

**BOARD OF TRUSTEES
LINCOLN CHARTER TOWNSHIP
BERRIEN COUNTY, MICHIGAN
ORDINANCE #06-02**

Boardmember Stauffer, supported by Boardmember Jewell, moved the adoption of the following ordinance:

An Ordinance to designate an enforcing agency to discharge the responsibility of the Lincoln Charter Township located in Berrien County, under the provisions of the State construction Code Act, Act #230 of the Public Acts of 1972, as amended.

LINCOLN CHARTER TOWNSHIP ORDAINS:

Section 1. 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 Lincoln Charter Township is hereby designated as the enforcing agency to discharge the responsibility of Lincoln Charter Township, Berrien County under Act 230, of the Public Acts of 1972, as amended, State of Michigan. Lincoln Charter Township of Berrien County, Michigan assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

Section 2. 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 Lincoln Charter Township of Berrien County, Michigan.

Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled *Flood Insurance Study* dated April 17, 2006 and the Flood Insurance Rate Map(s) dated April 17, 2006 with panel numbers 26021-0091C, 26021-0092C, 26021-0093C, 26021-0094C, 26021-0112C, 26021-0115C, 26021-0205C, 26021-0210C, 26021-0230C are adopted by reference and declared to be a part of Section 1612.3 of the Michigan Building Code.

Section 4. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

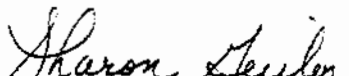
Approved on March 14, 2006.

AYES: Stauffer, Jewell, Peterson, Florian. NAY: none.

ABSENT: Smith, Geisler, Pschoika.

Published on March 18, 2006.

ORDINANCE DECLARED ADOPTED.


Sharon Geisler, Clerk

APPENDIX G

FLOOD-RESISTANT CONSTRUCTION

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION G101 ADMINISTRATION

G101.1 Purpose. The purpose of this appendix is to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas designed to:

1. Prevent unnecessary disruption of commerce, access and public service during times of flooding;
2. Manage the alteration of natural flood plains, stream channels and shorelines;
3. Manage filling, grading, dredging and other development which may increase flood damage or erosion potential;
4. Prevent or regulate the construction of flood barriers which will divert floodwaters or which can increase flood hazards; and
5. Contribute to improved construction techniques in the flood plain.

G101.2 Objectives. The objectives of this appendix are to protect human life, minimize the expenditure of public money for flood control projects, minimize the need for rescue and relief efforts associated with flooding, minimize prolonged business interruption, minimize damage to public facilities and utilities, help maintain a stable tax base by providing for the sound use and development of flood-prone areas, contribute to improved construction techniques in the flood plain and ensure that potential owners and occupants are notified that property is within flood hazard areas.

G101.3 Scope. The provisions of this appendix shall apply to all proposed development in a flood hazard area established in Section 1612 of this code.

G101.4 Violations. Any violation of a provision of this appendix, or failure to comply with a permit or variance issued pursuant to this appendix or any requirement of this appendix, shall be handled in accordance with Section 113.

SECTION G102 APPLICABILITY

G102.1 General. This appendix, in conjunction with the *International Building Code*, provides minimum requirements for development located in flood hazard areas, including the subdivision of land, installation of utilities, placement and replacement of manufactured homes, new construction and repair, reconstruction, rehabilitation, or additions to new construction and substantial improvement of existing buildings and structures, including restoration after damage.

G102.2 Establishment of flood hazard areas. Flood hazard areas are established in Section 1612.3 of the *International Building Code*, adopted by the governing body on [INSERT DATE].

SECTION G103 POWERS AND DUTIES

G103.1 Permit applications. The building official shall review all permit applications to determine whether proposed development sites will be reasonably safe from flooding. If a proposed development site is in a flood hazard area, all site development activities, including grading, filling, utility installation and drainage modification, and all new construction and substantial improvements (including the placement of prefabricated buildings and manufactured homes) shall be designed and constructed with methods, practices and materials that minimize flood damage and that are in accordance with this code and ASCE 24.

G103.2 Other permits. It shall be the responsibility of the building official to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by federal or state agencies having jurisdiction over such development.

