

ARTICLE XXVII FLOODPLAIN MANAGEMENT ORDINANCE

SECTION 27.01 STATEMENT OF PURPOSE

The provisions of this Article are to designate an enforcing agency to discharge the responsibility of Fruitland Township Muskegon County, Michigan ("Fruitland Township") and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended and to provide for the Township's participation in the Federal Emergency Management Agency's National Flood Insurance Program, as constituted in accord with the National Flood Insurance Act of 1968, as amended, by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within the Township.

- A. It is the purpose of this Article to significantly reduce hazards to persons and damage to property as a result of flood conditions in Fruitland Township, and to comply with the provisions and requirements of the National Flood Insurance Program, in accordance with the National Flood Insurance Act of 1968, and subsequent enactments and the rules and regulations promulgated in furtherance of this program by the Federal Emergency Management Agency.
- B. Further, the objectives of this Article include:
 - 1. The protection of human life, health and property from the dangerous and damaging effects of flood conditions;
 - 2. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas;
 - 3. The prevention of private and public economic loss and social disruption as a result of flood conditions;
 - 4. The maintenance of stable development patterns not subject to the blighting influence of flood damage;
 - 5. Ensuring that the public has access to information indicating the location of land areas subject to periodic flooding; and
 - 6. Preserving the ability of floodplains to carry and discharge a base flood.

SECTION 27.02 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 Fruitland Township is hereby designated as the enforcing agency to discharge the responsibility of the Fruitland Township under Act 230, of the Public Acts of 1972, as amended, State of Michigan. Fruitland Township assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

SECTION 27.03 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 Fruitland Township Building Official.

SECTION 27.04 DELINEATION OF THE FLOOD HAZARD AREA ZONE

- A. The provisions of this chapter shall apply to all areas of special flood hazards within the jurisdiction of the Township.
- B. The areas of special flood hazard identified by the Federal Emergency Management Agency Flood Insurance Study entitled "Muskegon County, Michigan (All Jurisdictions)" dated October 7, 2021, with an accompanying flood insurance rate map, panel number(s) 26121CINDOB, 26121C0018E, 26121C0019E, 26121C0038E, 26121C0106E, 26121C0107E, 26121C0108E, 26121C0109E, 26121C0117E, 26121C0130E, and 26121C0136E, effective October 7, 2021 and 26121C0039D, 26121C0141D effective July 6, 2015 are adopted by reference and made a part of this Article as if fully set forth herein for the purposes of administration of the Michigan Building Code, and declared to provide the contents of the "flood hazards" section of Table R301.2(1) of the Michigan Residential Code. The flood hazard area zone shall overlay existing zoning districts delineated on the official Fruitland Township Zoning Map. The boundaries of the flood hazard area shall coincide with the boundaries in the Flood Insurance Study entitled "Muskegon County, Michigan (All Jurisdictions)" dated October 7, 2021, with the accompanying map panels referenced above all of which are adopted by reference, appended and declared to be a part of this Ordinance and available for review upon request at the Fruitland Township Clerk's office. The term flood hazard area as used in this Ordinance shall mean the flood hazard area zone.
- C. Where there are disputes as to the location of a flood hazard area boundary, the Zoning Board of Appeals shall resolve the dispute in accord with Section 19.03 of the Fruitland Township Zoning Ordinance.
- D. In addition to other requirements of this Ordinance applicable to development in the underlying zoning district, compliance with the requirements of this Article shall be necessary for all development occurring within the flood hazard area. Conflicts between the requirements of this Article and other requirements of this Ordinance or any other ordinance shall be resolved in favor of this Article, except where the conflicting requirement is more stringent and would further the objectives of this Article to a greater extent than the requirements of this Article. In such cases, the more stringent requirement shall be applied.

