIES, THE PROCESS MUST BE REPEATED UNTIL NAMES AND ADDRESSES OF INDIVIDUALS ARE IDENTIFIED.

- 2. A MAILING ADDRESS WHERE MAIL MAY BE SENT THAT WILL BE ACKNOWLEDGED AS RECEIVED BY THE OWNER.**
- 3. THE NAME OF AN INDIVIDUAL OR LEGAL ENTITY RESPONSIBLE FOR THE CARE AND CONTROL OF THE PROPERTY AS WELL AS THE CURRENT ADDRESS, TELEPHONE NUMBER AND EMAIL ADDRESS WHERE COMMUNICATIONS MAY BE SENT THAT WILL BE ACKNOWLEDGED AS RECEIVED BY THE INDIVIDUAL RESPONSIBLE FOR THE CARE AND CONTROL OF THE PROPERTY.**
- 4. THE NAME AND ADDRESS OF ANY AGENT SUBMITTING THE FORM ON BEHALF OF THE OWNER.**
- 5. THE REASON FOR THE VACANCY OF THE PROPERTY AND THE DATE THE VACANCY OCCURRED.**
- 6. THE NAME AND ADDRESS OF ANY AND ALL MORTGAGE HOLDERS.**
- 7. THE NAME AND ADDRESS OF ANY OTHER PERSONS WITH A PROPERTY INTEREST IN THE SUBJECT PROPERTY.**

§ 11-3.5 REQUIREMENT TO KEEP INFORMATION CURRENT

IF AT ANY TIME THE INFORMATION CONTAINED IN THE REGISTRATION FORM REQUIRED PURSUANT TO THIS ARTICLE IS NO LONGER VALID, THE OWNER SHALL, WITHIN TEN (10) DAYS, FILE A NEW FORM CONTAINING VALID, CURRENT INFORMATION. THERE SHALL BE NO FEE TO UPDATE AN EXISTING REGISTERED OWNER'S CURRENT INFORMATION.

§ 11-3.6 INSPECTIONS

VACANT OR ABANDONED PROPERTY, INCLUDING THE SURROUNDING REAL PROPERTY, REQUIRED TO BE REGISTERED IN ACCORDANCE WITH THIS ARTICLE SHALL BE SUBJECT TO AN INITIAL EXTERIOR INSPECTION BY THE DEPARTMENT, UPON REGISTRATION. THE OWNER SHALL PAY THE INSPECTION FEE PURSUANT TO SEC. 11-3.9

FOLLOWING THE INITIAL INSPECTION, IN ORDER TO ENSURE THAT VACANT AND ABANDONED PROPERTIES ARE SAFE, SECURED, AND WELL-MAINTAINED, ALL VACANT OR ABANDONED PROPERTIES, INCLUDING THE SURROUNDING REAL PROPERTY, SHALL BE SUBJECT TO ADDITIONAL

EXTERIOR INSPECTIONS ON ONE OR MORE OF THE FOLLOWING BASIS:

- 1. BY AREA, SUCH AS AN ENTIRE BLOCK, NEIGHBORHOOD, OR HISTORIC DISTRICT, SUCH THAT ALL VACANT OR ABANDONED PROPERTIES IN A PREDETERMINED GEOGRAPHICAL AREA WILL BE INSPECTED SIMULTANEOUSLY, OR WITHIN A SHORT PERIOD OF TIME.**
- 2. BY COMPLAINT, SUCH THAT COMPLAINTS OF PROPERTY MAINTENANCE VIOLATIONS OR VIOLATIONS OF THE REQUIREMENTS OF THIS ARTICLE SHALL BE INSPECTED WITHIN A REASONABLE TIME.**
- 3. BY RECURRENT VIOLATIONS, SUCH THAT ANY PROPERTY WHICH IS FOUND TO HAVE A HIGH INCIDENCE OF RECURRENT OR UNCORRECTED VIOLATIONS MAY BE INSPECTED MORE FREQUENTLY.**
- 4. WHENEVER REASONABLE CAUSE EXISTS TO BELIEVE THAT THERE IS A VIOLATION OF THE PROPERTY MAINTENANCE CODE OR THIS ARTICLE ON ANY VACANT OR ABANDONED PROPERTY OR OTHER CONDITIONS WHICH MAKES THE STRUCTURE OR PREMISES UNSAFE, DANGEROUS, OR HAZARDOUS.**
- 5. FOR THE PURPOSE OF RE-INSPECTION TO ENSURE THE CORRECTION OF ANY VIOLATIONS IN EXISTENCE OF A PREVIOUS INSPECTION.**

