

SENATE BILL No. 151

February 16, 1989, Introduced by Senators POSTHUMUS, CHERRY and EHLERS and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to reduce property damages and threat to life from flooding; to control the alteration of floodplains; to prescribe the powers and duties of certain state and local agencies and officials; to create a fund and provide for its use; and to provide for remedies and prescribe penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "flood damage reduction act".

3 Sec. 2. For the purposes of this act, the words and phrases
4 used in sections 3 to 6 have the meanings ascribed to them in
5 those sections.

6 Sec. 3. (1) "Alteration" means the placement of structures
7 on, the filling of, or the grading of land.

8 (2) "Authorized community" means a community that has been
9 designated as an authorized community under section 18.

1 (3) "Authorized public agency" means a public agency that
2 has been designated as an authorized public agency under
3 section 20.

4 (4) "Community" means a county, city, village, township, or
5 any combination of those entities.

6 (5) "Critical storm water runoff area" means an area where
7 storm water studies indicate that increases in storm water runoff
8 have caused, or are projected to cause, a harmful interference.

9 (6) "Department" means the department of natural resources.

10 (7) "Emergency operation plan" means a disaster plan devel-
11 oped and maintained by a community pursuant to section 10 of the
12 emergency preparedness act, Act No. 390 of the Public Acts of
13 1976, being section 30.410 of the Michigan Compiled Laws.

14 Sec. 4. (1) "Flood" means a temporary increase in the water
15 level of a lake, watercourse, or other body of water resulting in
16 the inundation of land not normally covered with water.

17 (2) "Floodplain" means an area of land adjoining a lake or
18 watercourse which will be inundated by a 100-year flood.

19 (3) "Floodplain design standards and procedures" means stan-
20 dards and procedures to be utilized for construction in, or the
21 alteration of, a floodplain that will avoid adverse impacts to
22 the floodplains.

23 (4) "Floodplain management" means an overall program of pre-
24 ventive and corrective flood-related measures within floodplains
25 intended to enhance the quality of life and protect the public's
26 health, safety, and welfare.

1 (5) "Floodplain regulations" means zoning ordinances,
2 subdivision regulations, building codes, health regulations,
3 special purpose ordinances, or other measures adopted by a commu-
4 nity to control the occupation or alteration of a floodplain.

5 (6) "Floodplain study" means a detailed hydrologic engineer-
6 ing study that delineates floodplains on a map based upon flood
7 elevation information contained in the study.

8 (7) "Flood preparedness planning" means the development of
9 those portions of the Michigan emergency preparedness plan and
10 emergency operation plans which include mitigation of future
11 flood damages, flood recognition and warning, response, flood
12 fighting, evacuation and rescue, and recovery.

13 (8) "Flood-proofing measures" means any combination of addi-
14 tions, changes, or adjustments to a building or structure that
15 reduces or eliminates flood damage.

16 (9) "Floodway" means the channel of a watercourse and those
17 portions of the floodplain which are reasonably likely to carry
18 and discharge the 100-year flood.

19 (10) "Fund" means the flood damage mitigation fund created
20 in section 11.

21 Sec. 5. (1) "Harmful interference" means causing an
22 increased water level, an increased velocity, or a change in
23 direction of flow of a lake or watercourse that causes, or is
24 likely to cause, damage to property; a threat to life; a threat
25 of personal injury; or pollution, impairment, or destruction of
26 water or other natural resources.

1 (2) "Lake" means a natural or artificial body of water with
2 a surface area of 5 acres or greater, including the Great Lakes.

3 (3) "Michigan emergency preparedness plan" means the plan
4 developed and continuously updated pursuant to sections 7(7) and
5 8(1) of the emergency preparedness act, Act No. 390 of the Public
6 Acts of 1976, being sections 30.407 and 30.408 of the Michigan
7 Compiled Laws, for the purpose of the prevention, mitigation, or
8 relief of, or recovery from, disaster.

9 (4) "Mitigate" means to eliminate or reduce the long-term
10 risk to human life, health, and property from flooding.

11 (5) "National geodetic vertical datum" means the national
12 elevation datum used as a reference in elevation surveys as rec-
13 ognized by the national ocean survey of the national oceanic and
14 atmospheric administration and formally called the national geo-
15 detic vertical datum of 1929.

16 (6) "100-year flood" means a flood which has a 1% chance of
17 being equaled or exceeded in any given year.

18 (7) "Person" means an individual, sole proprietorship, part-
19 nership, corporation, association, community, this state, an
20 instrumentality or agency of this state, the federal government,
21 an instrumentality or agency of the federal government, or any
22 other legal entity.

