

**FLOOD DAMAGE PREVENTION AND FLOOD PLAIN
MANAGEMENT AND CONSTRUCTION LOCAL LAW**

**TOWN OF LANSING, TOMPKINS COUNTY, NEW YORK
LOCAL LAW NUMBER 9 of 2016**

The Town Board of the Town of Lansing, Tompkins County, New York, pursuant to a Resolution dated July 20, 2016, does hereby adopt and enact Local Law No. 9 of 2016, and thus be it enacted by the Town Board of the Town of Lansing as follows:

ARTICLE I - LEGISLATIVE INTENT; PURPOSES; EFFECT.

1. This local law is adopted pursuant to the authority granted to the Town of Lansing to mitigate and prevent flood damage as authorized by the Article 9, § 2 of the New York State Constitution, Environmental Conservation Law Article 36 and 6 NYCRR Part 500, Town Law §§ 64 and 130, and § 10 of the Municipal Home Rule Law, as well as other provisions of New York State and federal law, including, without limitation, the Clean Water Act and the regulations of FEMA.
2. The Town of Lansing finds that the potential and actual damages from flooding and erosion may be a problem to the residents of the town and that such damages may include destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereafter set forth, this local law is adopted.
3. It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to: (i) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities; (ii) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; (iii) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters; (iv) control filling, grading, dredging and other development that may increase erosion or flood damages; (v) regulate the construction of flood barriers that will unnaturally divert floodwaters or which may increase flood hazards to other lands; and (vi) qualify and maintain for participation in the National Flood Insurance Program.
4. The objectives of this local law are to: (i) protect human life and health; (ii) minimize expenditure of public money for costly flood control projects; (iii) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; (iv) minimize prolonged business interruptions; (v) minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard; (vi) help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas; (vii) provide that developers are notified that property is in an area of special flood hazard; and (viii) ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

ARTICLE II – DEFINITIONS.

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application. Where defined, the definitions shall be both direct as to such exact words, and indirect to address similar terminology. For example, the defined term “expansion to an existing manufactured home park or subdivision” need not literally appear in this local law in such direct language, and such definition refers to anything that is an expansion to or enlargement of any such facility. Additionally, where the context so requires or admits, the definitions of words shall be congruent with federally defined terms at 44 C.F.R. Part 9, § 9.4 and New York definitions at 6 NYCRR Part 500, § 500.1 *et seq.* Further, certain defined terms may appear in this local law even though such term is not used in this local law, in part as permit applications, flood plain requirements, federal regulations, and related materials use such terms and this local law is intended to assist in all aspects of managing flooding, flood plains, and permitting systems and appeals. Defined terms maintain their meaning whether or not capitalized in this local law.

Hence, as used in this local law, the words used in or in relation to this local law, including in permit applications, orders, and applications for emergency relief, shall have the following meanings:

1. **Action** means any act or activity including: (i) acquiring, managing and disposing of federal lands and facilities; (ii) providing federally undertaken, financed or assisted construction and improvements; and (iii) conducting federal activities and programs affecting land use, including, but not limited to, water and related land resources, planning, regulating and licensing activities.
2. **Actions affecting or affected by floodplains or wetlands** means actions which have the potential to result in the long- or short-term impacts associated with (i) the occupancy or modification of floodplains, and the direct or indirect support of floodplain development, or (ii) the destruction and modification of wetlands and the direct or indirect support of new construction in wetlands.
3. **Agency** means the Federal Emergency Management Agency (FEMA).
4. **Agency assistance** means grants for projects or planning activities, loans, and all other forms of financial or technical assistance provided by the agency.
5. **Appeal** means a request for a review of the local administrator’s interpretation of any provision of this local law, whether under Town Law § 267-a or Article 78 of the Civil Practice Law and Rules.
6. **Area of shallow flooding** means a designated AO, AH or VO Zone on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
7. **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. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-30. It is also commonly referred to as the “base floodplain” or “100-year floodplain.”

