

**Gratiot County Board of Commissioners
Request To Be Placed on Agenda**

Department: Fulton Township

- or -

Name: Diane Kuedger

Address: 3425 W. Cleveland City Perinton State Mi Zip 48871

Telephone: 989-236-5102 Fax: 989-236-5369

Please provide a meeting date, or mark that you are requesting next available meeting date:
I wish to be placed on the agenda for: _____ or next available meeting date _____.

I will appear.

I will not appear, I am asking the Board take action on the enclosed request.

Subject matter and brief description (if not provided in enclosure):

Enclosed is our Floodplain Resolution, we had one in July 1999 and they (Fema) said we needed to update. We need Gratiot County to be the enforcing agent or (Community B) in resolution. Before the chair of Commission and County Clerk signed. If you have questions call us.

Action required by the Clerk following presentation:

- Send copy of minutes to: _____
- Send copy of enclosed resolution to: Diane Kuedger, Clerk Fulton Twp.
- Send copy of enclosed letter to: _____
- Other: _____
- No further action is required by the Clerk.

**MATERIALS FOR DISTRIBUTION TO THE COMMISSIONERS
NEED TO REACH ME ONE WEEK PRIOR TO THE MEETING
TO ENSURE THEY APPEAR IN THE COMMISSIONER PACKETS.**

**ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS
OF THE STATE CONSTRUCTION CODE**

Community Name: Fulton Township

County: Gratiot

Ordinance number 2010-7-13

An ordinance to designate an enforcing agency to discharge the responsibility of the Township of Fulton located in Gratiot 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 Township of Fulton 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 Official of the County of Gratiot is hereby designated as the enforcing agency to discharge the responsibility of the Township of Fulton under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The County of Gratiot 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 Township of Fulton.

Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled that Fulton Township has no flood hazard maps.

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 13th day of July, 2010.

This ordinance duly adopted on 7-13-10 at a regular meeting of the Fulton Township Board and will become effective _____.

Signed on 7-13-10 by Diane L. Ruedger (Signature),
Diane L. Ruedger, Clerk of the Township of Fulton.

Attested on 7-13-10 by William Burnham (Signature),
William A. Burnham, Supervisor of the Township of Fulton.

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

Community A: Fulton Township

Community B: Gratiot County

WHEREAS, Community A currently participates 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 of 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, 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. *(This is to be included only if the FEMA has issued a FHBM for the community).*

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 measure 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 regulation, 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), if adopted] 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 (44CFR), Section 60.3, and

WHEREAS, by the action dates of this document or an existing agreement dated _____, Community B agrees on behalf of Community A to function as the designated 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 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 B agree that Community B's officially designated enforcing agent for the construction code act, Gratiot County be directed to administer on Community A's behalf the floodplain management regulations as contained in the state construction code (including Appendix G, if adopted) 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 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 of special flood hazard area, Community 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, if adopted.
 - 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 floodproofed.

2. Community A and Community 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 44CFR, 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 provisions to enforce the construction code act:

1. Community 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: Gulton Township Date Passed: July 13, 2010

Officer Name: William Burnham Title: Supervisor

Signature: William Burnham Date: 7-13-10

Witness Name: Diane L. Ruedger Title: Clerk

Signature: Diane L. Ruedger Date: July 13, 2010

Community B: Gratist County Date Passed: _____

Officer Name: _____ Title: _____

Signature: _____ Date: _____

Witness Name: _____ Title: _____

Signature: _____ Date: _____