23 (8) "Public agency" means the state, a community, or a
24 political subdivision of the state or a community.

25 (9) "Rule" means a rule promulgated pursuant to the adminis-
26 trative procedures act of 1969, Act No. 306 of the Public Acts of

1 1969, being sections 24.201 to 24.328 of the Michigan Compiled
2 Laws.

3 Sec. 6. (1) "State of disaster" means a declaration by the
4 governor pursuant to section 3 of the emergency preparedness act,
5 Act No. 390 of the Public Acts of 1976, being section 30.403 of
6 the Michigan Compiled Laws, that a disaster has occurred or the
7 threat of disaster is imminent due, in part or in whole, to flood
8 or wave action.

9 (2) "Storm water management" means an overall program of
10 preventive and corrective measures for the collection, convey-
11 ance, storage, and release of storm water that includes regula-
12 tion of site drainage for development, utilization of storage
13 areas for storm water purposes, and design, implementation, and
14 maintenance of a community storm water system.

15 (3) "Storm water runoff" means water resulting from precipi-
16 tation, snowmelt, or ice melt that flows across the landscape and
17 moves through the network of watercourses, wetlands, drains, or
18 lakes that forms a watershed.

19 (4) "Storm water study" means a detailed hydrologic engi-
20 neering study of a watershed that details the impact of storm
21 water runoff on flood stages and discharge relationships of
22 receiving waters.

23 (5) "Substantial improvement" means any repair, reconstruc-
24 tion, or improvement of a structure, the cost of which equals or
25 exceeds 50% of the market value of the structure either:

26 (a) Before the improvement or repair is started.

1 (b) If the structure has been damaged, and is being
2 restored, before the damage occurred.

3 (6) "Watercourse" means an open conduit either naturally or
4 artificially created that periodically or continually contains
5 moving water.

6 (7) "Watershed" means an area of land that contributes
7 runoff to a given point in a drainage system.

8 Sec. 7. (1) The department is the state agency to cooperate
9 and negotiate with the federal government, other state agencies,
10 communities, or private agencies on matters concerning flood con-
11 trol and floodplain, floodway, and storm water management
12 activities. The department may enter into agreements with any of
13 these entities or a combination of these entities, or may enter
14 into contracts for the purpose of making studies and plans for
15 the efficient use, development, preservation, or management of
16 the state's floodplains.

17 (2) The department may determine the location and extent of
18 floodplains, floodways, and critical storm water runoff areas and
19 the stage and discharge characteristics of lakes and watercourses
20 at various times and circumstances.

21 Sec. 8. The department shall do all of the following:

22 (a) Create a technical reference center with information on
23 the state's floodplains and critical storm water runoff areas.

24 (b) Develop an information dissemination and education pro-
25 gram to provide information about flood hazards, floodplain man-
26 agement, and storm water management.

- 1 (c) Prepare a guidebook for flood preparedness planning.
 - 2 (d) Prepare a guidebook for floodplain regulations and storm
3 water management programs.
 - 4 (e) Prepare a guidebook for floodplain studies and storm
5 water studies.
 - 6 (f) Prepare a guidebook and outline procedures for estab-
7 lishing floodplain design standards for use by authorized public
8 agencies.
 - 9 (g) Assist communities in the preparation of floodplain reg-
10 ulations and storm water management programs.
 - 11 (h) Review, for approval, floodplain and storm water studies
12 completed by federal, state, community, or private agencies.
 - 13 (i) Prepare a standardized permit application form for
14 floodplain alterations for use by the department and authorized
15 communities.
 - 16 (j) Prepare a priority list for determining the order in
17 which floodplain studies and storm water studies shall be com-
18 pleted by federal or state agencies. This list shall be reviewed
19 and updated annually.
- 20 Sec. 9. Consistent with the Michigan emergency preparedness
21 plan created under the emergency preparedness act, Act No. 390 of
22 the Public Acts of 1976, being sections 30.401 to 30.420 of the
23 Michigan Compiled Laws, the department shall cooperate in
24 disaster planning and preparedness activities and shall do both
25 of the following:

1 (a) Participate in the integration of the flood damage
2 reduction resources of the department into the Michigan emergency
3 preparedness plan.

4 (b) Participate in the integration of the flood damage
5 reduction resources of communities and available private flood
6 damage reduction resources into the emergency operation plans of
7 communities.