- 8. **Associate director** means the head of any office or administration of the agency who has programmatic responsibility for a particular action.
- 9. **Base flood** means the flood which has a one percent chance of being equaled or exceeded in any given year (also known as a 100-year flood). This term is used in the National Flood Insurance Program (NFIP) to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.
- 10. **Base floodplain** means the 100-year floodplain (one percent chance floodplain).
- 11. **Basement** means that portion of a building having its floor subgrade (below ground level) on all sides. It can include crawl spaces.
- 12. **Building** - See "Structure."
- 13. **Cellar** has the same meaning as "Basement."
- 14. **Coastal high hazard area** means the areas subject to high velocity waters including but not limited to hurricane wave wash or tsunamis. On a Flood Insurance Rate Map (FIRM), this appears as Zone V1-30, VE or V.
- 15. **Critical action** means an action for which even a slight chance of flooding is too great. The minimum floodplain of concern for critical actions is the 500-year floodplain, i.e., critical action floodplain. Critical actions include, but are not limited to, those which create or extend the useful life of structures or facilities, such as: (i) those which produce, use or store highly volatile, flammable, explosive, toxic or water-reactive materials; (ii) hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events; (iii) emergency operation centers, or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and (iv) generating plants, and other principal points of utility lines.
- 16. **Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations, or storage of equipment or materials.
- 17. **Direct impacts** means changes in floodplain or wetland values and functions and changes in the risk to lives and property caused or induced by an action or related activity. Impacts are caused whenever these natural values and functions are affected as a direct result of an action. An action which would result in the discharge of polluted storm waters into a floodplain or wetland, for example, would directly affect their natural values and functions. Construction-related activities, such as dredging and filling operations within the floodplain or a wetland would be another example of impacts caused by an action.
- 18. **Director** means the director of the agency.

19. **Elevated building** means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns, (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

20. **Emergency actions** means emergency work essential to save lives and protect property and public health and safety performed under §§ 305 and 306 of the Disaster Relief Act of 1974 (42 U.S.C. 5145 and 5146). See 44 CFR part 205, subpart E.

21. **Enhance** means to increase or to heighten, or to improve the natural and beneficial values associated with wetlands.

22. **Existing manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by the town.

23. **Expansion to an existing manufactured home park or subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

24. **Facility** means any man-made or man-placed item other than a structure.

25. **FEMA** means the Federal Emergency Management Agency.

26. **FIA** means the Federal Insurance Administration or the Federal Insurance Administrator.

27. **Five hundred year floodplain** (the 500-year floodplain or 0.2 percent change floodplain) means that area, including the base floodplain, which is subject to inundation from a flood having a 0.2 percent chance of being equaled or exceeded in any given year.

28. **Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from: (i) the overflow of inland or tidal waters; or (ii) the unusual and rapid accumulation or runoff of surface waters from any source. "Flood" or "flooding" also means 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 a flash flood or an abnormal tidal surge, land recession, or by some similarly unusual and unforeseeable event which results in flooding as defined above.

29. **Flood Boundary and Floodway Map (FBFM)** means an official map of the community published by FEMA as part of a riverine community's Flood Insurance Study. The FBFM delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

30. **Flood elevation study** means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

31. **Flood fringe** means that portion of the floodplain outside of the floodway (often referred to as "floodway fringe").

32. **Flood Hazard Boundary Map (FHBM)** means an official map of a community, issued by the agency or director, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided or where the boundaries of the flood, mudslide (i.e., mudflow) and related erosion areas having special hazards have been designated as Zone A, M, or E.

33. **Flood Insurance Rate Map (FIRM)** means an official map of a community, on which the agency or the director has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

34. **Flood Insurance Study** - See "Flood Elevation Study."

35. **Floodplain or flood-prone area** means any land area susceptible to being inundated by water from any source (see definition of "flooding"), including the lowland and relatively flat areas adjoining inland and coastal waters including, at a minimum, that area subject to a one percent or greater chance of flooding in any given year. Wherever the term "floodplain" is used, if a critical action is involved, "floodplain" shall mean the area subject to inundation from a flood having a 0.2 percent chance of occurring in any given year (500-year floodplain). "Floodplain" does not include areas subject only to mudflow until FIA adopts maps identifying "M" Zones.

36. **Flood proofing or floodproofing** means the modification of individual structures and facilities, their sites, and their contents to protect against structural failure, to keep water out, or to reduce effects of water entry, including 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.

37. **Floodway** has the same meaning as "regulatory floodway."