G103.3 Determination of design flood elevations. If design flood elevations are not specified, the building official is authorized to require the applicant to:

1. Obtain, review and reasonably utilize data available from a federal, state or other source, or
2. Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be performed and sealed by a registered design professional. Studies, analyses and computations shall be submitted in sufficient detail to allow review and approval by the building official. The accuracy of data submitted for such determination shall be the responsibility of the applicant.

G103.4 Activities in riverine flood hazard areas. In riverine situations, until a regulatory floodway is designated, the building official shall not permit any new construction, substantial improvement or other development, including fill, unless the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the design flood elevation more than 1 foot (305 mm) at any point within the community.

G103.5 Floodway encroachment. Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-dis-

turbing activity, the building official shall require submission of a certification, along with supporting technical data, that demonstrates that such development will not cause any increase of the level of the base flood.

G103.5.1 Floodway revisions. A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a conditional Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency (FEMA).

G103.6 Watercourse alteration. Prior to issuing a permit for any alteration or relocation of any watercourse, the building official shall require the applicant to provide notification of the proposal to the appropriate authorities of all affected adjacent government jurisdictions, as well as appropriate state agencies. A copy of the notification shall be maintained in the permit records and submitted to FEMA.

G103.6.1 Engineering analysis. The building official shall require submission of an engineering analysis which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased. Such watercourses shall be maintained in a manner which preserves the channel's flood-carrying capacity.

G103.7 Alterations in coastal areas. Prior to issuing a permit for any alteration of sand dunes and mangrove stands in flood hazard areas subject to high velocity wave action, the building official shall require submission of an engineering analysis which demonstrates that the proposed alteration will not increase the potential for flood damage.

G103.8 Records. The building official shall maintain a permanent record of all permits issued in flood hazard areas, including copies of inspection reports and certifications required in Section 1612.

SECTION G104 PERMITS

G104.1 Required. Any person, owner or authorized agent who intends to conduct any development in a flood hazard area shall first make application to the building official and shall obtain the required permit.

G104.2 Application for permit. The applicant shall file an application in writing on a form furnished by the building official. Such application shall:

1. Identify and describe the development to be covered by the permit.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitely locate the site.
3. Include a site plan showing the delineation of flood hazard areas, floodway boundaries, flood zones, design flood elevations, ground elevations, proposed fill and excavation and drainage patterns and facilities.
4. Indicate the use and occupancy for which the proposed development is intended.

5. Be accompanied by construction documents, grading and filling plans and other information deemed appropriate by the building official.
6. State the valuation of the proposed work.
7. Be signed by the applicant or the applicant's authorized agent.

G104.3 Validity of permit. The issuance of a permit under this appendix shall not be construed to be a permit for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the building official from requiring the correction of errors. The building official is authorized to prevent occupancy or use of a structure or site which is in violation of this appendix or other ordinances of this jurisdiction.

G104.4 Expiration. A permit shall become invalid if the proposed development is not commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

G104.5 Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under this appendix wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of this jurisdiction.

SECTION G105 VARIANCES

G105.1 General. The board of appeals established pursuant to Section 112 shall hear and decide requests for variances. The board of appeals shall base its determination on technical justifications, and has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of this appendix and Section 1612.

G105.2 Records. The building official shall maintain a permanent record of all variance actions, including justification for their issuance.

G105.3 Historic structures. A variance is authorized to be issued for the repair or rehabilitation of a historic structure upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.

Exception: Within flood hazard areas, historic structures that are not:

- a. Listed or preliminarily determined to be eligible for listing in the National Register of Historic Places; or
- b. Determined by the Secretary of the U.S. Department of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as an historic district; or

- c. Designated as historic under a state or local historic preservation program that is approved by the Department of Interior.

G105.4 Functionally dependent facilities. A variance is authorized to be issued for the construction or substantial improvement of a functionally dependent facility provided the criteria in Section 1612.1 are met and the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to methods and materials that minimize flood damages during the design flood and create no additional threats to public safety.

G105.5 Restrictions. The board of appeals shall not issue a variance for any proposed development in a floodway if any increase in flood levels would result during the base flood discharge.

