

COMMON COUNCIL

September 14, 2010

Mayor Joseph Maiurano presided at a meeting of the Common Council on September 14, 2010, in the Common Council Chambers at One Court Plaza.

Present:

Mayor Joseph Maiurano
Ald. Robert Carey
Ald. Terry Bresina
Ald. John Deierlein
Ald. Walter Schermerhorn
Ald. Paul Laughlin
Ald. Robert Jeffrey
Supervisor James McNeil

Also:

Clerk/Director of Finance William Roberts
Police Chief Joseph Angelino
Fire Chief Tracy Chawgo
Code Enforcement Officer/Fire Marshall Jason Lawrence
DPW Superintendent Carl Ivarson
Youth Bureau Director Robert Mason
Deputy City Clerk Brian Drake
City Attorney Patrick Flanagan
Media Representative Brian Golden

Absent

Supervisor Linda Natoli

Call to Order

The meeting of the Common Council was called to order by Mayor Maiurano at 6:55 p.m.

Approval of minutes

Ald. Schermerhorn **moved** to approve the minutes of the regular meeting of August 17, 2010, and the special meeting of August 24, 2010. Seconded by Ald. Laughlin, duly approved ayes all.

Public Hearing

Mayor Maiurano at 6:56 p.m. opened a public hearing for comments on proposed changes to the Code as it relates to Peddling and Soliciting. There were no comments.

Open Forum

There were no comments at the open forum.

Correspondence

Veterans Day Parade Ald. Carey **moved** to approve a request to hold the Veterans Day Parade on Nov. 11, 2010, closing Canal Street to East Main Street to East Park, until from 11 a.m. to the end of the parade. Seconded by Ald. Laughlin and duly approved ayes all.

Department, Board and Commission Reports

- ◆ Parks Commission meeting minutes of August 9, 2010
- ◆ Traffic Commission Minutes of September 8, 2010
- ◆ Water Commission Minutes of August 18, 2010
- ◆ Youth Bureau Report for July/August 2010

Ald. Carey **moved** to receive and file the department, board, and commission reports. Seconded by Ald. Deierlein, approved ayes all.

Ward and Committee Reports

Public Safety/Public Works Committee Meeting of August 26, 2010

DPW Superintendent Carl Ivarson reported a problem with drainage from Hillview Drive running over between two residences during heavy rains. The City has no easement on the properties. Three additional storm drains were installed in the past, but are insufficient. Carl met with the residents and believes the problem can be resolved by installing a deeper manhole and a trench drain. He checked with the DEC and the City will require no permits as it is modifying an existing storm drain. The owner of one residence will grant the City an easement, and will also install a trench drain on his property connecting to the storm drain. Surveying will cost \$3,500 and engineering will cost \$5,200.

C. Ivarson reported that a water meter valve at the reservoir is broken and a new insertion valve will need to be installed. Cost will be approximately \$7,775.

C. Ivarson said that NYSEG questioned a revision of the DPW Standards regarding street cuts providing that if any street cuts are made within 80 feet of each other, the company must repave the street between them. NYSEG asked if this applied to cuts made at different times. C. Ivarson recommended that they should have to repave the full area if cuts within the required proximity are made within one year of each other. He reported that NYSEG has stated they will do no more replacements in Norwich because of the expense, and will only repair leaks.

Deputy City Clerk Brian Drake informed the Committee that the State will cease managing dog licensing. This duty will now be the responsibility of each municipality. A local law must be passed before November to provide for collecting of dog license fees. These fees will now be retained by the municipalities; formerly the State received 53% of each fee.

