

ORDINANCE NO. 47 2105-06-47

AN ORDINANCE TO REGULATE AND
PROPERLY GUIDE THE DEVELOPMENT
IN FLOOD PLAIN AREAS WITHIN THE
Twp. of Thetford

WHEREAS, this Twp. of Thetford desires to regulate land use in flood prone areas, protect people from unknowingly doing damage to themselves and to minimize public and private property damage, prevent improper flood plain encroachment by filling or structure erection that will cause floodwater back-up with additional upstream damage, provide financial agencies the means of avoiding capital expenditures in bad risk areas, prevent arbitrary discrimination of the uses permitted in several zones of flood plain and provide for public awareness of the flooding potential.

NOW THEREFORE, THE Twp. of Thetford IN THE STATE OF MICHIGAN ORDAINS:

SECTION 1. PURPOSE It is the purpose of the flood plain ordinance to regulate and properly guide the development of flood plain areas within the Twp. of Thetford and to guide community development by adjusting land use to be compatible with its environment. The ordinance will prevent property damage and protect human life.

SECTION 2. ANTICIPATED RESULTS. A properly enforced flood plain ordinance will provide the following beneficial results to the Twp. of Thetford:

1. Regulate land use in flood prone areas.
2. Protect people from unknowingly doing damage to themselves and to minimize public and private property damage.
3. Prevent improper flood plain encroachment by filling or structure erection that will cause floodwater back-up with additional upstream damage.

4. Provide financial agencies the means of avoiding capital expenditures in bad risk areas.
5. Prevent arbitrary discrimination of the uses permitted in several zones of flood plain.
6. Provide for public awareness of the flooding potential.

SECTION 3. DEFINITIONS

1. Flood Plain - The flood is defined as that area that will be inundated by the greatest flood that can reasonably be expected for that drainage basin. (100 year flood recurrence interval.)
2. Floodway - The channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood water or flood flows or any river or stream including but not limited to flood flows associated with the intermediate regional flood.
3. Flood Fringe - That portion of the flood plain outside the floodway.
4. Intermediate Regional Flood - A flood that has a 1 percent chance of occurring or being exceeded in any given year.

SECTION 4. AUTHORITY That this Twp of Thetford hereby appoints the Twp. of Thetford Building Inspector with the overall responsibility, authority and means to implement all commitments made herein.

SECTION 5. ZONES All land lying within the flood plain as defined, is subject to the Twp. ordinance. The flood plain area is to be divided into two districts as follows:

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|---------|-----------------------------|
| ZONE 1. | Floodway District (FW) |
| ZONE 2. | Flood-Fringe Districts (FF) |

The restrictive usage of each district will vary with the frequency of inundation and uses as developed. All proposed floodway uses shall be given concurrent review with the Department of Natural Resources to assure compliance with the state law.

SECTION 6. FLOODWAY DISTRICT (FW) PERMITTED USES

The following uses having low flood damage potential and not obstructing flood flows shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill or storage of materials or equipment. But no use shall adversely affect the capacity of the channels or floodways or any tributary to the main stream, drainage ditch, or any other drainage facility or system.

1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
2. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
3. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
4. Residential uses such as lawns, gardens, parking areas and play areas.

The following uses which involve structure (temporary or permanent), fill or storage of materials or equipment may be permitted only upon application and the issuance of a Special Exception.

1. Uses or structures accessory to open space or Special Exception uses.
2. Circuses, carnival and similar transient amusement enterprises.
3. Drive-In theaters, new and used car lots, roadside stands, signs and billboards.
4. Extraction of sand, gravel and other materials.
5. Marinas, boat rentals, docks, piers, wharves.
6. Railroads, streets, bridges, utility transmission lines and pipe lines.
7. Storage yards for equipment, machinery or materials.
8. Kennels and stables.

SECTION 7. STANDARDS FOR FLOODWAY SPECIAL EXCEPTION USES

No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other use may be allowed as a Special Exception use which, acting alone or in combination with existing or future uses, unduly affects the capacity of the floodway or unduly increases flood heights. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream.

1. Fill

- a. Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve that

purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials.

- b. Such fill or other materials shall be protected against erosion by rip-rap, vegetative cover or bulkheading.

2. Structures

- a. Structures shall not be designed for human habitation.
- b. Structures shall have a low flood damage potential.
- c. The structure or structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
 - 1) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the flood flow, and
 - 2) So far as practicable, structures shall be placed approximately on the same floodflow lines as those of adjoining structures.
- d. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings and other narrow sections of the STREAM in river and

e. Service facilities such as electrical and heating equipment shall be constructed at or above the regulatory flood protection elevation for the particular area or be flood-proofed.

3. Storage of Material and Equipment

a. The storage or processing of materials that are buoyant, flammable, explosive or could be injurious to human, animal or plantlife during periods of flooding are prohibited.

b. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or readily removable from the area within the time available after flood warning.

SECTION 8. FLOODWAY FRINGE DISTRICT (FF) PERMITTED USES.

The following uses shall be permitted uses within the Floodway Fringe District to the extent that they are not prohibited by any other ordinance:

1. Any use permitted in Section 5.
2. Structures constructed on fill so that the first floor and basement floor are above the regulatory flood protection elevation. The fill if allowed, shall be at a point no lower than one foot below the regulatory flood protection elevation for the particular area and shall extend at such elevation at least 15 feet beyond the limits of any structure or building erected thereon. However, no use shall be constructed which will adversely affect the capacity of channel or floodway or any tributary to the main stream drainage ditch or any OTHER drainage facility or system.

SECTION 9. PENALTY CLAUSE That any person found guilty of violating any of the provisions of this Ordinance, or any written order of the Thetford Twp. Building Inspector, in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than \$25.00 nor more than \$100.00 for each violation. Each day upon which a violation of the provisions of this act shall occur shall be deemed a separate and additional violations for the purpose of this Ordinance.

SECTION 10. This Ordinance shall be recorded in the Minutes of the meeting of the Twp. (Board) (Council) of the Twp. of Thetford at which it was adopted, as soon as practicable after its passage, which record shall be authenticated by the signatures of the (Mayor) (Supervisor) of the Twp. of Thetford and the Clerk of said Twp. and shall be published in the Clieo Michigan, a newspaper of general circulation within the said Thetford.

This Ordinance shall become effective sixty (60) days after its adoption.

SECTION 11. If any section, paragraph, sentence, clause or phrase of this ordinance shall be held invalid, the same shall not affect any other part of this ordinance.

Twp. of Thetford
GENESEE COUNTY, MICHIGAN

By Stephen W. Sears
(Supervisor) or (Mayor)

By Laurence Brady
Clerk