

**ALLENDALE CHARTER TOWNSHIP
BUILDING CODE AND RESIDENTIAL CODE ENFORCEMENT AGENCY
ORDINANCE NO. 2011- 6**

AN ORDINANCE TO REPLACE ORDINANCE NO. 2000-5, EFFECTIVE APRIL 4, 2000, AS AMENDED BY ORDINANCE NO. 2000-12, EFFECTIVE MAY 16, 2000, AND TITLED "CONSTRUCTION CODE ORDINANCE," TO REAFFIRM AN ENFORCING AGENCY TO DISCHARGE THE BUILDING AND RESIDENTIAL CODE RESPONSIBILITIES OF ALLENDALE CHARTER TOWNSHIP UNDER THE STATE CONSTRUCTION CODE, ACT NO. 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED; AND TO DESIGNATE FLOOD HAZARD AREAS UNDER THE PROVISIONS OF THE STATE CONSTRUCTION CODE ACT, ACT NO. 230 OF THE PUBLIC ACTS OF 1972, AS AMENDED.

THE CHARTER TOWNSHIP OF ALLENDALE, OTTAWA COUNTY, MICHIGAN, ORDAINS:

Section 1. Acceptance of Responsibility for Enforcing the State Construction Code. Pursuant to the provisions of the State Construction Code (the "Code"), including the Michigan Building Code and the Michigan Residential Code, and in accordance with Section 8b(6) of the Public Acts of 1972, as amended (the "Act"), the Township assumes responsibility for the administration and enforcement of the Act and the Code, including Appendix G of the Michigan Building Code, throughout the Township's geographical limits.

Section 2. Agency Designated. Pursuant to the provisions of the Code, in accordance with Section 8b(6) of the Act, the Township Building Official is designated as the enforcing agency to discharge the responsibility of the Township under the Act and the Code.

Section 3. Designation of Regulated Flood-Prone Hazard Areas. The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled "Ottawa County, Michigan (All Jurisdictions)" and dated December 16, 2011 and the Flood Insurance Rate Map (FIRM) panel numbers of 26139C; 0119E, 0138E, 0139E, 0143E, 0144E, 0207E, 0226E, 0231E, 0232E, 0233E, 0234E, and 0255E and dated December 16, 2011 are adopted by reference for the purposes of administration of the Michigan Residential Code, and declared to be 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. Fees. The fees for Building and Residential Code permits and the required inspections shall be established by the Township Board from time to time by resolution.

Section 5. Penalties. Any person who violates, disobeys, omits, neglects or refuses to comply with, or resists enforcement of the Code within the boundaries of the Township shall be responsible for a municipal civil infraction ("infraction"), subject to enforcement procedures as set

forth in the Municipal Civil Infraction Ordinance adopted by the Township, and subject to a fine of \$50.00, plus costs and other sanctions, for each infraction. After due notice has been served, each day on which any person continues to violate, disobey, omit, neglect or refuse to comply with, or resist enforcement of the Code shall be deemed as a separate and distinct infraction. Increased civil fines may be imposed for repeat infractions, which means a second or subsequent infraction committed by a person within any twelve-month period and for which a person admits responsibility or is determined to be responsible. The increased civil fine for a repeat infraction shall be as follows:

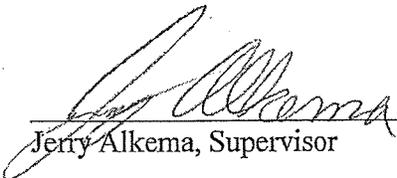
- (A) \$250.00, plus costs and other sanctions, for the first repeat infraction; and
- (B) \$500.00, plus costs and other sanctions, for the second or subsequent repeat infraction.

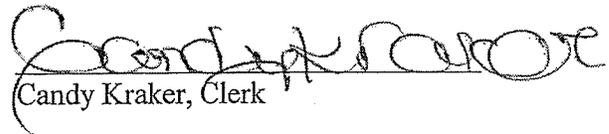
The Township Building Official, members of the Ottawa County Sheriff's Department assigned to the Township or whose services are contracted by the Township, and any other individual(s) who may from time to time be appointed by resolution of the Township Board, are designated as the authorized Township officials to issue infraction citations and infraction notices as provided by the Municipal Civil Infraction Ordinance adopted by the Township.

Section 6. Administrative Liability. No officer, agent, employee, or member of the Township Board shall render himself or herself personally liable for any damage which may occur to any person as the result of any act, decision, or other consequence or occurrence arising out of the discharge of his or her duties and responsibilities pursuant to this Ordinance.

Section 7. Repeals. All ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Section 8. Effective Date. This Ordinance was approved and adopted by the Township Board of the Charter Township of Allendale, Ottawa County, Michigan, on __ Nov. 28 ____, 2011, after introduction and a first reading on __ Nov. 14 ____, 2011, and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This Ordinance shall be effective immediately upon publication on ____ Dec. 6 ____, 2011, in *The Ottawa Advance*, a newspaper having general circulation in the Township.


Jerry Alkema, Supervisor

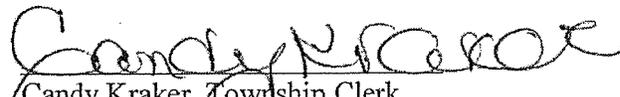

Candy Kraker, Clerk

Certificate

I, Candy Kraker, the Clerk for Allendale Charter Township, Ottawa County, Michigan, certify that the foregoing Ordinance was adopted at a regular meeting of the Allendale Charter Township Board held on November 28, 2011. The following members of the Township Board were present at the meeting: Alkema, Kraker, Modderman, Hoekstra, Knoper, Meyer, Morren. The following members of the Township Board were absent: none. The Ordinance was adopted at the Township Board with members of the Board, Alkema, Kraker, Modderman, Hoekstra, Knoper, Meyer and Morren voting in favor and members of the board, none, voting in opposition. The Ordinance was published after adoption on December 6, 2011.