38. **Functionally dependent use** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a bridges, piers, docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

39. **Highest adjacent grade** means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls (or piers or similar constructs) of a structure.

40. Historic structure means any structure that is: (i) listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (ii) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (iii) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (iv) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states without approved programs.

41. Indirect impacts means an indirect result of an action whenever the action induces or makes possible related activities which effect the natural values and functions of floodplains or wetlands or the risk to lives and property. Such impacts occur whenever these values and functions are potentially affected, either in the short- or long-term, as a result of undertaking an action.

42. Local administrator is the person (or persons) appointed by the town to administer and implement this local law, including through the granting or denying of development permits in accordance with these provisions. In the town this person is the code enforcement officer, or such other person(s) as hereafter so appointed by resolution of the town board.

43. Lowest floor means lowest floor of the lowest enclosed area, including a basement. An unfinished or flood-resistant enclosure, usable 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 local law.

44. Manufactured 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. The term does not include a "recreational vehicle."

45. 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.

46. Mean sea level means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

47. Minimize means to reduce to the smallest amount or degree possible.

48. Mitigation means all steps necessary to minimize the potentially adverse effects of the proposed action, to restore and preserve the natural and beneficial floodplain values, and to preserve and enhance natural values of wetlands.

49. Mobile home has the same meaning as "manufactured home."

50. **National Geodetic Vertical Datum (NGVD)**, as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.
51. **Natural values of floodplains and wetlands** means the qualities of or functions served by floodplains and wetlands which include but are not limited to: (i) water resource values (natural moderation of floods, water quality maintenance, groundwater recharge); (ii) living resource values (fish, wildlife, plant resources and habitats); (iii) cultural resource values (open space, natural beauty, scientific study, outdoor education, archeological and historic sites, recreation); and (iv) cultivated resource values (agriculture, aquaculture, forestry).
52. **New construction** means structures for which the "start of construction" is commenced on or after the effective date of this local law or any predecessor local floodplain regulation, including any subsequent improvements to such structure. Also means the construction of a new structure (including the placement of a mobile home) or facility, or the replacement of a structure or facility which has been totally destroyed.
53. **New construction in wetlands** includes draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective dates of the Executive Orders of May 24, 1977 (see subsection 56, below).
54. **New manufactured home park or subdivision** means a manufactured home park or subdivision, for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads), is completed on or after the effective date of floodplain management regulations adopted by a community.
55. **One-hundred-year flood or 100-year flood** has the same meaning as "base flood."
56. **Orders** means Executive Orders 11988, Floodplain Management, and 11990, Protection of Wetlands.
57. **Practicable** means capable of being done within existing constraints. The test of what is practicable depends upon the situation and includes consideration of all pertinent factors, such as environment, cost and technology.
58. **Preserve** means to prevent alterations to natural conditions and to maintain the values and functions which operate the floodplains or wetlands in their natural states.
59. **Principally aboveground** means that at least 51 percent of the actual cash value of the structure, excluding land value, is aboveground.
60. **Recreational vehicle** means a vehicle which is: (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

61. **Regional director** means the regional director of the agency for the region in which FEMA is acting or the disaster recovery manager, when one is designated.

62. **Regulatory floodway** means the area regulated by federal, state or local requirements to provide for the discharge of the base flood so the cumulative increase in water surface elevation is no more than a designated amount (not to exceed one foot as set by the NFIP), being that portion of the floodplain which is effective in carrying flow, within which this carrying capacity must be preserved and where the flood hazard is generally highest, i.e., where water depths and velocities are the greatest. It is that area which provides for the discharge of the base flood so the cumulative increase in water surface elevation is no more than one foot. "Regulatory floodway" also means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the FEMA in a Flood Insurance Study or by other agencies as provided in this local law.

63. **Restore** means to reestablish a setting or environment in which the natural functions of the floodplain can again operate.

64. **SLPS** means the state and local programs and support directorate.

65. **Start of construction** includes substantial improvement and means the initiation, excluding planning and design, of any phase of a project, physical alteration of the property, and shall include land preparation, such as clearing, grading, grubbing, and filling; installation of streets or walkways; excavation for a basement, footings, piers, or foundations or the erection of temporary forms. It also includes the placement or installation on the property of accessory buildings (garages, sheds), storage trailers, and building materials. For manufactured homes, the "actual start" means commencing the process of affixing of the manufactured home to its permanent site.

