

(Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

~~County~~
~~City~~ of YORK
Town
~~Village~~

Local Law No. 2 of the year 19 81

A local law for the regulation, development and building in flood plain areas of the
(Insert title)
Town of York located in certain zoning districts as established by the
official Map of the Town of York.

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

~~County~~
~~City~~ of YORK as follows:
Town
~~Village~~

DEFINITIONS

AREA OF SHALLOW FLOODING: A designated AO Zone on a Flood Insurance Rate Map 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.

BASE FLOOD: The flood having a one percent chance of being equalled or exceeded in any given year.

COMMUNITY: Town of York.

DEVELOPMENT: 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, excluding normal maintenance to farm roads.

FLOOD OR FLOODING: (a) A general and temporary condition of partial or complete inundation of normally dry land areas, from: (1) The overflow of inland or tidal waters. (2) The unusual and rapid accumulation or runoff of surface waters from any source. (3) Mudslides (i.e., mudflows) which are proximately caused or precipitated by accumulations of water on or under the ground. (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (a) (1) of this section.

FLOOD INSURANCE STUDY (FIS): Official report provided in which the Federal Insurance Administrator has provided flood profiles, as well as the "Flood Boundary-Floodway" maps and the water surface elevation of the base flood.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Federal Insurance Administration has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

FLOOD PLAIN OR FLOOD PRONE AREA: Any land area susceptible to being inundated by water from any source.

FLOOD PLAIN OVERLAY ZONE: That area of the municipality identified on the Flood Hazard Boundary Map as being subject to flood and/or mudslide hazards, which area is delineated on the Zoning Map, and for which special flood plain management requirements and criteria are enumerated herein.

FLOODPROOFING: Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

HABITABLE FLOOR: Any floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation or combination thereof. A floor used only for storage purposes is not "habitable."

MOBILE HOME: 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. The term includes but it is not limited to; the definition of "mobile home" as set forth in regulations governing the Mobile Home Safety and Construction Standards Program (24 CFR 3228.7 (a)).

MOBILE HOME PARK OR MOBILE HOME SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale.

100-YEAR FLOOD: See "BASE FLOOD."

PERSON: Includes any individual or group of individuals, corporation, partnership, association or any other organized group of persons, including local governments and agencies thereof.

REGULATORY FLOODWAY: The channel of a river or other watercourse and that adjacent land area that must be reserved in order to discharge the base flood without cumulative increasing the water surface elevation more than 1.0 foot.

SPECIAL FLOOD HAZARD AREA: An area having special flood, mudslide and/or other flood related erosion hazards and shown on a FIRM or FIRM as Zone A, AO, A1 - 99.

STRUCTURE: For flood plain management purposes, a walled or roofed building including gas or liquid storage tank, that is principally above ground, as well as mobile homes.

SUBDIVISION: An area of land divided by owners or agents, either by lots or by metes and bounds, into lots or parcels, two or more in number for the purpose of conveyance, transfer, improvement or sale of one or more.

SUBSTANTIAL IMPROVEMENT: 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 (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. 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 codes 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.

VARIANCE: A grant of relief by a community from the terms of this flood plain management regulation.

WATER SURFACE ELEVATION: The projected heights in relation to mean sea level reached by floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

FLOOD PLAIN OVERLAY ZONE (FP)

There is hereby established a Flood Plain Overlay Zone, the boundaries of which are delineated on the Zoning Map. Said boundaries correspond to those identified by the Federal Emergency Management Agency (FEMA) in a report entitled, "The Flood Insurance Study," and delineated on the Flood Insurance Rate Maps (FIRM) and Flood Boundary and Floodway Maps contained therein, which maps and any revisions thereto, are declared to be a part of this Local Law. This section provides additional special requirements for areas within the defined Flood Plain Overlay Zone. These requirements are in addition to those contained in the underlying zoning district.

The provisions of this section shall take precedence over any other zoning article, ordinance or law, to the extent that the provisions of this section are consistent with other regulations.

