

ORDINANCE NO. 9

FLOOD HAZARD AREAS

AN ORDINANCE ADOPTING REGULATIONS FOR THE CONSTRUCTION, SUBSTANTIAL IMPROVEMENT, SUBDIVISION OF LAND, PLACEMENT OF MOBILE HOMES OR OTHER DEVELOPMENT IN RELATION TO FLOOD HAZARD AREAS.

THE VILLAGE OF DEERFIELD ORDAINS:

Section 1. PURPOSE

The purpose of this Ordinance is to avoid the hazards to persons and damage to property resulting from flooding and to comply with the Rules and Regulations of the National Flood Insurance Program as promulgated by the United States Department of Housing and Urban Development, Federal Insurance Administration as provided in the Rules and Regulations of the Federal Register, Vol 41, No. 207, Tuesday, October 26, 1976, as amended, and which are hereby adopted by reference, and filed in the office of the Village Clerk, pursuant to Michigan Law.

Section 2. CONFLICTING LAWS REPEALED

All ordinances inconsistent with the provisions of this Ordinance are repealed. The provisions of this Ordinance shall be deemed an additional requirements to minimum standards required by other ordinances of the Village. In case of conflicting requirements the most restrictive shall apply.

Section 3. DEFINITIONS

For the purpose of this Ordinance, the following definitions are adopted:

- a. "Development" means: any man-made change to improved or unimproved real estate, including but not limited to construction of or substantial improvements to buildings or other structures, the placement of mobile homes, mining, dredging, filling, grading, paving, excavation or drilling operations.
- b. "Flood" or "Flooding" means: a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface waters from any source.
- c. "Base flood" means: the flood having a one percent change of being equaled or exceeding in any given year. The base flood is also known as the one hundred (100) year flood.
- d. "Base flood elevation" means: the elevation in relation to Mean Sea Level of the crest of the base flood.
- e. "Structure" means: a walled and roofed building including a gas or liquid storage tank that is principally above ground, as well as a mobile home and prefabricated building.
- f. "Mobile home" means: a structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For the purpose of this Ordinance, it does not include recreational vehicles or travel trailers.
- g. "Substantial improvement" means: any repair, reconstruction, or improvement of a structure, the

cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. 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 or site documented as deserving preservation by the Michigan History Division, Department of State or listed on the National Register of Historic places.

Section 4. FLOOD HAZARD BOUNDARY MAP

The Flood hazard Boundary Map No. HO2 dated September 12, 1975, and amendments thereto, delineating A Zones as areas that are susceptible to the base flood as prepared by the United States Department of Housing and Urban Development, Federal Insurance Administration, is hereby adopted for the purpose of this Ordinance and filed as a record in the Office of the Village Clerk.

Section 5. PERMIT REQUIRED

No person, firm, or corporation shall commence any construction, substantial improvement, subdivision of land, placement of mobile homes, or other development in areas located in an A Zone without first obtaining a permit from the building Inspector, Village of Deerfield. The Building Inspector shall not issue such permit for any construction, substantial improvement, or other development that does not comply with the provisions of this Ordinance or that has been denied a permit required by the Federal or State law including Section 404 of the Federal Water Pollution Control Act, 1972, 33 USC 1334.

Section 6. APPLICATION

- a. Within areas designated as A Zones each application for development shall be accompanied by elevations, in relation to Mean Sea Level, of the lowest habitable floor, including basement, and in the case of flood proofed structures, the elevation to which it will be flood proofed.
- b. The Village of Deerfield Building Inspector shall require certification from a registered professional engineer or architect that flood proofing methods are adequate to withstand the flood depths, pressures, velocities, impact, and uplift forces, and other factors associated with the base flood.
- c. The application shall also contain information or certification as reasonably may be required by the Building Inspector in order to determine eligibility for permits or to enforce the terms of this Ordinance.

Section 7. BASE FLOOD ELEVATION

The Village Council shall obtain, review, and reasonably utilize Base flood Elevation data available from federal, state, or other sources until such time as such data has been received from the Federal Insurance Administration. Base flood data received from the Federal Insurance Administration; shall take precedence over data from other sources.

Section 8. NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENT STANDARDS

All new construction and substantial improvements to structures located in an A Zone shall:

- a. For residential structures have the lowest floor, including basement, elevated to one (1) foot above the Base Flood Elevation.
- b. For non-residential structures have the lowest floor, including basement, elevated or flood proofed to one (1) foot above the Base Flood Elevation.

- c. Be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure.
- d. Be constructed with materials and utility equipment resistant to flood damage.
- e. Be constructed by methods and practices that minimize flood damage to other properties.
- f. Have all structural components below the Base Flood Elevation designed to be watertight with walls substantially impermeable to the passage of water and such structural components shall be designed to resist hydrostatic and hydrodynamic loads and the effects of buoyancy.

