

#1
TOWN OF WEST TURIN

Title - Protection of Construction in Flood Prone Areas

Purpose. The purpose of this ordinance is to provide such land use regulations and construction regulations in areas susceptible to flood as set forth in the Map of the Town of WEST TURIN, LEWIS County, designated FIA Flood Hazard Boundary Map No. H 01-03, dated September, 13 1974 which is attached to this ordinance and made a part hereof, so that 1) buildings to be constructed and existing buildings to be changed shall be in accordance with the regulations provided in this ordinance to protect them from flood damage and to ensure the safety of the inhabitants thereof; 2) to provide such land use and construction regulations in said flood areas as will entitle those with an interest in the real and personal property situate in said designated areas to Federal Flood Insurance pursuant to the provisions of the National Flood Insurance Program and the regulations thereof promulgated by the Department of Housing and Urban Development as set forth in the Federal Register 36 F.R. 18175-86, September 10, 1971, pursuant to the authority granted by the National Flood Insurance Act of 1968 as amended, 42 U.S.C. 4001-4127.

Definitions. "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from a) the overflow of inland or tidal water, b) the unusual and rapid accumulation or runoff of surface waters from any source, or c) mudslides which are caused or precipitated by accumulations of water on or under the ground.

"Flood Hazard Boundary Map" means the aforesaid Map No. H 01-03 described in the paragraph entitled PURPOSE which is approved by the Federal Insurance Administrator on which the boundaries of the flood plain having special hazards have been drawn.

"Flood insurance" means insurance coverage for floods.

"Flood plain" or "flood-prone area" means a land area adjoining a river, stream, watercourse, bay or lake which is likely to be flooded.

"Flood plain area having special flood hazards" means that maximum area of the flood plain that, on the average, is likely to be flooded once every 100 years (that is, that has a 1 percent chance of being flooded each year).

"Flood plain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and land use and control measures.

"Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures and contents of buildings.

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"Floodway" means the channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.

"Floodway encroachment lines" means the lines marking the limits of floodways on official Federal, State and local flood plain maps.

"100-year flood" means the highest level of flooding that, on the average, is likely to occur once every 100 years (that is, it has a 1 percent chance of occurring each year).

"Start of construction" means the first placement of permanent construction on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For a structure 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 pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, filling; excavation for basement, footings, piers, or foundations; erection of temporary forms; the installation of piling under proposed subsurface footings; installation of sewer, gas, and water pipes, or electric or other service lines from the street; or existence on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not a part of the main structure.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the actual cash value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.

"Water surface elevation" means the heights in relation to Mean Sea Level expected to be reached by floods of various magnitudes and frequencies at pertinent points in the flood plains of coastal or riverine areas.

Whereas, certain land and building controls are necessary in flood areas in order to carry out the purpose of this ordinance as hereinbefore set forth.

NOW, THEREFORE, BE IT RESOLVED, as follow:

1. The aforesaid Map. No. H 01-C3 described in the paragraph entitled PURPOSE, attached hereto and adopted by this Town through this ordinance, sets forth the areas of riverine, flood plain having special flood hazards, and sets forth the floodways in this Town and the coastal flood plain areas having special flood hazards, and sets forth and delineates the 100-year flood; now, therefore, the following provisions shall limit land use and construction in said designated areas, as follows:

(1) Within the flood plain area this ordinance concerning land use and control and other measures designed to reduce flood losses shall take precedence over any other conflicting ordinance, if any.

(2) Anyone who proposes new construction or substantial improvements to existing construction within the flood plain area having special flood hazards must apply for a building permit.

(3) Said application shall set forth:

(a) the location of the property with sufficient information so that its location relative to identifiable objects can be ascertained;

(b) the type of materials and utility equipment that are intended to be used, the design by which provision is made to anchor the structure to prevent flotation, collapse or lateral movement of the structure;

(c) a description of all public and private utilities and facilities to be used, including sewer, gas, electrical, water system, sewage disposal if not sewer;

(d) the manner in which adequate drainage is to be provided.

(e) other structures and measures designed to prevent flood damage.

(4) Said application shall be deposited with the Town Clerk together with an application fee in an amount specified by the Town Board. The Town Clerk shall turn the said application over to such person or body specified as qualified by the Town Board to pass upon whether it complies with the requirements of this ordinance as hereinbefore and hereinafter set forth.

(5) The Town Clerk shall not issue a permit pursuant to such application until such aforesaid person or body specified as qualified by the Board has reviewed the same and that the following requirements of this ordinance are complied with:

(a) that the proposed repair or construction or substantial improvement uses construction materials and utility equipment that are resistant to flood damage;

(b) that the methods and practices of construction applied for will minimize flood damage;

(c) that the proposed construction (including prefabricated and mobile homes) is protected against flood damage;

(d) that the proposed construction or repair or substantial improvement is designed or modified and anchored to prevent flotation, collapse or lateral movement of the structure;

(e) that any new or replacement water supply systems and/or sanitary sewer systems and/or septic tank systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and that on-site waste disposal systems be located so as to avoid impairment of them or contamination from them during flooding;

(f) any new residential construction or substantial improvement of any residential structure within the area of special flood hazard shall have the lower floor (including basement) elevated to or above the level of the 100-year flood and the attendant utility and sanitary facilities to be flood-proofed up to the level of the 100-year flood. Industrial and commercial uses may be floodproofed if low elevation is necessary for business.

2. Attached on the aforesaid FIA Flood Hazard Boundary Map, No. H01-03 described in the paragraph entitled PURPOSE showing the area of special flood hazards, there is also set forth floodways for passage of the water of the 100-year flood. Any flow or encroachment within the said designated floodways that impairs their ability to carry and discharge the waters resulting from the 100-year flood is hereby prohibited except where the effect on flood heights is fully offset by stream improvement.

3. Any person seeking a variance from the strict letter of these regulations may make application therefor to the Town Clerk. Upon such application, the Town Board shall, when there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the regulations, have authority to vary or modify the application of such regulations so that the spirit of such regulations shall be observed, public safety and welfare secured and substantial justice done.

Alex R. O'Brien
Town Clerk



STATE OF NEW YORK
DEPARTMENT OF AUDIT AND CONTROL
ALBANY

ARTHUR LEVITT
STATE COMPTROLLER

July 3, 1978

IN REPLYING REFER TO

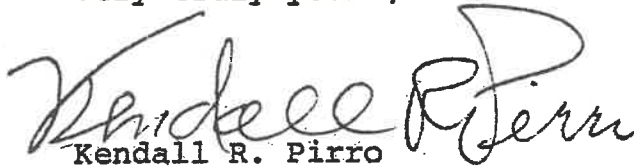
Helen R. O'Brien , Clerk
Town of West Turin
Constableville, New York 13325

RECEIVED
MAY 13 2019
LEWIS COUNTY
PLANNING DEPARTMENT

Dear Madam:

I hereby acknowledge receipt as of June 14, 1978
of certified copy of Local Law No. 1
of 1978 for the Town of West Turin
which copy is being filed in this office.

Very truly yours,


Kendall R. Pirro
Associate Attorney

KRP: med
cc: Secretary of State