

Charter Township of Hampton

ORDINANCE NO. 35

FLOOD DAMAGE PREVENTION ORDINANCE

An Ordinance to regulate the use of land within the Charter Township of Hampton 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 in 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 Charter Township of Hampton 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.

THE CHARTER TOWNSHIP OF HAMPTON, BAY COUNTY, MICHIGAN, ORDAINS:

ARTICLE I.

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

- (1) 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 Charter Township of Hampton, 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 Insurance Administration, as published in the Federal Register, Vol. 41, No. 207, Tuesday, October 26, 1976.
- (2) Further, the objectives of this Ordinance include:
- a. the protection of human life, health and property from the dangerous and damaging effects of flood conditions;
 - b. 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;
 - c. the prevention of private and public economic loss and social disruption as a result of flood conditions;
 - d. the maintenance of stable development patterns not subject to the blighting influence of flood damage;

- e. to insure that the public has access to information indicating the location of land areas subject to periodic flooding;
- f. to preserve the ability of floodplains to carry and discharge a base flood; and
- g. to provide procedures for the achievement of these purposes.

Section 1.3 Legal Basis

This Ordinance is enacted pursuant to Michigan Act 359 of 1947, as amended (The Charter Township Act), Michigan Act 245 of 1929 as amended (The Floodplain Control Act), 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 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 Charter Township of Hampton Zoning Board of Appeals and Building Inspector in accordance with the National Flood Insurance Act of 1968, and pursuant to the provisions of the Charter Township of Hampton Zoning Ordinance of 1971 (Ordinance No. 17) as amended.

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 II

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) A "building" or "structure" includes any part thereof.
- g) The word "person" includes 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 Charter Township of Hampton Building Inspector's interpretation of any provision of this ordinance or a request for a variance.
- b) "Area of shallow flooding" means a designated AO zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to

three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and indeterminate, and where velocity flow may be evident.

- c) "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.
- d) "Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.
- e) "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.
- f) "Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this ordinance.
- g) "Expansion to an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed, including the installation of or the construction of streets.

- h) "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.
- i) "Flood Hazard Boundary Map" (FHBM) means an official map of a community, issued by the Federal Insurance Administration, where the boundaries of the areas of special flood hazards have been designated as Zone A.
- j) "Flood Insurance Rate Map" (FIRM) means an official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- k) "Flood Insurance Study" is the official report provided by the Federal Insurance Administration. The report contains flood profiles, as well as the Flood Hazard Boundary-Floodway Map and the water surface elevation of the base flood.
- l) "Flood hazard area" means land which on the basis of available flood-plain information is subject to a one percent or greater chance of flooding in any given year.
- m) "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.

- n) "Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".
- o) "Harmful increase" means an unnaturally high stage on 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.
- p) "Mobile home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.
- q) "New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.
- r) "New mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this ordinance.
- s) "Start of construction" means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. 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 as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

- t) "Structure" means a walled and roofed building, liquid or gas storage facility, or mobile home that is principally above ground.
- u) "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.

- v) "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 III.

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 Charter Township of Hampton.

Section 3.2 Delineation of the Flood Hazard Overlay Zone

- (1) The flood hazard area zone shall overlay existing zoning districts delineated on the official Charter Township of Hampton Zoning Map.

The boundaries of the flood hazard area zone shall coincide with the boundaries of the areas indicated as within the limits of the 100-year flood in the report entitled "Flood Insurance Study (Charter Township of Hampton)", Review Draft, dated July, 1977 with accompanying Flood Insurance Rate Maps and Flood Boundary and Floodway Map.

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.

- (2) The Flood Insurance Study, Flood Insurance Rate Map, and Flood Boundary and Floodway Maps shall be maintained and placed on file for public examination at the Township Office located at 801 W. Center Avenue Road, Essexville, Michigan.
- (3) 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 XII of this Ordinance.
- (4) In addition to other requirements of Ordinance No. 17 of 1971, 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 other requirements of Ordinance No. 17 of 1971, as amended, or 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.

ARTICLE IV.

