



Rochester Hills Agenda Report

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File Number: 2006-0682

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File Type: Ordinance

Status: For Introduction

Version: 1

Reference:

Controlling Body: City Council Regular Meeting

Requester: DPS/Engineering

Cost:

Introduced: 09/07/2006

File Name: Floodplain Use and Regulation Ordinance Amendment - Chapter 114

Final Action:

Title: Acceptance for First Reading - An Ordinance to amend sections 114-126, 114-129, 114-157, and 114-191, Article III, Floodplain Use and Regulation, Chapter 114, Floods, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to adopt the new Federal Emergency Management Agency Flood Insurance Study and Flood Insurance Rate Maps to allow for City's continued participation in the Federal Emergency Management Agency's National Flood Insurance Program, prescribe penalties for violations, and to repeal conflicting Ordinances

Notes:

Code Sections:

Agenda Date:

Indexes: Ordinance Change

Agenda Number:

Sponsors:

Enactment Date:

Attachments: Agenda Summary.pdf, Ordinance Amendment.pdf, 26125C0379F.pdf, 26125C0383F.pdf, 26125C0384F.pdf, 26125C0387F.pdf, 26125C0389F.pdf, 26125C0391F.pdf, 26125C0392F.pdf, 26125C0393F.pdf, 26125C0403F.pdf, 26125C0411F.pdf, 26125C0412F.pdf, 26125C0413F.pdf, 26125C0527F.pdf, 26125C0531F.pdf, 26125C0532F.pdf, 26125C0551F.pdf, 26125C0552F.pdf, 26125CIND1A.pdf, 26125CIND1A_CD.pdf, 26125CIND2A.pdf, 26125CIND2A_CD.pdf, 26125CV001A.pdf

Enactment Number:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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Text of Legislative File 2006-0682

..title

Acceptance for First Reading - An Ordinance to amend sections 114-126, 114-129, 114-157, and 114-191, Article III, Floodplain Use and Regulation, Chapter 114, Floods, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to adopt the new Federal Emergency

Management Agency Flood Insurance Study and Flood Insurance Rate Maps to allow for City's continued participation in the Federal Emergency Management Agency's National Flood Insurance Program, prescribe penalties for violations, and to repeal conflicting Ordinances

..body

Whereas, the City of Rochester Hills currently participates in the Federal Emergency Management Agency's (FEMAs) 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 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 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, by an ordinance adoption action dated October 13, 2006, the City amended Article III, Floodplain Use and Regulation, Chapter 114, Floods, of the Rochester Hills Code of Ordinances, to adopt new Federal Emergency Management Agency Flood Insurance Study and Flood Insurance Rate Maps, and accepted the responsibility to administer, apply, and enforce the provisions of ordinance, including provisions of 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 which 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

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

1. The city directs its designated enforcing agent for the construction code act, the city engineer and/or city building inspector, to administer, apply, and enforce the floodplain management regulations as contained in city ordinance and the state construction code 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 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.

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 city 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.

Resolved that an Ordinance to amend sections 114-126, 114-129, 114-157, and 114-191, Article III, Floodplain Use and Regulation, Chapter 114, Floods, of the Code of Ordinances of the City of Rochester Hills, Oakland County, Michigan, to adopt the new Federal Emergency Management Agency Flood Insurance Study and Flood Insurance Rate Maps to allow for City's continued participation in the Federal Emergency Management Agency's National Flood Insurance Program, prescribe penalties for violations, and to repeal conflicting Ordinances, is hereby accepted for First Reading.