



Legislation Text

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An Ordinance to Amend Section 8:101, to Add a New Section 8:105, and to Renumber Sections 8:105 through 8:121 of Chapter 100 - Construction Code - of Title V of the Code of the City of Ann Arbor (Ordinance No. ORD-12-02)

The City of Ann Arbor currently participates in the National Flood Insurance Program (NFIP). The NFIP makes flood insurance available within participating communities. Federal law requires flood insurance for any structure within the 1% annual chance floodplain (formerly known as the 100-year floodplain) that has a federally backed mortgage.

The date of the City of Ann Arbor's current Flood Insurance Rate Map (FIRM) is January 2, 1992. In 2004, the Federal Emergency Management Agency (FEMA) began the process of revising the FIRMs for Washtenaw County. With assistance from the Michigan Department of Environmental Quality (MDEQ), complete restudies were performed for the main branch of the Allen Creek Drain, the West Park-Miller Drain (part of Allen Creek), the Millers Creek Drain, and the Swift Run Drain. Other floodplain areas of the City were remapped utilizing the previous flood models with updated data, such as more detailed contour information. On July 27, 2007, FEMA issued a preliminary Flood Insurance Study (FIS) and FIRM for Washtenaw County. FEMA went through a prescribed public review, appeal and revision period that was drawn out due to several map challenges in other portions of Washtenaw County. On October 3, 2011, FEMA issued a letter of final determination indicating that the new FIS and FIRM will become effective on April 3, 2012.

City Staff has analyzed the revised FIRM and compared it to the current (1992) FIRM. Since buildings are smaller than parcels, small adjustments to flood boundaries have a greater effect on buildings. Overall there is about an 18% reduction in the number of parcels affected by the floodplain, however there is a dramatic 43% reduction of the number of structures in the floodplain. Change figures are listed below and include parcels with any portion of land area within the revised 1% annual chance floodplain boundaries.

Parcels Moving Into Floodplain

<u>Watershed</u>	<u># of Parcels</u>
Allen Creek	45
Huron River	5
Mallets Creek	24
Millers Creek	16
Swift Run	11
Traver Creek	15
Total	116

Parcels Moving Out of Floodplain

<u>Watershed</u>	<u># of Parcels</u>
Allen Creek	199
Huron River	9
Mallets Creek	10
Millers Creek	0
Swift Run	84
Traver Creek	19
Total	321

Buildings Moving Into Floodplain

<u>Watershed</u>	<u># of Parcels</u>
Allen Creek	46
Huron River	5

Buildings Moving Out of Floodplain

<u>Watershed</u>	<u># of Parcels</u>
Allen Creek	204
Huron River	6

Mallets Creek	23	Mallets Creek	48
Millers Creek	3	Millers Creek	0
Swift Run	2	Swift Run	171
Traver Creek	9	Traver Creek	23
Total	88	Total	452

Building and property owners affected by the boundary changes have been notified by letters from City Staff. The current and revised FIRM information is available on the city web site at www.a2gov.org/floodplains <<http://www.a2gov.org/floodplains>>.

FEMA requires the City to adopt the new FIS and FIRM by ordinance. An amendment to the City's Construction Code, Chapter 100, is proposed to meet this requirement. In addition, FEMA and MDEQ require that Council approve a resolution, which is attached for review, and will be submitted for Council consideration at the same time as the second reading of the ordinance. The resolution commits the City to minimum flood plain management activities. Both the resolution and ordinance revision are mandatory, prior to April 3, 2012, for the City's continued participation in the NFIP. Additional details can be found in the FEMA Letter of Final Determination dated October 3, 2012, and in the FEMA map adoption reminder letter dated December 20, 2012.

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Approved By: Steven D. Powers, City Administrator

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ORDINANCE NO. ORD-12-02

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Published: March 9, 2012

Public Hearing: March 5, 2012

Effective: March 19, 2012

CONSTRUCTION

AN ORDINANCE TO AMEND SECTION 8:101, TO ADD A NEW SECTION 8:105, AND TO RENUMBER SECTIONS 8:105 THROUGH 8:121 OF CHAPTER 100 - CONSTRUCTION CODE - OF TITLE V OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor ordains:

Section 1. That Section 8:101 of Chapter 100 of Title V of the Code of the City of Ann Arbor is amended to read as follows:

8:101. Building Code.