DEVELOPMENT PERMITS

Section 4.1 Development Permits

- (1) Development, including the erection of structures and placement of mobile homes, within a flood hazard area, shall not occur except upon issuance of a permit in accord with the requirements of Chapter XIX of the Charter Township of Hampton Zoning Ordinance (Ordinance No. 17) of 1971, as amended, and the following standards:
 - a. the requirements of this Ordinance shall be met;
 - b. the requirements of the underlying zoning districts and applicable general provisions of Ordinance No. 17 of 1971, as amended, shall be met;
 - c. all necessary development permits shall have been issued by appropriate local, state and federal authorities, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Natural Resources 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 Charter Township of Hampton 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:

- (1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- (2) 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.
- (3) 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 other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point.

ARTICLE V.

FLOOD HAZARD REDUCTION

Section 5.1 General Standards for Flood Hazard Reduction

- (1) All new construction and substantial improvements within a flood hazard area, including the placement of prefabricated buildings and mobile homes, shall:
 - a. be designed and anchored to prevent flotation, collapse, or lateral movement of the structure;
 - b. be constructed with materials and utility equipment resistant to flood damage; and
 - c. be constructed by methods and practices that minimize flood damage.
- (2) All new and replacement water supply systems shall minimize or eliminate infiltration of flood waters into the systems.
- (3) 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.
- (4) All public utilities and facilities shall be designed, constructed and located to minimize or eliminate flood damage.
- (5) Adequate drainage shall be provided to reduce exposure to flood hazards.
- (6) Compliance with the standards of this section shall be certified by a registered professional engineer or architect.

- (7) Land shall not be divided in a manner creating parcels or lots which cannot be used in conformance with the requirements of this Ordinance.
- (8) The flood carrying capacity of any altered or relocated watercourse not subject to state or federal regulations designed to insure flood carrying capacity shall be maintained.
- (9) 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 Insurance Administration shall take precedence over data from other sources.

ARTICLE VI.

BASE FLOOD ELEVATION STANDARDS

Section: 5.1 Specific Base Flood Elevation Standards

- (1) On the basis of the most recent available base flood elevation data the following standards shall apply in the flood hazard area zone:
 - a. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the base flood level, as established in the most recent Flood Insurance Study for the Charter Township of Hampton.
 - b. All new construction and substantial improvements of nonresidential structures shall have either:
 1. the lowest floor, including basement, elevated to or above the base flood level as established in the most recent

Flood Insurance Study for the Charter Township of Hampton, or

2. be constructed such the below base flood level, together with attendant utility and sanitary facilities, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subparagraph are satisfied, and that the floodproofing methods employed are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with a base flood in the location of the structure. Such certification shall be submitted as provided in section 5.1 of this Ordinance and shall indicate the elevation to which the structure is floodproofed.

- (2) The most recent base flood elevation data received from the Federal Insurance Administration shall take precedence over data from other sources.

ARTICLE VII.

MOBILE HOMES

Section 7.1 Mobile Home Standards

- (1) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties in accord with the following specifications:

- a. Over-the-top ties shall be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, except that on mobile homes less than 50 feet in length one tie per side shall be required.
 - b. Frame ties shall be provided at each corner of the home with five additional ties per side at intermediate points, except that on mobile homes less than 50 feet in length four ties per side shall be required.
 - c. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
 - d. All additions to a mobile home shall be similarly anchored.
- (2) An evacuation plan for mobile home parks and mobile home subdivisions indicating alternate vehicular access and escape routes shall be filed with the Bay County Department of Civil Defense.
- (3) Mobile homes within zones A1-30 on the Flood Insurance Rate Map shall be located in accord with the following standards:
- a. All mobile homes shall be placed on stands or lots which are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level.
 - b. Adequate surface drainage away from all structures and access for a mobile home hauler shall be provided.
 - c. In the instance of elevation on pilings, lots shall be large enough to permit steps; piling foundations shall be placed in stable soil no

more than 10 feet apart; and reinforcement shall be provided for piers more than six feet above ground level.

- d. In mobile home parks and mobile home subdivisions which exist at the time this subsection is adopted, where repair, reconstruction or improvement of streets, utilities and pads equals or exceeds 50% of the value of the streets, utilities and pads before the repair, the standards in subparagraphs a, b, and c of this subsection shall be complied with.

ARTICLE VIII.

FLOODWAY PROTECTION

Section 8.1 Floodway Protection Standards

- (1) New construction, substantial improvements and all other development, including fill, shall be prohibited within zones numbered A1-30 on the FIRM, except where it is demonstrated to the building inspector that the cumulative effect of the proposed developments 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 one foot. The provisions of this sub-section shall not apply within the regulatory floodway. The provisions of subsection (2) shall be applied to land situated within the regulatory floodway.