66. **Structure** means a walled and roofed building, including a gas or liquid storage tank that is principally aboveground, as well as a manufactured home.

67. **Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

68. **Substantial improvement** means: (i) any repair, reconstruction or other improvement of a structure or facility which has been damaged in excess of, or the cost of which equals or exceeds, 50% of the market value of the structure or replacement cost of the facility, regardless of the actual repair work performed, including all "public facilities" as defined in the Disaster Relief Act of 1974, before the repair or improvement is started, or if the structure or facility has been damaged and is proposed to be restored, before the damage occurred; or (ii) structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (i) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (ii) any alteration of a structure or facility listed on the National Register of Historic Places or a State Inventory of Historic Places. If a facility is an essential link in a larger system, the percentage of damage will be based on the relative cost of repairing the damaged facility to the replacement cost of the portion of the system which is operationally dependent on the facility.

69. **Support** means to encourage, allow, serve or otherwise facilitate floodplain or wetland development. Direct support results from actions within a floodplain or wetland, and indirect support results from actions outside of floodplains or wetlands.

70. **Town** shall mean the Town of Lansing, Tompkins County, New York.

71. **Variance** means a grant of relief from or a waiver of the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

72. **Wetlands** means those areas which are inundated or saturated by surface or ground water with a frequency sufficient to support, or that under normal hydrologic conditions does or would support, a prevalence of vegetation or aquatic life typically adapted for life in saturated or seasonally saturated soil conditions. Examples of wetlands include, but are not limited to, swamps, fresh and salt water marshes, estuaries, bogs, beaches, wet meadows, sloughs, potholes, mud flats, river overflows and other similar areas. This definition includes those wetlands areas separated from their natural supply of water as a result of activities such as the construction of structural flood protection methods or solid-fill road beds and activities such as mineral extraction and navigation improvements. This definition is intended to be consistent with the definition utilized by the U.S. Fish and Wildlife Service in the publication entitled Classification of Wetlands and Deep Water Habitats of the United States (Cowardin, et al., 1977).

ARTICLE III - GENERAL PROVISIONS.

1. This local law shall apply to all areas of special flood hazard within the jurisdiction of the town.
2. The areas of special flood hazard are identified and defined on the maps and documents prepared by FEMA, including the NFIP Discovery Map, Seneca Watershed, (April, 2014), as hereafter periodically updated, and any other applicable Flood Insurance Rate Map or Flood Boundary and Floodway Map. Such maps and related documents are adopted and declared to be a part of this local law. This local law includes all revisions to the National Flood Insurance Program through December 31, 2015, and shall supersede all previous ordinances and laws adopted for the purpose of flood damage control or prevention by the town.
3. In their interpretation and application, the provisions of this local law shall be held to be minimum requirements adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at odds with or different than the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or those imposing the higher standards, shall govern.
4. No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered, and no land shall be excavated or filled, without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation of this local law. Any structure found not compliant with the requirements of this local law for which the developer or

owner has not applied for and received an approved variance will be declared noncompliant, and notification will be sent to FEMA.

5. The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the town, any officer or employee thereof, for any flood damages that result from reliance on this local law or any administrative decision lawfully made hereunder (even if incorrect).

ARTICLE IV - FLOODPLAIN DEVELOPMENT PERMITS

1. A floodplain development permit system is hereby established for all construction and other development to be undertaken in areas of special flood hazard in the town for the purpose of protecting citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard without a valid floodplain development permit. All permit issuance shall, to the extent required by law, also comply with 6 NYCRR Part 500.

2. Application for a permit shall be made on forms furnished by the local administrator and may include, but not be limited to plans, in duplicate, drawn to scale and showing the nature, location, dimensions, and elevations of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the locations of the foregoing.

3. All applications for a floodplain development permit shall be accompanied by an application fee of \$200. Such fee may hereafter be amended by resolution of the town board. In addition, the applicant shall be responsible for reimbursing the town for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a developer's agreement or deposit of no more than \$500 to cover these additional costs.

