

ORDINANCE #233
FLOOD DAMAGE PREVENTION

Adopted: 06/12/96
Effective: 06/13/96

An Ordinance to regulate the use of land within the Township of Bangor to minimize property damage resulting from floods; to discourage land uses which are dangerous to health, safety, welfare and property due to water or erosion or flood heights or velocities; to adopt a flood hazard boundary map and flood insurance rate map, and flood insurance study; to prescribe minimum requirements for the construction and alteration of buildings in flood hazard zones; to provide a procedure to be followed by the Township of Bangor Board, Planning Commission, Zoning Board of Appeals, and Building Inspector in the application and interpretation of the terms and provisions of this Ordinance; to prescribe penalties for the violation of this Ordinance; and to provide for conflicts with other Ordinances or regulations.

An Ordinance to amend the Flood Damage Prevention Ordinance in order to comply with revised Federal Floodplain Management criteria.

THE TOWNSHIP OF BANGOR, BAY COUNTY, MICHIGAN ORDAINS:

ARTICLE 1
GENERAL PROVISIONS

SECTION 1.1 SHORT TITLE. This Ordinance shall be known and cited as the "Flood Damage Prevention Ordinance."

SECTION 1.2 INTENT AND PURPOSES.

- A. **REDUCE HAZARDS.** It is the purpose of this Ordinance to significantly reduce hazards to persons and damage to property as a result of flood conditions in the Township of Bangor and to comply with the provisions and requirements of the National Flood Insurance Program as constituted in accord with the National Flood Insurance Act of 1968, and subsequent enactments and rules and regulations promulgated in furtherance of this program by the United States Department of Housing and Urban Development, Federal Emergency Management Agency, as published in the Federal Register, Vol. 41, No. 207, Tuesday, October 26, 1976.
- B. **OBJECTIVES.** Further, the objectives of this Ordinance include:
1. The protection of human life, health and property from the dangerous and damaging effects of flood conditions.
 2. The minimization of public expenditures for flood control projects, rescue and relief efforts in the aftermath of flooding, repair of flood damaged public facilities and utilities, and the redevelopment of flood damaged homes, neighborhoods, commercial and industrial areas;

3. The prevention of private and public economic loss and social disruption as a result of flood conditions;
4. The maintenance of stable development patterns not subject to the blighting influence of flood damage;
5. To insure that the public has access to information indicating the location of land areas subject to periodic flooding;
6. To preserve the ability of floodplains to carry and discharge a base flood; and
7. To provide procedures for the achievement of these purposes.

SECTION 1.3 LEGAL BASIS. This Ordinance is enacted pursuant to Michigan Act 246 of 1945, as amended, Michigan Act 245 of 1929 as amended, Michigan Act 288 of 1967, as amended, (The Subdivision Control Act), and Michigan Act 245 of 1970, as amended (The Shoreland Management and Protection Act) and pursuant to the National Flood Insurance Act of 1968, as amended, and regulations promulgated thereunder.

SECTION 1.4 SCOPE. This Ordinance shall not repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws, ordinances or regulations, or with private restrictions placed upon property by deed, covenant, or other private agreements, or with restrictive covenants running with the land to which the Township is not a party.

Where this Ordinance imposes a greater restriction upon land than is imposed or required by such existing provision of any other ordinance of this Township, the provisions of this Ordinance shall control.

SECTION 1.5 ADMINISTRATION. The provisions of this Ordinance shall be administered by the Township of Bangor Board of Trustees and Building Inspector in accordance with the National Flood Insurance Act of 1968, and pursuant to the provisions of the current Township of Bangor Zoning Ordinance, as amended. *(Amended by Ordinance #372, effective 3/21/19)*

SECTION 1.6 SCHEDULE OF FEES. The schedule of fees for the review of proposed development plans and issuance of development permits shall be as set by the Township Board.

ARTICLE 2 RULES APPLYING TO TEXT AND DEFINITIONS

SECTION 2.1 RULES APPLYING TO TEXT. The following listed rules of construction apply to the text of this Ordinance:

- A. The particular shall control the general.
- B. The headings which title various articles and subsections and the statements of purpose are

for convenience only and are not to be considered in any construction or interpretation of the Ordinance or as enlarging or restricting the terms and provisions of the Ordinance in any respect.