B. Drake reported that the new FEMA flood maps will be effective November 26, 2010. Each municipality must adopt a local law or ordinance regarding FEMA's flood damage prevention before that date, or the municipality will be suspended from FEMA's National Flood Insurance Program. The proposed ordinance replaces the current ordinance, adopted in 1987. Mayor Maiurano asked if anything on the new flood maps should be challenged. EMO A. Jones replied that this ordinance does not approve the new maps, but provides for the City to be included in the NFIP. He is not aware of any issues with the map. In fact, the map shows that flood zone areas have receded in several areas. If individual property owners have questions, they must make individual challenges. A. Jones said that he has prepared a clearer map showing the new designations and will provide that to the City. Mayor Maiurano thanked A. Jones for his work during the flood zone designation process.

B. Drake informed the Committee that following discussion of the current Public Markets law at the July meeting, he met with Chenango County Farmers Market Manager Sarah Ulfik and has made revisions to the law making the Market Board accountable to the City and providing up-to-date contact and vendor information. Ald. Deierlein asked about the City's liability regarding the farmers' market. Finance Director William Roberts said the City should have none, as the market is managed by the Market Board and is held on County property. Ald. Carey stated his desire that the market could be made more robust and become an attraction in the City. W. Roberts expressed his opinion that the City could not and should not directly manage the market, but could work with the Market Board to make the market better known.

B. Drake reported that two modifications to the proposed ordinance regarding Peddling & Soliciting, received at the August Council meeting, will be offered to the Council. The modifications change the notification for Special Event Designation from three months to two, which is sufficient for Committee and Council consideration, and the license fee for Special Event Designation will be as set in the fees schedule by the Common Council, in keeping with current practice.

Ward Reports

Ward 1 Ald. Carey reported that all issues have been referred to the appropriate department heads for resolution.

Ward 2 Ald. Bresina reported that all issues have been referred to the appropriate department heads for resolution.

Ward 3

Ald. Deierlein reported that all inquiries were referred to the appropriate department heads and have been or are in the process of being resolved.

Ward 4

Ald. Schermerhorn reported that all inquiries were referred to the appropriate department heads and have been or are in the process of being resolved. He has received complaints regarding Berry Street and is preparing a submission to the appropriate department heads.

Ward 5

Ald. Laughlin presented a request for a curb cut from Roy Priest of 70 Sheldon Street. Ald. Laughlin **moved** to receive the request for a curb cut at 70 Sheldon Street. Seconded by Ald. Schermerhorn, approved ayes all. The matter will be referred to the DPW Superintendent and discussed at the October Council meeting.

Ward 6

Ald. Jeffrey reported that all inquiries were referred to the appropriate department heads and have been or are in the process of being resolved.

Mayor Maiurano commented that he has been touring the City and is impressed by all the improvements and renovations being done, much of it with the assistance of various grants and City programs. He thanked the Codes and Planning Departments, DPW, Police Department, and the Council for their efforts.

Ald. Carey **moved** to receive and file the Committee and Ward reports. Seconded by Ald. Jeffrey, approved ayes all.

Motions

Reappointment to Assessment Board of Review - Richard Natoli Ald. Carey **moved** to reappointment Richard Natoli to the Assessment Board of Review for a five-year term expiring September 30, 2015. Seconded by Ald. Bresina and duly adopted ayes all.

To Modify Proposed Ordinance No. (C) of 2010 - Peddling and Soliciting Ald. Carey **moved** to modify Proposed Ordinance No. (C) of 2010 to amend the notification of written request of Special Event Designation from three to two months prior to the event, and to set the license fee for such Special Event Designation as shall be set by the Common Council on the fee schedule. Seconded by Ald. Jeffrey and duly adopted ayes all.

Receive Proposed Local Law - Dog Licensing Ald. Carey **moved** to receive Proposed Local Law No. (B) of 2010 and set a public hearing for October 19, 2010. Seconded by Ald. Deierlein and duly adopted ayes all.

PROPOSED LOCAL LAW NO. (B) of 2010

A LOCAL LAW TO AMEND THE CHARTER OF THE CITY OF NORWICH AS IT RELATES TO CHAPTER 153, ARTICLES II and III - DOG CONTROL

The Charter of the City of Norwich is hereby amended by amending Chapter 153, Articles II and III, as follows:

§ 153-15 Purpose.