8 Sec. 10. In case of actual disasters and disaster training
9 drills and exercises, the department shall provide flood damage
10 reduction resources pursuant to the Michigan emergency prepared-
11 ness plan, or as prescribed by the director of emergency services
12 pursuant to the emergency preparedness act, Act No. 390 of the
13 Public Acts of 1976, being sections 30.401 to 30.420 of the
14 Michigan Compiled Laws.

15 Sec. 11. (1) The flood damage mitigation fund is created in
16 the state treasury. The fund shall consist of appropriations by
17 the legislature, as provided by law, permit fees established in
18 section 14(2), and any gifts and donations to the fund.

19 (2) The amount accumulated in the fund shall not exceed
20 \$1,000,000.00, exclusive of interest and earnings. Any amount of
21 money that would be a part of the fund but for the limitation
22 stated in this subsection shall be deposited into the general
23 fund.

24 (3) The state treasurer shall direct the investment of the
25 fund. Interest and earnings shall be credited to the fund.

1 (4) The unencumbered balance remaining in the fund at the
2 close of the fiscal year shall remain in the fund and shall not
3 revert to the general fund.

4 (5) Money in the fund shall be expended by the department in
5 the form of grants or a 3% subsidy on a loan from any public
6 lending institution to individuals for flood-proofing measures in
7 areas declared to be in a state of disaster. A grant under this
8 section shall not exceed 50% of the eligible cost of the
9 flood-proofing measures or \$5,000.00, whichever is less. An
10 interest subsidy on a loan under this section shall be applied to
11 the loan principal in the form of a discounted lump-sum payment
12 based on the first \$25,000.00 of eligible costs of the
13 flood-proofing measures. Applications for interest subsidies
14 that are determined by the department to be complete shall be
15 processed in the order in which they are received by the
16 department. The department shall administer grants and loan sub-
17 sidies under this section in consultation with the department of
18 state police.

19 (6) Applications for grants or interest subsidies under this
20 section shall be postmarked not more than 90 days after the date
21 of the declaration of a state of disaster. The application shall
22 be in a form required by the department and shall include all of
23 the following:

24 (a) An estimate and description of damage caused by the
25 flood.

1 (b) Certification by a licensed engineer or surveyor to the
2 elevation of the floors of the existing building at national
3 geodetic vertical datum.

4 (c) An estimate of cost to elevate or flood proof the build-
5 ing to a minimum of 1 foot above the 100-year flood elevation.

6 (7) Installation of seawalls or dikes, landscaping, and
7 backfilling of property are not eligible for grants or interest
8 subsidies under this section.

9 (8) A payment from the fund may be made upon the certifica-
10 tion by a licensed professional engineer or architect or building
11 inspector that not less than 80% of the eligible work has been
12 completed and a complete application has been approved by the
13 department.

14 (9) If money in the fund is insufficient to meet the needs
15 of a flood disaster, the director, in consultation with the
16 department of state police, shall request a supplemental appro-
17 priation for an area that has been declared to be in a state of
18 disaster.

19 Sec. 12. (1) A person shall not cause the alteration of a
20 floodplain unless he or she is in possession of a permit from the
21 department or an authorized community under this act or is exempt
22 from needing a permit under this act.

23 (2) A permit for an alteration of a floodplain shall not be
24 issued for either of the following:

25 (a) A proposed alteration for the construction of a resi-
26 dence, the substantial improvement of a residence, or the
27 renovation of a structure into a residence in a floodway.

1 (b) A proposed alteration for the disposal or storage within
2 a floodplain of certain highly volatile, toxic, or water reactive
3 materials as defined by rules promulgated by the department.

4 (3) A permit for the alteration of a floodplain may be
5 issued under this act if both of the following conditions are
6 met:

7 (a) The proposed alteration, acting alone or in combination
8 with existing or future similar works, is not likely to cause
9 harmful interference.

10 (b) The proposed alteration uses construction methods and
11 materials that minimize flood damage and any buildings in the
12 affected floodplain are constructed so that the lowest portion of
13 all horizontal structural members supporting floors are elevated
14 above the 100-year flood elevation. All basement floor surfaces
15 shall be located at or above the 100-year flood elevation.
16 Nonresidential buildings shall be elevated or flood-proofed to or
17 above the 100-year flood elevation.

18 Sec. 13. A permit shall not be required under this act for
19 any of the following:

20 (a) The tilling of land for an agricultural use.

21 (b) A flood control project authorized by a federal agency.

