

LOCAL LAW NO. 3

TOWN OF JACKSON

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 Town of Jackson, 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 17, 1975, wherein this town is referred to as Community No. 361444, 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 Jackson.
- (2) Town Board means the elected legislative body of the Town of Jackson.
- (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, alteration, or repair unless such material or supplies are within an enclosed building on the premises.

(4) Substantial improvement means any repair, reconstruction or 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 started, 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 Jackson, dated January 17, 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 (60) 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 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.

*Mark Henryon*  
*Nov. 5, 1975*