

2015-06-122

THETFORD TOWNSHIP, GENESEE COUNTY

ORDINANCE NO. 122-8-10-2009

AN ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE, WHICH AMENDS ORDINANCE 47, WHICH IS AN ORDINANCE TO REGULATE AND PROPERLY GUIDE THE DEVELOPMENT IN FLOOD PLAIN AREAS WITHIN THE TOWNSHIP OF THETFORD ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE

PURPOSE:

An ordinance amendment to affirm an enforcing agency to discharge the responsibility of the Township of Thetford located in Genesee 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 Thetford ordains:

Section 1: Amendments:

ORDINANCE 47 IS HEREBY AMENDED TO INCLUDE THE FOLLOWING LANGUAGE:

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 Township of Thetford is hereby designated as the enforcing agency to discharge the responsibility of the Township of Thetford under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The Township of Thetford assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.

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 Thetford.

DESIGNATIONS OF REGULATED FLOOD PRONE HAZARD AREAS. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) dated October 31, 2008 and the Flood Insurance Rates Maps (FIRMS) panel numbers of 0100D and 0064D and dated October 31, 2008 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 2. REPEALS. All provisions of Ordinance 47 that directly conflict with the above amendments are hereby repealed. Additionally, all ordinances or provisions thereof that are inconsistent with the provisions of this ordinance are hereby repealed.

Section 3. PUBLICATION. This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing the same.

Section 4. EFFECTIVE DATE. This Ordinance amending Thetford Township Ordinance 47, shall take effective 30 days after date of publication.

Section 5. WHERE ORDINANCE MAY BE INSPECTED. A copy of this Ordinance can be obtained from the Clerk of Thetford Township at the offices of Thetford Township, 4014 E. Vienna Road, Clio, Michigan 48420.

Section 6. INVALIDITY. If any section, paragraph, sentence, clause, phrase or part of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect and to this end the provisions of this Ordinance are hereby declared severable.

Motion by C. Howd, seconded by J. Paulson to adopt Ordinance 122-8-10-2009

Vote:

<u>yes</u>	Supervisor
<u>yes</u>	Clerk
<u>yes</u>	Treasurer
<u>yes</u>	Trustee
<u>yes</u>	Trustee
<u>yes</u>	Trustee
<u>yes</u>	Trustee

The foregoing Ordinance was duly adopted at a regular meeting of the Thetford Township Board held on the 10th day of August, 2009.

Clyde Howd
Supervisor of Thetford Township

Julie Paulson
Clerk

I, Julie Paulson, Clerk of Thetford Township, do hereby certify that the above is a true and exact copy of the Ordinance heretofore passed by the Township Board for Thetford Township, Genesee County, Michigan voted.

This Ordinance was given publication in the Mt. Morris/Onio Herald on the 19th day of Aug., 2009.

Julie Paulson
Clerk of Thetford Township

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0"

100 FT

1000 FT

5000 FT

270000 M E

288000 M E

289000 M E

289000 M E

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289000 M E

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3

T 8 N

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34

27

TOWNSHIP OF GENESSEE
260078

ZONE X

260683

TOWNSHIP OF THEFORD

ZONE X

FRANCES RD

35
SCOTT RD

26

25

ZONE A

TOWNSHIP OF THEFORD
TOWNSHIP OF GENESSEE

ZONE A

36

Barnhart Crd

WASSAR RD

TOWNSHIP OF THEFORD
TOWNSHIP OF FOREST

30

6

ZONE X

31

TOWNSHIP OF
260078

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TOWNSHIP OF
RICHIE

VAL



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

WHEREAS, the Community of the Township of Thetford currently participates in the Federal Emergency Management Agency's (FEMA'S) 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 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 anticipated 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 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 preventative measures for reducing flood damage, including by not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.
5. Floodplain management regulations means zoning ordinance, subdivision regulations, building codes, health regulations, special purpose ordinance (such as 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-Derosset-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 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 and Ordinance adoption action dated August 10, 2009, Thetford Township accepted 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 Thetford Township's boundaries.

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

1. Thetford Township directs its designated enforcing agent for the construction code act, the Township Building Inspector or other individual designated by the Township Board, to administer, apply and enforce 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 the FEMA to identify the flood hazard area and areas with potential flooding.
 - 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.
 - 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 construction code act enforcing agent shall implement the following applicable codes according to their terms:
 1. Floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code.
 2. Floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code.
 3. 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; providing information concerning uses and occupancy of the floodplain or flood-related erosion areas, maintaining flood proofing 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.
 - g. Maintaining records of new structures and substantially improved structures concerning any certificated of flood proofing, lowest floor evaluation, basements, flood proofing and elevations to which structures have been flood proofed.
2. Thetford Township 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 Use, and to make such revisions in its floodplain management regulations as may be necessary to continue to participate in the program.
 3. Thetford Township 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.

Township of Thetford

Date Passed: 8-10-2009

Officer Name: Clyde D Howd

Title: SUPERVISOR

Signature: Clyde D Howd

Date: 8-11-09

Witness Name: Julie Paulson

Title: Clerk

Signature: Julie C. Paulson

Date: 8-11-09

**THETFORD TOWNSHIP
GENESEE COUNTY, MICHIGAN
NOTICE OF ADOPTION
SUMMARY OF ORDINANCE NO.: 122-08-10-2009**

NOTICE IS HEREBY GIVEN that Thetford Township, Genesee County, Michigan, on August 10, 2009, through its board adopted Ordinance No. 122-08-10-2009, an ordinance ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE, WHICH AMENDS ORDINANCE 47, WHICH IS AN ORDINANCE TO REGULATE AND PROPERLY GUIDE THE DEVELOPMENT IN FLOOD PLAIN AREAS WITHIN THE TOWNSHIP OF THETFORD ADDRESSING FLOODPLAIN MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE.

NOTICE IS FURTHER GIVEN that a true copy of Thetford Township Ordinance No. 122-08-10-2009 is available for public inspection or purchase at the Thetford Township offices, 4014 East Vienna Road, Clio, Michigan 48420, during normal business hours.

Julie C. Paulson
Thetford Township Clerk