



CITY OF BROWN CITY

A Progressive Industrial and Agricultural Community

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Mayor
Christine Lee

Resolution 11-15

MICHIGAN COMMUNITY RESOLUTION OF INTENT FOR PARTICIPATING IN THE NATIONAL FLOOD INSURANCE PROGRAM

Councilmembers:
Patricia Jacobson
Dan Loutzenhiser
Ross McIvor
Julie Miller
Eugene Navock
William Walters

City Clerk:
Kelly Pavel

City Treasurer:
Carol Walters

City Manager:
Clint Holmes

Police Chief:
Ron Smith

DPW Foreman:
Phil Bartle

Administrative
Assistant:
David Van Cura

WHEREAS, certain land and water areas within the governmental boundaries of the City of Brown City in Sanilac County are subject to periodic flooding, or flood related erosion, causing serious damages to properties within these areas; and,

WHEREAS, relief is available in the form of federally subsidized flood insurance, as authorized by the National Flood Insurance Act of 1968; and,

WHEREAS, this community desires to participate in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP); and,

WHEREAS, this community has the legal authority to administer or has an agreement with another entity to administer the state construction code comprised of the Michigan Residential Code and the Michigan Building Code and its Appendices, specifically Appendix G, adopted pursuant to the Stille-Derossett-Hale Single State Construction Code Act, 1972 PA 230, as amended, MCL 125.1501, et. seq. (construction code act), and further has authority to adopt land use and control measures to reduce future flood losses pursuant to:

1. 2008 PA 33, Michigan Planning Enabling Act, MCL 125.3801-125.3883
2. 2006 PA 110, Michigan Zoning Enabling Act, MCL 125.3101-125.3702, as amended by 2008 PA 12; and,

WHEREAS, the official administration and enforcement of the construction code act and the state construction code within this community's political boundaries, MCL 125.1508b by the Sanilac County Department of Construction, Soil Erosion & Sedimentation Control Agency as this community's enforcing agency, will provide the means to implement and enforce an effective and competent floodplain management program; and,

WHEREAS, this community or its enforcing agency is responsible for the submittal on the first anniversary date of the community's initial eligibility, a report to the Federal Insurance Administrator (Administrator) on the progress the community has made during its first year of participation, in the development and implementation of floodplain management measures, and thereafter, submit biennial reports as requested by the Administrator; and,

WHEREAS, this community intends to recognize and duly evaluate flood and flood related erosion hazards in all official actions relating to land use in areas having these hazards within its jurisdiction;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF BROWN CITY THAT: Assures the FEMA that the construction code act and the state construction code is administered and enforced within its boundaries; it intends to identify and duly evaluate and enact as necessary, and maintain in force in those areas having flood or flood related erosion hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, of the NFIP Regulations; and,

Commits to vest with the community's floodplain management enforcing agency the responsibility to maintain for public inspection and to furnish, upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM), any certificates of floodproofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed; and,

Commits to take such other official action as may be reasonably necessary to carry out the objectives of the NFIP program; and,

Commits, in its interactions with the Administrator, to:

- a. Assist the Administrator at his/her request, in his/her delineation of the limits of the area having special flood, mudslide (i.e., mudflow), or flood related erosion hazards.
- b. Provide such information as the Administrator may request concerning present uses and occupancy of the floodplain, mudslide (i.e., mudflow), or flood related erosion areas.
- c. Cooperate with federal, state, and local agencies and private firms which undertake to study, survey, map, and identify floodplain or flood related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide (i.e., mudflow), and/or flood related erosion areas in order to prevent aggravation of existing hazards.
- d. Upon occurrence, notify, the Administrator in writing whenever the boundaries of the community have been modified by annexation, or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all FHBMs and FIRMs accurately represent the community's boundaries, include within such modification a copy of a map of the community suitable for reproduction, clearly delineating the new

corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

The foregoing Resolution was offered on December 19, 2011, by Councilmember Walters, and seconded by Councilmember Miller. There followed a Roll Call Vote with six (6) Councilmembers present:

CM Jacobson-yes, CM Loutzenhiser- yes, CM McIvor- yes, CM Miller- yes, CM Navock- yes, CM Walters- yes.

Yeas: 6 Abstaining: 0

Nays: 0 Absent: 0

A QUORUM BEING PRESENT – MOTION DECLARED CARRIED.

I, Kelly J. Pavel, City Clerk of the City of Brown City, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the government of the City of Brown City, County of Sanilac, State of Michigan at a regular meeting held on December 19, 2011, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Kelly J. Pavel
City Clerk
City of Brown City
Sanilac County, Michigan