The Building Code, as promulgated by the State of Michigan under the authority of the Stille-DeRossett-Hale Single State Construction Code Act PA 230 of 1972, [including Appendix G](#), as amended, shall be enforced by the City of Ann Arbor. The City shall have the power to enforce the provisions of the Building Code and any other applicable construction regulations, and to prevent violations and impose sanctions on violators.

Section 2. That a new Section 8:105 of Chapter 100 of Title V of the Code of the City of Ann Arbor be added to read as follows:

8:105. Designation of regulated flood prone hazard areas.

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Washtenaw County, Michigan, and dated April 3, 2012 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26161C0234E, 26161C0235E, 26161C0241E, 26161C0242E, 26161C0244E, 26161C0253E, 26161C0261E, 26161C0262E, 26161C0263E, 26161C0264E, 26161C0266E, 26161C0268E, 26161C0382E, 26161C0401E, 26161C0402E, 26161C0406E and dated April 3, 2012 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.

Section 3. That Sections 8:105 through 8:121 of Chapter 100 of Title V of the Code of the City of Ann Arbor be renumbered to read as follows:

8:1056. Provision for refuse collection.

(1) Any structure which is erected under building permit issued on or after May 15, 1968, and which contains 3 or more dwelling units shall provide a refuse collection area and access thereto which meets the standards of Chapter 26 of the City Code. No building permit shall be issued for such a structure unless the plans provide for such refuse collection and access thereto.

(2) Any commercial or other nonresidential structure erected under a building permit issued on or after May 15, 1968, shall include adequate provision as set forth in Chapter 26 of the City Code. Approval of the use of grinders, incinerators or other methods shall be contingent upon proper installation of equipment which complies with all laws, ordinances governing the same. No building permit shall be issued for such a structure unless the plans provide for such refuse collection area and access thereto, or such proper disposal on the premises.

8:1067. Posting of permit and availability of approved plans.

A true copy of the permit shall be kept on the site of operations, open to public inspection during the entire time of execution of the work until the completion of same. The plans approved by Planning and Development Services shall be made available to the inspectors of Planning and Development Services. The permit shall be displayed in a conspicuous location, visible from the street or public right-of-way, at all times. In the case of destruction a new permit shall be applied for and posted immediately.

8:1078. Condemnation.

No permit shall be issued for any building or other structure upon any land which has been condemned for any public improvement, or on any land ordered condemned by the Council for any public improvement until a notice of such proposed condemnation has been affixed to the plans, application and permit. Any financial loss, inconvenience, or obligation incurred upon a person who has obtained a permit on this basis shall not be the responsibility of the City of Ann Arbor, nor shall a permit be issued for any building or structure upon which a notice of violation of any pertinent laws or provisions of the Ann Arbor City Code has been issued, unless (a) there shall be included in the application proposed work to correct the violation at the same time, or (b) where in the opinion of the Building Official it is deemed in the public interest to allow such a permit to be issued.

8:1089. Limitation of permits based upon hazards to health or safety.

The City Council by resolution, may, upon a specific finding that the issuance of permits in excess of a given number would pose a serious threat to public health or safety, limit the issuance of permits to such number. If a request has been filed with the City for approval of annexation, zoning, area planning, platting, or site planning concerning a project the completion of which would result in the creation of buildings in excess of the number allowed by Council under this rule, said request may be approved by the agencies empowered to review it only upon condition that no permits will be issued until the Council so allows.

8:10910. Service connections.

Before a building or structure can be demolished or removed the owner or agent shall notify all utilities having service connections within the building or structure such as water, sewer, electric, gas and other connections. A permit to demolish or remove a building or structure shall not be issued until (a) a release is obtained from the public and private utilities stating that their respective service connections and appurtenances, such as meters and regulators have been removed and sealed in a safe manner, and (b) the City Treasurer certifies that all taxes have been paid. If the Building Official has determined that demolition is in the public interest, the requirement for payment of taxes may be waived.

8:1101. As-built site drawing required.

As-built site drawings of the actual construction shall be provided by the construction contractor responsible for a project when requested by the Building Official. The Building Official shall request these drawings when there is reasonable doubt as to compliance with the approved site plan. As-built drawings shall show the actual field construction including location and elevation of all items specified on the approved plans. This shall include, but not be limited to, curb locations, landscape plantings, fire hydrants, underground utility locations, parking and paved areas, exterior of the buildings, light pole locations, walkways, driveways and all other items designated to be required by the approved site plan.

