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Chapter 1440  
Flood Hazards

Article 1. National Flood Insurance  
Program.

- 1440.01 Purpose.  
1440.02 Definitions.  
1440.03 Flood Insurance Rate Map.  
1440.04 Duties of Building Inspector.

Article 2. Floodplain Management  
Provisions of the State Construction Code.

- 1440.10 Floodplain management  
provisions.

CROSS REFERENCES

- Flood control in home rule cities - see M.C.L.A. Secs. 1174a, 117.4e  
Municipal bond issues - see M.C.L.A. Sec. 135.3  
Drains and drainage; flood control projects - see M.C.L.A. Secs. 280.429,  
280.431  
Flood plain easements - see M.C.L.A. Sec. 281.628  
Flood plains - see P. & Z. 1246.32, 1268.06

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**ARTICLE 1. NATIONAL FLOOD INSURANCE PROGRAM.**

**1440.01 PURPOSE.**

The City of Litchfield desires to participate in the National Flood Insurance Program and comply with all applicable statutory and regulatory requirements for the purposes of significantly reducing hazards to persons, property damage and public expenditures, and to provide for the availability of flood insurance and Federal funds or loans.  
(Res. 87-1. Passed 1-12-87.)

**1440.02 DEFINITIONS.**

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

- (a) "Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year.
- (b) "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
- (1) The overflow of inland or tidal waters; and/or

- (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (c) "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.
- (d) "Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency (FEMA), where the boundaries of the areas of special flood hazards have been designated as Zone A.
- (e) "Flood Insurance Rate Map (FIRM)" means an official map of a community, on which FEMA has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (f) "Flood Insurance Study" means the official report provided by FEMA. The report contains flood profiles, the water surface elevation of the base flood, and may include a Flood Boundary and Floodway Map.
- (g) "Floodplain" means any land area susceptible to being inundated by water from any source (see definition of flood).
- (h) "Floodway" means the channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood.
- (i) "Regulatory Flood Datum (RFD)" means the 100-year floodplain contour line synonymous with the base flood elevation.
- (j) "Structure" means a walled and roofed building that is principally above ground, or a gas or liquid storage facility, as well as a mobile home.
- (k) "Substantial Improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty 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 purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any 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.

(Res. 87-1. Passed 1-12-87.)

#### **1440.03 FLOOD INSURANCE RATE MAP.**

The map(s) entitled Flood Insurance Rate Map of the City of Litchfield, Hillsdale County, dated February 4, 1987, shall be the official map for determinations and regulations pursuant to this chapter.

(Res. 87-1. Passed 1-12-87.)

**1440.04 DUTIES OF BUILDING INSPECTOR.**

(a) The Building Inspector shall insure that all necessary permits have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Natural Resources under authority of Act 245, P.A. 1929, as amended by Act 167, P.A. 1968.

(b) The Army Corps of Engineers' Floodproofing Regulations, a technical guide cited in Appendix B of the BOCA Basic Building Code, shall be utilized by the Building Inspector in enforcing Section 1315.6 in the 1981 edition of the BOCA Basic Building Code as set forth in this chapter.

(c) Where an area of special flood hazard has been identified by the Map referenced in Section 1440.03, but no elevation data are available, the Building Inspector shall require new or substantially improved structures in the identified area to meet the standards of one of the Sections 401.2, 401.3, 401.4, 401.5, 512.2.1, 612.2.2 or 612.2.3, as applicable, of the Army Corps Regulations.

(d) Where an area of special flood hazard has been identified by the Map referenced in Section 1440.03 and elevation data are available, the Building Inspector shall require (1) new and substantially improved residential structures to meet the standards of one of the Sections 612.2.1, 612.2.2, or 612.2.3, as applicable, of the Army Corps Regulations, and (2) new and substantially improved non-residential structures to meet the standards of either Section 612.2.1, 612.2.2, 612.2.3, 401.2 or 401.3 of the Army Corps Regulations.

(e) The Building Inspector shall obtain the lowest floor elevation information, including the basement, and maintain a record for structures in the special flood hazard area identified by the Map referenced in Section 1440.03, indicating the elevation of the lowest floor, whether the structure contains a basement and the elevation to which the structure has been floodproofed.

(f) The Building Inspector shall obtain, review, and reasonably utilize flood data available from other Federal, State, or other sources pending receipt of data from FEMA. The most recent flood elevation data received from FEMA shall take precedence over data from other sources. (Res. 87-1. Passed 1-12-87.)

**ARTICLE 2. FLOODPLAIN MANAGEMENT PROVISIONS OF THE STATE  
CONSTRUCTION CODE.****1440.10 FLOODPLAIN MANAGEMENT PROVISIONS.**

(a) 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 Hillsdale County Building Inspector is hereby designated as the enforcing agency to discharge the responsibility of the City of Litchfield under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of Litchfield assumes responsibility for the administration and enforcement of said Act through out the corporate limits of the community adopting this section.

(b) 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 City of Litchfield.

(c) Designation of Regulated Flood Prone Hazard Areas. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Hillsdale County, Michigan (All Jurisdictions)" and dated February 19, 2014 and the Flood Insurance Rate map(s) (FIRMS) panel number(s) of 26059C, 0004D, 008D, 0012D, 0016D, 0017D, 0019D, 0036D, 0038D, and 0039D dated February 19, 2014 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.

(Ord. 2014-01. Passed 2-18-14.)