- C. The word "**shall**" is always mandatory and not discretionary. The word "**may**" is permissive.
- D. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural, the singular, unless the context clearly indicates the contrary.
- E. The word "**building**" includes the word "**structure**".
- F. The word "**building**" or "**structure**" includes any part thereof.
- G. The word "**person**" includes but is not limited to a firm, association, partnership, joint venture, corporation, or combination of any of them as well as, a natural person.
- H. The words "**used**" or "**occupied**", as applied to any land or building, shall be construed to include the words "**intended**", "**arranged**", or "**designed to be used**", or "**occupied**".
- I. Any word or term not defined herein shall be used with a meaning of common or standard utilization.

SECTION 2.2 DEFINITIONS Unless specifically defined below, words, or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

- A. **APPEAL** means a request for a review of the Township of Bangor Building Inspector's interpretation of any provision of this Ordinance or a request for a variance.
- B. **AREA OF SPECIAL FLOOD HAZARD** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.
- C. **BASE FLOOD** means the flood having a one percent chance of being equalled or exceeded in any given year.
- D. **DEVELOPMENT** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- E. **FLOOD OR FLOODING** means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters, and/or

2. The unusual and rapid accumulation or runoff of surface waters from any source.
 3. 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.
- F. **FLOOD INSURANCE RATE MAP (FIRM)** means an official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated both the area of special flood hazards and the risk premium zones applicable to the community.
- G. **FLOOD INSURANCE STUDY** is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Insurance Rate Map and the water surface elevation of the base flood.
- H. **FLOOD HAZARD AREA** means land which on the basis of available floodplain information is subject to a one percent or greater change of flooding in any given year.
- I. **FLOODWAY** means the channel of a river or other watercourse and the adjacent land areas designated in the Flood Insurance Study which must be reserved in order to discharge the base flood.
- J. **HARMFUL INCREASE** means an unnaturally high stage of a river, stream, bay or lake which causes, or may cause damage to property, threat to life, personal injury, or damage to land or water resources.
1. **LOWEST FLOOR** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, useable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.
- K. **MANUFACTURED HOME** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
- L. **MANUFACTURED HOME PARK OR SUBDIVISION** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

- M. **NEW CONSTRUCTION** means structures for which the start of construction commenced on or after the effective date of this Ordinance.
- N. **START OF CONSTRUCTION** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- O. **STRUCTURE** means a walled and roofed building, including a liquid or gas storage facility, or a manufactured home that is principally above ground.
- P. **SUBSTANTIAL IMPROVEMENT** means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
1. Before the improvement or repair is started, or
 2. If the structure has been damaged and is being restored, before the damage occurred.
- For the purposes of this definition, "**substantial improvement**" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:
1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or
 2. Any alteration of a structure listed on the National Register of Historic Places or a State inventory of Historic Places.
- Q. **UNNUMBERED A ZONES** means areas on the FIRM for which no detailed elevation information is available from the Federal Emergency Management Agency and for which elevation and floodplain information for these areas shall be obtained from the Michigan Department of Environmental Quality.
- R. **VARIANCE** means a grant of relief from the requirements of this Ordinance which

permits construction in a manner that would otherwise be prohibited by this Ordinance.

ARTICLE 3 FLOOD HAZARD ZONES

SECTION 3.1 LANDS TO WHICH THIS ORDINANCE APPLIES. This Ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Township of Bangor.

