

**(Use this form to file a local law with the Secretary of State.)**

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~~ of New Paltz  
Town  
~~Village~~

**Local Law No.-----of the year 2015**

“A Local Law to AMEND certain provisions of Chapter 82, “Flood Damage Prevention” of the Code of the Town of New Paltz.

**Be it enacted by the Town Board of the**

~~County~~  
~~City~~ of New Paltz as follows:  
Town  
~~Village~~

**Section 1. AMENDMENT**

Section 82-4, “Definitions and word usage” of Chapter 82 “Flood Damage Prevention” of the Code of the Town of New Paltz is amended to delete in its entirety the definition of “CUMULATIVE SUBSTANTIAL IMPROVEMENT.”

**Section 2. AMENDMENT**

The second paragraph of definition “Substantial Damage” contained at Section 82-4, “Definitions and word usage” of Chapter 82 “Flood Damage Prevention” of the Code of the Town of New Paltz is repealed.

### **Section 3. AMENDMENT**

The first paragraph of the definition of “SUBSTANTIAL IMPROVEMENT” contained at Subdivision B of Section 82-4, “Definitions and word usage” of Chapter 82 “Flood Damage Prevention” of the Code of the Town of New Paltz is amended to read as follows:

“SUBSTANTIAL IMPROVEMENT — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:”

### **Section 4. AMENDMENT**

Paragraph (1) of Subdivision B of Section 82-14, “General Standards” contained at Article V, “Construction Standards” of Chapter 82 “Flood Damage Prevention” of the Code of the Town of New Paltz is amended to read as follows:

“(1) Within Zone A on streams without a regulatory floodway, no new construction and substantial improvements to structures, or other development (including fill) shall be permitted within the floodway area of the watercourse (as may be determined by the Town Building Inspector or other duly authorized representative of the Town after review of the flood data information provided as described in § 82-12 F., § 82-12 G and § 82-13B.), unless:”

### **Section 5. AMENDMENT**

Paragraph (3) of Subdivision B of Section 82-15, “Standards for all structures” contained at Article V, “Construction Standards” of Chapter 82 “Flood Damage Prevention” of the Code of the Town of New Paltz is amended to read as follows:

“ B. Construction materials and methods.

“(3) Enclosed areas below the lowest floor.

### **Section 6. AMENDMENT**

Paragraph (1) of Subdivision A of Section 82-16, “Residential structures” contained at Article V, “Construction Standards” of Chapter 82 “Flood Damage Prevention” of the Code of the Town of New Paltz is amended to read as follows:

**“§ 82-16. Residential structures.**

“The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in § 82-14A, Subdivision proposals, § 82-14B, Encroachments, and § 82-15, Standards for all structures:

A. Elevation.

- (1) Within Zones AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.”

**Section 7. AMENDMENT**

Subdivision B of Section 82-16, “Residential structures” contained at Article V, “Construction Standards” of Chapter 82 “Flood Damage Prevention” of the Code of the Town of New Paltz is amended to read as follows:

**“§ 82-16. Residential structures.**

“The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in § 82-14A, Subdivision proposals, § 82-14B, Encroachments, and § 82-15, Standards for all structures:

“B. Within Zone AH, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.

**Section 8. AMENDMENT**

Subdivision C of Section 82-16, “Residential structures” contained at Article V, “Construction Standards” of Chapter 82 “Flood Damage Prevention” of the Code of the Town of New Paltz is hereby repealed.

**Section 9. AMENDMENT**

Subdivision D of Section 82-16, “Residential structures” contained at Article V, “Construction Standards” of Chapter 82 “Flood Damage Prevention” of the Code of the Town of New Paltz is hereby repealed.

### **Section 10. AMENDMENT**

Subdivision B of Section 82-17, “Nonresidential structures” contained at Article V, “Construction Standards” of Chapter 82 “Flood Damage Prevention” of the Code of the Town of New Paltz is repealed and the remaining subdivisions are renumbered.

### **Section 11. AMENDMENT**

Subdivision D of Section 82-17, “Nonresidential structures” contained at Article V, “Construction Standards” of Chapter 82 “Flood Damage Prevention” of the Code of the Town of New Paltz is amended to read as follows:

“D. Within Zone AH, adequate drainage paths are required to guide floodwaters around and away from proposed structures on slopes.”

### **Section 12. AMENDMENT**

Subdivision F of Section 82-17, “Nonresidential structures” contained at Article V, “Construction Standards” of Chapter 82 “Flood Damage Prevention” of the Code of the Town of New Paltz is repealed and the remaining subdivisions are renumbered.

### **Section 13. AMENDMENT**

Subdivision G of Section 82-17, “Nonresidential structures” contained at Article V, “Construction Standards” of Chapter 82 “Flood Damage Prevention” of the Code of the Town of New Paltz is repealed.

### **Section 14. AMENDMENT**

Subdivision D of Section 82-19, “Manufactured homes and recreational vehicles” contained at Article V, “Construction Standards” of Chapter 82 “Flood Damage Prevention” of the Code of the Town of New Paltz is repealed.

### **Section 15. SUPERCESSION**

The Town Board hereby declares its legislative intent to supercede any provisions of any local law, rule, or regulation or provision of the Town Law inconsistent with this local law. The Town Law provisions intended to be superceded include all of Article 16 of the Town Law, ' ' 261-285 inclusive and any other provision of law that the Town may supercede pursuant to the Municipal Home Rule Law and the Constitution of the State of New York. The courts are directed to take notice of this legislative intent and

apply in the event the Town has failed to specify any provisions of law that may require supercession. The Town Board hereby declares that it would not have enacted this local law and superceded such inconsistent provision had it been apparent.

**Section 16. SEVERABILITY**

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court or competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other person or circumstances and the Town Board hereby declares that it would not have enacted this local law or the remainder thereof had the invalidity of such provision or application thereof been apparent.

**Section 17. EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the Secretary of State.