



# CITY OF BROWN CITY

*A Progressive Industrial and Agricultural Community*

4205 Main Street, Post Office Box 99, Brown City, Michigan 48416-0099

Phone (810) 346-2325 Fax (810) 346-3802

Mayor  
Christine Lee

## CITY OF BROWN CITY

### RESOLUTION NUMBER 12-02

#### MICHIGAN COMMUNITY RESOLUTION AND INTERGOVERNMENTAL AGREEMENT TO MANAGE FLOODPLAIN DEVELOPMENT FOR 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

City Assessor:  
Sanilac Assessors

**WHEREAS**, the City of Brown City 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 the Sanilac County Department of Construction, Soil Erosion & Sedimentation Control Agency affirms/agrees on behalf of the City of Brown City 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 the City of Brown City’s political boundaries; and,

**WHEREAS**, the Sanilac County Department of Construction, Soil Erosion & Sedimentation Control Agency enforce floodplain regulations of the construction code act, and the City of Brown City wishes to ensure that the administration of that code complies with requirements of the NFIP;

**NOW THEREFORE, THE CITY OF BROWN CITY RESOLVES TO** maintain eligibility and continued participation in the NFIP,

1. The City of Brown City and the Sanilac County Department of Construction, Soil Erosion & Sedimentation Control Agency agree that the Sanilac County Department of Construction, Soil Erosion & Sedimentation Control Agency’s officially designated enforcing agency for the construction code act, Sanilac County Building Inspector, be directed to administer, apply, and enforce on the City of Brown City’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, the Sanilac County Department of Construction, Soil Erosion & Sedimentation Control Agency 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 flood-proofing, lowest floor elevation, basements, flood-proofing, and elevation to which structures have been flood-proofed.
2. City of Brown City and the Sanilac County Department of Construction, Soil Erosion & Sedimentation Control Agency 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 the City of Brown City's compliant participation in the program.
  3. The City of Brown City 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 governmental units declare their understanding that, until this resolution is rescinded or the City of Brown City makes other provision to enforce the construction code act:

1. The Sanilac County Department of Construction, Soil Erosion & Sedimentation Control Agency must administer and enforce the construction code act in accordance with the terms and the conditions contained herein; and,
2. For the City of Brown City to continue its participation in the NFIP, the construction code act must be administered and enforced according to the conditions contained herein.

**IN WITNESS WHEREOF**, the Parties hereto have duly executed this Agreement to be effective as of January 23, 2012.

**FOR THE CITY OF BROWN CITY:**

Date Passed: January 23, 2012

Officer Name: Christine J. Lee

Title: Mayor

Signature: \_\_\_\_\_

Date: January 23, 2012

Witness Name: Kelly Jo Pavel

Title: City Clerk

Signature: \_\_\_\_\_

Date: January 23, 2012

**FOR THE SANILAC COUNTY DEPARTMENT OF CONSTRUCTION, SOIL EROSION & SEDIMENTATION CONTROL AGENCY:**

Date Passed: January 23, 2012

Officer Name: Tim Gardner

Title: Building Inspector

Signature: \_\_\_\_\_

Date: January 23, 2012

Witness Name: Eric Bowerman

Title: Chief Building Official

Signature: \_\_\_\_\_

Date: January 23, 2012