

FILED MAY 21 1976

(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.

NEW YORK
ALBANY

County
City of Hampton
Town
Village
Local Law No. 1 of the year 19 76

A local law establishing conditions for the issuance of building permits in areas having special flood hazards.

Be it enacted by the Town Board of the

County of Hampton, New York, as follows:

Section 1, Legislative Intent:

This town, having been identified by the Federal Insurance Administration as having a special flood hazard area, which hazard area is shown on a map dated January 3, 1975, wherein this town is referred to as Community No. 361442, it is the intent of this town to comply with the provisions of section 1910.3(b) of the National Flood Insurance Program as administered by the Department of Housing and Urban Development. This local law shall apply to the areas described in said map as a special flood hazard area.

Section 2, Definitions:

As used in this local law, the following terms shall have the following meaning ascribed to them in this section, unless a contrary meaning is clearly indicated.

- (1) Town means the area within the Town of Hampton.
(2) Town Board means the elected legislative body of the Town of Hampton.
(3) Structure means a building (including mobile or prefabricated) which is used for residential, business, agricultural or religious purposes, or which is occupied by a non-profit organization or which is owned by the state or local government or an agency thereof. This term includes a building while in the course of construction, alteration, or repair but does not include building materials or supplies intended for use in such construction, alterations, or repair unless such material or supplies are within an enclosed building on the premises.
(4) Substantial improvement means any repair, reconstruction or

(If additional space is needed, please attach sheets of the same size as this and number each)

improvement of a structure the cost of which equals or exceeds 50% of the actual cash value of the structure, either (a) before the improvement is stated, or (b) if the structure has been damaged and is being restored to the same condition as before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.

Section 3. Building Inspector:

It is hereby created the office of Town building inspector who shall be appointed by the Town Board.

Section 4:

It shall be unlawful to construct or alter any structure within the special flood hazard areas which are shown on the FIA Flood Hazard Boundary Map of the Town of Hampton, dated January 3, 1975 without first having secured a permit therefor.

Section 5 Application:

Application for such permit shall be made to the Town Clerk and shall be accompanied by plans and specifications in duplicate showing the work to be done. Such plans must be verified by the signature of either the owner of the premises or by the architect or contractor in charge of operations.

Section 6, Approval of Plans:

Such application with plans shall be referred to the Building Inspector who shall examine same to determine whether the proposed construction or alteration shall comply with this local law. Upon approval one set of plans shall be returned to the applicant with a permit and the other shall be retained by the Town. No permit shall be issued until after approval of plans. The said Building Inspector must act within sixty days of the date of said application.

Section 7, Criteria for Approval:

The Building Inspector shall review all building permit applications for construction or substantial improvement to determine whether the proposed building site will be reasonably safe from flooding. If the proposed building site is in a location which has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (1) be designed (or modified)

and anchored to prevent flotation, collapse, or lateral movement of the structure, (2) use construction materials and utility equipment that are resistant to flood damage and (3) use construction methods and practices that will minimize flood damage.

Section 8, Subdivisions and New Developments:

The building Inspector and the Town Board shall review subdivision proposals and other proposed new developments to assure that (1) all such proposals are consistent with the need to minimize flood damage, (2) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated and constructed to minimize or eliminate flood damage, and (3) adequate drainage is provided so as to reduce exposure to flood hazards.

Section 9. Water and Sanitary Systems:

The Building Inspector and the Town Board shall require new or replacement water supply systems and/or sanitary sewerage systems to be designed to minimize or eliminate infiltration of flood water into systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

Section 10. Building Permit Fees:

The Town Board may from time to time, by resolution, establish a schedule of fees to be paid for building permits.

Section 11. Variations:

It shall be unlawful to vary materially from the submitted plans and specifications as approved unless such variations are submitted in an amended plan to the building inspector and approved by him.

Section 12. Enforcement:

The Building Inspector shall make or cause to be made such inspections as are necessary to see to the enforcement of the provisions of this local law, and to make any tests or examinations of materials or methods to be used for the purpose of seeing that they comply with

the provisions of this local law.

Section 13 Precedence of Local Law:

The provisions of this local law shall take precedence over any other local law, ordinance or code to the extent that the provisions of this local law are inconsistent with such other provisions.

Section 14 Penalties:

Any person who violates any provision of this local law may upon conviction be punished by a fine of not less than Twenty-Five (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars; and each week's failure to comply with any such provision constitutes a separate violation.

Section 15 Effective Date:

~~This local law shall take effect immediately upon filing with the Secretary of State as required by the Municipal Home Rule Law.~~

(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. 1 of 1976...
~~City~~
of the ~~Town~~ of Hampton was duly passed by the Town Board
~~Village~~ (Name of Legislative Body)
on May 13 19 76 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 _____
~~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 _____
~~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 _____
~~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 § 37 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 general 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.

Charles Vladyka
..... Town Clerk
.....
Charles Vladyka

Date: May 13, 1976

(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 WASHINGTON.....

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.

Philip A. Berke
..... Town Attorney, Philip A. Berke
.....
..... of Hampton, New York
.....

Dated: May 13, 1976