

RESOLUTION # 16

TOWN OF RUSSELL

FLOOD PLAN MANAGEMENT REGULATIONS

APRIL 7, 1977

WHEREAS, certain areas of the Town/Village of USSEL, are subject to periodic flooding (and/or mudslides) from streams and/or lakes, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of Federally subsidized flood insurance as authorized by the National Flood Insurance Act of 1968, as amended; and,

(a8) WHEREAS, it is the intent of this Town/Village Board to require the recognition and evaluation of flood and/or mudslide hazards in all official actions relating to land use in the flood plain (and/or mudslide) areas having special flood (and/or mudslide) hazards; and

(a2) WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Section 10 Municipal Home Rule and/or Section 130 Town Law and/or Section 4-412 Village Law.

NOW, THEREFORE, BE IT RESOLVED, that this Town/Village Board hereby:

1. Assures the Federal Insurance Administration that it will enact as necessary and maintain in force for those areas having flood or mudslide hazards, adequate land use and control measures

with effective enforcement provisions consistent with the criteria set forth in Section 1910 of the National Flood Insurance Program regulations; and,

(a(i))                    2. Vests the Town/Village Board with the  
&  
(b(i))                    responsibility, authority, and means to:

(a9(i))                    (a) Delineate or assist the Administrator, at his request, in delineating the limits of the areas having special flood (and/or mudslide) hazards on available local maps of sufficient scale to identify the location of building sites.

(a9(ii))                    (b) Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain (and/or mudslide) area.

(a9(iii))                    (c) Maintain for public inspection and furnish upon request any certificates of floodproofing and information on the elevation of the level of the lowest habitable floor (including basement, if habitable) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed, the elevation to which the structure was floodproofed.

(a9(iv))                    (d) Cooperate with State, Federal and local agencies and private organizations to study, survey, map and delineate flood plain or mudslide areas, and to develop floodproofing communities and structures in or adjoining flood plain areas, in order

to prevent aggravation of existing hazards.

(v)

(c) Upon occurrence, notify the Administrator in writing, whenever the boundaries of the community have been modified by the annexation or the community has otherwise assumed or no longer has authority to adopt and enforce flood plain management regulations for a particular area. Include within such notification, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits of any new area for which the community has assumed or relinquished flood plain management regulatory authority.

(b2,3)

3. Submit on the anniversary date and/or requested by H.U.D., of the community's initial eligibility an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of flood plain (and/or mudslide area) management measures, using form (O.M.B. No. 63-R1546).

4. Appoints the Town/Village Clerk to maintain for public inspection and to furnish upon request, a record of elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures located in the special flood hazard

areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be recorded.

WHEREAS, the Town/Village of Russell has adopted and is enforcing a Flood Plain Management Law; and

WHEREAS, the aforesaid prohibits any person, firm, or corporation from erecting, constructing, enlarging, repairing, or engaging in any development activity involving any man-made changes to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling in the designated flood hazard area, without first obtaining a separate development permit for each such activity from the Town/Village Board; and,

WHEREAS, the Town/Village Board must examine all plans and specifications for the proposed construction when application is made for a building permit.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Town/Village Board of the Town/Village of all New York, as follows:

That the Town/Village Board shall:

1. Review all development permit applications as required herein to determine whether proposed development sites will be reasonably safe from flooding. If a proposed development site is in a location that has a flood hazard, any proposed development, new construction or substantial improvement (including pre-fabricated and mobile homes) must be in compliance with the aforementioned Flood Plain Management Law; and

2. Review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that all such proposals are consistent with the need to minimize flood damage and are in compliance with the Town/Village of Russell New York Flood Plain Management Law; and

3. Obtain, review and reasonably utilize any base flood elevation data available from Federal, State or other source, until such data has been provided by the Administrator as criteria for requiring compliance with the Town/Village of

Russell Flood Plain Management Law;

and

4. Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notification to the Administrator; and

5. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained; and

6. Will adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point; and

7. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334; and

8. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

Date Passed 4/7/77

Certification

*Jusan Clarke*

Jusan Clarke, Town Clerk