

HOUSE BILL No. 4274

February 15, 1991, 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
15 order or rule of the department or by a valid permit issued by
16 the 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 OF 1967,
19 ACT 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 IN COMPLIANCE WITH APPLICABLE STATE AND FEDERAL LAW.

1 Section 2. This amendatory act shall not take effect unless
2 Senate Bill No. _____ or House Bill No. 4273 (request
3 no. 01826'91) of the 86th Legislature is enacted into law.