§ 11-3.7 REGISTRATION EXCEPTIONS

PROPERTY OWNERS MAY BE EXEMPT FROM REGISTERING THEIR VACANT PROPERTY FOR THE FOLLOWING SITUATIONS WITH APPROPRIATE PROOF:

- a. THE PROPERTY OWNER IS SELLING THE PROPERTY TO A BONAFIDE BUYER AND THE TRANSITION FOR THE CLOSING IS WITHIN THREE MONTHS.**
- b. THE PROPERTY IS UNDER PERMITTED CONSTRUCTION OR REHABILITATION FOR LESS THAN SIX MONTHS.**
- c. THE PROPERTY IS ACTIVELY BEING MARKETED FOR RENT OR SALE FOR LESS THAN ONE YEAR.**
- d. THE PROPERTY IS SUBJECT TO PROBATE DISPOSITION.**
- e. THE PROPERTY IS OWNED BY A GOVERNMENTAL ENTITY**

§ 11-3.8 VIOLATIONS

ANY VIOLATIONS OF THE CITY CODE OR THIS ARTICLE WHICH ARE DETECTED UPON ANY OF THE INSPECTIONS BY THE DEPARTMENT SHALL BE FULLY REPAIRED AND REMEDIED WITHIN THIRTY (30) DAYS OF NOTICE TO THE OWNER, OR WITHIN SUCH ADDITIONAL TIME AS PERMITTED BY THE DEPARTMENT.

DEPARTMENT EMPLOYEES, CITY OFFICIALS, POLICE AND FIRE OFFICIALS OR THEIR AGENTS AND MEMBERS OF THE PUBLIC MAY REPORT A PROPERTY AS VACANT TO THE DEPARTMENT FOR FURTHER INVESTIGATION.

§ 11-3.9 REGISTRATION, INSPECTION AND OTHER FEES

ALL FEES APPLICABLE TO THIS ARTICLE SHALL BE SET FROM TIME TO TIME BY RESOLUTION OF THE CITY COUNCIL, WHICH FEES SHALL INCLUDE A REGISTRATION FEE, AN INSPECTION FEE, A RE-INSPECTION FEE, A CERTIFICATE OF COMPLIANCE FEE AND SUCH OTHER RELATED FEES ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL. THE PAYMENT OF ALL FEES REQUIRED UNDER THIS ARTICLE IS SECURED BY A LIEN AGAINST THE PROPERTY SUBJECT TO ENFORCEMENT IN THE SAME MANNER AS AD VALOREM REAL PROPERTY TAXES. PAYMENT OF THE REGISTRATION AND INSPECTION FEE IS DUE UPON FILING OF THE REGISTRATION. PAYMENT OF RE-INSPECTION FEES IS DUE WITHIN 30 DAYS OF MAILING OF THE BILL.

FEES: THE FEE TO REGISTER A VACANT PROPERTY ANNUALLY SHALL BE \$250 OR AS STATED IN THE MASTER FEE SCHEDULE.

§ 11-3.10 MAINTENANCE AND SECURITY REQUIREMENTS

AN OWNER OF A VACANT OR ABANDONED PROPERTY SHALL COMPLY WITH ALL OF THE FOLLOWING MAINTENANCE AND SECURITY REQUIREMENTS: PROPERTY SHALL BE KEPT FREE FROM WEEDS, GRASS MORE THAN SIX INCHES (6") HIGH, DRY BRUSH, DEAD VEGETATION, TRASH, JUNK, DEBRIS, BUILDING MATERIALS, ACCUMULATION NEWSPAPERS, CIRCULARS, FLYERS, NOTICES, EXCEPT THOSE REQUIRED BY FEDERAL, STATE OR LOCAL LAW, DISCARDED ITEMS INCLUDING BUT NOT LIMITED TO FURNITURE, CLOTHING, LARGE AND SMALL APPLIANCES, PRINTED MATERIAL, SIGNAGE, CONTAINERS, EQUIPMENT, CONSTRUCTION MATERIALS OR ANY OTHER ITEMS THAT GIVE THE APPEARANCE THAT THE PROPERTY IS ABANDONED.