SECTION 3.2 DELINEATION OF THE FLOOD HAZARD OVERLAY ZONE

- A. **OVERLAY EXISTING ZONING DISTRICTS.** The flood hazard area zone shall overlay existing zoning districts delineated on the official Township of Bangor Zoning Map. The boundaries of the flood hazard area zone shall coincide with the boundaries of the area indicated as within the limits of the 100-year flood in the report entitled "Flood Insurance Study" (Township of Bangor), dated June 18, 1996, with accompanying Flood Insurance Rate Maps. The study and accompanying maps are adopted by reference, appended, and declared to be a part of this Ordinance. The term flood hazard area as used in this Ordinance shall mean the flood hazard area zone and the term floodway shall mean the designated regulatory floodway.
- B. **OFFICIAL PAPERS AND MAPS ON FILE.** The Flood Insurance Study, Flood Insurance Rate Maps shall be maintained and placed on file for public examination at the Township office located at 180 State Park Drive, Bay City, Michigan.
- C. **RESOLVING OF DISPUTES.** Where there are disputes as to the location of a flood hazard area zone boundary, the Zoning Board of Appeals shall resolve the dispute in accord with Article 12 of this Ordinance.
- D. **COMPLIANCE WITH ORDINANCE REQUIRED.** In addition to other requirements of the current Township of Bangor Zoning Ordinance as amended, applicable to development in the underlying zoning district, compliance with the requirements of this Ordinance shall be necessary for all development occurring within the flood hazard area zone. Conflicts between the requirements of this Ordinance and any other Ordinance shall be resolved in favor of this Ordinance, except where the conflicting requirements are more stringent and would further the objectives of this Ordinance. In such cases the more stringent requirements shall be applied. *(Amended by Ordinance #372, effective 3/21/19)*

ARTICLE 4 DEVELOPMENT PERMITS

SECTION 4.1 DEVELOPMENT PERMITS. Development, including the erection of structures and placement of manufactured homes, within a flood hazard area, shall not occur except upon issuance of a permit in accord with the requirements of the current Township of Bangor Zoning Ordinance, as amended and the following standards: *(Amended by Ordinance #372, effective 3/21/19)*

- A. The requirements of this Ordinance shall be met;
- B. The requirements of the underlying zoning districts and applicable general provisions of the current Township of Bangor Zoning Ordinance, as amended, shall be met; *(Amended by Ordinance #372, effective 3/21/19)*
- C. All necessary development permits shall have been issued by appropriate local, state and federal authorities, including a floodplain permit, approval, or letter of not authority from the Michigan Department of Environmental Quality under authority of Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968, where a development permit cannot be issued prior to the issuance of a building permit, special permit, or special use permit, a letter from the issuing agency indicating intent to issue contingent only upon proof of zoning compliance shall be acceptable.

SECTION 4.2 DESIGNATION OF THE BUILDING INSPECTOR. The Township of Bangor Building Inspector is hereby appointed to administer and implement this Ordinance by granting or denying development permit applications in accordance with its provisions.

SECTION 4.3 DUTIES AND RESPONSIBILITIES OF THE BUILDING INSPECTOR. Duties of the Building Inspector shall include, but not be limited to:

- A. Review all development permits to determine that the permit requirements of this Ordinance have been satisfied.
- B. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required.
- C. Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For purposes of this Ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all existing and anticipated development will not increase the water surface elevation of the base flood.

ARTICLE 5 FLOOD HAZARD REDUCTION

SECTION 5.1 GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION.

- A. **DESIGN AND CONSTRUCTION OF STRUCTURES.** All new construction and substantial improvements within a flood hazard area, including the placement of prefabricated buildings and manufactured homes, shall:
 - 1. Be designed and anchored to prevent flotation, collapse, or lateral movement or the structure;
 - 2. Be constructed with materials and utility equipment resistant to flood damage; and

3. Be considered by methods and practices that minimize flood damage.
- B. **INFILTRATION OF FLOOD WATER.** All new and replacement water supply systems shall minimize or eliminate infiltration of flood waters into the systems.
- C. **IMPAIRMENT TO; CONTAMINATION FROM SYSTEMS.** All new and replacement sanitary sewage systems shall minimize or eliminate infiltration of flood waters into the systems and discharges from systems shall be located to avoid impairment to the system or contamination from the system during flooding.
- D. **ON-SITE WASTE DISPOSAL SYSTEMS.** On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- E. **PUBLIC UTILITIES AND FACILITIES.** All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.
- F. **DRAINAGE.** Adequate drainage shall be provided to reduce exposure to flood hazards.
- G. **COMPLIANCE WITH STANDARDS.** Compliance with the standards of this section shall be certified by a registered professional engineer or architect.
- H. **DIVIDING OF LOTS.** Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Ordinance.
- I. **MAINTAINING OF FLOOD CARRYING CAPACITY.** The flood carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designated to insure flood carrying capacity shall be maintained.
- J. **FLOOD HAZARD DATA.** Available flood hazard data from federal, state or other sources shall be reasonably utilized in meeting the standards of this section. Data furnished by the Federal Emergency Management Agency shall take precedence over data from other sources.
- K. **EQUIPMENT AND SERVICE FACILITIES.** All electrical, heating, ventilation, plumbing and air-conditioning equipment and/or other service facilities shall be designed so that below the base flood elevation, the structure is watertight with walls substantially impermeable to prevent water from entering or accumulating within the components during conditions of flooding.

