

Newton Township of Calhoun County
7988 G Drive South, Ceresco, MI 49033

Ordinance number 2011 – 02

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

The Township of Newton in Calhoun County, Michigan ordains:

SECTION 1. AGENCY DESIGNATED.

Pursuant to the provision 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 Township of Newton is hereby designated as the enforcing agency to discharge the responsibility of the Township of Newton under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The Township of Newton 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 Newton.

SECTION 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS.

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Calhoun County, Michigan (all jurisdictions) and dated April 4, 2011 and the Flood Insurance Rate Map(s) (FIRMs) panel numbers of 260647C, 260335C, 260345C, 260355C, 060360C, 260365C, 260370C dated April 4, 2011 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All ordinances inconsistent with the provisions of this ordinance are hereby repealed.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.

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Adopted this 8th day of March in the year 2011. This ordinance duly adopted on March 8, 2011 at a regular meeting of the Newton Township Board.

Newton Township Supervisor _____ 3/8/2011

Newton Township Clerk _____ 3/8/2011

Newton Township Treasurer _____ 3/8/2011

Newton Township Trustee _____ 3/8/2011

Newton Township Trustee _____ 3/8/2011

Yeas:

Nays:

MOTION CARRIED BY A VOTE OF:

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WHEREAS, the community of Newton Township 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, and 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 an unusually high water level in a natural body of water, accompanied by a severe storm, 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 FEMA, where the boundaries of the 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 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 if adopted by the community)] contains floodplain

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development criteria for flood prone areas, as detailed in Title 44 of the Code of Federal Regulations (44CFR), Section 60.3, and

WHEREAS, by an ordinance adoption action dated February 8, 2011, the community accepted the responsibility to administer, apply, and enforce the provisions of the construction code act and the state construction code, specifically the Michigan Residential Code and the Michigan Building Code, to all construction within its community boundaries, and [Community B has agreed to enforce those codes on behalf of Community A (if appropriate)]

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

1. The community directs its designated enforcing agent for the construction code act, Building Inspector of Newton Township, to administer, apply, and enforce 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.
 - b. Ensuring that all permits 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.
 - c. Reviewing all permit applications to determine whether the proposed building will be located in a flood hazard area or special flood hazard area, the construction code act enforcing agent shall implement the following applicable codes according to their terms"
 - i. Floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
 - ii. Floodplain management regulation 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 proposal are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
 - e. Assisting in the delineation of flood hazard areas; providing information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintaining floodproofing and lowest floor construction records, cooperating with other officials, agencies, and persons for floodplain management.
 - f. Advising FEMA of any changes in community boundaries, including appropriate maps.

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- g. Maintaining records of new structures and substantially improved structures concerning any certificates of floodproofing, lowest floor elevation, basements, floodproofing, and elevations to which structures have been floodproofed.
- 2. The community assures the Federal Insurance Administrator (Administrator) that it intends 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 continue to participate in the program.
- 3. The community 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.

Newton Township of Calhoun County passed this ordinance on the 8th day of March 2011.

Newton Township Supervisor _____ 3/8/2011

Newton Township Clerk _____ 3/8/2011

Newton Township Treasurer _____ 3/8/2011

Newton Township Trustee _____ 3/8/2011

Newton Township Trustee _____ 3/8/2011

MOTION CARRIED BY A VOTE OF: _____