



## Legislation Details (With Text)

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Date	Ver.	Action By	Action	Result
3/5/2012	1	City Council	Approved	Pass

### Resolution to Manage Floodplain Development for the National Flood Insurance Program

The City of Ann Arbor currently participates in the National Flood Insurance Program (NFIP). The NFIP makes flood insurance available within participating communities. Federal law requires flood insurance for any structure within the 1% annual chance floodplain (formerly known as the 100-year floodplain) that has a federally backed mortgage.

The Federal Emergency Management Agency (FEMA) requires communities that participate in the NFIP to adopt and administrate minimum floodplain development regulations. The wording of this resolution is prescribed by FEMA and MDEQ and includes their minimum floodplain development regulations. FEMA has issued a new Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM) for Washtenaw County that will go into effect on April 3, 2012. An amendment to the Construction Code, Chapter 100, is proposed for City Council consideration to adopt the new FIS and FIRM. Both the resolution and ordinance revision are mandatory, prior to April 3, 2012, for the City's continued participation in the NFIP.

Prepared By: Jerry Hancock, Stormwater and Floodplain Programs Coordinator

Reviewed By: Craig Hupy, P.E., Interim Public Services Administrator

Approved By: Steven D. Powers, City Administrator

Whereas, the City of Ann Arbor in Washtenaw County, Michigan 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;

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 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 resolution, the City of Ann Arbor affirms 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;

RESOLVED, In order to maintain eligibility and continued participation in the NFIP,

1. The City of Ann Arbor directs its Construction Code Act designated enforcing agency, Planning and Development Services Chief Development Official, 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;
- 2.
- 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.
  - 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.
3. The City of Ann Arbor 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.
  4. The City of Ann Arbor 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.