

LOCAL LAW
NUMBER 1 - 1977

VILLAGE OF MAYVILLE

A LOCAL LAW ESTABLISHING FLOOD PLAIN MANAGEMENT REGULATIONS.

Be it enacted by the Board of Trustees of the Village of Mayville as follows:

Section 1.00. Statement of Purpose:

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 designated to:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains; and
- (6) To insure that potential home buyers are notified that property is in a flood area.

Section 2.00. 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.

"Area of Special Flood Hazard" is the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

"Base Flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Flood" or "Flooding" means a general and temporary condition or partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

"Floodway" 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 eleva-

vation more than one foot.

"Habitable Floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".

"Mobile 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. It does not include recreational vehicles or travel trailers.

"New Construction" means structures for which the "start of construction" commenced on or after the effective date of this local law.

"Start of Construction" means the first placement of permanent construction of a structure (other than a mobile home) on a site such as the pouring of slabs or footings or any work beyond the stage of excavation.

"Structure" means a walled and roofed building that is principally above ground, as well as a mobile home.

"Substantial Improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either;

1. before the improvement or repair is started, or
2. if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences,

whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

Section 3.00. General Provisions:

3.10. Lands to which this local law applies:

This Local Law shall apply to all areas of special flood hazards within the jurisdiction of the Village of Mayville, New York.

3.20. Basis for establishing the areas of special flood hazard:

The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled, "The Flood Insurance Study" for the Village of Mayville, New York effective January 5, 1978, with accompanying Flood Insurance Rate Maps and Flood Boundary Floodway Maps are hereby adopted by reference and declared to be a part of this Local Law.

3.30. Compliance:

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Local Law and other applicable regulations.

3.40. Interpretation:

In the interpretation and application of this Local Law, all provisions shall be

- (1) Considered as minimum requirements.
- (2) Liberally construed in favor of the governing body.
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

3.50. Warning and disclaimer of liability:

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 land outside the areas 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 Village of Mayville or by any officer or employee thereof for any flood damages that result from reliance on this Local Law or any administrative decision lawfully made thereunder.

Section 4.00. Administration:

4.10. Permit requirements:

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.20. Application for a Development Permit shall be made to the Building Inspector on forms furnished by him and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill storage of materials; drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- (1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.

(2) Elevation in relation to mean sea level to which any non-residential structure has been floodproofed.

(3) Plans showing how any non-residential floodproofed structure will meet the floodproofing criteria of Section 5.22 and after the structure is built, a certification by a registered professional engineer or architect that the structure as built meets the criteria of Section 5.22.

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.20. Designation of Building Inspector:

The Building Inspector is hereby appointed to administer and implement this Local Law by granting or denying development permit applications in accordance with its provisions.

4.30. Duties and responsibilities of the Building Inspector:

Duties of the Building Inspector shall include, but not be limited to:

4.31. Permit Review:

(1) Review all development permits to determine that the permit requirements of this Local Law have been satisfied.

(2) Review all development permits to require that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

(3) Review all development permits to determine if such proposed development is located within the floodway and if it is, then a certification shall be obtained in accordance with Section 5.23 (1).

4.32. Use of other base flood data:

When base flood elevation data has not been provided, then the Building Inspector shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State or other source to administer Sections 5.21 and 5.22.

4.33. Information to be obtained and maintained:

(1) Verify and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures.

(2) For all new or substantially improved floodproofed structures

(i) verify and record the actual elevation in relation to mean sea level, and

(ii) maintain the floodproofing certifications required in Section 4.10 (3).

(3) Maintain for the public inspection all records pertaining to the provisions of this ordinance.

4.34. Alteration of watercourses:

(1) Notify adjacent communities and the N.Y.S. Department of Environmental Conservation prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

(2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.35. Interpretation of firm boundaries:

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

4.40. Variance Procedure:

4.41. Appeal board:

(A) The zoning board of appeals as established by the Village of Mayville shall hear and decide appeals and requests for variances from the requirements of this Local Law.

(B) The zoning board of appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the building inspector in the enforcement or administration of this Local Law.

(C) In passing upon such applications, the zoning board of appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Local Law, and

(1) the danger that materials may be swept onto other lands to the injury of others;

(2) the danger of life and property due to flooding or erosion damage;

(3) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

(4) the importance of the services provided by the proposed facility to the community;

(5) the necessity to the facility of a waterfront location, where applicable;

(6) the availability of alternative locations, not subject to flooding erosion damage, for the proposed use;

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

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

(9) the safety of access to the property in times of flood for ordinary and emergency vehicles;

(10) 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,

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

(12) 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 items (1-11) have been fully considered. As the lot size increases, beyond the one-half acre, the technical justification required for issuing the variance increases.