22 (c) An improvement to, or maintenance of, an existing county
23 or intercounty drain under the drain code of 1956, Act No. 40 of
24 the Public Acts of 1956, being sections 280.1 to 280.630 of the
25 Michigan Compiled Laws.

26 (d) A floodplain alteration by an authorized public agency.

1 (e) Stream crossings for logging purposes that are permitted
2 by the department under the inland lakes and streams act of 1972,
3 Act No. 346 of the Public Acts of 1972, being sections 281.951 to
4 281.965 of the Michigan Compiled Laws.

5 Sec. 14. (1) The application for a permit issued under this
6 act shall be on a form prescribed or approved by the department
7 and shall include information that may be required by the depart-
8 ment or an authorized community to assess the proposed
9 alteration's impact on the floodplain. If an alteration includes
10 activities at multiple locations in a floodplain, 1 application
11 may be filed for combined activities.

12 (2) An application for a permit issued by the department
13 shall be accompanied by a fee of \$50.00 that shall be credited to
14 the flood damage mitigation fund. An application for a permit
15 that is submitted by a governmental unit created by law shall not
16 be required to be accompanied by a fee.

17 (3) An application for a permit issued by an authorized com-
18 munity shall be accompanied by a fee based on the authorized
19 community's administrative costs as determined by the authorized
20 community. This fee may be retained by the authorized
21 community.

22 Sec. 15. (1) Upon receiving an application for a permit for
23 the alteration of a floodplain, the department shall submit
24 copies of the application to the following persons for review:

25 (a) The director of public health or the local health
26 department designated by the director of public health.

1 (b) The city, village or township, and the county where the
2 project is to be located.

3 (c) The local soil conservation district where the project
4 is to be located.

5 (d) The county drain commissioner, or the person or persons
6 designated to perform the responsibilities related to county
7 drains in the county where the project is to be located.

8 (e) The local watershed council organized under the local
9 river management act, Act No. 253 of the Public Acts of 1964,
10 being sections 323.301 to 323.320 of the Michigan Compiled Laws,
11 if one exists where the project is proposed to be located.

12 (f) Adjacent property owners.

13 (2) The application for a permit for the alteration of a
14 floodplain issued by the department shall contain a notice that,
15 unless a written objection from a person receiving a copy of the
16 application under subsection (1) is filed with the department
17 within 20 days after mailing the notice for review, the depart-
18 ment may grant the application. The department shall review all
19 written objections received under this subsection and shall
20 attempt to resolve these objections prior to issuing a permit.
21 The department may hold a public meeting to try to resolve the
22 objections that have been raised.

23 Sec. 16. The department, by rule, may establish minor
24 project categories of activities and projects that are similar in
25 nature and have a minimal potential for causing harmful
26 interference. The department may act upon an application
27 received for a minor project without providing public notice.

1 Sec. 17. The department shall determine whether floodplain
2 mapping in a community is sufficient to allow the community to
3 apply for designation as an authorized community. A map of the
4 floodplain area within a community shall be sent to the community
5 with a letter of notification that outlines the powers, duties,
6 and responsibilities of an authorized community.

7 Sec. 18. (1) A community may apply for designation as an
8 authorized community after notification by the department under
9 section 17 if it does all of the following:

10 (a) Prepares floodplain regulations that meet or exceed
11 rules for floodplain management standards promulgated under this
12 act, and submits them to the department for review.

13 (b) Agrees to maintain a file of all floodplain permits with
14 certifications indicating that the project was built in accord-
15 ance with approved plans and indicating the elevation at national
16 geodetic vertical datum to which a structure has been elevated or
17 flood-proofed. This file shall be made available to the depart-
18 ment on demand.

19 (c) Agrees to make available or post in a prominent public
20 location, a map depicting the limits of the floodplain within the
21 community.

22 (d) Agrees to perform the public notice requirements in the
23 manner set forth in section 15, and agrees to notify the depart-
24 ment, at least 20 days before taking final action on an applica-
25 tion for a floodplain alteration permit.

26 (2) The department shall review and either approve, reject,
27 or return for correction a community's application for

1 designation as an authorized community submitted under this
2 section not later than 90 days after receipt by the department.
3 If the department does not act within this 90-day period, the
4 community's authorization shall be considered approved.

5 (3) If a community is designated as an authorized community
6 under this section, the department shall delegate to the autho-
7 rized community the authority to review and approve or reject
8 floodplain alteration permits and to administer and enforce
9 floodplain regulations within the community's jurisdiction.

