

**CHARTER TOWNSHIP OF WATERTOWN
CLINTON COUNTY, MICHIGAN**

ORDINANCE NO. 35

AN ORDINANCE AMENDMENT TO ADDRESS FLOODPLAIN MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE AND DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF THE CHARTER TOWNSHIP OF WATERTOWN LOCATED IN CLINTON, COUNTY, MICHIGAN, AND TO DESIGNATE REGULATED FLOOD HAZARD AREAS UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE, ACT NO. 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED.

THE CHARTER TOWNSHIP OF WATERTOWN ORDAINS:

Sections 28- 469, 28-470, 28-471, 28-472 and 28-473 are hereby added to Division 13 – F1 Floodplain District - of Chapter 28 of the Code of Ordinances, Charter Township of Watertown, Clinton County, Michigan.

DIVISION 13.

F-1 FLOODPLAIN DISTRICT*

* **State Law References:** Soil conservation districts law, MCL 324.9301 et seq.; building construction in floodplain, MCL 324.3108; plat requirements for subdivision within or abutting floodplain, MCL 560.138; conditions for approval of subdivision within floodplain, MCL 560.194.

Sec. 28-462. Intent and purpose.

This district is intended primarily to protect those undeveloped areas of the township which are subject to predictable flooding in the floodplain area of the Looking Glass River and its tributaries so that the reservoir capacity will not be reduced or impede, retard, accelerate or change the direction of flow or carrying capacity of the river valley or to otherwise increase the possibility of flood. The requirements of this division, while permitting reasonable use of properties within the floodplain, will help protect human life, prevent or minimize material and economic losses and reduce the cost to the public in time of emergency through public aid or relief efforts occasioned by the unwise occupancy of such flood areas.

(Ord. No. 26, § 16.1, 6-29-2001)

Sec. 28-463. Delineation of the flood hazard overlay zone.

(a) The flood hazard area zone shall overlay existing zoning districts delineated on the official Watertown Charter Township Zoning Map.

(1) The boundaries of the flood hazard area zone shall coincide with the boundaries of the areas indicated as within the limits of the 100-year flood in the current

report entitled "The Flood Insurance Study, Watertown Charter Township," with accompanying flood insurance rate maps and flood boundary and floodway maps.

- (2) Within the flood hazard area zone a regulatory floodway shall be designated. The boundaries of the regulatory floodway shall coincide with the floodway boundaries indicated on the flood boundary and floodway map.
- (3) The study and accompanying maps are adopted by reference, appended, and declared to be part of this chapter.
- (4) The term flood hazard area as used in this chapter shall mean the flood hazard area zone and the term floodway shall mean the designated regulatory floodway.

(b) Where there are disputes as to the location of a flood hazard area zone boundary, the board of appeals shall resolve the dispute.

(c) In addition to other requirements of this chapter applicable to development in the underlying zoning district, compliance with the requirements of this division shall be necessary for all development occurring within the flood hazard area zone.

(Ord. No. 26, § 16.2, 6-29-2001)

Sec. 28-464. Permitted uses.

Notwithstanding any other provisions of this chapter land in the F-1 district may be used for the following purposes by right, subject to site plan review in accordance with the provisions of section 28-79:

- (1) Open space uses such as farms, truck gardens, nurseries, parks, playgrounds, golf courses, nature preserves, bridle trails, natural trails, and recreation, provided no alteration is made to the existing level of the floodplain or erected structure which may interfere with the flow of the river or floodplain capacity.
- (2) Industrial or commercial accessory use areas, such as loading and parking areas, and similar uses.
- (3) Accessory residential uses such as lawn, gardens, parking areas, and play areas.

(Ord. No. 26, § 16.3, 6-29-2001)

Sec. 28-465. Special land uses.

Land and/or buildings in the F-1 district may be used for the following purposes after approval by the township board as a special land use in accordance with the procedures of article V of this chapter.

- (1) Removal and processing of topsoil, stone, rock, sand, gravel, lime or other soil or mineral resources.

(2) Seasonal uses, as regulated by section 28-565.

(3) Docks and piers.

(Ord. No. 26, § 16.4, 6-29-2001)

Sec. 28-466. Data submission.

Prior to the issuance of a building permit for structures on or within 100 feet of floodplain areas, the building inspector shall require the applicant for such permit to submit an approved permit as required by the state department of environmental quality, topographic data, engineering studies, proposed site plan and/or other similar data needed to determine the possible effects of flooding on a proposed structure and/or the effect of the structure on the flow of water. All such required data shall be prepared by a licensed professional engineer, licensed land surveyor, or licensed architect in the state.

(Ord. No. 26, § 16.5, 6-29-2001)

Sec. 28-467. Liability.

The township shall incur no liability whatsoever by permitting any use of a building within the floodplain within the township.

(Ord. No. 26, § 16.6, 6-29-2001)

Sec. 28-468. General standards for flood hazard reduction.