(D) Upon consideration of the factors listed 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.

(E) The building inspector shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

4.42. Conditions for variances:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon:

(a) a showing of good and sufficient cause,

(b) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and

(c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

(3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation a specified number of feet below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Section 5.00. Methods of Flood Hazard Reductions:

5.10. General standards:

In all areas of special flood hazards the following provisions are required:

5.11. Anchoring:

(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure. Anchoring of Mobile Homes will be in accordance with Section 1910.3 (b) 8 of the National Flood Insurance Program Regulations.

(2) Mobile homes, mobile home parks and subdivisions:

Construction, repairs and improvements shall be in accordance with Section 1910.2(c)(5) and (6) of the National Flood Insurance Regulations.

5.12. Construction materials and methods:

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

5.13. Utilities:

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters; and

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

5.14. Subdivision proposals:

a. All subdivision proposals shall be consistent with the need to minimize flood damage.

b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

d. Base Flood elevation data shall be provided for subdivision proposals and other proposed development, which is greater than the lesser of 50 lots or 5 acres.

5.20. Specific Standards:

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3.20 (Basis for Establishing the Areas of Special Flood Hazard) or Section 4.32 (Use of Other Base Flood Data) the following provisions are required:

5.21. Residential construction:

New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

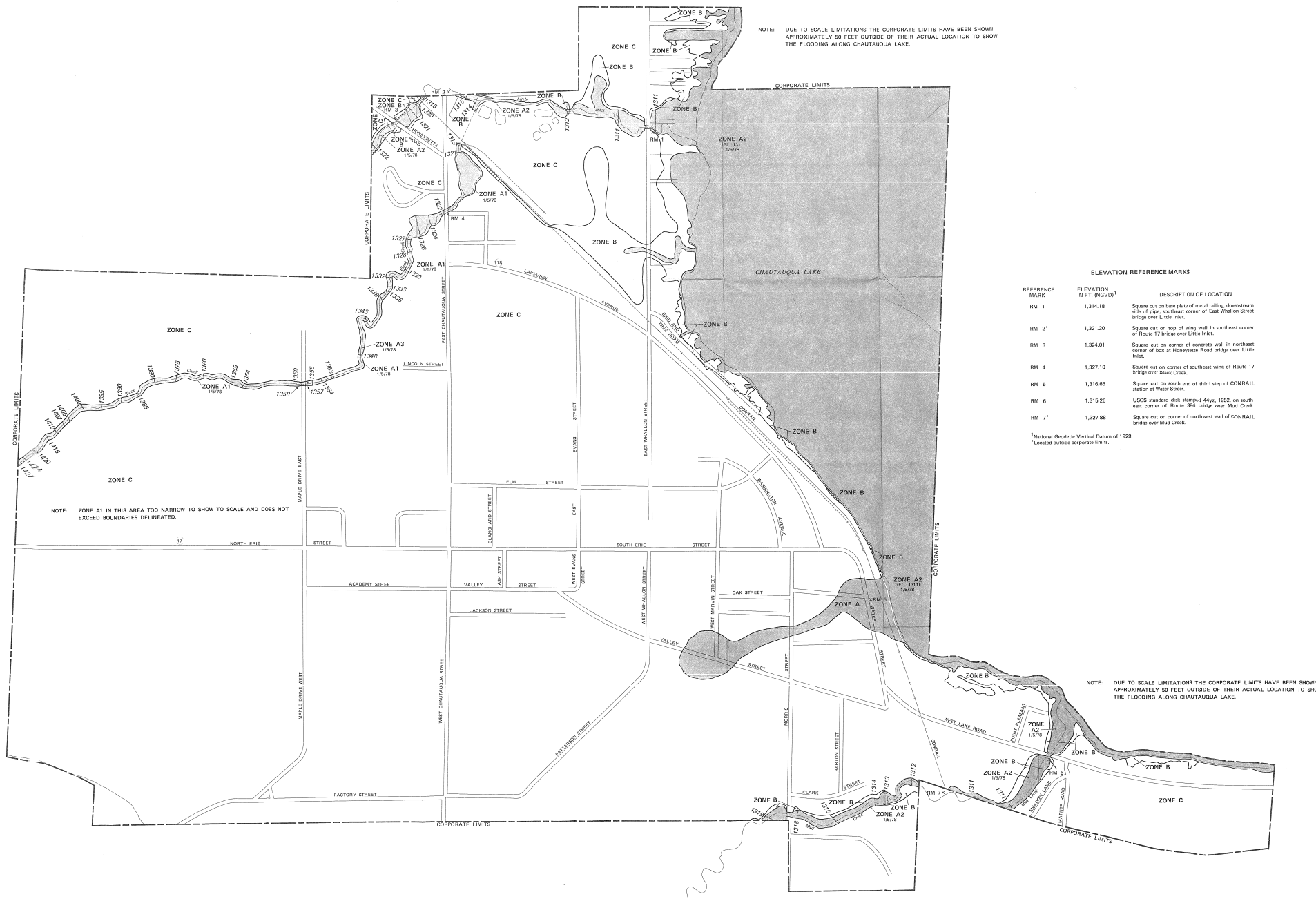
(1 - 1977 cont'd.)

