

**ORDINANCE NO. 2019 - 03**

**CITY OF ALGONAC**

**COUNTY OF ST. CLAIR, MICHIGAN**

**AN ORDINANCE OF THE CITY OF ALGONAC, ST. CLAIR COUNTY, MICHIGAN TO AMEND CHAPTER 18 "ENVIRONMENT," BY ADDING ARTICLE V "FLOOD PREVENTION," DIVISION 1 "EMERGENCY AUTHORITY IN THE EVENT OF RISING WATERS."**

**THE CITY OF ALGONAC ORDAINS:**

**SECTION 1. AMENDMENT.**

Chapter 18, is amended by adding Article V "Flood Prevention," Division 1 "Emergency Authority in the Event of Rising Waters" to read as follows:

**ARTICLE V.—FLOOD PREVENTION.**

**DIVISION 1 — EMERGENCY AUTHORITY IN THE EVENT OF RISING WATERS.**

**Sec. 18-90. Short Title.** This ordinance shall be known as and may be cited as the "Algonac Flood Emergency Authority Ordinance."

**Sec. 18-91. Statement of Purpose.** Because unanticipated rising water levels in the St. Clair River might subject the citizens of Algonac to personal injury, and real property to erosion, flooding, and damage, the City Manager, in the interest of the public health, safety, and welfare, must be granted the authority to protect the public interest by providing notifications and issuing orders when necessary in order to limit flooding.

**Sec. 18-92. Emergency Authority Granted to City Manager.** The following authority shall be granted to the City Manager in the event of an emergency caused by rising waters:

(1) Whenever the City Manager finds that, as a result of the rising level of the waters in the St. Clair River, the canals, navigable streams, or similar places in the City, that public health, safety, property and general welfare is endangered by potential rising waters or flood such that immediate action is necessary, the City Manager shall make an emergency declaration by notifying the owners and occupants of riparian property immediately to provide adequate barriers, dikes, or other embankments to protect against the rising waters, the over-flow of waters, and/or floods.

(2) The City Manager shall have the authority to order the installation of a particular type of barrier and to order any additional measures or barriers which may be required in the interest of protecting public health, safety, property and general welfare. Such notice shall be provided to the owners listed on the last assessment role and shall be posted at the subject property. In the event any owner thereafter fails immediately to provide adequate barriers, dikes, or other embankments, the City Manager may proceed to provide such barriers, dikes, or embankments by or under the direction of any department of the City.

**Sec. 18-93. Costs of Compliance.** The City Council may order all expenses incurred by the City pursuant to Section 18-92(2) to be assessed against the lot, premises, or description of real property upon which the barriers or other measures were installed as a single lot assessment pursuant to Section 34-19.

**Sec. 18-94. Duration.** Any barrier, dike, or other embankment required pursuant to Section 18-92(1) shall remain in place and in good condition during the emergency.

## **SECTION 2. SEVERABILITY**

This ordinance and each of the various parts, sections, subsections, sentences, phrases, and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

## **SECTION 3. REPEAL OF ORDINANCES IN CONFLICT HEREWITH.**

Any and all Ordinances of the City of Algonac or any parts or provisions thereof, to the extent that they are contrary to or inconsistent with the provisions of the within Ordinance, are hereby expressly repealed.

## **SECTION 4. RATIFICATION**

All other provisions of the Code of Ordinances of the City of Algonac, Michigan except as herein modified or amended are hereby expressly ratified and affirmed.

## **SECTION 5. PUBLICATION.**

This Ordinance shall be published in accordance with the terms, provisions, and requirements of the City Charter of the City of Algonac, Michigan, and in accordance with and to the extent required by the statutes of the State of Michigan.

## SECTION 6. EFFECTIVE DATE.

This Ordinance shall take immediate effect upon publication in accordance with the provisions and requirements of the City Charter of the City of Algonac.

## ORDINANCE DECLARED ADOPTED.



Terry L. Stoneburner, Mayor  
City of Algonac, Michigan

## CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of Algonac, County of St. Clair, State of Michigan, at a regular meeting of the City Council on held on the 21<sup>st</sup> day of May, 2019, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the Minutes of said meeting have been or will be made available as required by said Act.

Members Present: Blair, Bombas, Gillis, Martin, Meldrum, Skarbek, Stoneburner

Members Absent: none

It was moved by Member Blair  
to adopt the Ordinance.

and supported by Member Martin

Members voting yes: Blair, Bombas, Gillis, Martin, Meldrum, Skarbek, Stoneburner

Members voting no: none

The Ordinance was declared adopted by the Mayor and has been recorded in the Ordinance Book of the City of Algonac.



Sandra Boelke, City Clerk  
City of Algonac, Michigan

INTRODUCED: May 21, 2019

ADOPTED: May 21, 2019 — emergency ordinance

PUBLISHED: May 29, 2019

EFFECTIVE: immediately