The purpose of this article shall be to preserve public peace and good order in the City of Norwich and to promote the public health, safety, and welfare of its people by enforcing regulations and restrictions on the **licensing and** activities of dogs that are consistent with the rights and privileges of dog owners and the rights and privileges of other citizens of the City of Norwich.

§ 153-16 Definitions.

As used in this article, the following terms shall have the meanings indicated:

AT LARGE -- An unleashed dog off the premises of the owner.

DOG -- Both male and female dogs.

DOG CONTROL OFFICER -- A person or persons appointed by the City for the purpose of enforcing this article.

IDENTIFICATION TAG -- A tag issued by the City of Norwich which sets forth an identification number, together with the name of the City of Norwich, the State of New York, contact information, including telephone number, for the municipality, and such other information as the City of Norwich deems appropriate.

LEASHED -- Restrained by a leash, attached to a collar or harness of sufficient strength to restrain the dog and which shall be held by a person having the ability to control the dog.

OWNER -- Includes any person who keeps, harbors, or has custody, care, or control of a dog. Dogs owned by minors shall be deemed to be in custody and control of parents or other head of the household where the minor resides. Any person harboring a dog for a period of one week shall be deemed to be the owner of the dog for the purpose of enforcing this article.

§ 153-17 Regulations and restrictions.

It shall be unlawful for any owner of a dog in the City of Norwich to permit or allow such dog to:

- A. Run at large.
- B. Be off the owner's property unless such dog is controlled and restrained by a leash or chain not exceeding eight feet in length.
- C. Engage in habitual loud howling, barking or whining or to conduct itself in such a manner as to habitually annoy any person other than the owner or harborer of the dog.
- D. Cause damage or destruction to public or private property, or otherwise commit a nuisance upon property other than that of the owner or harborer of the dog.
- E. Bite, chase, jump upon or otherwise harass any person in such a manner as to cause intimidation or to put such a person in reasonable apprehension of bodily harm or injury.
- F. Chase, leap on or otherwise harass bicycles or motor vehicles.
- G. Kill or injure any dog, cat, or other household pet.
- H. Be unlicensed when four months of age or older.
- I. Not have a current and valid New York State identification tag on its collar while at large, whether or not restrained by an adequate leash.
- J. Defecate or urinate upon property other than that of the owner. The owner, harborer, person in charge of or person walking a dog within the City shall immediately pick up any feces expelled by such dog on any property, the owner of which has not given permission therefor, and deposit them in a container lawfully used for the disposal of refuse. In no event shall any feces be deposited in sewers or drains, whether storm or sanitary.

§ 153-18 Female dogs.

All female dogs shall be confined to the premises of their owner while such are in season (heat) and may not be left outside unattended. Any owner not adhering to this rule will be subject to having the dog seized by the Dog Control Officer and removed to a safe place of confinement.

§ 153-19 Conditions for keeping dogs.

All premises occupied by dogs shall be kept in a clean, sanitary condition. The owner or harborer of a dog must provide adequate food, water, shelter, and space for each dog under his care. "Adequate" shall mean sufficient for age, size, and number of dogs on the premises.

§ 153-20 Seizure procedure.

Upon taking custody of any animal, the Dog Control Officer shall make a record of the matter. The record shall include date of pickup, breed, general description, sex, identification numbers, time of pickup, location of release, and name and address of owner, if any.

§ 153-21 Redemption.

- A. If a dog seized is not wearing an identification tag (license tag) it shall be held for a period of no less than three days.
- B. If a dog seized is wearing an identification number, the owner shall be promptly notified either in person or by certified mail. If the owner is notified in person, the dog shall be held for a period of no less than seven days; if notified by mail, no less than nine days.
- C. The owner of the dog shall be responsible for any impoundment fee established by the City plus any other expense incurred by the municipality to humanely care for the dog. **If the owner does not pay the impoundment fee at the time of redemption, owner will be subject to an additional administrative fee of \$25.**
- D. If not redeemed, the owner shall forfeit all title to the dog and it shall be released to an authorized humane society or kennel to be adopted or euthanized.

