

## Chapter 11

### FLOOD PREVENTION AND PROTECTION<sup>1</sup>

#### **Sec. 11-1. Information on Lake Level.**

The City Manager shall keep himself currently informed as to any substantial increase in the water level of Lake St. Clair above normal heights and as to the opinions of experts concerning the likelihood of any such rise in the future.

(Code 1957, § 2.61)

#### **Sec. 11-2. Flood Emergency.**

Whenever Lake St. Clair shall reach such heights as shall constitute a flood hazard in the opinion of the City Manager, he shall notify the Mayor. If the Mayor shall concur with the City Manager as to the existence of a flood hazard, the Mayor shall declare in writing the existence of a state of flood emergency.

(Code 1957, § 2.62)

#### **Sec. 11-3. Ordering Emergency Barriers.**

During a state of flood emergency, the City Manager shall have power to order the erection of barriers, dikes and embankments to a height sufficient to prevent flooding. He shall, for this purpose, erect suitable structures on city lands and order the same to be erected on private property abutting the lake by the owners thereof. Whenever the City Manager shall order the erection of such structures on private property, he shall notify the owner or owners by first class mail or by at least one (1) publication of notice in a newspaper of general circulation in the city. Such notice shall prescribe the required height of any such barriers, dikes or embankments and the manner and time in which the same shall be erected. If any such notice is not complied with by the owner or owners of any private property, the City shall erect the same.

(Code 1957, § 2.63)

#### **Sec. 11-4. Immediate Construction.**

In any case where the flood emergency is of such a character that it is impracticable to give private owners an opportunity to construct the necessary barriers, dikes or embankments, and to do so might endanger the public safety, the Manager may immediately enter upon and erect the same on private property.

(Code 1957, § 2.64)

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<sup>1</sup> Cross reference – Buildings and building regulations, Ch. 7.

**Sec. 11-5. Nonliability for Damage.**

Neither the City nor any officer or employee of the city shall be liable for any damage to private property for injuries thereto cause by the erection of flood prevention structures during a flood emergency.

(Code 1957, § 2.65)

**Sec. 11-6. Flood Plain Construction Requirements.**

- (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 office of the City Manager of the City of Grosse Pointe Park is hereby designated as the enforcing agency to discharge the responsibility of the City of Grosse Pointe Park under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The City of Grosse Pointe Park assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.
- (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 Grosse Pointe Park.
- (c) DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled “Wayne County, Michigan” and dated 2/2/12 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26163C; 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.
- (d) REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.
- (e) PUBLICATION. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

(Ord. No. 167, §1, 4-6-98; Ord. No. 201, 31, 12-23-12)

**Sec. 11-7. Floodplain Permits and Variances.**

No person shall engage in any new construction, substantial improvements or other development of property in areas of special flood hazard without first obtaining a permit from the director of public service. No such permit shall be issued unless the requirements of Section 11-6 are met, or a variance therefrom is issued by the Director of Public Service in accordance with criteria in effect from time to time as promulgated by the Federal Insurance Administrator pursuant to the provisions of the National Flood Insurance Act of 1968, as amended.

(Ord. No. 82, § 1, 1-2-79; Ord. No. 135, § 1, 3-25-87)