

COPY

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~
Town of Stratford
~~Village~~

Local Law No. 2 of the year 1989

A local law to correct and amend Local Law No. 1 of the year 1989 and Local Law No. 1 of the year 1987 entitled, "A Local Law for Flood Damage Prevention as authorized by the New York State Constitution, Article IV, Section 2, and Environmental Conservation Law, Article 36"

Be it enacted by the Town Board of the

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

SECTION 1

SECTION 3.2 ENTITLED "BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARDS IS HEREBY AMENDED TO READ AS FOLLOWS:

(1) The areas of special flood hazard have been identified by the Federal Emergency management Agency on Flood Insurance Rate Maps enumerated on Map Index No. 361136B 01-10 dated January 3, 1985.

(2) The above documents are hereby adopted and declared to be a part of this local law and are filed at the Supervisor's office.

SECTION 2

SECTION 6.1 ENTITLED "APPEALS BOARD" SUBDIVISIONS 1 THROUGH AND INCLUDING 6 IS HEREBY AMENDED TO READ AS FOLLOWS:

(1) The Town Board of Assessment Review, as established by the Town of Stratford shall hear and decide appeals and requests for variances from the requirements of this Local Law.

(2) The Town Board of Assessment Review shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement for administration of this Local Law.

(3) Those aggrieved by the decision of the Town Board of Assessment Review may appeal such decision to the Supreme Court, pursuant to Article 78 of the Civil Practice Law and Rules.

(4) In passing upon such application, the Town Board of Assessment Review shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:

- (i) The danger that materials may be swept onto other lands to the injury of others;
- (ii) The danger to life and property due to flooding or erosion damage;
- (iii) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (iv) the importance of the services provided by the proposed facility to the community.
- (v) The necessity to the facility of a waterfront location, where applicable;
- (vi) The availability of alternative locations for

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

the proposed use which are not subject to flooding or erosion damage.

(vii) The compatibility of the proposed use with existing and anticipated development;

(viii) The relationship of the proposed use to the comprehensive plan and flood plain management program of that area;

(ix) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(x) The costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding.

(xi) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and

(xii) The costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

SECTION 3

This Local Law is Corrective and Amendatory and shall not be subject to a referendum, and shall become effective on compliance with all of the provisions of the Municipal Home Rule Law applicable thereto and upon the filing thereof with the Secretary of State.

(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.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 19⁸⁹.....
~~County~~
~~City~~
of the Town of Stratford..... was duly passed by the Town Board.....
~~Village~~ (Name of Legislative Body)
on November 9 19⁸⁹..... in accordance with the applicable provisions of law.

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

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

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
~~County~~
~~City~~
of the Town of was duly passed by the
~~Village~~ (Name of Legislative Body)
on 19 ~~not disapproved~~
and was approved ~~repassed after disapproval~~ by the
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 applicable
~~annual~~ provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
~~County~~
~~City~~
of the Town of was duly passed by the
~~Village~~ (Name of Legislative Body)
on 19 ~~not disapproved~~
and was approved ~~repassed after disapproval~~ by the
Elective Chief Executive Officer*
on 19 Such local law was subject to a permissive referendum and
no valid petition requesting such referendum was filed as of 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 county legislative body, 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.

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

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 general election held on 19..... became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19..... 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 above.

Nancy Farquhar
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body
Nancy Farquhar

Date: November 9, 1989

(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 FULTON

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.

Charles P. Caputo
Charles P. Caputo Signature
..... Town Attorney.....
Title

Date: November 9, 1989

County
City of Stratford.....
Town
Village