# (Please Use this Form for Filing your Local Law with the Secretary of State)

Text of law should be given as amended. Do not use brackets for matter to be eliminated and do not use italics for new matter.

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	Local Law No	3	of the year 19	
A local law	FLOOD DAMAGE P	REVENTION		
		(Insert title)		
Be it enacted l	by the Board of	l' <b>ru</b> stees	va Dada)	<i>6</i> .1
	,	(Name of Legislati	ve Body)	of the
Zannty Zityz of <u>Wa</u> Kawa Village	tkins Glen			follows:

### SECTION 1.00

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

#### 1.10 STATUTORY AUTHORIZATION

COUNTY

The Legislature of the State of New York has in General delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Trustees of the Village of Watkins Glen, New York, does hereby adopt local Law No. of 1978, Flood Damage Prevention, as follows:

### 1.20 FINDINGS OF FACT

- (1) The flood hazard areas of the Village of Watkins Glen are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise protected from flood damages.

#### 1.30 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 designed to:

- (1) To protect human line and health;
- (2) To minimize expenditure of public money for costly flood control projects:
- (5) To minimize the need for rescue and relief efforts appointed 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:
- (6) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and,
- (7) To insure that potential home buyers are notified that property is in a flood area.

#### 1.4. METHODS OF REDUCING PLOOD LOSSES

In order to accomplish its purposes, this local law uses the following methods:

- Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion or in fleed heights or velocities.
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction.
- (3) Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters.
- (4) Control filling, grading, dredging and other development which may increase flood damage.
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

#### 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.

"Appeal" means a request for a review of the Building Inspector's interpretation of any provision of this local law or a request for a variance.

"Area of shallow flooding" means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one of to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

"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 nazard.

"Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum,

the installation of utilities, either final site grading or the pouring of soncrete pads, and the construction of streets) is completed before the effective date of this local law.

"Expansion to an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pass, or the construction of streets).

"Flood" or "flooding" means a general and temporary condition of partial or complete imundation 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 delinieated both the areas of opecial 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 Hazard 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 elevation 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.

"New mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobiel home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed 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. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, "start of construction" means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

"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 per cent of the market value of the structure either:

- before the improvement or repair is started, or
   if the structure has been damaged and is being restored, before the damage occurred. For the purposes 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 either:
  - (1) 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, or
  - (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" is a grant of relief to a person from the requirements of this local law which permits construction in a manner otherwise prohibited by this local law where specific enforcement would result in unnecessary hardship.

#### GENERAL PROVISIONS

#### SECTION 3.00

### 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 Watkins Glen.

# 3.20 BAS10 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 Watkins Glen", dated July 17, 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 ABROGATION AND GREATER RESTRICTIONS

This local law is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this local law and another law, ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### 3.50 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.

#### 3.60 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 chall not create liability on the part of the Village of Watkins Glen 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 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 3.2. 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 rollowing 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 nonresidential 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 DIFTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

. 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. If the proposed development is to be located in the floodway, a certification shall be obtained in accordance with Section 5.24(1).

# 4,32 USE OF OTHER BASE FLOOD DATA

When base flood elevation data has not been provided in accordance with Section 3.20, <u>Basis for Establishing the Areas of Special Flood Hazard</u>, then the Building Inspector shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Section 5.20, <u>Specific Standards</u>.

# 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 flood (including basement) of all new or substantially improved structures.
- ( $\geq$ ) 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 public inspection all records pertaining to the provisions of this local law.

### 4.34 AL/FERATION OF WATERCOURSES

- (1) Notify adjacent communities and the 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

- (1) The Zoning Board of Appeals, as established by the Village Board of Trustees shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) The Zoning Board 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.
- (3) Any person aggrieved by the decision of the Zoning Board of Appeals or any taxpayer may appeal such decision to the Supreme Court of the State of New York, as provided in Article 78, CPLR.
- (4) 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:
  - (i) the danger that materials may be swept onto other lands to the injury of others;
  - (ii) the danger of life and property due to flooding or erosion damage;
  - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (iv) the importance of the services provided by the proposed
     facility to the community:

- (v) the necessity to the facility of a waterfront location, where applicable;
- (vi) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (vii)the compatibility of the proposed use with existing
   and anticipated development;
- (viii) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
- (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x) 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,
- (xi) 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.
- (xii)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 (i-xi) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (5) 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.
- (6) 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 may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the reminder of this section.
- (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- $\ \ (\ \ \ )$  Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - (4) Variances shall only be issued upon:
    - (i) a showing of good and sufficient cause,
    - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
    - (iii)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 as identified in Section 4.41(4), Appeal Board, or conflict with existing local laws or ordinances.

