

CHARTER TOWNSHIP OF SOUTH HAVEN

ORDINANCE NO. 101

ORDINANCE AMENDING ORDINANCE NO. 11,
FLOOD DAMAGE PREVENTION ORDINANCE

SOUTH HAVEN CHARTER TOWNSHIP ORDAINS:

Section 1. Purpose. The Township adopts the following amendments for the health, safety and welfare of Township residents.

Section 2. Amending Ordinance No. 11. Ordinance No. 11, Flood Damage Prevention Ordinance, is hereby amended as follows:

17.051 Sec. I 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 source, 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 or 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.

17.052

Sec. II 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 Resources 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.
 - iii. Appendix G 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.

17.053 Sec. III 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.