§ 153-22 Filing complaints.

Any person who observes a dog in violation of any section of this article may file a signed complaint, under oath, with a Justice of the City of Norwich or with the authorized Dog Control Officer or any peace officer, specifying the violation, the date of violation, the damage caused and including the place(s) the violation(s) occurred, and the name and address of dog owner, if known.

§ 153-23 Enforcement.

Any person or persons who are or may be lawfully authorized by the City of Norwich shall, and all peace officers may, administer and enforce the provisions of this article, and for the purpose shall have the authority to issue summons or appearance tickets and to seize dogs either on or off the owner's premises, if witnessed to be in violation of this article.

§ 153-24 Penalties for offenses.

A violation of this article shall be punishable by a fine of not less than ~~\$25~~ **\$50** and of not more than ~~\$100~~ **\$200**. A violation of this article may also result in the court-ordered seizure and permanent removal of ownership of the dog.

§ 153-25 Interference with enforcement prohibited.

No person shall hinder, resist, or oppose the Dog Control Officer, peace officer, or other person(s) authorized to administer or enforce the provisions of this article in the performance of the officer's duties under this article.

§ 153-26 Nonliability of City.

The owner or harbinger of any dog so destroyed under the provisions of this article, whether destroyed by the Dog Control Officer, peace officer, or released to an authorized humane society or veterinarian, shall not be entitled to any compensation, and no action shall be maintainable thereafter to recover the value of such dog or any other type of damage.

ARTICLE III Dog Licensing and Impoundment Fees (§ 153-27)

§ 153-27 Licensing of dogs required; rabies vaccination.

- A. **Any resident of the City of Norwich owning any dog reaching the age of four (4) months shall immediately make application for a dog license. No license shall be required for any dog which is under the age of four months and which is not at large, or that is residing in a pound or shelter maintained by or under contract or agreement with the state or any county, city, town, or village, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society, or duly incorporated dog protective association.**
- B. **The clerk, at the time of issuing any license pursuant to this Chapter, shall require the applicant to present a statement certified by a licensed veterinarian showing that the dog or dogs have been vaccinated to prevent rabies or, in lieu thereof, a statement certified by a licensed veterinarian stating that because of old age or another reason, the life of the dog or dogs would be endangered by the administration of vaccine.**

- C. A license shall be issued for a period of one year. All licenses shall expire on the last day of the last month of the period for which they are issued. All rabies certificates that expire within 30 days of the last day of the month the license is issued are required to be renewed before the license will be issued. In the event an applicant for a license presents, in lieu of a rabies certificate, a statement certified by a licensed veterinarian, as provided for by New York State Agricultural and Markets Law Article 7, a license shall be issued or renewed for a period of one year from the date of said statement.
- D. Application for a dog license shall be made to the Clerk of the City of Norwich. The application shall state the sex, actual or approximate age, breed, color, and municipal identification number of the dog, and other identification marks, if any, and the name, address, telephone number, of the owner, and any other information deemed necessary by the Clerk.
- E. The application shall be accompanied by the license fee prescribed by § 153-28 of this Chapter and a certificate of rabies vaccination or statement in lieu thereof, as required by New York State Agricultural and Markets Law Article 7. In the case of a spayed or neutered dog, every application shall also be accompanied by a certificate signed by a licensed veterinarian or an affidavit signed by the owner, showing that the dog has been spayed or neutered, provided such certificate or affidavit shall not be required if the same is already on file with the clerk. In lieu of the spay or neuter certificate an owner may present a statement certified by a licensed veterinarian stating that he or she has examined the dog and found that because of old age or other reason, the life of the dog would be endangered by spaying or neutering. In such case, the license fee for the dog shall be the same as for a spayed or neutered dog as set forth in § 153-28 of this Chapter.
- F. Upon validation by the clerk, the application shall become a license for the dog described therein.
- G. No license shall be transferable. Upon the transfer of ownership of any dog, the new owner shall immediately make application for a license for such dog.
- H. In the event of a change in the ownership of any dog which has been licensed pursuant to this article or in the address of the owner of record of any such dog, the owner of record shall, within ten (10) days of such change, file with the Clerk a written report of such change. Such owner of record shall be liable for any violation of this article until such filing is made or until the dog is licensed in the name of the new owner.
- I. If any dog which has been licensed pursuant to this article is lost or stolen, the owner of record shall, within ten (10) days of the discovery of such loss or theft, file with the Clerk a written report of such loss or theft. In the case of a loss or theft, the owner of record of any such dog shall not be liable for any violation of this article committed after such report is filed.
- J. In the case of a dog's death, the owner of record shall so notify the Clerk either prior to renewal of licensure or upon the time of such renewal as set forth by the Clerk.
- K. The City authorizes any animal shelter with which it contracts for the housing of stray or lost dogs to accept dog license applications on behalf of the City, to be forwarded to the City immediately upon receipt.