4. The applicant shall provide the following information as appropriate, and additional information may be required on the permit application form:

a. The proposed elevation, in relation to mean sea level, of the lowest floor (including basement) of any new or substantially improved structure to be located in Zones AI-A30, AE or AH, or Zone A, if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the local administrator the as-built elevation, certified by a licensed professional engineer or surveyor.

b. The proposed elevation, in relation to mean sea level, to which any new or substantially improved nonresidential structure will be flood proofed. Upon completion of the flood proofed portion of the structure, the permittee shall submit to the local administrator the as-built flood proofed elevation, certified by a professional engineer or surveyor.

c. A certificate from a licensed professional engineer or architect that any utility flood proofing will meet the code and other criteria for utilities, whether set forth in this local law, in applicable building codes, or otherwise.

d. A certificate from a licensed professional engineer or architect that any nonresidential structure will meet the flood proofing criteria for "nonresidential structures."

e. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must also: (i) submit any maps, computations or other material required by the FEMA to revise the documents; (ii) pay any fees or other costs assessed by FEMA for this purpose; (iii) provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained; and (iv) demonstrate that any watercourse or waterbody alterations are or have been permitted or approved by the applicable authority with jurisdiction, commonly the New York State Department of Environmental Conservation or the U.S. Army Corps of Engineers, or in the alternative demonstrate that no such permit or approval is required.

f. A technical analysis, by a licensed professional engineer, if required by the local administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.

g. In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

5. The local administrator shall have the following duties:

a. The local administrator shall conduct the following permit application reviews before issuing a floodplain development permit:

1. Review all applications for completeness, particularly relative to the requirements for permit applications and for compliance with the provisions and standards of this local law.

2. Review subdivision and other proposed new development, including manufactured home parks, to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard all new construction and substantial improvements shall meet the applicable construction standards and subdivision proposal standards and requirements.

3. Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The local administrator may require the applicant to submit additional technical analyses and data necessary to complete this determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of the construction standards of and in this local law no permit shall be issued. The applicant may

revise the application to include measures that mitigate or eliminate adverse effects and resubmit the application for re-review.

4. Determine that all necessary permits have been received from those governmental agencies from which approval, review, or funding is required by state or federal law, including environmental permits and reviews and General Municipal Law § 239-1, *et seq.*, reviews.

b. When the FEMA has designated areas of special flood hazard on the town's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed under this local law, as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this local law. In addition, and when base flood elevation data are not available, the local administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this local law.

c. Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the regional director, Region II, FEMA shall be required. The local administrator shall further determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

d. For the construction stage of any project, and in Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of flood proofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or flood proofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use). Any work or further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The local administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

e. The local administrator or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable the inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit or any variance provisions.

f. The local administrator shall issue, or cause to be issued, a stop-work order for any floodplain development found ongoing without a development permit. Disregard of or noncompliance with a stop work order, including any of its terms or conditions, shall be a violation of this local law.

g. In areas of special flood hazard, as determined under this local law, it shall be unlawful to occupy or to permit the use or occupancy of a building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, until a certificate of compliance has been issued by the local administrator stating that the building or land conforms to the requirements of this local law. A certificate of compliance shall be issued by the local administrator upon satisfactory completion of all development in areas of special flood hazard. Issuance of the certificate shall be based upon the inspections conducted as prescribed in by this local law and any certified elevations, hydraulic data, flood proofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

h. The local administrator shall retain and make available for inspection copies of the following: (i) floodplain development permits and certificates of compliance; (ii) certifications of as-built lowest floor elevations of structures, whether or not the structures contain a basement; (iii) flood proofing certificates, whether or not the structures contain a basement; (iv) variances issued pursuant to this local law; and (v) notices required or delivered pertaining to stop work orders, orders to remedy, or for alterations of watercourses.

ARTICLE V - CONSTRUCTION STANDARDS.

1. General Standards - the following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the flood insurance rate map.

a. Subdivision Proposals - the following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

1. Proposals shall be consistent with the need to minimize flood damage;
2. Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and
3. Adequate drainage shall be provided to reduce exposure to flood damage.

b. Encroachments -

1. Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless: (i) the applicant demonstrates 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 location; or (ii) the town agrees to apply to FEMA for a conditional FIRM revision, FEMA approval is received, and the applicant provides all necessary data, analyses and mapping and reimburses the town for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the town for all costs related to the final map revision. The local

administrator and the town may require a developer's agreement or an advance payment of these anticipated costs and expenses.

