

CONSTRUCTION REGULATIONS AND HOUSING

**102.000 FLOODPLAIN MANAGEMENT
AMENDMENT TO CONSTRUCTION CODE
ORDINANCE NO. 89**

Adopted: November 12, 1985
Effective: February 17, 1986

An Ordinance to amend the Construction Code enforced by Cooper Township pursuant to the Michigan State Construction Code Act of 1972, as amended, at MCLA 125.1508, for the purpose of participation in the National Flood Insurance Program and compliance with applicable statutory and regulatory requirements thereunder.

A. Purpose

The purpose of this Ordinance is to significantly reduce hazards to persons, property damage and public expenditures, and to provide for the availability of flood insurance and federal funds or loans, through participation in the National Flood Insurance Program and compliance with statutory and regulatory requirements thereunder.

B. Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

1. ***Flood or Flooding*** means:
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal water; (2) the unusual and rapid accumulation or runoff of surface waters from any sources; (3) mudflows; and
 - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion and undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1.a. of this definition.
2. ***Flood Insurance Rate Map (“FIRM”)*** means the official map on which FEMA has delineated both the area of special flood hazards and the risk premium zones applicable to the community.

3. ***Flood Insurance Study*** means the official report provided by FEMA that includes flood profiles, FIRMs, and the water surface elevation of the base flood.
4. ***Floodplain*** means any land area susceptible to being inundated by water from any source (see definition of flooding).
5. ***Floodplain Management*** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
6. ***Floodplain Management Regulations*** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
7. ***Structure*** means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

C. Agency Designated

1. Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(6) of the State Construction Code Act, Act 230 of the Public Acts of 1972, as amended (the “Construction Code Act”), the Building Official of the Township is hereby designated as the enforcing agency to discharge the responsibility for the administration and enforcement of the Construction Code Act throughout the corporate limits of the Township.
2. The Building Official is directed to administer, apply, and enforce the floodplain management regulations as contained in the State Construction Code, including Appendix G, and to be consistent with those regulations by:
 - a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area and areas potential flooding.
 - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, “Water Resource Protection,” of the Natural Resource and Environmental Protection Act, 1994 PA 451, as amended.

- c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, the Building Official shall implement the following applicable codes according to their terms:
 - i. Floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
 - ii. Floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
- d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
- e. Assisting in the delineation of flood hazard areas; providing information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintaining floodproofing and lowest floor construction records, cooperating with other officials, agencies, and persons for floodplain management.
- f. Advising FEMA of any changes in community boundaries, including appropriate maps.
- g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevations to which structures have been floodproofed.

D. Code Appendix Enforced

Pursuant to the provisions of the State Construction Code, in accordance with Section 8b(6) of the Construction Code Act, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the Township.

E. Review of Flood Insurance Rate Maps

The Township assures the Federal Insurance Administrator (“Administrator”) that it intends to review, on an ongoing basis, all amended and revised FIRMs and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to continue to participate in the program.

F. Designation of Regulated Flood Prone Hazard Areas

The FEMA Flood Insurance Study entitled, “Kalamazoo County, Michigan (All Jurisdictions),” dated February 17, 2010, and the FIRMs panel numbers of 26077CIND0A, 26077C0075D, 26077C0175D, 26077C0179D, 26077C0180D, and 26077C0185D, dated February 17, 2010, are adopted by reference for the purposes of administration of the Michigan Construction Code, and declared to be a part of Section 1612.3 of the Michigan Building Code, and to provide content of the “Flood Hazards” section of Table R301.2(1) of the Michigan Residential Code.

G. Validity and Severability

Should any portion of this Ordinance be found invalid for any reason, such holding shall not be construed as affecting the validity of the remaining portions of this Ordinance.

H. Repealer Clause

Any Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

I. Effective date

This Ordinance took effect on February 17, 1986. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

[Amended by Ord. No. 214, Eff. 01/21/2010]