(a) Development within a flood hazard area, including the erection of structures as permitted by this division, shall not occur except upon issuance of a zoning compliance permit in accordance with the requirements of this chapter and the following standards:

- (1) The requirements of this division shall be met;
- (2) The requirements of the underlying zoning district and applicable general provisions of this chapter shall be met;
- (3) All necessary development permits shall have been issued by appropriate local, state, and federal authorities, including a floodplain permit, approval, or letter of no authority from the state department of environmental quality under authority of Part 31 of Public Act No. 451 of 1994 (MCL 324.3101 et seq.). Where a development permit cannot be issued prior to the issuance of a zoning compliance permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

(b) The use pattern and structure proposed to accomplish said use shall be so designed as not to reduce the water impoundment capacity of the floodplain or significantly change the volume or speed of the flow of water.

- (c) Specific base flood elevation standards.
 - (1) On the basis of the most recent available base flood elevation data all new construction and substantial improvements shall have the lowest floor, including basements, elevated at least one foot above the flood level, or for nonresidential structures, be constructed such that at or below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - (2) A licensed professional engineer, licensed land surveyor, or licensed architect in the state shall certify that these standards are met and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces and other factors associated with the base flood in the location of the structure. Such certification shall be submitted as provided in this chapter and shall indicate the elevation to which the structure is floodproofed.
 - (3) Available flood hazard data from federal, state, or other sources shall be reasonably utilized in meeting the standards of this division. The most recent flood elevation data received from the federal emergency management agency shall take precedence over data from other sources.

(d) All new construction and substantial improvements within a flood hazard area, shall:

- (1) Be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;
- (2) Be constructed with materials and utility equipment resistant to flood damage; and
- (3) Be constructed by methods and practices that minimize flood damage.

(e) All new and replacement water supply systems shall minimize or eliminate infiltration of floodwaters into the systems.

(f) All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of floodwaters into the systems and discharges from systems into floodwaters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.

(g) All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.

(h) Adequate drainage shall be provided to reduce exposure to flood hazards.

(i) The flood carrying capacity of any altered or relocated watercourses not subject to state or federal regulations designed to ensure flood carrying capacity shall be maintained. (Ord. No. 26, § 16.7, 6-29-2001)

Sec. 28-469. 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 Charter Township of Watertown is hereby designated as the enforcing agency to discharge the responsibility of the Charter Township of Watertown under act 230, of the public acts of 1972, as amended, State of Michigan. The Charter Township of Watertown assumes responsibility for the administration and enforcement of said act throughout the corporate limits of the community adopting this ordinance.

Sec. 28-470. 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 Charter Township of Watertown.

Sec. 28-471. Designation of regulated flood prone hazard areas.

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled Clinton County, Michigan (all jurisdictions) and dated 5/3/11 and the Flood Insurance Rate Map(s) (FIRMs) panel number(s) of 26037c; 0276d, 0277d, 0278d, 0279d, 0283d, 0284d, 0286d, 0292d, 0303d, 0311d, and 0313d and dated 5/3/11 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. 28-472. Repeals.

All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Sec. 28-473. Publication.

This ordinance shall be effective after legal publication and in accordance with the provisions of the act governing same.

Secs. 28-474--28-489. Reserved.

ORDINANCE NO. 35 CERTIFICATION

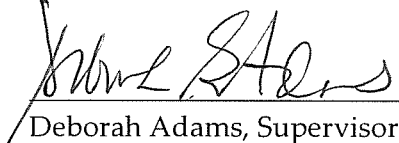
PASSED by roll call vote of the members as follows:

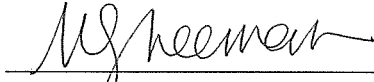
Yes: Clerk Freeman, Trustee Maahs, Trustee Mitchell, Treasurer Thelen,
Supervisor Adams, Trustee Westrick, Trustee Weitzel

No: None

ADOPTED by the Watertown Charter Township Board April 18, 2011.

EFFECTIVE May 1, 2011 (*seven days after date of final publishing*)

BY: 
Deborah Adams, Supervisor
Charter Township of Watertown

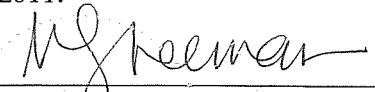

Melissa Freeman, Clerk
Charter Township of Watertown

Public Hearing: March 2, 2011
First Reading: March 21, 2011
First Publication: March 27, 2011 (Grand Ledge Independent & DeWitt Bath Review)
Adoption: April 18, 2011
Final Publication: April 24, 2011 (Grand Ledge Independent & DeWitt Bath Review)
Effective Date: May 1, 2011

Published March 27, 2011 and April 24, 2011 in the Grand Ledge Independent & DeWitt-Bath Review Newspapers.

I, the undersigned, the duly qualified Clerk of the Charter Township of Watertown, Clinton County, Michigan DO HEREBY CERTIFY that the foregoing is a true and complete copy of Ordinance No. 35, adopted by the Township Board on April 18, 2011.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 18 day of April, 2011.


Melissa Freeman, Clerk
Charter Township of Watertown