10 Sec. 19. An authorized community's assessing officers shall
11 make appropriate allowance in assessed valuation for any loss of
12 value resulting from regulation of land in floodplain areas as
13 provided under the general property tax act, Act No. 206 of the
14 Public Acts of 1893, being sections 211.1 to 211.157 of the
15 Michigan Compiled Laws.

16 Sec. 20. (1) A public agency that is responsible for
17 designing and constructing public facilities that may be located
18 within a floodplain may apply to the department for designation
19 as an authorized public agency by submitting to the department
20 floodplain design standards and procedures that equal or exceed
21 the requirements of this act and rules promulgated under this
22 act.

23 (2) The department shall review and either approve or
24 reject, or return for correction, the floodplain design standards
25 and procedures submitted under subsection (1) not later than 90
26 days after it receives them. If the department does not act

1 within this 90-day period, the floodplain design standards and
2 procedures shall be considered approved.

3 (3) If a public agency's floodplain design standards and
4 procedures are approved under this section, it shall be desig-
5 nated as an authorized public agency and it may conduct flood-
6 plain alterations without a permit from the department or an
7 authorized community.

8 Sec. 21. An authorized public agency shall give public
9 notice in the manner required under section 15 and shall notify
10 the department of the authorized public agency's decision to
11 alter or occupy a floodplain, with a certification that the
12 alteration is in accordance with the authorized public agency's
13 floodplain design standards and procedures. The notification
14 shall indicate the extent of work to be done in the floodplain
15 and shall be transmitted to the department at least 20 days
16 before the initiation of the alteration.

17 Sec. 22. (1) The department shall periodically monitor an
18 authorized community's or authorized public agency's administra-
19 tion of its programs to ensure compliance with the requirements
20 of this act.

21 (2) The department may revoke an authorized community's
22 authorization or an authorized public agency's authorization upon
23 a determination by the department that the floodplain regulations
24 or floodplain design standards and procedures have not been
25 administered or enforced in accordance with this act. The revo-
26 cation shall become effective 31 days after the date the
27 authorized community or authorized public agency receives written

1 notice of the revocation. The revocation shall specify the facts
2 and conduct warranting the action and shall become effective
3 unless 1 or more of the following occur:

4 (a) Within 30 days after receiving notice of the revocation,
5 the authorized public agency or the authorized community, which-
6 ever is applicable, is able to satisfactorily demonstrate to the
7 department either of the following:

8 (i) The alleged violations did not in fact occur.

9 (ii) The alleged violations were accidental and the autho-
10 rized public agency or the authorized community, whichever is
11 applicable, has been operating in compliance with the floodplain
12 regulations or floodplain design standards and procedures, is
13 promoting floodplain management, and is able to provide satisfac-
14 tory assurances that corrective measures have been taken and
15 future operation shall be in full compliance with the floodplain
16 regulations or floodplain design standards and procedures.

17 (b) Within the 30 days after receiving notice of the revoca-
18 tion, the authorized community or authorized public agency
19 requests that a public hearing be held to present oral and writ-
20 ten evidence concerning the proposed revocation. The conduct of
21 this hearing and the procedures for making a final decision
22 revoking a community's or public agency's authorization shall be
23 pursuant to procedures described in the administrative procedures
24 act of 1969, Act No. 306 of the Public Acts of 1969, being sec-
25 tions 24.201 to 24.328 of the Michigan Compiled Laws.

26 Sec. 23. Any action taken by the department, an authorized
27 community, or an authorized public agency shall not unreasonably

1 impair the public trust and environmental values in the adjacent
2 waters and shall not be in conflict with the provisions of other
3 state or community regulations including, but not limited to,
4 those established under:

5 (a) Act No. 245 of the Public Acts of 1929, being sections
6 323.1 to 323.13 of the Michigan Compiled Laws.

7 (b) The Thomas J. Anderson, Gordon Rockwell environmental
8 protection act of 1970, Act No. 127 of the Public Acts of 1970,
9 being sections 691.1201 to 691.1207 of the Michigan Compiled
10 Laws.

11 (c) The natural river act of 1970, Act No. 231 of the Public
12 Acts of 1970, being sections 281.761 to 281.776 of the Michigan
13 Compiled Laws.

14 (d) The inland lakes and streams act of 1972, Act No. 346 of
15 the Public Acts of 1972, being sections 281.951 to 281.965 of the
16 Michigan Compiled Laws.

17 (e) The soil erosion and sedimentation control act of 1972,
18 Act No. 347 of the Public Acts of 1972, being sections 282.101 to
19 282.125 of the Michigan Compiled Laws.