8:1112. Payment of taxes.

No permit shall be issued until all taxes due on the property to be improved have been paid.

8:1123. Transfer of permits.

Permits are not transferable. In the event that the original permit holder does not perform the work contemplated by the permit, a new permit shall be obtained by a qualified individual(s) or firm capable and legally entitled to continue or complete such work. If a new permit is issued, the applicant shall be responsible for the entire work, whether the new applicant performed the work or not. The new permit fee shall be based only on the amount of work to be completed by the new applicant. This shall not, however, be construed to prevent an owner or general contractor from subletting part of the work so long as the owner assumes final responsibility and the subcontractor is legally entitled to perform the work.

8:1134. Inspections.

It shall be the duty of the respective permit holders to notify the Department within 72 hours after the work is completed so that the Department may make its required inspections. Permit holders shall secure approval of work before continuing work, and shall receive a certificate of occupancy as required by the Building Code before occupying or allowing occupancy of the building.

8:1145. Re-examination and covering of work.

Re-examination of questioned and unapproved work may be ordered by Planning and Development Services and access shall be provided by the permit holder at their expense.

8:1156. Notice to owner.

Upon notice that work on any building or structure is being executed contrary to the provisions of this chapter, or of any affirmative action employment agreement between the owner and the city which notice shall be given by the Human Resources Director or Human Rights Coordinator in the case of an Affirmative Action violation and by the Building Official in all other cases, such work shall be immediately stopped. The stop-work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work may be resumed. In the case of a stop-work order based upon violation of an affirmative action employment agreement, the order shall not become effective until 2 working days after service, and shall be limited to those portions of the work directly covered by the agreement. Prior to issuing such order, said Director or Coordinator shall afford the owner a hearing in which to demonstrate that such order should not be issued.

8:1167. Certificate of occupancy.

A certificate of occupancy, indicating completion of the work for which a permit was issued, shall be obtained prior to any occupancy of a structure except as provided for in the Building Code. For the purposes of administration of this section, the term occupancy shall include, but shall not be limited to, the moving in of furniture, merchandise, stocks of goods, or access to the building or structure by staff whether for training, set-up, or other purposes.

8:1178. Occupation of public property.

The use or storage of materials or machinery or the erection of barricades and other structures on public property or the occupation of public property by such items as tables, chairs, or similar items shall be done only if a permit is issued by the Administrator or their designee and by complying with all regulations set forth in Chapter 47 and in said permit.

8:1189. Separation of construction areas.

When use and/or occupancy of an existing building or portion of a building continues, areas being altered or added shall be separated by the appropriate barricades, fences, partitions, or other approved materials and methods so that construction dust or debris does not affect the occupied areas and so that the occupants of the existing unaltered area(s), including employees and customers, cannot inadvertently enter the area being altered or added until after such time that approval has been granted by Planning and Development Services. Occupants of existing buildings shall not be exposed to electrical hazards from construction operations, including exposure to bare and/or unconnected live wires, at any time.

8:11920. Applicability.

Structures existing prior to November 6, 1974 in which there is work involving additions, alterations or changes of occupancy shall be allowed to use the provisions of the Building Code addressing compliance alternatives for existing buildings.

8:1201. Drainage nuisances and complaints.

Any surface or roof drainage which creates a nuisance to the owners or occupants of adjacent premises, or to the public by reason of discharge into, onto, or across any adjacent building, premises, or

public thoroughfare, shall be abated by the owner of the drained area. The Building Official shall require the drainage to be disposed of in accordance with the provisions of the construction code or other applicable portion(s) of the City Code of Ordinances. Drainage from gutters and downspouts on residential buildings and additions to residential buildings must be directed toward a vegetated area or other approved point and may not directly drain onto impervious surfaces such as sidewalks or driveways.

8:1212. Sump pump discharges - footing drain.

Discharges from sump pumps may not be connected to the sanitary sewer. Such discharges must connect directly to the storm sewer or be discharged in an alternative, approved manner. Such alternative drainage shall not create a drainage nuisance, and if so, must be handled in accordance with 8:120 of this chapter.

Section 4. That this ordinance shall take effect on the tenth day following legal publication.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of March 5, 2012.

Jacqueline Beaudry, City Clerk

John Hieftje, Mayor

I hereby certify that the foregoing ordinance received legal publication on the Ann Arbor City Clerk's Webpage on March 9, 2012.

Jacqueline Beaudry, City Clerk