INTENT

Control of flood plain development such as fill, dumping, storage of materials, structures, buildings and any other works which acting alone or in combination with other existing or future uses which will cause damaging flood heights and velocities by obstructing flows and reducing flood storage, and further, to:

Protect human life and health, minimize property damage, minimize surface and groundwater pollution, provide public awareness of the flooding potential.

WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes based on available knowledge of past floods. Larger floods may occur on rare occasions or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. Nothing herein shall be interpreted to imply that areas outside the flood plain district or uses permitted within such districts will be free from flooding or flood damage. These regulations shall not create liability on the part of the Town of York, or any officer or employee thereof, for any flood damages that result from reliance on these regulations or any administrative decision lawfully made thereunder.

PERMITTED USES

Permitted uses shall be as specified by the underlying zoning district, providing however, that within the Flood Plain Overlay Zone, all uses other than non-structural open space..

PLAN AND CERTIFICATION

Where floodproofing is utilized to comply with any provisions of these regulations, a registered professional engineer or architect shall certify that the floodproofing methods employed are adequate to withstand the flood depth, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

Such floodproofing certificate indicating the specific elevation (in relation to mean sea level) to which the structures are floodproofed, shall be submitted with the permit application.

DUTIES OF ZONING OFFICER

In carrying out the intent of this section, the Zoning Officer shall:

1. Review all development permit applications as required herein to determine whether proposed development sites may be reasonably safe from flooding. If a proposed development site is in a location that has a flood hazard, any proposed development, new construction or substantial improvement (including pre-fabricated and mobile homes) must be in compliance with this section, and provided further that a separate permit shall be required for each development activity, structure or mobile home.
2. Review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to assure that all such proposals are consistent with the need to minimize flood damage and are in compliance with this section; and,
3. Obtain, review and reasonably utilize any base flood elevation data available from Federal, State or other source, until such data has been provided by the Administrator as criteria for requiring compliance with this section; and,
4. Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notification to the Administrator; and,
5. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained; and,
6. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State Law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334; and,
7. Take such other official action as may be reasonably necessary to carry out the objectives of this section.

REQUIREMENTS

All development and substantial improvements as defined herein in areas designated A or M in the Flood Plain Overlay Zone, shall be consistent with the need to minimize flood damage & shall comply with the following:

1. Be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure.
2. Be constructed of materials and utility equipment resistant to flood damage.
3. Be constructed by methods and practices that will minimize flood damage.
4. All public utilities and facilities such as sewer, gas, electric, and water systems shall be located and constructed to minimize or eliminate flood damage.
5. Adequate drainage shall be provided to reduce exposure to flood hazards.
6. All new and replacement water supply systems shall be designed to minimize or eliminate the infiltration of flood waters into the systems.
7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into the flood waters; and,

8. On-site waste disposal systems shall be located to avoid impairment of them or contamination from them during flooding.
9. All subdivision proposals or other new developments greater than 50 lots or 5 acres, whichever is the lesser, shall include specific base flood level elevation data in plans thereof.
10. All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the base flood level.
11. Permit applications for all new or substantially improved structures shall indicate the elevation (above mean sea level) of the lowest habitable floor (including basement) and, if the structure has been floodproofed, indicate the elevations (above mean sea level) to which the structures have been floodproofed. These records shall be maintained for public inspection.
12. All new construction and substantial improvements to non-residential structures shall have the lowest floor, including basement, elevated to or floodproofed to or above the base flood level.
13. All mobile homes to be placed within the Zones A and M, shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors.
14. Over-the-top ties shall be provided at each of the four corners of the mobile home and two additional ties per side at intermediate locations, except that mobile homes less than fifty feet (50') in length need have only one intermediate tie.
15. Frame ties shall be provided at each corner of the mobile home with five additional ties per side at intermediate points and mobile homes less than fifty feet (50') in length requiring four additional ties per side.
16. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
17. Any additions to mobile homes shall be similarly anchored.
18. Plans for mobile home parks or mobile home subdivisions shall include an evacuation plan indicating alternate vehicular access and escape routes; said plan to also be filed with appropriate Disaster Preparedness authorities.
19. All new construction and substantial improvements of residential structures within Zones A1 to 30, shall have the lowest floor, including basement, elevated to or above the base flood level; and,
20. All new construction or substantial improvements of non-residential structures in Zones A1-30, shall:
 - a) Have the lowest floor, including basement, elevated to or above the base flood elevation; or
 - b) Together with attendant utility sanitary facilities, be designed so that below the base flood level, the structure shall be watertight with walls substantially impermeable to the passage of water and structural components shall be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

