

**CITY OF FLAT ROCK**  
**WAYNE COUNTY, MICHIGAN**

**Ordinance No. 419**

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF FLAT ROCK BY ADDING ARTICLE IV OF CHAPTER 46 WHICH DESIGNATES REGULATED FLOOD HAZARD AREAS UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT, BEING ACT NO. 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED, AND TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITIES OF THE CITY OF FLAT ROCK IN THE ENFORCEMENT THEREOF.**

**THE CITY OF FLAT ROCK ORDAINS:**

**SECTION I.** The Council for the City of Flat Rock makes the following findings:

- The City of Flat Rock currently participates in the Federal Emergency Management Agency's (FEMAs) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, and reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community.
- The NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the definitions provided in this ordinance.
- The "Stille-Derossett-Hale Single State Construction Code Act," being Act No. 230 of the Public Acts of 1972, as amended (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G)] contains floodplain development and management regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas, as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3.

- The City of Flat Rock has accepted the responsibility to administer, apply, and enforce the provisions of the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, to all construction within its community boundaries.

**SECTION II.** Chapter 46 of the Code of the City of Flat Rock is hereby amended by adding Article IV to read as follows:

**Sec. 46-100. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Unless specifically defined below, words and phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and give this chapter 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 waters, 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 (a)(1) of this definition.

- (2) *Flood Hazard Boundary Map (FHBM)* means an official map of a community, as may have been issued by the FEMA, 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.

- (3) *Floodplain* means any land area susceptible to being inundated by water from any source (see definition of flooding).
- (4) *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.
- (5) *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.
- (6) *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.

#### **Sec. 46.101. Enforcement of Regulations.**

To maintain the eligibility and continued participation in the NFIP, the Building Official, being the construction code act designated enforcing agency, shall 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 with 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 Resources 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 construction code act enforcing agent shall implement the following applicable codes according to their terms:
  - (1) Floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
  - (2) Floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
  - (3) 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.

**Sec. 46-102. Continued Participation in Program.**

The Building Official shall review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and shall make such recommendations to the City Council to make such revisions in the City of Flat Rock's floodplain management regulations as may be necessary to continue to participate in the program. It is the intent of the City of Flat Rock to continue to participate in the program, and in that regard, appropriate revisions in the floodplain management regulations are intended to be implemented to allow the continued participation by the City of Flat Rock in the program.

**Sec. 46-103. Agency Designated.**

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, the Building Official of the City of Flat Rock is hereby designated as the enforcing agency to discharge the responsibility of the City of Flat Rock under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of Flat Rock assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.

**Sec. 46-104. 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 City of Flat Rock.

**Sec. 46-105. Designation of Regulated Flood Prone Hazard Areas.**

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled "Wayne County, Michigan (All Jurisdictions)" and dated February 2, 2012, and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of

26163C0506E, 26163C507E, 26163C0508E, 26163C0509E, 26163C0526E and 26163C0528E and dated February 2, 2012, 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.

**Sec. 46-106. Inconsistent Ordinances Repealed.**

All provisions of Articles I, II, and III of this Chapter inconsistent with the provisions of this Article IV are repealed and the provisions of this Article IV shall stand in place thereof.

**SECTION III.** That all ordinances or parts of ordinances, Code of the City of Flat Rock, or parts of the Code of the City of Flat Rock, not consistent herewith are hereby repealed.

**SECTION IV.** This ordinance shall be published in the News Herald newspaper as required by Charter on the 25 day of January, 2012, but in no event shall be effective earlier than ten (10) days after enactment.

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**Jonathan D. Dropiewski, Mayor**

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**Lorene Butski, City Clerk**

I hereby certify that the foregoing is a true copy of the ordinance adopted by the Council of the City of Flat Rock at a meeting thereof on January 17, 2012, the original of which proceedings is on file in my office.

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**Lorene Butski, City Clerk**