

# HOUSE BILL No. 6048

September 18, 1990, Introduced by Rep. Niederstadt and referred to the Committee on Towns and Counties.

A bill to amend section 5b of Act No. 245 of the Public Acts of 1929, entitled as amended

"An act to regulate, protect, and conserve the water resources of the state, to provide for the control over the pollution of any waters of the state and the Great Lakes, to provide for the control over the alteration of the watercourses and the floodplains of all rivers and streams; to create a water resources commission; to prescribe the powers and duties of certain state agencies and officials; to require the registration of manufacturing products, production materials, and waste products where certain wastes are discharged; to require permits to regulate the discharge or storage of any substance which may affect the quality of the waters of the state and to establish restrictions to assure compliance with applicable state standards and to authorize the establishment of permit restrictions and programs to assure compliance with applicable federal law and regulations; to prohibit the pollution of any waters of the state and the Great Lakes; to prohibit the obstruction of the floodways of the rivers and streams of the state; to designate the department of natural resources as the state agency to cooperate and negotiate with other governments and agencies in matters concerning the water resources of the state; and to provide penalties and remedies for the violation of this act,"

as amended by Act No. 19 of the Public Acts of 1990, being section 323.5b of the Michigan Compiled Laws.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Section 1. Section 5b of Act No. 245 of the Public Acts of  
2 1929, as amended by Act No. 19 of the Public Acts of 1990, being  
3 section 323.5b of the Michigan Compiled Laws, is amended to read  
4 as follows:

5       Sec. 5b. (1) A person shall not occupy or permit the occu-  
6 pation for residential, commercial, or industrial purposes of  
7 lands or to fill or grade or permit the filling or grading for  
8 any purposes other than agricultural, of lands in the flood-  
9 plains, stream bed, or channel of any stream, as ascertained and  
10 determined for record by the department, or to undertake or  
11 engage in any activity on or with respect to the lands which is  
12 determined by the department to harmfully interfere with the dis-  
13 charge or stage characteristics of a stream, unless the occupa-  
14 tion, filling, grading or other activity is permitted by an order  
15 or rule of the department or by a valid permit issued by the  
16 department under the provisions of law.

17       (2) THE DEPARTMENT AND THE COMMISSION SHALL NOT PROHIBIT THE  
18 DEVELOPMENT OF A LOT UNDER THE SUBDIVISION CONTROL ACT, ACT  
19 NO. 288 OF THE PUBLIC ACTS OF 1967, BEING SECTIONS 560.101 TO  
20 560.293 OF THE MICHIGAN COMPILED LAWS, TO BE USED OR CAPABLE OF  
21 BEING USED FOR RESIDENTIAL PURPOSES, IF ALL OTHER REQUIREMENTS OF  
22 STATUTE AND RULES ARE MET, IF THE LOT HAS A MINIMUM BUILDABLE  
23 SITE OF 3,000 SQUARE FEET OF ITS AREA AT A GRADE ABOVE THE ELEVA-  
24 TION DEFINING THE FLOODPLAIN LIMIT. FOR PURPOSES OF THIS SUBSEC-  
25 TION, "GRADE" MEANS THE NATURAL GRADE PLUS ANY FILL THAT HAS BEEN  
26 ADDED.

1       Section 2. This amendatory act shall not take effect unless  
2 Senate Bill No. \_\_\_\_\_ or House Bill No. 6047 (request  
3 no. 06063'90) of the 85th Legislature is enacted into law.