**TOWN OF CONKLIN**

**LOCAL LAW NO. 3 OF THE YEAR 2022**

**A LOCAL LAW AMENDING CHAPTER 76**

**ENTITLED “FLOOD DAMAGE PREVENTION”**

Be it enacted by the Town Board of the Town Conklin as follows:

**Section 1**. Chapter 76 of the Town of Conklin entitled “Flood Damage Prevention” shall hereby be amended as follows:

**§§ 76-1, 2, 3, 4, 6, 9, 10, 11, 12, 13, 15, 16, 17 and 18 remain unchanged. All other sections are amended as indicated below.**

**§ 76-5. Definitions. *Amend as follows, add the following in alphabetical order:***

***Repeal* “Area of Shallow Flooding” *and replace it with:***

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.

***Repeal* “Area of Special Flood Hazard” *and replace with:***

"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-V30. It is also commonly referred to as the base floodplain or l00-year floodplain. For purposes of this Chapter, the term “special flood hazard area (SFHA)” is synonymous in meaning with the phrase “area of special flood hazard

***Repeal* “Elevated Building” *and replace with:***

“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-V30, 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 flood waters. 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.

**§ 76-7. Basis for establishing areas of special flood hazard. *Repeal and replace with*:**

The areas of special flood hazard for the Town of Conklin, Community Number 360042 are identified and defined on the following documents prepared by the Federal Emergency Management Agency.

1. Flood Insurance Rate Map Panel Numbers: 3600420005C, 3600420015C - whose effective dates are September 26, 1980, and any subsequent revisions to these map panels that do not affect areas under our community’s jurisdiction.
2. Flood Insurance Rate Map Panel Number: 3600420010D- whose effective date is July 17, 1981, and any subsequent revisions to these map panels that do not affect areas under our community’s jurisdiction.
3. Flood Boundary and Floodway Map Panel Numbers: 3600420005, 3600420010, 3600420015- whose effective dates are September 26, 1980, and any subsequent revisions to these map panels that do not affect areas under our community’s jurisdiction.
4. A scientific and engineering report entitled, “Flood Insurance Study, Town of Conklin, New York Broome County,” dated November 1976.

The above documents are hereby adopted and declared to be a part of this Chapter. The Flood Insurance Study and/or maps are on file at Town Hall, at 1271 Conklin Road, Conklin, New York, 13748.

**§ 76-8. Interpretation; conflict with other provisions.**

***Replace*** October 1, 1986 with October 27, 1997.

**§ 76-14. General standards. *Repeal E. and replace with:***

E. 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 the Federal Emergency Management Agency (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.

(2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in the Section § 76-7 entitled Basis for establishing the areas of special flood hazard, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:

1. a technical evaluation by a licensed professional engineer demonstrates through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
2. the Town agrees to apply to the Federal Emergency Management Agency (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.

(3) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, if any development is found to increase or decrease base flood elevations, the Town shall as soon as practicable, but not later than six months after the date such information becomes available, notify FEMA and the New York State Department of Environmental Conservation of the changes by submitting technical or scientific data in accordance with standard engineering practice.

(4) Whenever any portion of a floodplain is authorized for development, the volume of space occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation at or adjacent to the development site. All such excavations shall be constructed to drain freely to the watercourse. No area below the waterline of a pond or other body of water can be credited as a compensating excavation.

**Section 2**. Remainder

Except as hereinabove amended, the remainder of the Code of the Town of Conklin shall remain in full force and effect.

**Section 3**. Severability

The provisions of this Local Law are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

**Section 4**. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.