

CONSTRUCTION REGULATIONS AND HOUSING

**102.000 FLOODPLAIN MANAGEMENT PROVISIONS
OF THE STATE CONSTRUCTION CODE
ORDINANCE NO. 271**

Adopted: April 8, 2024
Effective: May 14, 2024

A. Intent.

An Ordinance to amend the Construction Code enforced by Cooper Charter Township pursuant to the Michigan State Construction Code Act, Act No. 230 of the Public Acts 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.

B. Purpose.

The purpose of this Ordinance is to comply with the Federal Emergency Management Agency’s (FEMA) National Flood insurance Program (NFIP) applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within the Township.

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 or their designee 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 or their designee 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 appropriate department at the State of Michigan 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 in a flood hazard area or special flood hazard area, the following applicable codes shall be implemented:
 - 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 Act 230, of the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the jurisdiction of 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 Federal Emergency Management Agency (FEMA) Flood Insurance Study(-ies) (FIS) for Kalamazoo County, MI, All Jurisdictions, effective July 31, 2024, and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) included on index panel 26077CIND0B, effective July 31, 2024 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 the 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. Most Restrictive Standards.

If another Ordinance contains standards inconsistent with the provisions of this Ordinance, the most restrictive standards shall apply.

J. Effective Date:

This Ordinance was duly adopted on April 8, 2024 at a regular meeting of the Charter Township of Cooper Board and took effect on May 14, 2024.

[Ord. No. 271, eff. 05/14//2024]