ARTICLE 6 BASE FLOOD ELEVATION STANDARDS

SECTION 6.1 SPECIFIC BASE FLOOD ELEVATION STANDARDS.

- A. **STANDARDS THAT APPLY.** On the basis of the most recent available base flood

elevation data the construction standards outlined in Michigan Public Act 162 of 1996 shall apply in the flood hazard area zone for all new construction and substantial improvements to structures.

- B. **FEDERAL EMERGENCY MANAGEMENT AGENCY ON DATA.** The most recent base flood elevation date received from the Federal Emergency Management Agency shall take precedence over data from other sources.

ARTICLE 7 MANUFACTURED HOMES

SECTION 7.1 MANUFACTURED HOME STANDARDS

- A. **RESISTANCE TO MOVEMENT.** All manufactured homes to be placed within Zone A on the Flood Insurance Rate Map shall be installed using methods and practices which minimize flood damage. Manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Anchoring may include, but is not limited to, the use of over-the-top or frame ties to ground anchors in addition to any other State or local anchoring requirements for resisting wind forces. Unless otherwise certified by a registered professional engineer or architect, FEMA Manual No. 85 entitled "Manufactured Home Installation in Flood Hazard Areas", published in September 1985, shall be the standard for elevated and anchoring techniques.
- B. **EVACUATION PLAN.** An evacuation plan for manufactured home parks and manufactured home subdivisions indicating alternate vehicular access and escape routes shall be filed with the Bay County Department of Civil Defense.
- C. **LOCATED ACCORDING TO STANDARDS.** Manufactured homes within Zones A 1-30, AH and AE on the Flood Insurance Rate Map shall be located in accordance with the following standards:
1. All manufactured homes shall be placed on stands or lots which are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the base flood level.
 2. Adequate surface drainage away from all structures and access for a manufactured home hauler shall be provided.
 3. In the instance of elevation of pilings, lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no more than ten (10) feet apart; and, reinforcement shall be provided for piers more than six (6) feet above ground level.
 4. In manufactured home parks and manufactured home subdivisions which exist at the time this subsection is adopted, where repair, reconstruction or improvement of streets, utilities and pads equal or exceeds 50 (50%) percent of the value of the

streets, utilities and pads before the repair, the standards in subparagraphs 1, 2, and 3 of this subsection shall be complied with.

ARTICLE 8 FLOODWAY PROTECTION

SECTION 8.1 FLOODWAY PROTECTION STANDARDS.

- A. **AREA; DEVELOPMENT PROHIBITED.** New construction, substantial improvements and all other development, including fill, shall be prohibited within zones numbered A 1-30 on the FIRM, except where it is demonstrated to the building inspector that the cumulative effective of the proposed development when combined with all other existing and anticipated development will not harmfully increase the water surface elevation of a base flood. In determining whether a harmful increase will occur, compliance with Public Act 245 of 1929, as amended by Public Act 167 of 1968, shall be required, provided that the allowable increase shall not exceed within the regulatory floodway. The provisions of subsection (2) shall be applied to land situated within the regulatory floodway.
- B. **DEVELOPMENT; REGULATORY FLOODWAY; STANDARDS.** All development occurring within the regulatory floodway shall comply with the following standards:
1. Encroachments, including fill, new construction, substantial improvements and other development shall be prohibited. Exception to this prohibition shall only be made upon certification by a registered professional engineer or the Department of Environmental Quality that the development proposed will not result in any increases in flood levels during a base flood discharge, and compliance with Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968.
 2. Development which is permitted in the regulatory floodway shall meet the requirements of Articles 4 to 7 of this Ordinance.
- C. **USES; UNDERLYING DISTRICT.** The uses of land permitted in an underlying zoning district shall not be constructed as being permitted within the regulatory floodway, except upon compliance with the provisions of this section.