2. On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless: (i) a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in *any* increase in flood levels during occurrence of the base flood; or (ii) the town agrees to apply to FEMA for a conditional FIRM and floodway revision, FEMA approval is received, and the applicant provides all necessary data, analyses and mapping and reimburses the town for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the town for all costs related to the final map revisions. The local administrator and the town may require a developer's agreement or an advance payment of these anticipated costs and expenses.

2. Standards for All Structures

a. Anchoring - New structures and substantial improvements to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable state and local anchoring requirements for resisting wind and other forces.

b. Construction Materials and Methods - New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage using methods and practices that minimize flood damage. For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

2. The bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

3. Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

c. Utilities -

1. Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilation and air conditioning equipment, hot water

heaters, appliances, elevator lift machinery, and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required.

2. New and replacement water supply systems, including wellheads, shall be designed to minimize or eliminate infiltration of floodwaters into the system.

3. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.

4. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

d. Residential Structures - In addition to other rules affecting subdivisions, encroachments, and standards for all structures, residential development within the floodway is discouraged and will not be permitted except for unusual circumstances when in compliance with the following conditions:

1. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the top of the lowest floor (including basement) elevated two feet or more above the base flood level.

2. Within Zone A, when no base flood elevation data are available, new and substantially improved structures shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.

3. Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map (or at least two feet if no depth number is specified).

4. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

e. Nonresidential Structures - In addition to other rules affecting encroachments and standards for all structures, the following standards apply to new and substantially improved commercial, industrial, and other non-residential structures:

1. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall either (i) have the top of the lowest floor, including basement or cellar, elevated 2 feet or more above the base flood elevation; or (ii) be flood proofed so that the structure is watertight below the base flood level with walls substantially

impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

2. Within Zone AO, new construction and substantial improvements of nonresidential structures shall: (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified); or (ii) together with attendant utility and sanitary facilities, be completely flood proofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water, and all structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

3. If the structure is to be flood proofed, a licensed professional engineer or architect shall develop and review structural design, specifications and plans for construction. A flood proofing certificate or other certification shall be provided to the local administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this local law, including the specific elevation (in relation to mean sea level) to which the structure is to be flood proofed.

4. Within Zones AH and AO, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

5. Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

f. **Manufactured Homes and Recreational Vehicles** - In addition to the general standards and standards for all structures, the following standards apply as indicated to manufactured homes and to recreational vehicles located in areas of special flood hazard.

1. Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either: (i) be on site fewer than 180 consecutive days; (ii) be fully licensed and ready for highway use; or (iii) meet the requirements for manufactured homes as set forth below. A recreational vehicle is ready for highway use if it is on its wheels, or uses a jacking system that is attached to the site only by quick disconnect-type utilities and security devices, and has no permanently attached additions.

2. A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH that is on a site either: (i) outside of an existing manufactured home park or subdivision as herein defined; (ii) in a new manufactured home park or subdivision as herein defined; (iii) in an expansion to an existing manufactured home park or subdivision as herein defined; or (iv) in an existing manufactured home park or subdivision as herein defined on which a manufactured home has incurred substantial damage as the result of a flood, shall be elevated on a permanent foundation such that the lowest floor is elevated to or above the base flood elevation, and securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

3. A manufactured home to be placed or substantially improved in Zone A1-A30, AE and AH in an existing manufactured home park or subdivision that is *not* to be placed on a site on which a manufactured home has incurred substantial damage shall be: (i) elevated on a permanent foundation such that the lowest floor is elevated to or above the Base Flood elevation; or (ii) elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above the lowest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.

4. Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above the lowest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.

5. Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map (at least two feet if no depth number is specified). Elevation on piers consisting of dry stacked blocks is prohibited.

ARTICLE VI – VARIANCE PROCEDURES.