Section 9. MOBILE HOME STANDARDS

- a. All mobile home parks and mobile home subdivisions located in an A Zone shall file evacuation plans indicating vehicular access and escape routes, including mobile home hauler routes, with the appropriate disaster preparedness authorities.
- b. All mobile homes to be placed on a site located in an A Zone shall:
 - i. Have the lowest floor elevated one (1) foot above the Base Flood Elevation.
 - ii. In the instance of elevation on pilings, have all piling foundations placed in stable soil no more than ten (10) feet apart, and reinforcement shall be provided for piers more than six (6) feet above ground.
 - iii. Have lots large enough to permit steps to the mobile home, and have adequate surface drainage on all sides of the structure.
 - iv. Be placed to prevent flotation, collapse, or lateral movement of the structure due to flooding.
 - v. Be anchored according to the following specifications:
 - 1. Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than fifty (50) feet long shall require one additional tie per side.
 - 2. Frame ties shall be provided at each corner of the mobile home with five (5) additional ties per side at intermediate points and mobile homes less than fifty (50) feet long shall require four (4) additional ties per side;
 - 3. All components of the anchoring system shall be capable of carrying four thousand eight hundred (4,800) pounds; and
 - 4. Any conditions to the mobile home shall be similarly anchored.

Section 10. UTILITY STANDARDS

All new construction and substantial improvements to utilities located in an A Zone shall provide that:

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- b. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters.
- c. All new and replacement on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Section 11. SUBDIVISION AND OTHER DEVELOPMENT STANDARDS

All subdivisions and other development located in an A Zone shall provide that:

- a. All subdivision and other development proposals shall be designed to minimize flood damage to the proposed subdivision or development site as well as to other properties.
- b. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located, elevated, and constructed to minimize or eliminate flood damage.

- c. Adequate drainage shall be provided so as to reduce exposure to flood hazards.
- d. For any proposed subdivision or new development greater than fifty (50) lots of five (5) acres, whichever is the lesser, the applicant shall show the base Flood Elevation data for each lot or platted parcel. Provided, that if the Base Flood Elevation data is not available the applicant shall compute and provide this information for each lot or platted parcel greater than fifty (50) lots of five (5) acres, whichever is lessor.

Section 12. RESERVED

Section 13. WATERCOURSE STANDARDS

The Village of Deerfield Building Inspector shall notify adjacent communities and the Michigan Department of Natural Resources and the Federal Insurance Administration prior to any alteration or relocation of a watercourse. The flood carrying capacity within the altered or relocated portion of any watercourse shall be maintained.

Section 14. REPORTS AND RECORDS

- a. The Village of Deerfield Building Inspector shall provide the Village Council, the Michigan Department of Natural Resources, and the Federal Insurance Administration with an annual report on forms as provided the Village by the Federal Insurance Administration.
- b. The Village of Deerfield Building Inspector shall maintain the records of first floor elevations, flood proofing certifications, all variance documents required by Section 1910.6(A)(5) and (6) of the Rules and Regulations of the National Flood Insurance Program, permit applications, and all other records required by the Federal Insurance Administration.

Section 15. VARIANCES

Upon application and after fifteen (15) days notice of a public hearing, the Village Council may grant a variance of this Ordinance subject to compliance with the provisions of Section 1910.6(a) of the rules and Regulations of the National Flood Insurance Program and such other conditions as the Village Council deems necessary to comply with the intent of this Ordinance.

Section 16. DISCLAIMER OF LIABILITY

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Large floods may occur on rare occasions or the flood height may be increased by man-made or natural causes. This Ordinance does not imply that development either inside or outside of areas designated as an A Zone will be free from flooding or damage. This Ordinance does not create liability on the part of the Village or any office or employee thereof for any flood damage that results from reliance on this Ordinance or any administrative decision made lawfully thereunder.

Section 17. PENALTIES FOR VIOLATION

Any person who violates this Ordinance shall upon conviction thereof be fined not less than \$50.00 Dollars nor more than \$100.00 Dollars and in addition, shall pay all costs and expenses involved in litigation. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Section 18. SEPARABILITY

The provisions and sections of this Ordinance shall be deemed separable, and the invalidity of any portion of this Ordinance shall not affect the validity of the remainder

Section 19. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and approval, as required by law.

YEAS:

NAYS:

ORDINANCE DECLARED ADOPTED ON JUNE 6, 1977.

President, Deerfield Village

CERTIFICATE OF ADOPTION AND PUBLICATION

I, Sandra Witt, the duly elected Clerk of the Village of Deerfield certify that the foregoing Ordinance is a true and correct copy of the Ordinance enacted by the Village Council of the Village of Deerfield on June 6, 1977 and published in the Blissfield Advance, a newspaper circulated in the Village of Deerfield on June 13, 1977.

Sandra Witt

Deerfield Village Clerk