



# CITY COUNCIL ACTION REPORT RECEIVED

September 25, 2008

SEP 30 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Asst. City Manager/Economic Development Services  
Steven J. Vandette, City Engineer

SUBJECT: Agenda Item – Amendments to Chapter 42 – Flood Plain Management Required by FEMA for Participation in National Flood Insurance Program

CITY OF TROY  
CITY MANAGER'S OFFICE

Background:

- The City of Troy has participated in the National Flood Insurance Program (NFIP) since 1983.
- Participation in the program makes federally backed flood insurance available to property owners in the community.
- More than 19,000 communities in the United States participate in the NFIP by adopting and enforcing a floodplain management ordinance to reduce property losses.
- In 2003 the Federal Emergency Management Agency announced its goal for creating countywide Digital Flood Insurance Rate Maps (DFIRMs). This effort involved incorporating data for the existing flood insurance studies of all communities in Oakland County and creating a single updated map.
- City Council approved previous revisions to our DFIRMs by Resolution #2006-09-372 and #2006-10-394 in 2006 (copy attached).
- City staff requested that FEMA re-evaluate five (5) locations in Troy, as noted below, due to conflicts with the proposed maps and actual field conditions.

Stream	From	To	Length (Miles)
Hawthorn Drain	Dequindre Rd	750' upstream of Minnesota Rd	0.64
Houghton Drain East	Confluence w/Shanahan Drain, east of Henry Graham Drain	Wattles Rd	0.27
Shanahan Drain East	Dequindre Rd	700' upstream of Fernleigh	0.80
Shanahan Drain West	Henry Graham enclosure	John R Rd	0.48
Spencer-Barnard Drain	Dequindre Rd	3150' upstream of Maple Rd	2.92

- This work has been completed and FEMA has notified the city that the final flood elevation determination for the city is complete (copy attached).
- FEMA has updated the FIRMs (Flood Insurance Rate Maps) for the City of Troy to become effective January 16, 2009.

Financial Considerations:

- Adoption of the suggested amendments allows federal disaster assistance and federally backed loans should a natural disaster impact Troy in the future.

Legal Considerations:

- There are no legal considerations.

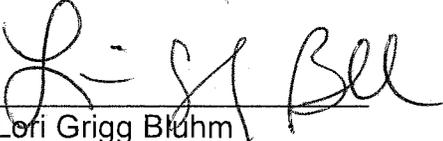
Policy Considerations:

- Troy has enhanced the health and safety of the community (Goal I)

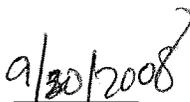
Options:

- It is recommended that City Council approve the resolution to amend Chapter 42, Flood Plain Management, in order to incorporate the updated Digital Flood Insurance Rate Maps (DFIRMS) that will become effective January 16, 2009.

Reviewed and approved as to Legality:



Lori Grigg Bluhm  
City Attorney

  
Date

Prepared by: Steve Vandette, City Engineer

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RESOLVED, That the Troy Council **Amends** Sections 2.1, 6.1a, 6.1b(i), 12, 13 and 5 of Chapter 42, Flood Plain Management, of the Troy City Code, as follows:

CITY OF TROY

AN ORDINANCE TO AMEND  
CHAPTER 42 OF THE CODE  
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 42, Flood Plain Management, of the Code of the City of Troy.

Section 2. Amendments

Section 2. Definitions

- (1) Area of Special Flood Hazard is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. This area is designated as Zone A or ~~Zones A1-A30~~ Zone A, AE, AH, AO, AR, A99, V, or VE on the Flood Insurance Rate Map.

Section 6. Specific Base Flood Elevation Standards

- (1) (a) all new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to a minimum of one (1) foot or above the base flood level.

Section 6. Specific Base Flood Elevation Standards

- (1) (b) (i) the lowest floor, including basement, elevated to a minimum of one (1) foot or above the base flood elevation; or

12. Designation of Regulated Flood Prone Hazard Areas

The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled Oakland County Michigan and Incorporated Areas and dated ~~September 29 2006~~ January 16<sup>th</sup> 2009 and the Flood Insurance Rate Maps(s) (FIRMS) panel numbers of 26125C0527F, 0529F, 0531F, 0532F, 0533F, 0534F, 0537F, 0541F, 0542F, 0551F, 0552F, 0553F, 0554F, 0561F, 0562F, dated September 29, 2006 and 0542G, 0553G, 0554G, 0561G, 0562G, dated January 16<sup>th</sup> 2009 are adopted by reference and declared to be a part of Section 1612.3 of the Michigan Building Code.

13. Penalties; Each Day a Separate Offense

(1) Except as otherwise provided in specific sections of this Chapter, a violation of any section of Chapter 42 is a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code of the City of Troy. Sanctions for each violation of Chapter 42 shall include a fine of not more than \$500.00, costs, damages and injunctive orders as authorized by Chapter 100.

(2) A default in the payment of a civil fine or costs ordered under this ordinance or an installment of the fine or cost may be remedied by any means authorized under the Revised Judicature Act of 1961, being Section 600.10 to 600.9947 of the Michigan Compiled Laws, as amended.

(3) The owner of any land, premises or part thereof, where any condition in violation of this Chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be responsible for a separate offense and upon a finding or admission of responsibility for such offense thereof shall be responsible for payment of fines, costs and damages and subject to each applicable injunctive order.