- (2) All development occurring within the regulatory floodway shall comply with the following standards:
- a. 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 Natural Resources 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.
 - b. The placement of mobile homes shall be prohibited except in mobile home parks and subdivisions which exist at the time this Ordinance is adopted.
- (3) 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 IX.

APPEALS AND VARIANCES

Section 9.1 Appeals to Zoning Board of Appeals

- (1) The Zoning Board of Appeals as established by the Charter Township of Hampton shall hear and decide appeals and request for variances from the requirements of this ordinance.

- (2) 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.
- (3) 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

- (1) Variances from the provisions of Articles III and IV, shall only be granted by the Zoning Board of Appeals upon a determination of compliance with the general standards for variances contained in this ordinance, Ordinance No. 17 of 1971 as amended, and each of the following specific standards.
 - a. 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 upon certification by a registered professional engineer or the Department of Natural Resources 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, provided that

the allowable increase, including the increase used as the design standard for delineating the floodway, shall not exceed one foot.

- b. A variance shall be granted only upon:
 - 1. a showing of good and sufficient cause;
 - 2. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - 3. 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.
- c. The variance granted shall be the minimum necessary, considering the flood hazard, to afford relief to the applicant.

- (2) The Charter Township of Hampton Zoning Board of Appeals may attach conditions to the granting of a variance to insure compliance with the standards contained in this ordinance.
- (3) 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 X.

DUTIES OF BUILDING INSPECTOR

Section 10.1 Floodplain Management Administrative Duties

- (1) With regard to the National Flood Insurance Program, and the regulation of development within the flood hazard area zone as prescribed in Articles III and IV the duties of the building inspector shall include, but are not limited to:
- a. notification to adjacent communities and the Department of Natural Resources of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Insurance Administration;
 - b. 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 floodproofed structures, the elevation to which the structure was floodproofed;
 - c. recording of all certificates of floodproofing, 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 notifications and variance actions shall be maintained together with the justification for each variance.

- (2) 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.
- (3) 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 Insurance Administration.

ARTICLE XI.

PERMIT APPLICATION INFORMATION

Section 11.1 Flood Hazard Area Application Information

- (1) In addition to the information required with an application for a building permit, special permit or special use permit or any other type of development permission required under this ordinance, or Ordinance No.17 of 1971, 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:
 - a. the elevation in relation to mean sea level of the floor, including basement, of all structures;
 - b. where floodproofing will be employed, the elevation in relation to mean sea level to which a structure will be floodproofed;

- c. where floodproofing will be employed, a certificate from a registered professional engineering or architect that the floodproofing criteria of this ordinance will be met;
- d. where it can be determined that development is proposed within zones A1-30 on the FIRM or the regulatory floodway, a certification is required by this ordinance;
- e. a description of the extent to which any watercourse will be altered or relocated as a result of proposed development;
- f. 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 Natural Resources under authority of Act 245, Public Acts of 1929, as amended by Act 167, Public Acts of 1968;
- g. base flood elevation data where the proposed development is subject to Public Act 288 of 1967 or greater than five acres in size; and
- h. additional information which may be reasonably necessary to determine compliance with the provisions of this ordinance.

ARTICLE XII.

MAP DISPUTES

Section 12.1 Mapping Disputes

- (1) Where disputes arise as to the location of the flood hazard 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 Insurance Administration. Where Federal Insurance Administration information is not available, the best available floodplain information shall be utilized.

- (2) Where a dispute involves an allegation that the boundary is incorrect as mapped and Federal Insurance Administration 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 Insurance Administration.
- (3) All parties to a map dispute may submit technical evidence to the Zoning Board of Appeals.

ARTICLE XIII.

DISCLAIMER

Section 13.1 Disclaimer of Liability

- (1) 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 manmade 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 Charter Township of Hampton 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 XIV.

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 provisions of this Ordinance, is hereby declared to be a nuisance per se.

Section 14.2 Authority to Enforce Ordinance

- (1) 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 Charter Township of Hampton, Bay County, Michigan, may cause complaint to be made for the violation of the provisions thereof.
- (2) 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 XV.

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 XVI.

EFFECTIVE DATE

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