EMERGENCY MANAGER OF THE CITY OF ECORSE
(ORDER NO. 071)

ORDER OF THE EMERGENCY MANAGER OF THE CITY OF ECORSE, COUNTY OF WAYNE, STATE OF MICHIGAN, FOR THE EMERGENCY ENACTMENT OF AN ORDINANCE TO ADDRESS FLOODPLAIN MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE, AUTHORIZING PUBLICATION OF SAME.

WHEREAS, under the Local Government and School District Fiscal Accountability Act, Act 4, Public Acts of Michigan, 2011, as amended ("Act 4") and a Contract (the "Contract") between the State of Michigan and Joyce A. Parker, dated October 30, 2009, Joyce A. Parker has been appointed as the Emergency Manager (the "EM") of the City of Ecorse, County of Wayne, Michigan (the "City") and charged with the power and authority to take all actions necessary to develop and implement financial and operational plans to regulate expenditures, investments and the provision of services for the City of Ecorse in conformity with and using the powers set forth in Act 4; and

WHEREAS, pursuant to Act 4 and the Contract, the EM, as the Chief Administrative Officer of the City, is authorized to, among other things, make, approve or disapprove any appropriation, contract, expenditure, or loan for the City, as well as, exercise the authority and responsibilities of the chief administrative officer and governing body concerning the adoption, amendment, and enforcement of ordinances or resolutions affecting the city as she may deem necessary, within her sole discretion, to accomplish the purposes of Act 4; and.

WHEREAS, the community of "City of Ecorse" in Wayne County 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 Directive and Order:

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

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 or an existing historical ordinance adoption action dated January 31, 2012 the community affirms and accepts 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, and

WHEREAS, it is in the best interests of the City to enact and establish new and amended Ordinances to fully comply with legal mandates.

WHEREAS, emergency conditions exist both financially and physically and this emergency measure is necessary for the immediate preservation of the public peace, property, health, safety and continued daily operations regarding legal compliance of the City of Ecorse and its Building Division, requiring the immediate enactment of this ordinance amendment and addition pursuant to Chapter IX, Section 1 and all other pertinent provisions of the City of Ecorse Charter to comply with the Federal Emergency Management Agency's (FEMAs) National Flood Insurance Program (NFIP) 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, publication regarding said ordinance amendment and additions shall be appropriately publicized in the Telegram News according to the provisions and requirements of the Ecorse City Charter.

This Directive and Order is necessary in order to carry out the duties and responsibilities required of the Emergency Manager as set forth in Public Act 4, the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Manager and, additionally, is considered necessary to implement the financial plan.

RESOLVED, IT IS HEREBY ORDERED BY THE EMERGENCY MANAGER OF THE CITY OF ECORSE, PURSUANT TO PUBLIC ACT 4 OF 2011 AND THE CONTRACT, THAT:

A. The amendments and additions to Chapter 11 of the Ecorse Code of Ordinances under Article II, Sections 11-30 through Sec. 11-34, provisions to address the administration, application and administration of the floodplain management provisions of the state construction code and affirm an enforcing agency to discharge the responsibility of the City of Ecorse, 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 are hereby adopted and enacted into law (copy of Ordinance provisions attached).

B. This emergency ordinance takes effect immediately upon the execution of this Directive and Order in compliance with Chapter IX, Section 2 (b) of the City of Ecorse Charter, as this emergency measure is necessary for the immediate preservation of the public peace, property, health, safety and continued daily operations regarding legal compliance of the City of Ecorse and its Building Division.

C. A summary of the adopted and enacted ordinance amendments and additions shall twice be printed or publicized, in accordance with City Charter provision Chapter IX, Section 3, in the Telegram newspaper publications, the first to appear within ten (10) days of the execution of this Directive/Order adopting and enacting the ordinance amendments and additions, with the full text of the enacted ordinances available to the public in the Office of the City Clerk and two (2) other places in the City of Ecorse.

D. The City of Ecorse hereby maintains eligibility and continues to participate in the National Flood Insurance Program, (NFIP) by continued compliance with the following:

1. The community directs its construction code act designated enforcing agency, Building 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:

   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.

2. Through this Directive and Order, the community 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. Through this Directive and Order, 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.

E. Repeal. All orders of the EFM, resolutions of the City Council of the City and parts of resolutions or orders in conflict with this Order are hereby repealed to the extent of such conflict.

IT IS SO ORDERED this 31st day of January, 2012.

Joyce A. Parker
Emergency Manager
City of Ecorse

ORDINANCE NO. _____

An ordinance to address the administration, application and administration of the floodplain management provisions of the state construction code by amending the Ordinances of the City of Ecorse, specifically, amending Chapter 11 by adding under Article II, Sec.11-30 through Sec. 11-34 to affirm an enforcing agency to discharge the responsibility of the City of Ecorse, Michigan located in Wayne 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.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF ECORSE:

That the Ordinances of the City of Ecorse shall be amended by amending Chapter 11, Article II, Sections 11-30 through 11-34 to read as follows:

SEC. 11-30 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 CITY OF ECORSE, MICHIGAN IS HEREBY DESIGNATED AS THE ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF THE CITY OF ECORSE, MICHIGAN UNDER ACT 230, OF THE PUBLIC ACTS OF 1972, AS AMENDED, STATE OF MICHIGAN. THE CITY OF ECORSE, MICHIGAN ASSUMES RESPONSIBILITY FOR THE ADMINISTRATION AND ENFORCEMENT OF SAID ACT THROUGH OUT THE CORPORATE LIMITS OF THE COMMUNITY ADOPTING THIS ORDINANCE.

SEC. 11-31 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 CITY OF ECORSE, MICHIGAN.

SEC. 11-32 DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS. THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE STUDY (FIS) ENTITLED "WAYNE COUNTY, MICHIGAN (ALL JURISDICTIONS)" AND DATED 2/2/12 AND THE FLOOD INSURANCE RATE MAP(S) (FIRMS) PANEL NUMBER(S) OF 26163C; 0268E; 0270E; 0290E; 0406E; AND 0407E) AND DATED 2/2/12 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.

SEC. 11-33 REPEALS. ALL ORDINANCES INCONSISTENT WITH THE PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED.

SEC. 11-34 EMERGENCY ORDINANCE. THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS ADOPTION IN COMPLIANCE WITH CHAPTER IX, SECTION 2 (B) OF THE CITY OF ECORSE CHARTER, AS THIS EMERGENCY MEASURE IS NECESSARY FOR THE IMMEDIATE PRESERVATION OF THE PUBLIC PEACE, PROPERTY, HEALTH, SAFETY AND CONTINUED DAILY OPERATIONS REGARDING LEGAL COMPLIANCE OF THE CITY OF ECORSE AND ITS BUILDING DIVISION.

Adopted this 31st day of January, 2012.

This emergency ordinance duly adopted on January 31, 2012 pursuant to **DIRECTIVE AND ORDER Number 71** of the state appointed Ecorse Emergency Manager and said Ordinance is effective immediately as of said date.

Attested on January 31, 2012 by Joyce A. Parker (Signature), Joyce A. Parker Emergency Manager of the City of Ecorse, Michigan.