1. The Town of Lansing Zoning Board of Appeals shall hear and decide upon: (i) requests for variances from the requirements of this local law; and (ii) appeals from determinations, interpretations, and decisions of the local administrator in the enforcement or administration of the local law. Those aggrieved by the decision of the Zoning Board of Appeals may seek a review or appeal of such board's determinations in accord with Article 78 of the Civil Practice Law and Rules. To the extent necessary to give effect hereto, the town board and the town declares its intent to supersede Town Law § 267 to give this review and appellate jurisdiction to the Zoning Board of Appeals pursuant to the Municipal Home Rule Law. These provisions do not extend any timelines, deadlines, statutes of limitations or repose; nor do they create any appeal, review, writ, or cause of action that does not already exist in law.

2. In passing upon such applications, the Town Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, the standards specified in Town Law and in other sections of this local law, as well as the following:

- a. The danger that material may be swept onto other lands to the injury of others;
- b. The danger to life and property due to flooding or erosion damage;
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity to the facility of a waterfront location, where applicable;
- f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- g. The compatibility of the proposed use with existing and anticipated development;
- h. The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
- i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- j. The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
- k. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
- l. The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair costs to utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

3. Upon consideration of the factors set forth above and the purposes of this local law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the standards for variances have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance should be held and deemed to increase and become more exacting.

4. The local administrator shall maintain the records of all appeals and variances, including technical information, and report any variances to FEMA upon request. Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice, signed by a town official, advising that the cost of flood insurance will be commensurate with the increased risk resulting from lowest floor elevation.

5. Variances may be issued for the repair or rehabilitation of historic structures upon determination that: (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "historic structure"; and (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.

6. Variances may be issued for new construction and substantial improvements for the necessary development of a functionally dependent use provided that: (i) the criteria for variances are met; (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety; and (iii) a variance issued within any

- designated floodway does and will not result in an increase in flood levels during a base flood discharge. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford the requested or needed relief while also avoiding increased flood heights, additional threats to public safety or extraordinary public expense, or the creation of nuisances.

ARTICLE VII - VIOLATIONS AND PENALTIES.

1. The local administrator and the Code Enforcement Officer are authorized to investigate any non-compliance (or complaints of such violation or non-compliance) with the requirements of this local law, to issue appearance tickets for any violation of this local law or any permit, approval, or variance requirements or conditions, to recommend the commencement of civil enforcement or related proceedings to the town board, and to order in writing the remedying of any condition or activity found to exist in, on, or about any lands, building, structure, or premises in violation of this local law.

2. Upon finding that any such violation exists, the local administrator or Code Enforcement Officer may issue a compliance order, which compliance order shall comply with the requirements of Executive Law § 382 and be served accordingly. Any person or entity so served shall come into compliance with this local law within the specified period of time as set forth in the compliance order, and any failure to do so shall be a violation of this local law. Any failure to comply with the terms and requirements of this local law, or the requirements and conditions of any permit, approval, or variance conditions issued hereunder is hereby also declared to be a violation of this local law. All violations of this local law are hereby declared to be illegal and subject to civil penalties and criminal sanctions as herein set forth.

3. All procedural and other provisions of New York law generally applicable to misdemeanors shall apply to any criminal proceeding brought under this local law and each such criminal violation shall be classified as set forth below, including as to the following criminal fines and sanctions, or any related civil penalties, as applicable:

a. **First Violation:** Any person or entity that violates any of the provisions of this local law shall be (i) guilty of a criminal violation and subject to a fine of not more than \$500, or (ii) subject to a civil penalty of not more than \$500 to be recovered by the town in a civil action. Every such person or entity shall be deemed guilty of a separate criminal offense for each week that such violation, disobedience, omission, neglect or refusal shall continue. Similarly, a separate civil penalty shall apply and be assessable for each week that such violation, disobedience, omission, neglect or refusal shall continue.

b. **Second Violation:** Any violation that is found to have occurred within 2 years of any prior civil or criminal determination of any other violation of this local law shall be deemed a second violation. Any person or entity that commits or permits any second violation shall be (i) guilty of an unclassified misdemeanor and subject to a fine of not more than \$2,000, or (ii) subject to a civil penalty of not more than \$2,000 to be recovered by the town in a civil action. Every such person or entity shall be deemed guilty of a separate unclassified misdemeanor for each week that such violation, disobedience, omission, neglect, or refusal shall continue. Similarly, a separate civil

penalty shall apply and be assessable for each week that such violation, disobedience, omission, neglect, or refusal shall continue.