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

#### SECTION 5.00

# PROVISIONS FOR FLOOD HAZARD REDUCTION

### 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.
- (2) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
  - (i) over-the-ton ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side;
  - (ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side;
  - (iii)all components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
  - (iv) and additions to the mobile home be similarly anchored.

# 5.12 CONSTRUCTION MATERIALS AND METHODS

- (1) All new construction and substantial improvements shall be construed with materials and utility equipment resistant to flood damage.
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

### 5.13 UTILITIES

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (2) 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,
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

# 5.14 SUBDIVISION PROPOSALS

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (4) 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 <u>Basis for Establishing the Areas of Special Flood Hazard</u> or Section 4.32 <u>Use of Other Base Flood Data</u>, the following provisions are required:

### 5.21 RESIDENTIAL CONSTRUCTION

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

### 5.22 NONRESIDENTIAL CONSTRUCTION

New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or together with attendent utility and sanitary facilities, be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 4.33 (2).

#### 5.23 MOBILE HOMES

- (1) Mobile homes shall be anchored in accordance with Section 5.11 (2).
- (2) For new mobile home parks and subdivision; for expansions to existing mobile home parks and subdivisions; for existing mobile home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for mobile homes not placed in a mobile home park or subdivision require:
  - (i) stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;
  - (ii) adequate surface drainage and access for a hauler are provided; and,
  - (iii)in the instance of elevation on pilings, that:
    - --lots are large enough to permit stops
      --piling foundations are placed in stable
      soil no more than ten feet apart, and
      --reinforcement is provided for pilings more
      than six feet above the ground level.
- (3) No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.

### 5.24 FLOODWAYS

Located within areas of special flood hazard established in Section 3.20 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

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- (1) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification by a professional registered engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If Section 5.24(1) is satisfied, all new construction and substantial improvements shall comply with all Applicable flood hazard reduction provisions of Section 5.00 Provisions for Flood Hazard Reduction.
- (3) Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision.

This local law shall take effect immediately upon its effective adoption.

(Comp matter	rete the certification in the paragraph which applies to the filing of this local law and strike out the therein which is not applicable.)
(Lina)	adoption by local legislative body only.)
	I hereby certify that the local law annexed hereto, designated as local law No5
or the.	Gaty of Watkins Glen was duly passed by Board of Trustees Village (Name of Legislative Body)
00	July 27, 19.78 in accordance with the applicable provisions of law.
(Passa or repa	ge by local legislative body with approval or no disapproval by Elective Chief Executive Office assage after disapproval.)
	I hereby certify that the local law annexed hereto, designated as local law Noof 19
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The property	from requesting such referendim having been filed, said local law was deemed duly adopted on
	19, in accordance with the applicable provisions of law.

<sup>\*</sup>Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or if there be none the chairman of the board of supervisors, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

(City local law concerning Charter revision proposed	by petition.)	
5. Thereby certify that the local law annexed her		aw No
of the City of	having been submitted to	referendum pursuant to the
provisions of $\frac{\$}{\$} \frac{36}{37}$ of the Municipal Home Rule Law a	nd having received the a	ffirmative vote of a majority
of the qualified electors of such city voting thereon	at the special election b	eld on
	V	
(County local law concerning adoption of Charter.)		
6. I hereby certify that the local law annexed her County of	York, having been submant to subdivisions 5 and tive vote of a majority of the qualified electors of ame operative.	itted to the Electors at the 7 of Section 33 of the Munifithe qualified electors of the of the towns of said county
(If any other authorized form of final adoption (certification.)	has been followed, plea	ise provide an appropriate
I further certify that I have compared the precedured that the same is a correct transcript therefrom a finally adopted in the manner indicated in paragraph.	and of the whole of such	riginal on file in this office original local law, and was
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<u>/ * * </u>	TORPLY // /	ty, Town or Village Clerk or Officer
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(Certification to be executed by County Attorney, Cor or other authorized Attorney of locality.)	poration Counsel, lown	Attorney, Village Attorney
STATE OF NEW YORK		•
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l, the undersigned, hereby certify that the forego proper proceedings have been had or taken for the ena-	oing local law contains the	e correct text and that al.
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