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M E M O R A N D U M

TO: Tom Kucera, Zoning Administrator
Crystal Lake Township **VIA EMAIL**

FROM: Bryan E. Graham *BEG*

DATE: November 30, 2020

SUBJECT: Procedures for National Flood Insurance Program (NFIP)

Enclosed you will find the ordinance necessary to update the township's participation in the NFIP. I have also enclosed the joint resolution between the township and the county for the administration of the NFIP. Both the ordinance and the resolution are necessary to complete this project.

Prior to providing the ordinance and resolution to you, I submitted those documents to Matthew Occhipinti from the Michigan Department of Environment, Great Lakes, and Energy (EGLE) for preliminary approval. I received his approval of both documents this morning. It is important to obtain this preliminary approval so the township is reasonably assured that FEMA will accept the documents. I

The township must enact the ordinance and adopt the resolution. The resolution must also be adopted by the county board of commissioners

The township will then need to coordinate with the county clerk to obtain the necessary signatures on the same resolution document.

The final step in the process is to submit the signed ordinance and signed resolution to:

Matthew Occhipinti, P.E., CFM
NFIP Coordinator / Floodplain Engineer
Water Resource Division
Michigan Department of Environment, Great Lakes, and Energy
350 Ottawa Ave., NW
Grand Rapids, MI 49503

If you have questions concerning the documents for the procedures necessary to complete this matter, please do not hesitate to contact me.

BEG

Enclosures

cc: Amy Ferris, Supervisor (via email) (w/ enclosures)

CRYSTAL LAKE TOWNSHIP

**ORDINANCE ADDRESSING FLOODPLAIN MANAGEMENT
PROVISIONS OF THE STATE CONSTRUCTION CODE**

Ordinance No. ___ of 2020

AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF CRYSTAL LAKE TOWNSHIP, CCC COUNTY, MICHIGAN 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 CRYSTAL LAKE, BENZIE COUNTY, MICHIGAN ORDAINS:

Section 1. 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 Benzie County Building Official is hereby designated as the enforcing agency to discharge the responsibility of Crystal Lake Township, Benzie County, Michigan under Act 230, of the Public Acts of 1972, as amended. Benzie County has assumed responsibility for the administration and enforcement of said Act throughout the corporate limits of Crystal Lake Township.

Section 2. Code Appendix Enforcement.

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 Benzie County Building Official throughout the corporate limits of Crystal Lake Township, Benzie County, Michigan.

Section 3. Designation of Regulated Flood Prone Hazard Areas.

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Flood Insurance Study for Benzie County, All Jurisdictions" and dated March 23, 2020 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26019CIND0A, 26019C0092C, 26019C0094C, 26019C0111C, 26019C0112C, 26019C0113C, 26019C0114C, 26019C0120C, 26019C0201C, 26019C0202C, and 26019C0225C and dated March 23, 2020 are hereby adopted by reference for the purposes of administration of the Michigan Construction Code, and are hereby 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 4. Repeals.

All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 5. Effective Date.

This Ordinance shall become effective the day following its publication in a newspaper of general circulation within the Township.

Ordinance No. ___ of 2020 was adopted on the _____ day of _____, 2020, by the Crystal Lake Township Board as follows:

Motion by: _____

Seconded by: _____

Yeas: _____

Nays: _____

Absent: _____

Sue Sullivan, Clerk

Amy Ferris, Supervisor

I certify that this is a true copy of Ordinance No. ___ of 2020 that was adopted at a regular meeting of the Crystal Lake Township Board on _____, 2020 and published in the _____ on _____, 2020.

Dated: _____

Sue Sullivan, Clerk

CRYSTAL LAKE TOWNSHIP AND BENZIE COUNTY
Township Resolution No. ____ of 2020
County Resolution No. ____ of 2020

**JOINT RESOLUTION AND INTERGOVERNMENTAL
AGREEMENT TO MANAGE FLOODPLAIN DEVELOPMENT FOR
THE NATIONAL FLOOD INSURANCE PROGRAM**

At a regular meeting of the Crystal Lake Township Board held in the Township Hall located at 1651 Frankfort Highway, Frankfort, Michigan, on _____, 2020.

PRESENT: _____

ABSENT: _____

The following resolution was made by _____ and seconded by _____, to-wit:

At a regular meeting of the Benzie County Board of Commissioners, Benzie County, Michigan held in the Frank F. Walterhouse Board Room located at 448 Court Place, Government Center, Beulah, Michigan, on _____, 2020 at 9:00 a.m.

PRESENT: _____

ABSENT: _____

The following resolution was made by _____ and seconded by _____, to-wit:

Recitals

WHEREAS, Crystal Lake Township currently participates 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;

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and must 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 Resolution Benzie County, through the Benzie County Building Official, agrees on behalf of Crystal Lake Township 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, the Michigan Building Code, and the Michigan Rehabilitation Code for Existing Buildings to all development within Crystal Lake Township's political boundaries, and

WHEREAS, Crystal Lake Township and Benzie County hereby agree to enforce floodplain regulations of the construction code act, and Crystal Lake Township wishes to ensure that the administration of that code complies with requirements of the NFIP.

Resolution

NOW, THEREFORE, BE IT RESOLVED, to maintain eligibility and continued participation in the NFIP, Crystal Lake Township and Benzie County agree that the Benzie County Building Official is hereby officially designated the enforcing agency for the construction code act and is hereby directed to administer, apply, and enforce on Crystal Lake Township'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;
- 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 Environment, Great Lakes, and Energy 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, Benzie County, through the Benzie County Building Official, shall implement the following applicable codes according to their terms:

- i) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Residential Code;
 - ii) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Building Code; and
 - iii) Appendix G of the current Michigan Building Code.
 - iv) All appropriate portions and specifically the floodplain management regulation portions and referenced codes and standards of the current Michigan Rehabilitation Code of Existing Buildings.
 - 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 floodproofing, lowest floor elevation, basements, floodproofing, and elevation to which structures have been floodproofed.
2. Crystal Lake Township and Benzie County hereby 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 Crystal Lake Township's compliant participation in the program.
3. Crystal Lake 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.

BE IT FURTHER RESOLVED, that both Crystal Lake Township and Benzie County declare their understanding that, until this Resolution is rescinded or Crystal Lake Township makes other provision to enforce the construction code act:

1. Benzie County, through the Benzie County Building Official, must administer and enforce the construction code act in accordance with the terms and the conditions contained herein; and
2. For Crystal Lake Township to continue its participation in the NFIP, the construction code act must be administered and enforced according to the conditions contained herein.

YES: _____

NO: _____

RESOLUTION DECLARED ADOPTED.

CRYSTAL LAKE TOWNSHIP

By: _____
Amy Ferris, Supervisor

I, the undersigned, the Clerk of the Township of Crystal Lake, Benzie County Michigan, do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Crystal Lake Township Board at its regular meeting held on _____, 2020 relative to adoption of the resolution therein set forth; 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 made available as required by said Act.

Dated: _____

Sue Sullivan, Clerk

YES: _____

NO: _____

RESOLUTION DECLARED ADOPTED.

BENZIE COUNTY

By: _____
Robert Roelofs, Chairperson

I, the undersigned, the Benzie County Clerk do hereby certify that the foregoing is a true and complete copy of certain proceedings taken by the Benzie County Board of Commissioners at its regular meeting held on _____, 2020 relative to adoption of the resolution therein set forth; 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 made available as required by said Act.

Dated: _____

Dawn Olney, County Clerk