G105.6 Considerations. In reviewing applications for variances, the board of appeals shall consider all technical evaluations, all relevant factors, all other portions of this appendix and the following:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
4. The importance of the services provided by the proposed development to the community;
5. The availability of alternate locations for the proposed development that are not subject to flooding or erosion;
6. The compatibility of the proposed development with existing and anticipated development;
7. The relationship of the proposed development to the comprehensive plan and flood plain management program for that area;
8. The safety of access to the property in times of flood for ordinary and emergency vehicles;
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

G105.7 Conditions for issuance. Variances shall only be issued by the board of appeals upon:

1. A technical showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site renders the elevation standards inappropriate;
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable;

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances;
4. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and
5. Notification to the applicant in writing over the signature of the building official that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.

SECTION G201 DEFINITIONS

G201.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 for general definitions.

G201.2 Definitions.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, operations and other land disturbing activities.

FUNCTIONALLY DEPENDENT FACILITY. A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading or unloading of cargo or passengers, shipbuilding or ship repair. The term does not include long-term storage, manufacture, sales or service facilities.

MANUFACTURED HOME. A structure that is transportable in one or more sections, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Mobile Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

VARIANCE. A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

VIOLATION. A development that is not fully compliant with this appendix or Section 1612, as applicable.

SECTION G301 SUBDIVISIONS

G301.1 General. Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other

proposed new development in a flood hazard area shall be reviewed to assure that:

1. All such proposals are consistent with the need to minimize flood damage;
2. All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided to reduce exposure to flood hazards.

G301.2 Subdivision requirements. The following requirements shall apply in the case of any proposed subdivision, including proposals for manufactured home parks and subdivisions, any portion of which lies within a flood hazard area:

1. The flood hazard area, including floodways and areas subject to high velocity wave action, as appropriate, shall be delineated on tentative and final subdivision plats;
2. Design flood elevations shall be shown on tentative and final subdivision plats;
3. Residential building lots shall be provided with adequate buildable area outside the floodway; and
4. The design criteria for utilities and facilities set forth in this appendix and appropriate *International Codes* shall be met.

SECTION G401 SITE IMPROVEMENT

G401.1 Development in floodways. Development or land disturbing activity shall not be authorized in the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in the level of the base flood.

G401.2 Flood hazard areas subject to high velocity wave action.

1. Development or land disturbing activity shall only be authorized landward of the reach of mean high tide.
2. The use of fill for structural support of buildings is prohibited.

G401.3 Sewer facilities. All new or replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with Chapter 8, ASCE 24, to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, or impairment of the facilities and systems.

G401.4 Water facilities. All new replacement water facilities shall be designed in accordance with the provisions of Chapter 8, ASCE 24, to minimize or eliminate infiltration of floodwaters into the systems.

G401.5 Storm drainage. Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

G401.6 Streets and sidewalks. Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

SECTION G501 MANUFACTURED HOMES

G501.1 Elevation. All new and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the lowest floor of the manufactured home is elevated to or above the design flood elevation.

G501.2 Foundations. All new and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on a permanent, reinforced foundation that is designed in accordance with Section 1612.

G501.3 Anchoring. All new and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage. Manufactured homes shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring are authorized to include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

SECTION G601 RECREATIONAL VEHICLES

G601.1 Placement prohibited. The placement of recreational vehicles shall not be authorized in flood hazard areas subject to high velocity wave action and in floodways.

G601.2 Temporary placement. Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use, and shall be placed on a site for less than 180 consecutive days.

G601.3 Permanent placement. Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section G501 for manufactured homes.

SECTION G701 TANKS

G701.1 Underground tanks. Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

G701.2 Above-ground tanks. Above-ground tanks in flood hazard areas shall be elevated to or above the design flood elevation or shall be anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

G701.3 Tank inlets and vents. In flood hazard areas, tank inlets, fill openings, outlets and vents shall be:

1. At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood.
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

**SECTION G702
REFERENCED STANDARDS**

ASCE 24-98	Flood Resistance Design and Construction	G103.1, G401.3, G401.4
HUD 24 CFR Part 3280 (1994)	Manufactured Home Construction and Safety Standards	G201
IBC-03	<i>International Building Code</i>	G102.2