Jerry Alkema, Township Supervisor



Candy Kraker, Township Clerk

Resolution 2011-28
EXCERPTS OF MINUTES

At a regular meeting of the Township Board of the Charter Township of Allendale, Ottawa County, Michigan, held at the Township Hall at 6676 Lake Michigan Drive, Allendale Charter Township, Ottawa County, Michigan, on the 28th day of _ November _____, 2011, at 7:30 p.m., local time.

PRESENT: Alkema, Kraker, Modderman, Hoekstra, Knoper, Meyer, Morren

ABSENT: none

After certain other matters of business were concluded, the Supervisor stated the next order of business was the consideration of a proposed Resolution concerning the adoption of recently issued FEMA flood maps and flood insurance studies. After discussion, the following Resolution was offered by _____ Alkema _____ and supported by _____ Knoper _____.

MICHIGAN COMMUNITY RESOLUTION TO MANAGE FLOODPLAIN DEVELOPMENT FOR THE NATIONAL FLOOD INSURANCE PROGRAM

WHEREAS, Allendale Charter Township (the "Township") currently participates in the National Flood Insurance Program ("NFIP") of the Federal Emergency Management Agency ("FEMA") by complying with the NFIP'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 within the Township; and

WHEREAS, the NFIP requires that floodplain management regulations must be present and enforced in participating communities, and the definitions in Section 1 below must be utilized and be applied for the purposes of this resolution; and

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 adoption of this Resolution, the Township 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;

NOW THEREFORE, to maintain eligibility and continued participation in the NFIP, the Township resolves as follows.

1. The following terms shall be defined as indicated.
 - a. Flood or Flooding means:
 - (1) 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
 - (2) 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.
 - b. 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 any or all of Zones A, M, or E.
 - c. Floodplain means any land area susceptible to being inundated by water from any source (see definition of flooding).
 - d. 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.
 - e. 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.
 - f. 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.

2. The Township, as the designated enforcing agency of the State Construction Code, designates the Township Building Inspector 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 taking the following actions.
 - a. The Township will obtain, review, and reasonably utilize 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. The Township will ensure 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. The Township will review 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 Township 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; and
 3. appendix G of the current Michigan Building Code.
 - d. The Township will review all proposed subdivisions to determine whether such proposals are reasonably safe from flooding and to ensure compliance with all applicable floodplain management regulations.
 - e. The Township will assist in the delineation of flood hazard areas; provide information concerning uses and occupancy of the floodplain or flood-related erosion areas; maintain floodproofing and lowest floor construction records; cooperate with other officials, agencies, and persons for floodplain management.
 - f. The Township will advise FEMA of any changes in community boundaries, including appropriate maps.
 - g. The Township will maintain 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 Township 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 NFIP.

4. The Township further assures the Administrator that it will adopt the current effective FEMA Flood Insurance Study (FIS), FHBMs, and the FIRMs by reference within its Floodplain Management Map Adoption Ordinance or similarly binding ordinance documentation.
5. All resolutions and parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

YES: Alkema, Kraker, Modderman, Hoekstra, Knoper, Meyer, Morren

NO: none

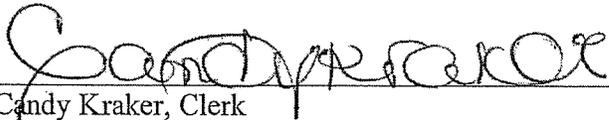
RESOLUTION DECLARED ADOPTED.

Dated: Nov. 28, 2011


Candy Kraker, Clerk
Allendale Charter Township

CERTIFICATE

I, the undersigned, the duly qualified and acting Township Clerk of the Charter Township of Allendale, Ottawa County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Allendale Charter Township Board at a regular meeting of the Township Board held on the November 28, 2011.

A handwritten signature in cursive script, appearing to read "Candy Kraker", written over a horizontal line.

Candy Kraker, Clerk
Allendale Charter Township



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

December 14, 2011

DEC 19 2011

Ms. Catrina Covino
Federal Emergency Management Agency
Region V
536 South Clark Street, 6th Floor
Chicago, Illinois 60605-1521

Dear Catrina:

SUBJECT: Charter Township of Allendale FEMA Flood Map Adoption Documentation

The enclosed executed document from the Charter Township of Allendale of Ottawa County are found to be complete and compliant with the NFIP participation requirements, FEMA flood map adoption requirements, and the adoption of the Michigan Residential and Building Codes and Appendix G.

The Michigan Department of Environmental Quality (MDEQ) supports maintaining this community in the NFIP and recommends FEMA's acknowledgement that the community has complied with the FEMA flood map adoption requirements, and the community will be retained as a participant in the NFIP.

Sincerely,

Les Thomas, NFIP Coordinator
Water Resources Division
517-335-3448

cc: Mr. Jerry Alkema, Supervisor, Charter Township of Allendale
Ms. Candy Kraker, Clerk, Charter Township of Allendale
Ms. Susan K. Collins, Scholten Fant
Mr. Matt Occhipinti, WRD, MDEQ