(4) A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

(5) The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 5. Effective Date

This Ordinance shall become effective ~~ten (10) days from the date hereof~~ on January 16, 2009 or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the \_\_\_ day of \_\_\_\_\_ 2008.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, City Clerk

**Amendments to Chapter 42 – Flood Plain Management, Required by FEMA for Participation in National Flood Insurance Program**

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**RESOLVED**, That City Council approves the attached ordinance amendments to Chapter 42, Flood Plain Management, for the purpose of adopting the new Digital Flood Insurance Rate Maps (DFIRMS) that will become effective January 16, 2009 and to continue the City of Troy's participation in the National Flood Insurance Program.

SEPT 18, 2006

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**F-2 Amendments to Chapter 42 – Flood Plain Management as Required by  
FEMA for Participation in National Flood Insurance Program**

Resolution #2006-09-372

Moved by Beltramini

Seconded by Stine

RESOLVED, That City Council **APPROVES** the **ATTACHED** ordinance amendments to Chapter 42, Flood Plain Management, for the purpose of adopting the new Digital Flood Insurance Rate Maps (DFIRMS) that will become effective September 29, 2006 and to continue the City of Troy's participation in the National Flood Insurance Program.

Yes: All-7

OCT 16, 2006

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**F-4 Second Amendment to Chapter 42 – Flood Plain Management as Required by FEMA for Participation in National Flood Insurance Program**

Resolution #2006-10-394

Moved by Stine

Seconded by Broomfield

RESOLVED, That City Council **APPROVES** the attached ordinance amendments to Chapter 42, Flood Plain Management, for the purpose of identifying flood map panel numbers 26125C0527F, 0529F, 0531F, 0532F, 0533F, 0534F, 0537F, 0541F, 0542F, 0551F, 0552F, 0553F, 0554F, 0561F, and 0562F in Section 12 of the ordinance; and

BE IT FURTHER RESOLVED, That City Council **APPROVES** the attached resolution to Manage Floodplain Development for the National Flood Insurance Program.

Yes: All-7



# Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:  
19P

July 16, 2008

The Honorable Louise Schilling  
Mayor, City of Troy  
500 West Big Beaver Road  
Troy, Michigan 48084

Community: City of Troy, MI  
Community No.: 260180  
Map Panels Affected: 26125C0IND1B, 01IND2B,  
0542G, 0553G, 0554G, 0561G, and 0562G

Dear Mayor Schilling:

This is to formally notify you of the final flood elevation determination for the City of Troy, Oakland County, Michigan, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood elevations shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

On September 29, 2006, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the Special Flood Hazard Areas (SFHAs), the areas subject to inundation by the base (1-percent-annual-chance) flood, in your community. Recently, FEMA completed a re-evaluation of flood hazards in your community. On September 7, 2007, FEMA provided you with Preliminary copies of the Flood Insurance Study (FIS) report and FIRM that identify existing flood hazards in your community, including Base Flood Elevations (BFEs). The proposed BFEs for your community were published in the *Troy-Somerset Gazette* on January 7, 2008 and January 14, 2008, and in the *Federal Register*, at Part 67, Volume 72, Page 68770, on December 6, 2007.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. FEMA did not receive any appeals of the proposed BFEs during that time. Accordingly, the BFEs for your community are considered final. The final rule for BFEs will be published in the *Federal Register* as soon as possible. The FIRM for your community will become effective on January 16, 2009. Before the effective date, FEMA will send you final printed copies of the FIS report and FIRM.

Because the FIS report establishing the BFEs for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to January 16, 2009, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the enclosed NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

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JUL 18 2008

**ENGINEERING**

It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);
2. Adopting all the standards of Paragraph 60.3(d) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.

In addition to your community using the FIS report and FIRM to manage development in the floodplain, FEMA will use the FIS report and FIRM to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the BFEs established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.

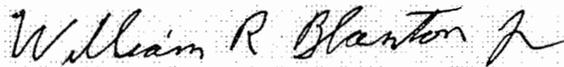
To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment (LOMAs), Letters of Map Revision (LOMRs)) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the SFHA as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIRM and FIS report for your community have been prepared in our countywide format, which means that flood hazard information for all jurisdictions within Oakland County has been combined into one FIRM and FIS report. When the FIRM and FIS report are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community.

The FIRM panels have been computer-generated. Once the FIRM and FIS report are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our Map Service Center, toll free, at 1-800-358-9616. In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If your community is encountering difficulties in enacting the necessary floodplain management measures required to continue participation in the NFIP, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA in Chicago, Illinois at (312) 408-5543 for assistance. If you have any questions concerning mapping issues in general or the enclosed Summary of Map Actions, please call our Map Assistance Center, toll free, at 1-877-FEMA MAP (1-877-336-2627).

Sincerely,



William R. Blanton Jr., CFM, Chief  
Engineering Management Branch  
Mitigation Directorate

List of Enclosures:

National Flood Insurance Program Elevation Certificate and Instructions  
Frequently Asked Questions Regarding the Effect That Revised Flood Hazards Have on Existing Structures  
Lowest Floor Elevation Certifications for Flood Insurance Post Flood Insurance Rate Map Construction  
*Use of Flood Insurance Study (FIS) Data as Available Data*  
National Flood Insurance Program Regulations  
Final Summary of Map Actions

cc: Community Map Repository

Steven Vandette  
City of Troy