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## MEMORANDUM

TO: Grosse Pointe Woods City Council

FROM: Lisa A. Anderson, City Attorney

DATE: September 14, 2021

RE: Ordinance Regarding Floodplain Management and Adoption of New FEMA Maps

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The City participates in the National Flood Insurance Program (NFIP) administered by FEMA. In order to participate in the NFIP, a community must agree to adopt and enforce a floodplain management ordinance. In return for adopting and enforcing a floodplain ordinance, the federal government makes flood insurance available to property owners, renters, and businesses within the community.

When FEMA issues a new or revised flood insurance rate map (FIRM) for a participating community, the community is required to adopt the FIRM by ordinance and amend its floodplain management regulations as needed. The City received notification that FEMA has prepared a new Flood Insurance Study for Wayne County and new FIRM maps for the City, effective October 21, 2021. To continue participating in the NFIP, the City must adopt the new maps and Flood Insurance Study by ordinance prior to the October 21, 2021 effective date.

Enclosed is a proposed ordinance to add a new Article XVII to Chapter 8 of the City Code to address Floodplain Management. The ordinance adopts the Flood Insurance Study for Wayne County and new FIRM maps issued by FEMA. Additionally, the ordinance designates the Building Official as the enforcing agency for purposes of applying flood resistant construction regulations for development located in flood hazard areas as applicable. The FIRM maps and Flood Insurance Study show that there are currently no properties in the City located within a flood hazard zone.

The proposed ordinance has been reviewed and approved by the NFIP Coordinator for the Michigan Department of Environment, Great Lakes, and Energy (EGLE) as required. We recommend that Council approve the first reading of the ordinance during the September 20, 2021 Council meeting, with a second reading and adoption of the ordinance to occur on October 4, 2021. Upon adoption by Council, the ordinance will be sent back to EGLE and will be forwarded to FEMA for approval.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO AMEND CITY OF GROSSE POINTE WOODS CODE OF ORDINANCES, CHAPTER 8, BUILDINGS AND BUILDING REGULATIONS, TO ADD A NEW ARTICLE XVII, FLOODPLAIN MANAGEMENT, TO AFFIRM AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF THE CITY OF GROSSE POINTE WOODS, LOCATED IN WAYNE COUNTY, AND TO DESIGNATE FLOOD HAZARD AREAS UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT, BEING ACT 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED.**

**THE CITY OF GROSSE POINTE WOODS ORDAINS:**

**Section 1. Ordinance Amendment.**

**ARTICLE XVII. ~ FLOODPLAIN MANAGEMENT**

**Sec. 8-501. – 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, and Chapter 8, Article II, Sec. 8-22 of the City of Grosse Pointe Woods Code of Ordinances, the building official of the city is designated as the enforcing agency to discharge the responsibility of the city under Act 230 of the Public Acts of 1972, as amended. The city assumes responsibility for the administration and enforcement of said Act throughout its corporate limits.

**Sec. 8-502. – 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 Grosse Pointe Woods.

**Sec. 8-503. – Designation of Regulated Flood Prone Hazard Areas.**

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled The Flood Insurance Study for Wayne County, All Jurisdictions, effective October 21, 2021, and the Flood Insurance Rate Maps (FIRMS) panel numbers of 26163CIND1C, 26163CIND2C, 26163C0134F, 26163C0142F, effective October 21, 2021, 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 2. Repeal.**

All ordinances, parts of ordinances, or sections of the City Code in conflict with this ordinance are repealed only to the extent necessary to give this ordinance full force and effect, and the City of Grosse Pointe Woods Code of Ordinances shall remain in full force and effect, amended only as specified above.

**Section 3. Savings Clause.**

The amendments of the City of Grosse Pointe Woods Code of Ordinances set forth in this ordinance do not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendments of the City of Grosse Pointe Woods Code of Ordinances set forth in this ordinance.

**Section 4. Severability.**

If any section, clause or provision of this ordinance, or the application thereof to any person, firm, corporation, legal entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair, or invalidate the remainder of this ordinance. It is hereby declared to be the legislative intent of this body that the ordinance is severable, and that the ordinance would have been adopted had such invalid or unconstitutional provision not have been included in this ordinance.

**Section 5. Effective Date.**

This ordinance shall be effective upon publication as required by law.

First Reading:

Second Reading:

Published in GPN:

Adopted:

Effective:

Date Posted:

# **City of Grosse Pointe Woods, Michigan**

NOTICE IS HEREBY GIVEN that the City Council will be considering the following proposed ordinance for a second reading at its meeting scheduled for Monday, October 4, 2021, at 7:00 p.m. in the Council Room of the Municipal Building. The proposed ordinance is available for public inspection at the Municipal Building, 20025 Mack Plaza, between 8:30 a.m. and 5:00 p.m., Monday through Friday. The Council meeting is open to the public. All interested persons are invited to attend.

## **AN ORDINANCE TO AMEND CHAPTER 8-BUILDINGS AND BUILDING REGULATIONS, TO ADD A NEW ARTICLE XVII, FLOODPLAIN MANAGEMENT, TO AFFIRM AN ENFORCING AGENCY TO DISCHARGE THE RESPONSIBILITY OF THE CITY OF GROSSE POINTE WOODS, LOCATED IN WAYNE COUNTY, AND TO DESIGNATE FLOOD HAZARD AREAS UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT, BEING ACT 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED**

**Lisa Kay Hathaway**  
City Clerk

AFFIDAVIT OF LEGAL PUBLICATION

# Grosse Pointe News

16980 Kercheval Pl  
Grosse Pointe, Michigan 48230  
(313)882-3500

COUNTY OF WAYNE  
STATE OF MICHIGAN, SS.

Melanie Mahoney

being duly sworn deposes and says that attached advertisement of

City of Grosse Pointe Woods

was duly published in accordance with instructions, in the GROSSE POINTE NEWS on the following date:

September 23, 2021

#2 GPW 9/23 2<sup>ND</sup> READ CHAP 8

and knows well the facts stated herein, and that she is the Administrative Assistant of said newspaper.

Melanie Mahoney

Jacqueline J.

Notary Public

