

AGENDA REPORT

To: Mayor Pat Humphrey and the Clare City Commission
From: Jeremy Howard, City Manager
Date: May 29, 2025
RE: Second Reading – Ordinance 2025-001 (Zoning Change)

For the Agenda of June 2, 2025

Background. Subsequent to holding a public hearing on May 19, 2025, at the regular commission meeting, the Clare City Commission considered and approved a first reading of a proposed ordinance (Ordinance 2025-001 – *copy att'd*) to designate the Clare County Building Inspector as the city's floodplain manager, as recommended by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, to accurately reflect the individual who is responsible for the city's floodplain management.

As all ordinance changes/amendments require the consideration and approval by the City Commission, we now ask the City Commission to allow a Second Reading of the proposed ordinance amendment and subsequently approve and adopt Ordinance 2025-001 for incorporation to the City's Ordinance Codes.

Issues & Questions Specified. Should the City Commission direct a second reading and subsequently approve Ordinance 2025-001?

Alternatives.

1. Direct a second reading and adopt the ordinance amendment.
2. Direct a second reading but do not adopt the ordinance amendment.
3. Set aside the decision regarding this matter to a later date.

Financial Impact. Approximately \$1,200 to update online codes, update Code books, and publish the Ordinance Summary.

Recommendation. I recommend that the City Commission direct a second reading and adopt Ordinance 2025-001 by approval of Resolution 2025-037 (*copy attached*).

Attachments.

1. Proposed Ordinance 2025-001.
2. Resolution 2025-037.

ORDINANCE NO. 2025 – 001

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF CLARE BY amending the City Code, Chapter 10, Floodplain management provisions

An ordinance amendment to affirm an enforcing agency to discharge the responsibility of the CITY OF CLARE located in CLARE 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.

Section 10 of the Clare City Code is hereby amended and restated as follows:

Sec. 10-37.

- (a) *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~~ **Inspector** of the ~~City~~ **County** of Clare is hereby designated as the enforcing agency to discharge the responsibility of the City of Clare under Act 230, of the Public Acts of 1972, as amended, State of Michigan. The ~~City~~ **County** of Clare assumes responsibility for the administration and enforcement of said Act throughout the corporate limits of the community adopting this section.
- (b) *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 Clare.
- (c) *Designation of regulated floodprone hazard areas.* The Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) entitled *Clare County, Michigan (All Jurisdictions)* and dated December 3, 2010, and the Flood Insurance Rate Map(s) (FIRMS) ~~panel number(s) of 26035C, 0433C, 0434C, 0450C, and 0475C and dated~~ **contained on index panel number(s) 26035CIND0A, effective** December 3, 2010, 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.

Passed by the City Commission of the CITY OF CLARE on _____, 2025 at its regular meeting with _____ commissioners in attendance, _____ voting aye, _____ nay. Adopted by the City Commission of the City of Clare this _____ day of _____ 2025.

Mayor

I hereby certify that the foregoing was duly adopted by the CITY COMMISSION of the CITY OF CLARE, Michigan, at its regular meeting on the ____ of _____2025, that of _____ members of the City Commission, _____ were in attendance and _____ voted for the adoption of the Ordinance. I further certify that the above and foregoing ordinance is recorded in Ordinances for the CITY OF CLARE.

Ordinance Effective Date: _____, 2025.

This Ordinance shall take effect thirty (30) days following the date of publication as required by law. All Ordinances or part Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Clare City Clerk

RESOLUTION 2025-037

A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING ORDINANCE 2025-001, AN ORDINANCE TO AMEND CHAPTER 10, FLOODPLAIN MANAGEMENT, OF THE ORDINANCE CODES OF THE CITY OF CLARE.

WHEREAS, Chapter 10 of the Ordinance Codes of the City of Clare outlines rules, regulations, and policies in respect 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

WHEREAS, subsequent to a joint meeting of city staff and the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, EGLE made a recommendation to update the city's Codes of Ordinance to designate the City's Building Inspector as the city's floodplain manager, to accurately reflect the individual who is responsible for the city's floodplain management, and to designate regulated flood prone hazard areas as designated by the Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) and the Flood Insurance Rate Map(s) (FIRMS) for the purposes of administration of the Michigan Construction Code, Section 1612.3 of the Michigan Building Code; and

WHEREAS, The Clare County Community Development Building Inspector assumes responsibility for the administration and enforcement of the state construction code said Act 230, of the Public Acts of 1972, as amended, throughout the corporate limits of the community; and

WHEREAS, 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 City of Clare desires to designate Clare County Community Development Building Inspector as the enforcing agency to discharge the responsibility of the City of Clare under Act 230, of the Public Acts of 1972, as amended, State of Michigan.

WHEREAS, the City Commission has held a requisite public hearing and directed a First Reading of said Ordinance at its regularly scheduled public meeting on May 19, 2025; and

WHEREAS, the City Commission received no stated objections at said public hearing; has considered the recommended ordinance amendment and has determined that adoption of Ordinance 2025-001 is in the best interests of the City of Clare.

NOW THEREFORE BE IT RESOLVED THAT, the City Commission of the City of Clare ordains that the Federal Emergency Management Agency (FEMA) Flood Insurance Study (FIS) Entitled Clare County, Michigan (All Jurisdictions) and dated December 3, 2010 and the Flood Insurance Rate Map(s) (FIRMS) contained on index panel number(s) 26035CIND0A, effective December 3, 2010, 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.

BE IT FURTHER RESOLVED THAT, the City Commission of the City of Clare adopts Ordinance 2025-001, thereby amending Chapter 10 of the Ordinance Codes of the City of Clare to hereby designate the Building Inspector of the County of Clare, Clare County Community Development as the enforcing agency to discharge the responsibility of the floodplain management for the City of Clare under Act 230, of the Public Acts of 1972, as amended, State of Michigan.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INsofar AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

**The Resolution was introduced by Commissioner _____ and supported by Commissioner _____.
The Resolution declared adopted by the following roll call vote:**

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 2nd day of June, 2025.

Diane M. Lyon, City Clerk