

## Chapter 16 FLOODPLAIN REGULATIONS<sup>1</sup>

### Sec. 16-1. Statement of purpose.

The provisions of the chapter shall provide for the city's participation in the Federal Emergency Management Agency's National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968, as amended, by complying with the program's 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 city.

(Ord. No. 11-17, § 1, 11-7-11)

### Sec. 16-2. Definitions.

For the purpose of this chapter, the following words and phrases shall have the following meanings, unless the context in which they are used specifically indicates otherwise:

*Flood or flooding* means:

- (1) A general and temporary condition of partial or complete inundation of normally dry land areas from:  
(1) the overflow of inland or tidal waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; (3) mudflows; and
- (2) 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 above in subsection (a) of this definition.

*Flood hazard boundary map* means an official map of a community, as may have been issued by the Federal Emergency Management Agency, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.

*Floodplain* means any land area susceptible to being inundated by water from any source (see, definition of flooding).

*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.

*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

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<sup>1</sup>Editor's note(s)—Ord. No. 11-17, §§ 1, 2, amended ch. 16 in its entirety to read as set out herein. Former ch. 16, §§ 16-1—16-11 pertained to similar subject matter, and derived from the 1962 Code, §§ 4-1602—4-1613; and Ord. No. 87-02, §§ 1—5, adopted March 23, 1987.

Cross reference(s)—Buildings and building regulations, Ch. 9; planning, Ch. 27; subdivisions and utility extensions, Ch. 33; zoning, Ch. 40.

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ordinance), and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.

*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.

(Ord. No. 11-17, § 1, 11-7-11)

### **Sec. 16-3. Agency designation/enforcement.**

- (a) Pursuant to Section 8b of the Stille-Derossett-Hale Single State Construction Code Act, 1972 PA 230, as amended, MCL 125.1508b, the city has assumed responsibility for the administration and enforcement of the state construction code, comprised of the Michigan Residential Code and the Michigan Building Code, including the designation of flood hazard areas, throughout its corporate limits.
- (b) The city's building official is designated as the enforcing agent to discharge the responsibility of the city under this chapter.
- (c) The duties of the building official under this chapter shall include, but not be limited to:
  - (1) Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the Federal Emergency Management Agency to identify the flood hazard area and areas with potential flooding.
  - (2) 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, or a successor agency, under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.
  - (3) 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:
    - a. Floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
    - b. Floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
    - c. Appendix G of the Michigan Building Code, as amended.
  - (4) Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
  - (5) 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.
  - (6) Advising the Federal Emergency Management Agency of any changes in community boundaries, including appropriate maps.
  - (7) 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.

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- (8) Reviewing, on an ongoing basis, all amended and revised flood hazard boundary maps and flood insurance rate maps, along with related supporting data and revisions, 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. As part of this review, the building official shall keep the city council apprised of any such revisions so that the revisions may be adopted by reference within this chapter.

(Ord. No. 11-17, § 1, 11-7-11)

#### **Sec. 16-4. Code appendix enforced.**

- (a) Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of the Stille-Derossett-Hale Single State Construction Code Act, 1972 PA 230, as amended, MCL 125.1508b, as amended, Appendix G of the Michigan Building Code shall be enforced by the City's building official as the city's floodplain management regulations.
- (b) The provisions of Appendix G are made a part of this chapter as if fully set forth herein, subject to the modifications provided in this chapter and subject to such further modifications as the city may adopt from time to time. Complete copies of Appendix G of the Michigan Building Code are available for public use, inspection, and purchase at the offices of the city clerk.

(Ord. No. 11-17, § 1, 11-7-11)

#### **Sec. 16-5. Designation of regulated flood prone hazard areas.**

- (a) The provisions of this chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.
- (b) The areas of special flood hazard identified by the Federal Emergency Management Agency Flood Insurance Study entitled "Ottawa County, Michigan (All Jurisdictions)" dated December 16, 2011, with an accompanying flood insurance rate map and flood hazard boundary map, panel number(s) of: Community-panel numbers 26139; 0059E, 0067E, 0078E, 0079E, 0086E, 0087E, 0089E, and 0091E dated December 16, 2011, are adopted by reference and made a part of this chapter as if fully set forth herein for the purposes of administration of the Michigan Building Code, and declared to provide the contents of the "flood hazards" section of Table R301.2(1) of the Michigan Residential Code. The flood insurance study, along with the accompanying flood insurance rate map and flood hazard boundary map, are on file at city hall.

(Ord. No. 11-17, § 1, 11-7-11)

#### **Sec. 16-6. General provisions.**

- (a) This chapter is not intended to repeal, abrogate or impair any existing easements, covenants, or conflict or overlap. Whichever imposes the more stringent restrictions shall prevail.
- (b) In the interpretation and application of this chapter, all provisions shall be:
  - (1) Considered as minimum requirements;
  - (2) Liberally construed in favor of the city council;
  - (3) Deemed neither to limit nor repeal any other powers granted under state law.
- (c) The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and may occur on rare occasions.

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Flood heights can be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city or by any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. No. 11-17, § 1, 11-7-11)