- 1. PROPERTY SHALL BE MAINTAINED FREE OF GRAFFITI, TAGGING, OR SIMILAR MARKINGS.**
- 2. ALL YARDS SHALL BE LANDSCAPED AND PROPERLY MAINTAINED. LANDSCAPING INCLUDES, BUT IS NOT LIMITED TO, GRASS, GROUND COVERS, BUSHES, TREES, SHRUBS, HEDGES, OR SIMILAR PLANTINGS. MAINTENANCE INCLUDES, BUT IS NOT LIMITED TO, CUTTING, PRUNING, AND MOWING OF REQUIRED LANDSCAPING AND REMOVAL OF ALL TRIMMINGS.**
- 3. POOLS, SPAS, AND OTHER WATER FEATURES SHALL BE COVERED WITH AN INDUSTRY APPROVED SAFETY COVER AND SHALL ALSO POOLS, SPAS, AND OTHER WATER FEATURES SHALL BE COVERED WITH AN INDUSTRY APPROVED SAFETY COVER AND SHALL ALSO COMPLY WITH THE MINIMUM SECURITY FENCING AND BARRIER REQUIREMENTS OF APPLICABLE BUILDING AND EXISTING STRUCTURES/PROPERTY MAINTENANCE CODES AND ORDINANCES.**

4. PROPERTY SHALL BE MAINTAINED IN A SECURE MANNER SO AS NOT TO BE ACCESSIBLE TO UNAUTHORIZED PERSONS. SECURE MANNER INCLUDES, BUT IS NOT LIMITED TO, THE CLOSURE AND LOCKING OF WINDOWS, DOORS, GATES AND ANY OTHER OPENING OF SUCH SIZE THAT MAY ALLOW A CHILD OR OTHER PERSON TO ACCESS THE INTERIOR OF THE PROPERTY AND/OR STRUCTURES. BROKEN WINDOWS MUST BE REPAIRED OR REPLACED WITH LIKE GLAZING MATERIALS WITHIN FOURTEEN (14) DAYS, EXCEPT AS OTHERWISE PROVIDED IN THE EXISTING STRUCTURES CODE. BOARDING UP OF OPEN OR BROKEN WINDOWS IS PROHIBITED EXCEPT AS AUTHORIZED BY THE DIRECTOR OF BUILDING, PLANNING AND DEVELOPMENT OR HIS OR HER DESIGNEE.
5. ELECTRICAL POWER AND NATURAL GAS SHALL BE PROVIDED TO ALL VACANT AND ABANDONED PROPERTY OR STRUCTURES TO POWER ALL MECHANICAL EQUIPMENT TO MAINTAIN A MINIMUM AMBIENT INTERIOR TEMPERATURE OF NOT LESS THAN 45 DEGREES FAHRENHEIT DURING THE MONTHS OF SEPTEMBER THROUGH APRIL OF EACH CALENDAR YEAR AND TO POWER A SUMP PUMP. ALL VACANT OR ABANDONED PROPERTY SHALL HAVE THE BUILDING PROPERLY WINTERIZED SO AS TO PREVENT THE BURSTING OF WATER PIPES.
6. PROPERTY SHALL BE MAINTAINED IN COMPLIANCE WITH ALL OTHER APPLICABLE CODE REQUIREMENTS.

§ 11-3.11 PENALTY

ANY VIOLATIONS OF THE REQUIREMENTS OF THIS ARTICLE SHALL BE DEEMED TO BE A MUNICIPAL CIVIL INFRACTION PUNISHABLE AS A CIVIL INFRACTION IN ACCORDANCE WITH STATE LAW AND SECTION 1-13 OF THIS CODE. EACH DAY THAT A VIOLATION EXISTS AFTER EXPIRATION OF ANY TIME PERIOD SET FORTH HEREIN SHALL CONSTITUTE A SEPARATE OFFENSE. INSTITUTION OF CIVIL INFRACTION PROCEEDINGS SHALL NOT RESTRICT THE CITY FROM PURSUING FURTHER REMEDIES.

The ordinance shall take effect thirty (30) days after adoption hereof.

Sec. 2. This Ordinance shall become effective this ____ day of _____, 2026, A.D.

Adopted this ____ day of _____, 2026, A.D.

FOR THE CITY:

FOR THE CITY COUNCIL:

Sheldon A. Neeley, Mayor

Council President

APPROVED AS TO FORM:

JoAnne Gurley, City Attorney