

ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE

Community Name: Village of Pentwater, County: Oceana

Ordinance number 2014-1

An Ordinance to designate an enforcing agency to discharge the responsibility of the Village of Pentwater located in Oceana County, and to designate regulated flood hazard areas under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, as amended.

The Village of Pentwater ordains:

Section 1. 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 Building Inspector of the County of Oceana is hereby designated as the enforcing agency to discharge the responsibility of the Village of Pentwater under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The County of Oceana assumes responsibility for the administration and enforcement of said Act through out the corporate limits of the community adopting this ordinance.

Section 2. 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 jurisdiction of the community adopting this ordinance.

Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Oceana County, Michigan (All Jurisdictions)" and dated 8/4/2014 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26127C; 0015C and 0020C dated 8/4/2014 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 4. REPEALS. All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

Adopted this 12th (Date) day of MAY (Month),
2014 (Year).

This ordinance duly adopted on 5/12 (Date) at a regular meeting of the Pentwater Village Council and will become effective 6/5/14 (Date).

Signed on 6/5/14 (Date) by Colleen Moser (Signature),
Colleen Moser, Clerk of the Village of Pentwater

Attested on 5/12 (Date) by Juanita Pierman (Signature),
Juanita Pierman, President of the Village of Pentwater

MICHIGAN COMMUNITY RESOLUTION AND INTERGOVERNMENTAL
AGREEMENT TO MANAGE FLOODPLAIN DEVELOPMENT
FOR THE NATIONAL FLOOD INSURANCE PROGRAM

Community A: Pentwater Village _____ Community/Entity B: Oceana County

WHEREAS, Community A currently participates desires to participate in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP) by complying with the program's applicable statutory and regulatory requirements for the purposes of significantly reducing flood hazards to persons, reducing property damage, reducing public expenditures, and providing for the availability of flood insurance and federal funds or loans within its community; and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and utilize the following definitions which also apply for the purposes of this resolution:

1. Flood or Flooding means:
 - a. A general and temporary condition of partial or complete inundation of normally dry land areas from: 1) the overflow of inland or tidal waters, 2) the unusual and rapid accumulation or runoff of surface waters from any source, 3) mudflows, and
 - b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding, as defined in paragraph (a)(1) of this definition.
2. Flood Hazard Boundary Map (FHBM) means an official map of a community, as may have been issued by the FEMA, where the boundaries of the areas of flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zone A, M, and/or E.
3. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
4. Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.
5. Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.
6. Structure means a walled and roofed building that is principally above ground, gas or liquid storage facility, as well as a mobile home or manufactured unit.

WHEREAS, the Stille-Derossett-Hale Single State Construction Code Act", Act No. 230 of the Public Acts of 1972, as amended, (construction code act), along with its authorization of the state construction code composed of the Michigan Residential Code and the Michigan Building Code [and its Appendices (specifically Appendix G)] contains floodplain development and management

regulations that comply with the FEMA NFIP minimum floodplain management criteria for flood prone areas as detailed in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, and

WHEREAS, by the action dates of this document or an existing historical agreement dated n/a, Community/Entity B affirms/agrees on behalf of Community A to function as the designated enforcing agency to discharge the responsibility of administering, applying, and enforcing the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, to all development within Community A's political boundaries, and

WHEREAS, Community A and Community/Entity B enforce floodplain regulations of the construction code act, and Community A wishes to ensure that the administration of that code complies with requirements of the NFIP, and