20 (f) The shorelands protection and management act of 1970,
21 Act No. 245 of the Public Acts of 1970, being sections 281.631 to
22 281.644 of the Michigan Compiled Laws.

23 (g) The Goemaere-Anderson wetland protection act, Act
24 No. 203 of the Public Acts of 1979, being sections 281.701 to
25 281.722 of the Michigan Compiled Laws.

26 Sec. 24. (1) After completion or approval of a storm water
27 study, the department shall determine if a critical storm water

1 runoff area should be designated. If a critical storm water
2 runoff area is designated, the department shall notify the
3 affected communities in each critical storm water runoff area. A
4 map of the appropriate critical storm water runoff area shall be
5 sent with the letter of notification which outlines the recommen-
6 dations for managing the area. A public meeting shall be held
7 within the critical storm water runoff area to hear comments con-
8 cerning the study results. A period of 90 days will be given
9 after the public meeting for the communities to appeal the
10 results of the study to the department.

11 (2) Upon notification by the department under subsection (1)
12 that a community is in a critical storm water runoff area, the
13 community may adopt, administer, and enforce a storm water man-
14 agement program within its jurisdiction. The community shall
15 submit its program to the department for informational purposes.

16 (3) In designated critical storm water runoff areas, the
17 department shall preserve water storage in floodplains and in
18 wetlands, if the wetlands are regulated under the
19 Goemaere-Anderson wetland protection act, Act No. 203 of the
20 Public Acts of 1979, being sections 281.701 to 281.722 of the
21 Michigan Compiled Laws.

22 Sec. 25. (1) Communities shall cooperate with the depart-
23 ment and federal agencies in evaluating flooding potential and
24 identifying floodplains within their jurisdiction.

25 (2) Communities may also develop and implement a comprehen-
26 sive flood damage reduction program. The program shall
27 complement local floodplain regulations and storm water

1 management programs and are encouraged to do all of the
2 following:

3 (a) Promote public education concerning local flood hazards
4 and flood preparedness planning and publicize the limits of the
5 floodplain and critical storm water runoff areas.

6 (b) Discourage the placement of public facilities and utili-
7 ties in locations, where the placement would encourage the devel-
8 opment of floodplains.

9 (c) Preserve publicly-owned floodplains and wetlands and
10 provide for the acquisition of floodplains, wetlands, and storm
11 water storage areas.

12 (d) Insure that community development goals, plans, and pro-
13 posed capital improvements, including flood control works, are
14 consistent with this act.

15 Sec. 26. The department or an agent of the department may
16 enter, at any reasonable time, upon proper identification,
17 notice, and request, in or upon any private or public property
18 for the purpose of inspecting and investigating conditions relat-
19 ing to flooding potential and the alteration of floodplains.

20 Sec. 27. Prior to the sale by the state or an authorized
21 community of any real property containing a floodplain, the state
22 or the authorized community shall notify the purchaser, in writ-
23 ing, of the existence of the floodplain and that the real prop-
24 erty may be subject to certain restrictions under this act.

25 Sec. 28. The department shall promulgate rules necessary to
26 implement this act.

1 Sec. 29. A person may file an appeal or complaint with the
2 department contesting either of the following:

3 (a) An authorized community's administration and enforcement
4 of community floodplain regulations or an authorized public
5 agency's adherence to floodplain design standards and procedures
6 charging noncompliance with the objectives and provisions of this
7 act and rules promulgated under this act.

8 (b) The issuance of a permit to allow the alteration of a
9 floodplain by the department or an authorized community within 30
10 days after the action on the permit.

11 Sec. 30. (1) A person who alters or allows the alteration
12 of a floodplain in violation of this act is guilty of a misde-
13 meanor, punishable by a fine of not more than \$2,500.00 for each
14 occurrence.

15 (2) A person who willfully or recklessly violates a condi-
16 tion of a permit issued under this act is guilty of a misdemean-
17 or, punishable by a fine of not more than \$2,500.00 per day.

18 Sec. 31. (1) The department may, in conjunction with the
19 department of attorney general, bring any appropriate action in
20 the name of the people of the state of Michigan to implement or
21 enforce this act.

22 (2) The state, a community, or any other person may bring an
23 action in a court of proper jurisdiction to restrain or prevent
24 any violation or continuation of a violation of this act, rules
25 promulgated under this act, or a local floodplain regulation
26 adopted and approved pursuant to this act.

Sec. 32. This act shall not take effect unless Senate Bill
No. 152 of the
85th Legislature is enacted into law.