

**VILLAGE OF SHEPHERD  
FLOODPLAIN MANAGEMENT PROVISION ORDINANCE #12.550**

THE VILLAGE OF SHEPHERD ORDAINS, that section 12.550 for a FLOODPLAIN MANAGEMENT PROVISION ORDINANCE is adopted as follows:

AN ORDINANCE TO DESIGNATE AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF THE VILLAGE OF SHEPHERD LOCATED IN ISABELLA 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.

AN ADOPTION OF THIS ORDINANCE TO the Code of the Village of Shepherd in Isabella  
County, In the State of Michigan  
Effective: January 26, 2014

This ordinance shall be effective 15 days after publication and adoption by the Village Council of the Village of Shepherd.

Adopted: January 6, 2014  
Published: January 12, 2014  
Effective: January 26, 2014

ORDINANCE OFFERED BY: Roth  
SUPPORTED BY: Yates

AYES: DeGraw, yes; Edwards, yes; Myers, yes; Reynolds, yes; Roth, yes; Yates,  
yes; Coughlin, yes  
NAYS: None  
ABSENT: None

Ordinance declared adopted

***Gina L Gross***

Gina L. Gross, Village Clerk

Dated: January 6, 2014

Notice to the electors of the Village of Shepherd: Take notice that Village Ordinance No. 12.550, which allows Isabella County as the enforcing agency to designate regulated flood hazard areas was adopted on January 6, 2014 and will take effect 15 days after the date of publication unless a petition signed by not less than ten percent of the registered electors of the village is filed with the village clerk within the 15-day period, in which case the ordinance will take effect upon the approval of an election held on the question.

# Village of Shepherd Ordinance

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

Community Name: VILLAGE OF SHEPHERD, County: ISABELLA

**ORDINANCE NUMBER: 12.550**

An ordinance to designate an enforcing agency to discharge the responsibility of the Village of Shepherd located in Isabella 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 Village of Shepherd 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 Building Official of the County of Isabella is hereby designated as the enforcing agency to discharge the responsibility of the Village of Shepherd under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The County of Isabella assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this ordinance.

**Section 2. CODE APPENDIX ENFORCED.** Pursuant to the provisions of the state construction code, in accordance with Section 8b(6) of Act 230, the Public Acts of 1972, as amended, Appendix G of the Michigan Building Code shall be enforced by the enforcing agency within the Village of Shepherd.

**Section 3. DESIGNATION OF REGULATED FLOOD PRONE HAZARD AREAS.** The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Flood Insurance Study 0 Isabella County Michigan (All Jurisdictions)" and dated February 5, 2014 and the Flood Insurance Rate Map(s) (FIRMS) panel number(s) of 26073C; 0350D and dated February 5, 2014 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 4. REPEALS.** All ordinances inconsistent with the provisions of this ordinance are hereby repealed.

**Section 5. PUBLICATION.** This ordinance shall be effective after legal publication and in accordance with the provisions of the Act governing same.

Adopted this 6 day of January, 2014.

This ordinance duly adopted on January 6, 2014 at a regular meeting of the Village of Shepherd and will become effective on February 4, 2014.

Signed on January 7, 2014 by Gina L Gross,  
Gina L Gross, Clerk of the Village of Shepherd.

Attested on January 7, 2014 by Lee Coughlin,  
Lee Coughlin, President of the Village of Shepherd.

**MICHIGAN COMMUNITY RESOLUTION OF INTENT  
FOR  
PARTICIPATING IN THE NATIONAL FLOOD INSURANCE PROGRAM**

**WHEREAS**, certain land and water areas within the governmental boundaries of the \_\_\_\_\_ Village \_\_\_\_\_ of \_\_\_\_\_ Shepherd \_\_\_\_\_ in \_\_\_\_\_ Isabella \_\_\_\_\_ County are subject to periodic flooding, mudslides (i.e., mudflows), or flood related erosion, causing serious damages to properties within these areas; and

**WHEREAS**, relief is available in the form of federally subsidized flood insurance, as authorized by the National Flood Insurance Act of 1968; and

**WHEREAS**, this community desires to participate in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP); and

**WHEREAS**, this community has the legal authority to administer or has an agreement with another entity to administer the state construction code comprised of the Michigan Residential Code and the Michigan Building Code and its Appendices, specifically Appendix G, adopted pursuant to the Stille-Derossett-Hale Single State Construction Code Act, 1972 PA 230, as amended, MCL 125.1501, et. seq. (construction code act), and further has authority to adopt land use and control measures to reduce future flood losses pursuant to: (check applicable authority)

- 1. 2008 PA 33, Michigan Planning Enabling Act, MCL 125.3801-125.3883
- 2. 2006 PA 110, Michigan Zoning Enabling Act, MCL 125.3101-125.3702, as amended by 2008 PA 12

and

**WHEREAS**, the official administration and enforcement of the construction code act and the state construction code within this community's political boundaries, MCL 125.1508b by \_\_\_\_\_ Building Official Isabella County \_\_\_\_\_ as this community's enforcing agency, will provide the means to implement and enforce an effective and competent floodplain management program, and

**WHEREAS**, this community or its enforcing agency is responsible for the submittal on the first anniversary date of the community's initial eligibility, a report to the Federal Insurance Administrator (Administrator) on the progress the community has made during its first year of participation, in the development and implementation of floodplain management measures, and thereafter, submit biennial reports as requested by the Administrator; and

**WHEREAS**, this community intends to recognize and duly evaluate flood, mudslide (i.e., mudflow) and flood related erosion hazards in all official actions relating to land use in areas having these hazards within its jurisdiction; and

**NOW, THEREFORE, BE IT RESOLVED**, that this community's governing body hereby:

1. Assures the FEMA that the construction code act and the state construction code is administered and enforced within its boundaries; it intends to identify and duly evaluate and enact as necessary, and maintain in force in those areas having flood, mudslide (i.e., mudflow), or flood related erosion hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Title 44 of the Code of Federal Regulations (44 CFR), Section 60.3, of the NFIP Regulations; and
2. Commits to vest with the community's floodplain management enforcing agency the responsibility to maintain for public inspection and to furnish, upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM), any certificates of floodproofing, and information on the elevation (in relation to mean sea level) of the level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed; and
3. Commits to take such other official action as may be reasonably necessary to carry out the objectives of the NFIP program; and
4. Commits, in its interactions with the Administrator, to:
  - a. Assist the Administrator at his/her request, in his/her delineation of the limits of the area having special flood, mudslide (i.e., mudflow), or flood related erosion hazards.
  - b. Provide such information as the Administrator may request concerning present uses and occupancy of the floodplain, mudslide (i.e., mudflow), or flood related erosion areas.
  - c. Cooperate with federal, state, and local agencies and private firms which undertake to study, survey, map, and identify floodplain, mudslide (i.e., mudflow), or flood related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide (i.e., mudflow), and/or flood related erosion areas in order to prevent aggravation of existing hazards.
  - d. Upon occurrence, notify, the Administrator in writing whenever the boundaries of the community have been modified by annexation, or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all FHBMs and FIRMs accurately represent the community's boundaries, include within such modification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

Participating Community:     Village of Shepherd     Date Passed:   12-2-13  

Officer Name:   Lee Coughlin   Title:   President  

Signature:   *Lee Coughlin*   Date:   12/2/13  

Certified by:   Gina Gross   Title:   Clerk  

Signature:   *Gina L. Gross*   Date:   12/2/13