21. New mobile home parks or mobile home subdivisions, expansions thereto or repair, reconstruction or improvement of the streets, utilities and pads thereof, equal to or exceeding 50% of the value of same before repair, improvement, or reconstruction, shall comply with the following:
 - a) Stands or lots shall be 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 and access for a hauler shall be provided.
 - c) When elevating on pilings, lots shall be large enough to permit steps, and piling foundations shall be placed in stable soil no more than ten (10) feet apart and reinforcement shall be provided for pilings more than six (6) feet above ground level.
22. Mobile homes to be placed in Zones A1 to 30 other than in a mobile home park or mobile home subdivision, shall comply with paragraphs 21a, 21b, and 21c of this section.
23. In any A0 Zone, all new construction of substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the crown of the nearest street to or above the depth number specified on the FIRM.
24. In any A0 Zone, all new construction or substantial improvements of non-residential structures shall:
 - a) Have the lowest floor, including basement, elevated to or above the depth number specified on the FIRM; or
 - b) Together with attendant utility and sanitary facilities be completely floodproofed to or above that level so that any space below that level 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.
25. Encroachments, including fill, new construction, substantial improvements and other development shall be prohibited within the regulatory floodway, if such encroachment would result in any increase in flood levels during the occurrence of the base flood discharge.
26. Placement of any mobile home, except in an existing mobile home park or mobile home subdivision, shall be prohibited within the regulatory floodway.

VARIANCES

In addition to the requirements for variances specified elsewhere herein, the following requirements shall apply to variances in the Flood Plain Overlay Zone:

1. Variances may be issued for the construction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places, without regard to the procedures set forth in this section.

2. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
3. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half ($\frac{1}{2}$) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of paragraphs (4), (5), (6), and (7) of this section.
4. Variances shall only be issued 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 increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
5. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
6. The community shall notify the applicant in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in paragraph (7) of this section; and,
7. A community shall (1) maintain a record of all variance actions, including justification for their issuance; and (2) report such variances issued in its annual report submitted to the Administrator.

CONSIDERATIONS

Applications for uses in the Flood Plain Overlay Zone shall be considered in light of all relevant factors, including but not limited to other sections of these regulations, and the following:

1. Effects of the proposed use upon increasing flood heights.
2. Extent of flood plain or floodway encroachment.
3. The danger to life and property due to increased flood heights or velocities caused by encroachments.
4. The danger that material may be swept on to other lands downstream.
5. The susceptibility of the proposed facility and its contents to flood damage and the effects of such damage on the individual owners and the community.
6. The importance of the services provided by the proposed facility in the community.
7. The necessity for the facility to be located in a flood prone area.
8. The availability of alternative locations not subject to flooding.
9. The relationship of the proposed use to the comprehensive plan and flood plain management program of the Town of York, and adjoining municipalities.
10. The safety of access to the property in terms of flood.
11. The expected height, velocity, duration, rate of rise and sediment transport of flood waters expected at the site.
12. Acceptable social and economic use of the land in relation to the hazards involved.
13. Preservation of flood prone areas for open space purposes.
14. Diversion of development to flood safe areas in light of the need to prevent flood damages and environmentally incompatible flood plain uses.
15. Flood warning and emergency preparedness plan.
16. Need for evacuation plans and escape routes.

17. Coordination of flood plain management plans with those of adjacent communities.
18. Such other factors which are relevant to the purpose of these regulations.