ARTICLE 9 APPEALS AND VARIANCES

SECTION 9.1 APPEALS TO ZONING BOARD OF APPEALS

- A. The Zoning Board of Appeals as established by the Township of Bangor shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- B. The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Building Inspector in the enforcement or administration of this Ordinance.

C. Those aggrieved by the decision of the Zoning Board of Appeals, or any taxpayer, may appeal such decision to the Circuit Court for the County of Bay.

SECTION 9.2 FLOOD DAMAGE PREVENTION VARIANCES.

A. **DETERMINATION OF COMPLIANCE.** Variances from the provisions of Articles 3 and 4, shall only be granted by the Zoning Board of Appeals upon a determination of compliance with the general standards for variances contained the current Township of Bangor Zoning Ordinance, as amended, and each of the following specific standards. *(Amended by Ordinance #372, effective 3/21/19)*

1. A variance shall not be granted within a regulatory floodway where the result would be any increase in flood levels during a base flood discharge, except by certification by a registered professional engineer or the Department of Environmental Quality that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not harmfully increase the water surface elevation of a base flood. In determining whether a harmful increase will occur, compliance with Public Act 245 of 1929, as amended by Public Act 167 of 1968, shall be required.
2. A variance shall be granted only upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in flood heights in excess of those permitted by this Ordinance, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
3. The variance granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.

B. **CONDITIONS ATTACHED TO VARIANCE.** The Township of Bangor Zoning Board of Appeals may attach conditions to the granting of a variance to insure compliance with the standards contained in this Ordinance.

C. **EXCEPTION; HISTORIC SITES.** Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Michigan Historic Markers listing of historic sites, or any other state register of historic places without regard to the requirements of this section governing variances in flood hazard areas.

**ARTICLE 10
DUTIES OF BUILDING INSPECTOR**

SECTION 10.1. FLOODPLAIN MANAGEMENT ADMINISTRATIVE DUTIES.

- A. **DUTIES IF BUILDING INSPECTOR.** With regard to the National Flood Insurance Program, and the regulation of development within the flood hazard area zone as prescribed in Article 3 and 4 the duties of the building inspector shall include, but are not limited to:
1. Notification to adjacent communities and the Department of Environmental Quality of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Emergency Management Agency;
 2. Verification and recording of the actual elevation in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures constructed within the flood hazard area, and in the case of flood-proofed structures, the elevation to which the structure was flood-proofed;
 3. Recording of all certificates of flood-proofing, and written notification to all applicants to whom variances are granted in a flood hazard area zone indicating the terms of the variance, the increased danger to life and property, and that the cost of flood insurance will increase commensurate with the increased flood risk, and may reach amounts as high as \$25.00 for \$100.00 of insurance coverage. A record of all variance notification and variance actions shall be maintained together with the justification for each variance.
- B. **RECORDS AND MAPS; OFFICE OF BUILDING INSPECTOR.** All records and maps pertaining to the National Flood Insurance Program shall be maintained in the office of the building inspector and shall be open for public inspection.
- C. **BUILDING INSPECTOR MUST UTILIZE BEST DATA.** It shall be the responsibility of the building inspector to obtain and utilize the best available flood hazard data for purposes of administering this Ordinance in the absence of data from the Flood Emergency Management Agency.

**ARTICLE 11
PERMIT APPLICATION INFORMATION**

SECTION 11.1 FLOOD HAZARD AREA APPLICATION INFORMATION.