c. Third and Subsequent Violations: Any violation that is found to have occurred within 2 years of any prior civil or criminal determination of any second violation of this local law shall be deemed a third or subsequent violation, as applicable. Any person or entity that commits or permits a third or subsequent violation shall be (i) guilty of an unclassified misdemeanor and subject to a fine not more than \$5,000 and a period of incarceration not to exceed 60 days, or (ii) subject to a civil penalty of not more than \$5,000 to be recovered by the town in a civil action. Every such person or entity shall be deemed guilty of a separate unclassified misdemeanor for each week that such violation, disobedience, omission, neglect or refusal shall continue. Similarly, a separate civil penalty shall apply and be assessable for each week that such violation, disobedience, omission, neglect, or refusal shall continue.

4. An action or proceeding may be instituted in the name of the town in any court of competent jurisdiction to prevent, restrain, enjoin, correct, enforce, or abate any violation of, or non-conformance with, any provision or requirement of this local law or the terms and conditions set forth in any permit or approval issued hereunder. In any such proceeding the town shall not be required to: (i) prove the lack of an adequate remedy at law; or (ii) to post a bond or other undertaking as a condition or requirement for any preliminary, interim, or permanent restraining order or injunction. No such action or proceeding shall be commenced without the appropriate authorization from the town board.

5. For purposes of this local law the town's Justice Court is hereby vested and imbued with jurisdiction to: (i) issue administrative or other warrants in compliance with the New York Criminal Procedure Law and administrative codes of the State of New York; and (ii) hear and adjudicate allegations relating to the criminal or civil violation of this local law and to thereafter, if appropriate, impose any fine, penalty, or sanction.

6. No remedy or penalty specified in this local law shall be the exclusive remedy available to the town to address any violation of, or non-compliance with, the requirements of this local law. The rights and remedies of the town are independent of each other and cumulative. The grant of any right or remedy in this local law is in addition to, and not in limitation of or substitution for, any other right or remedy of the town, whether sounding in law, equity, or admiralty. Further, the election by the town of any one right or remedy does not forestall or prevent the simultaneous or future election of any other right or remedy.

ARTICLE VIII - LIMITED TOWN LIABILITY.

The town, and its officers, employees and agents, shall not be liable or responsible for any injuries to persons or damages to property due to the town's actions, or failures to act, under or pursuant to this local law unless it is proven to a reasonable degree of certainty that such injury or damage was solely caused by a willful or intentional act of the town or its officers and agents. This provision shall be construed and applied to the maximum extent permitted by law, and does not create any theory or claim of liability where none exists at law or in equity.

ARTICLE IX - CONSTRUCTION.

All nouns and pronouns shall be construed in the singular, plural, masculine, feminine, or neutered context when the provisions hereof so demand or admit. Subject headings are for convenience and shall not be construed or applied to limit or restrict the subject matter and terms appearing under such subject heading. Whenever any reference is made to any section of law or regulations, such reference shall be interpreted to include such law or regulation as later amended, renumbered, or re-codified, and a mere typographical citation error shall not be given effect.

ARTICLE X - SAVINGS.

In the event any existing or hereafter adopted federal or state law restricts or alters the ability of the town to review or regulate any flood plains or related flood plain permits, then the provisions hereof shall be read in harmony with such restrictions or limitations and applied to the maximum extent permitted under applicable law or in the face of preemption by a superior sovereign.

ARTICLE XI - FEES.

Any fees or fee schedules referenced in this local law may be implemented and periodically updated by the town board by resolution. Without limiting the requirements of this local law, fee schedules may be developed for permit applications, issuances, or renewals, amended or renewed permits, inspections, reviews, and other actions of the town or its officers and employees as described in, required by, or contemplated under this local law. All such fees shall be reasonably determined in accord with law and periodically reviewed by the town board to assure such reasonableness and legality.

ARTICLE XII - SAVINGS AND SEVERENCE.

If any part or provision of this local law or the application hereof to any person or circumstance be adjudged invalid or unenforceable by any court or tribunal of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances. If such part or provision cannot be so limited or saved then it shall be deemed severed here from and the town board hereby declares that it would have passed this local law, or the remainder hereof, had such invalid or unenforceable application or provision been apparent or omitted.

ARTICLE XIII - EFFECTIVE DATE.

This local law shall take effect immediately.

