

TOWNSHIP OF ORONOKO
COUNTY OF BERRIEN
STATE OF MICHIGAN

ORDINANCE NO. 42

FLOODPLAIN MANAGEMENT AMENDMENT TO
CONSTRUCTION CODE OF ORONOKO TOWNSHIP

An Ordinance to amend the Construction Code enforced by Oronoko Township pursuant to the Michigan State Construction Code Act 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.

THE TOWNSHIP OF ORONOKO ORDAINS:

SECTION 1: PURPOSE

The purpose of this Ordinance is to significantly reduce hazards to persons, property damage, and public expenditures, and to provide for the availability of flood insurance and federal funds or loans, through participation in the National Flood Insurance Program and compliance with statutory and regulatory requirements thereunder.

SECTION 2: DEFINITIONS

For purposes of this Ordinance, the following definitions shall apply:

"Base Flood" means the flood having a one-percent chance of being equaled or exceeded in any given year.

"Flood" or "Flooding" means a general and temporary condition or 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 run-off of surface waters from any source.

"Flood Hazard Boundary Map" (FHBM) means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.

"Flood Hazard Area" means land which on the basis of available floodplain information is subject to a one-percent or greater chance of flooding in any given year.

"Flood Insurance Rate Map":(FIRM) means an official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, and may include a Flood Boundary Floodway Map

"Regulatory Flood Datum" (RFD) means the 100 year floodplain contour line synonymous with base flood elevation.

"Structure" Anything constructed or created on site, a mobile home structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

"Substantial Improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of a wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SECTION 3: FLOODPLAIN MAP

The map (s) entitled (Flood Hazard Boundary Map or Flood Insurance Rate Map of Oronoko Township, Berrien County), dated August 2, 1974, shall be the official map for determinations and regulations pursuant to this Ordinance.

SECTION 4: INCORPORATION OF FLOOD PROOFING REGULATIONS

The sections of the nationally recognized construction code entitled Army Corps of Engineers Flood Proofing Regulations specifically cited in this Ordinance shall be incorporated by reference as additions to the code and regulations administered by the building inspector to be applied and enforced as set forth in this Ordinance.

SECTION 5: FLOODPLAIN REGULATIONS

- (a) The building inspector shall insure that all necessary permits have been issued, including a flood permit, approvals, or letter of no authority from the Michigan Department of Natural Resources under authority of act 245, PA 1929, as amended by Act 167, PA 1928.
- (b) Where an area of special flood hazard has been identified by the map referenced in Section 3, but no elevation data is available, the building inspector shall require new or substantially improved structures in the identified areas to meet the standards of one of the Sections 401.1, 401.3, 401.4, 401.5, 612.2.1, 612, 2.2, 612.2.3 of the Army Corps Regulations, as applicable.
- (c) Where an area of special flood hazard has been identified by the map referenced in Section 2 and elevation data is available, the building inspector shall require: (1) new and substantially improved residential structures to meet the standards of one of the Sections 612.2.3, 401.2, or 402.3 or the Army Corps Regulations.
- (d) The building inspector shall obtain first floor elevation information and maintain a record for structures in the special flood hazard area identified by the map referenced in Section 3 indicating the elevation of lowest habitable floor, whether the structure contains a basement, and the elevation of which the structure has been flood proofed.

(e) The building inspector shall obtain, review, and reasonable utilize flood data available from other federal, state, or other sources pending receipt of data from the Federal Insurance Administration. The most recent flood elevation data received from the Federal Insurance Administration shall take precedence over data nom other sources.

SECTION 6: SEVERABILITY

This Ordinance and its various parts, sections, and clauses are hereby declared severable. If any part, section, or clause is adjudged unconstitutional or otherwise legally invalid, it is hereby provided that the remainder of the Ordinance shall not be affected hereby.

SECTION 7: EFFECTIVE DATE

This amendatory Ordinance shall become effective 90 days after passage and 90 days after a certified copy of this Ordinance is delivered to the Michigan Construction Code Commission w1less the Commission determines this Ordinance invalid pursuant to its procedures and authority under the State Construction Code Act of 1972, as amended.

SECTION 8: PUBLICATION

This Ordinance shall be published in a newspaper for general circulation as required by law.

Approved by majority vote of the Oronoko Township Board of Trustees on 11th Day of January, 1983.

Robert Pagel,
Supervisor

Attest: Alex Miskiewicz, Clerk