- A. **ADDITIONAL REQUIRED INFORMATION.** In addition to the information required with an application or a building permit, special permit or special use permit or any other type of development permission required under this Ordinance, or the current Township of Bangor Zoning Ordinance, as amended, the following information shall be submitted as a

part of an application for permission to commence any type of development within a flood hazard area zone: *(Amended by Ordinance #372, effective 3/21/19)*

1. **Elevation.** The elevation in relation to mean sea level of the floor, including basement, of all structures;
2. **Flood-proofing.** Where flood-proofing will be employed, the elevation in relation to mean sea level to which a structure will be flood-proofed;
3. **Certificate; Flood-proofing Criteria Will Be Met.** Where flood-proofing is employed, a certificate from a registered professional engineering or architect that the flood-proofing criteria of this Ordinance will be met;
4. **Area; Certificate Required.** Where it can be determined that development is proposed within Zones A 1-30 on the FIRM or the regulatory floodway, an elevation certificate is required by this Ordinance;
5. **Extent In Which Watercourse Will Be Altered.** A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
6. **Proof of Development Permission.** Proof of development permission from appropriate local, state and federal agencies as required by Section 5.1 , including a floodplain permit approval, or letter of no authority from the Michigan Department of Environmental Quality under authority of Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968;
7. **Base Flood Elevation Data.** Base flood elevation data where the proposed development is subject to Public Act 288 of 1967 or greater than five acres in size; and
8. **Additional Information.** Additional information which may be reasonably necessary to determine compliance with the provisions of this Ordinance.

ARTICLE 12 MAP DISPUTES

SECTION 12.1 MAPPING DISPUTES

- A. **UTILIZATION OF BEST FLOOD PLAIN INFORMATION.** Where disputes arise as to the location of the flood hazards area boundary or the limits of the floodway, the Zoning Board of Appeals shall resolve the dispute and establish the boundary location. In all cases, the decision of the Zoning Board of Appeals shall be based upon the most current floodplain studies issued by the Federal Emergency Management Agency. Where Federal Emergency Management Agency information is not available, the best available floodplain information shall be utilized.

- B. **ALLEGATION; INCORRECT BOUNDARY.** Where a dispute involves an allegation that the boundary is incorrect as mapped and Federal Emergency Management Agency floodplain studies are being questioned, the Zoning Board of Appeals shall modify the boundary of the flood hazard area or the floodway only upon receipt of an official letter of map amendment issued by the Federal Emergency Management Agency.

- C. **TECHNICAL EVIDENCE SUBMITTED TO ZONING BOARD OF APPEALS.** All parties to a map dispute may submit technical evidence to the Zoning Board of Appeals.

**ARTICLE 13
DISCLAIMER**

SECTION 13.1 DISCLAIMER OF LIABILITY. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Approval of the use of land under this article shall not be considered a guarantee or warranty of safety from flood damage. This Ordinance does not imply that areas outside the flood hazard area will be free from flood damage. This Ordinance does not create liability on the part of the township of Bangor or any officer or employees thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

**ARTICLE 14
VIOLATION AND PENALTY**

SECTION 14.1 NUISANCE. Any building or structure which is erected, altered or moved into this Township or moved within the Township and maintained or used, and any use of land which is begun, maintained or changed in violation of any provision of this Ordinance, is hereby declared to be a nuisance per se.

SECTION 14.2 AUTHORITY TO ENFORCE ORDINANCE.

- A. The Township Board, by its duly constituted officers, the Building Inspector, the prosecuting attorney of the County of Bay or the duly appointed attorney for the Township of Bangor, Bay County, Michigan, may cause complaint to be made for the violation of the provisions thereof.

- B. In addition to the above-named, any member of the Zoning Board of Appeals or any person owning real estate in the Township may institute appropriate Court proceedings to enjoin, abate and remove any such nuisance per se, or to prevent the continued violation of such Ordinance by and through their duly appointed attorney.

**ARTICLE 15
VALIDITY**

Should any section, clause or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared to be invalid.

ARTICLE 16
REPEAL OF PREVIOUS ORDINANCE

Ordinance 106 effective March 22, 1979 as thereafter amended by any subsequent Ordinance, including but not limited to Ordinance No. 165, are hereby repealed in its entirety.

ARTICLE 17
EFFECTIVE DATE

This Ordinance shall become effective immediately after the last required publication following adoption.

The foregoing Ordinance was adopted by vote of the Board of Trustees of the Charter Township of Bangor, Bay County, Michigan, at a regular meeting held on June 12, 1996.