existing mobile home park or existing mobile home subdivision.

Section 6.00. Effective Date:

This Local Law shall take effect immediately.

Introduced by Trustee Carlson.

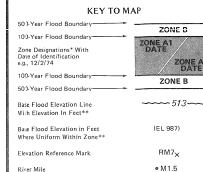


ELEVATION REFERENCE MARKS

REFERENCE MARK	ELEVATION IN FT. (NGVD) ¹	DESCRIPTION OF LOCATION
RM 1	1,314.18	Square cut on base plate of metal railing, downstream side of pipe, southeast corner of East Whallon Street bridge over Little Inlet.
RM 2*	1,321.20	Square cut on top of wing wall in southeast corner of Route 17 bridge over Little Inlet.
RM 3	1,324.01	Square cut on corner of concrete wall in northeast corner of box at Bonnetts Road bridge over Little Inlet.
RM 4	1,327.10	Square cut on corner of southeast wing of Route 17 bridge over Mud Creek.
RM 5	1,316.65	Square cut on south end of third step of CONRAIL station at Water Street.
RM 6	1,315.26	USGS standard disk staked 4x5, 1982, on southeast corner of Route 394 bridge over Mud Creek.
RM 7*	1,327.88	Square cut on corner of northwest wall of CONRAIL bridge over Mud Creek.

¹National Geodetic Vertical Datum of 1929.
*Located outside corporate limits.

NOTE: DUE TO SCALE LIMITATIONS THE CORPORATE LIMITS HAVE BEEN SHOWN APPROXIMATELY 50 FEET OUTSIDE OF THEIR ACTUAL LOCATION TO SHOW THE FLOODING ALONG CHAUTAUQUA LAKE.



*Referenced to the National Geodetic Vertical Datum of 1929

***EXPLANATION OF ZONE DESIGNATIONS**

ZONE	EXPLANATION
A	Areas of 100-year flood; base flood elevations and flood hazard factors not determined.
A0	Areas of 100-year shallow flooding with depth from 1 to 3 feet, product of flood depth (feet) and velocity (feet per second) less than 15.
A1-A30	Areas of 100-year flood; base flood elevations and flood hazard factors determined.
A30	Areas of 100-year flood to be protected by a flood protection system under construction; base flood elevations and flood hazard factors not determined.
B	Areas between limits of 100-year flood and 500-year flood; or areas of 100-year shallow flooding with depth less than 1 foot. (Medium shading)
C	Areas of minimal flooding. (No shading)
D	Areas of undetermined, but possible, flood hazards.
V	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors not determined.
V0	Areas of 100-year shallow flooding with velocity; depth from 1 to 3 feet; product of depth (feet) and velocity (feet per second) more than 15.
V1-V30	Areas of 100-year coastal flood with velocity (wave action); base flood elevations and flood hazard factors determined.

NOTES TO USER
Certain areas not in the special flood hazard area (zones A and V) may be protected by flood control structures.
This map is for flood insurance purposes only; it does not necessarily show all areas subject to flooding in the community or all parameters factors outside special flood hazard areas.

INITIAL IDENTIFICATION
AUGUST 23, 1974
CONVERSION TO REGULAR PROGRAM
JANUARY 5, 1978

Consult NFIA servicing company or local insurance agent or broker to determine if properties in this community are eligible for flood insurance.



ANNEX - 35K
NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

VILLAGE OF MAYVILLE, NEW YORK
CHAUTAUQUA COUNTY

COMMUNITY PANEL NUMBER
361055 0010C

CENTRAL FILE
PAGE 1 OF 1

EFFECTIVE
JANUARY 5, 1978