NOW THEREFORE, to maintain eligibility and continued participation in the NFIP,

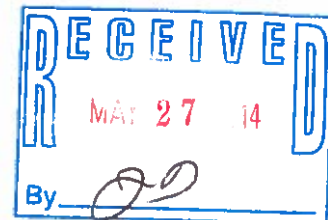
1. Community A and Community/Entity B agree that Community/Entity B's officially designated enforcing agency for the construction code act, Oceana County Building Inspector, be directed to administer, apply, and enforce on Community A's behalf the floodplain management regulations as contained in the state construction code (including Appendix G) and to be consistent with those regulations, by:
 - a. Obtaining, reviewing, and reasonably utilizing flood elevation data available from federal, state, or other sources pending receipt of data from the FEMA to identify the flood hazard area, and areas with potential flooding, and
 - b. Ensuring that all permits necessary for development in floodplain areas have been issued, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under the floodplain regulatory provisions of Part 31, "Water Resources Protection," of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and
 - c. Reviewing all permit applications to determine whether the proposed building sites will be reasonably safe from flooding. Where it is determined that a proposed building will be located in a flood hazard area or special flood hazard area, Community/Entity B shall implement the following applicable codes according to their terms:
 - i) Appropriate portions and referenced codes and standards of the current Michigan Residential Code.
 - ii) Appropriate portions and referenced codes and standards of the current Michigan Building Code.
 - iii) Appendix G of the current Michigan Building Code.
 - d. Reviewing all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
 - e. Assisting in the delineation of flood hazard areas; provide information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintain flood proofing and lowest floor construction records, and cooperate with other officials, agencies, and persons for floodplain management.
 - f. Advising FEMA of any changes in community boundaries, including appropriate maps, and
 - g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevation to which structures have been flood proofed.

2. Community A and Community/Entity B assure the Federal Insurance Administrator (Administrator) that they intend to review, on an ongoing basis, all amended and revised FHBMs and Flood Insurance Rate Maps (FIRMs) and related supporting data and revisions thereof and revisions of 44 CFR, Part 60, Criteria for Land Management and Use, and to make such revisions in its floodplain management regulations as may be necessary to assure Community A's compliant participation in the program.
3. Community A further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and/or the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.

FURTHER BE IT RESOLVED, both communities declare their understanding that, until this resolution is rescinded or Community A makes other provision to enforce the construction code act:

1. Community/Entity B must administer and enforce the construction code act in accordance with the terms and the conditions contained herein, and
2. For Community A to continue its participation in the NFIP, the construction code act must be administered and enforced according to the conditions contained herein.

Community A:	<u>Village of Pentwater</u>	Date Passed:	<u>5-12-14</u>
Officer Name:	<u>Colleen Maser</u>	Title:	<u>Clerk/Treasurer</u>
Signature:	<u>Colleen Maser</u>	Date:	<u>5-13-14</u>
Witness Name:	<u>Juanita Preaman</u>	Title:	<u>Village President</u>
Signature:	<u>Juanita Preaman</u>	Date:	<u>5/13/2014</u>
Community/Entity B:	<u>Oceana County</u>	Date Passed:	<u>5-22-14</u>
Officer Name:	<u>Larry Vansickle</u>	Title:	<u>Board Chairperson</u>
Signature:	<u>Larry Van Sickle</u>	Date:	<u>5-22-14</u>
Witness Name:	<u>Sue Ann Johnson</u>	Title:	<u>Admin/Fiscal Officer</u>
Signature:	<u>Sue Johnson</u>	Date:	<u>5-22-14</u>





**Oceana County
BOARD OF COMMISSIONERS**
County Building
100 S. State Street, Suite M-4
Hart, Michigan 49420



**RESOLUTION RE INTERGOVERNMENTAL AGREEMENT TO MANAGE FLOODPLAIN
DEVELOPMENT FOR THE NATIONAL FLOOD INSURANCE PROGRAM**

Moved by Mr. Powers and seconded by Mr. Dykema to adopt the attached "Michigan Community Resolution and Intergovernmental Agreement to Manage Floodplain Development for the National Flood Insurance Program" and to authorize the Oceana County Board Chairperson to sign the same.

Further, by adoption of this document, Oceana County agrees to function as the designated enforcement agency to discharge the responsibility of administering, applying, and enforcing the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code to all development within Village of Pentwater's political boundaries.

Roll call vote: Powers, yes; Dykema, yes; Brown, yes; Byl, yes; Kolbe, absent; Walker, absent; and, Van Sickle, yes. Motion carried.

CERTIFICATION:

The undersigned, being the Clerk of Oceana County, does hereby certify that on the 22nd day of May, 2014, the Oceana County Board of Commissioners did adopt the above Resolution at its Regular Meeting.

Rebecca J. Griffin, Clerk
Oceana County
Board of Commissioners