SECTION 27.05 DEVELOPMENT PERMIT

- A. Development, meaning any man-made change including the erection of structures, additions to existing buildings, installation of septic systems, placement of manufactured homes, filling or grading within a flood hazard area shall not occur except upon issuance of a zoning compliance permit in accord with the requirements of Section 20.06 of the Fruitland Township Zoning Ordinance and the following standards:

1. The requirements of this Article shall be met;
2. The requirements of the underlying zoning district and applicable general provisions of this Ordinance must be met; and
3. All necessary development permits shall have been issued by appropriate federal, state and local authorities including a floodplain permit, approval, or letter of no authority from the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451. Where a development permit cannot be obtained 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.

SECTION 27.06 GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION

- A. All new construction and substantial improvements within a flood hazard area, including the placement of prefabricated buildings and manufactured homes, 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.
- B. All new and replacement water supply systems shall minimize or eliminate infiltration of flood waters into the systems.
- C. All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the systems and discharges from systems into flood waters. On-site waste disposal systems shall be located to avoid impairment to the system or contamination from the system during flooding.
- D. All public utilities and facilities shall be designed, constructed, and located to minimize or eliminate flood damage.
- E. Adequate drainage shall be provided to reduce exposure to flood hazards.
- F. Compliance with the standards of this Section shall be certified by a registered professional engineer or architect.
- G. Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Article.
- H. The flood carrying capacity of any altered or relocated watercourse not subject to federal or state regulations designed to ensure flood carrying capacity shall be maintained.
- I. Available flood hazard data from federal or state governments or other sources shall be reasonably utilized in meeting the standards of this Section. Data furnished by the Federal Insurance Administration shall take precedence over data from other sources.

SECTION 27.07 SPECIFIC BASE FLOOD ELEVATION STANDARDS

- A. On the basis of the most recent available base flood elevation data the following standards shall apply in the flood hazard area:
 - 1. All new construction, substantial improvements and additions of residential structures shall have the lowest floor, including basement, elevated to a minimum of 1 foot above the base flood level.
- B. The most recent base flood elevation data received from the Federal Insurance Administration shall take precedence over data from other sources.

SECTION 27.08 MANUFACTURED HOME STANDARDS

- A. All manufactured homes and additions shall be elevated a minimum of 1 foot above the base flood level and anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties in accord with the following specifications:
 - 1. Over-the-top ties shall be provided at each of the four corners of the manufactured homes, with two additional ties per side at intermediate locations, except on manufactured homes less than fifty feet in length, one tie per side shall be required;
 - 2. Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, except on manufactured homes less than fifty feet in length, four ties per side shall be required;
 - 3. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and
 - 4. All additions to a manufactured home shall be similarly anchored.
- B. An evacuation plan indicating alternative vehicular access and escape routes shall be filed with Muskegon County Emergency Services_for manufactured home parks and manufactured home subdivisions.
- C. Manufactured homes within zones A1-A30 on the Flood Insurance Rate Map shall be located in accord with the following standards:
 - 1. All manufactured homes shall be placed on stands or lots which are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be 1 foot above the base flood level;
 - 2. Adequate surface drainage away from all structures and access for a manufactured home hauler shall be provided;
 - 3. In the instance of elevation on pilings, lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten feet apart; and reinforcement shall be provided for piers more than six feet above ground level; and

4. In manufactured home parks and manufactured home subdivisions which exist at the time this subsection is adopted, where repair, reconstruction or improvement of streets, utilities, and pads equals or exceeds fifty percent of the value of the streets, utilities and pads before the repair, the standards in subparagraphs a, b, and c of this subsection shall be complied with.

SECTION 27.09 DISCLAIMER OF LIABILITY

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this article shall not be considered a guarantee or warranty of safety from flood damage. This Ordinance does not imply that areas outside the flood hazard area will be free from flood damage. This Ordinance does not create liability on the part of Fruitland Township or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

SECTION 27.10 REPEALS

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

SECTION 27.11 PUBLICATION

This ordinance shall be effective 7 days after legal publication.

ADOPTED: MAY 18, 2015
PUBLISHED: JUNE 28, 2015
EFFECTIVE: JULY 6, 2015

AMENDED: SEPTEMBER 30, 2021
PUBLISHED: OCTOBER 10, 2021
EFFECTIVE: OCTOBER 17, 2021