FLOODPROOFING MEASURES

Where not otherwise specified by these regulations, the Board may require Floodproofing measures as deemed necessary for the purpose of these regulations. Such measures may include but are not limited to the following:

1. Modification of waste disposal and water supply facilities.
2. Limitations on periods of use and operation.
3. Imposition of operational controls, sureties, and deed restrictions.
4. Requirements for construction of channel modifications, dikes, levees and other protective measures.
5. Anchorage to resist flotation and lateral movement.
6. Installation of watertight doors, bulkheads, and shutters or similar methods of construction.
7. Reinforcement of walls to resist water pressures.
8. Use of paints, membranes or mortars to reduce seepage of water through walls.
9. Addition of mass or weight to structures to resist flotation.
10. Installation of pumps to lower water levels in structures.
11. Construction of water supply and waste treatment systems so as to prevent the entrance of flood waters.
12. Installation of pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressure.
13. Construction to resist rupture or collapse caused by water pressure or floating debris.
14. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and storm waters into the buildings or structures. Gravity draining of basements may be eliminated by mechanical devices.
15. Location of all electrical equipment, circuits, and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the regulatory flood.
16. Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety, and welfare in a manner which will assure that the facilities are situated at elevations above the height associated with the regulatory protection elevation are adequately flood-proofed to prevent flotation of storage containers or damage to storage containers which could result in the escape of toxic materials into flood waters.

METHODS USED TO DETERMINE FLOOD HAZARD

The Official Zoning Map adopted as part of these regulations delineates a general flood plain district determined to be subject to flooding based upon available evidence of past flood events. The following information has been used to delineate this district: Soils maps, topographic maps, flood maps, and local knowledge of historic flood conditions. The flood plain delineated on the Zoning Map is the regulatory flood as designated for purposes of the National Flood Insurance Program. The regulatory flood is defined as the 100-year Flood (i.e., that has a one percent (1%) chance of flooding each year).

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

(Final adoption by local legislative body only.)

1. I hereby certify that the local law annexed hereto, designated as local law No. 2 of 1981
~~County~~
of the ~~City~~ Town of York was duly passed by the Town Board
~~Village~~ (Name of Legislative Body)
on December 22, 1981 in accordance with the applicable provisions of law.

(Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer or repassage after disapproval.)

2. I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the City of _____ was duly passed by _____
Town (Name of Legislative Body)
Village
on _____ 19_____ and was approved _____ by the _____
not disapproved _____ repassed after disapproval Elective Chief Executive Officer
and was deemed duly adopted on _____ 19_____, in accordance with the applicable provisions of law.

(Final adoption by referendum.)

3. I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the City of _____ was duly passed by the _____
Town (Name of Legislative Body)
Village
on _____ 19_____ and was approved _____ by the _____
not disapproved _____ repassed after disapproval Elective Chief Executive Officer
on _____ 19_____. Such local law was submitted to the people by reason of a
mandatory referendum and received the affirmative vote of a majority of the qualified electors voting
permissive _____
general
thereon at the special election held on _____ 19_____, in accordance with the appli-
annual
cable provisions of law.

(Subject to permissive referendum and final adoption because no valid petition filed requesting referendum.)

4. I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19_____
County
of the City of _____ was duly passed by the _____ on _____
Town (Name of Legislative Body)
Village
_____ 19_____ and was approved _____ by the _____ on _____
not disapproved _____ repassed after disapproval Elective Chief Executive Officer
_____ 19_____. Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
_____ 19_____, in accordance with the applicable provisions of law.

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or if there be none the chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

(City local law concerning Charter revision proposed by petition.)

5. I hereby certify that the local law annexed hereto, designated as local law No. of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on 19 became operative.

(County local law concerning adoption of Charter.)

6. I hereby certify that the local law annexed hereto, designated as Local Law No. of 197 of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Martha E. Curry

Clerk of the Board of Supervisors, City, Town or Village Clerk or Officer designated by Local Legislative Body

Martha E. Curry
Town Clerk
Town of York
Livingston County, New York

Date: December 23, 1981

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK

COUNTY OF Livingston

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Robert M. Keefe

(Title of Officer) Town Attorney

~~County~~

~~City~~ of York

Town

~~Village~~

Dated: December 23, 1981