§ 153-278 Fees established.

A fee schedule shall be established by resolution of the Common Council of this City for licensing of dogs. Such fee schedule may thereafter be amended from time to time by like resolution. The fees set forth in, or determined in accordance with, such fee schedule or amended fee schedule shall be charged and collected for the following at the time application is submitted The following fees are hereby established and shall be as set by the Common Council:

- A. Dog licensing fees.
- (1) Spayed or neutered.
 - (2) Unspayed or unneutered.
 - (3) Purebred, 10 or fewer.

(4) ~~———— Purebred, 11 to 25.~~

(5) ~~———— Purebred, 25 or more.~~

B. Impoundment fees.

(1) Temporary police impoundment.

(2) Shelter impound at contracted facility.

C. Guide dogs, hearing dogs, service dogs, war dogs, working search dogs, detection dogs, police work dogs, and therapy dogs are exempt from the licensing fees.

New material is underlined. Deleted material is ~~struck through~~.

Receive Proposed Ordinance - Flood Damage Prevention Ald. Carey **moved** to receive Proposed Ordinance No. (D) of 2010 and set a public hearing for October 19, 2010. Seconded by Ald. Schermerhorn and duly adopted ayes all.

PROPOSED ORDINANCE NO. (D)
OF 2010

BE IT ORDAINED by the Common Council of the City of Norwich, New York, that Chapter 273 of the Code of the City of Norwich be replaced in its entirety with the following:

CHAPTER 273
FLOOD DAMAGE PREVENTION

§ 273-1 FINDINGS

The Common Council of the City of Norwich finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the City of Norwich and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

§ 273-2 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) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood 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 floodplains, 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 erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;
- (6) qualify and maintain for participation in the National Flood Insurance Program.

§ 273-3 OBJECTIVES

The objectives of this local law are:

- (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, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and,
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 273-4 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 Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

"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.

"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 100-year floodplain. For purposes of this Local Law, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

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

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Building" see "Structure"

"Cellar" has the same meaning as "Basement".

"Crawl Space" means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

"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 V1-30, 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.

"Federal Emergency Management Agency" means the Federal agency that administers the National Flood Insurance Program.

"Flood" or **"Flooding"** means a general and temporary condition of 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" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

"Flood Boundary and Floodway Map (FBFM)" means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

"Flood Elevation Study" means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" see "flood elevation study".

"Floodplain" or **"Flood-prone area"** means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" - has the same meaning as "Regulatory Floodway".

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic structure" means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i) by an approved state program as determined by the Secretary of the Interior or
 - (ii) directly by the Secretary of the Interior in states without approved programs.

"Local Administrator" is the person appointed by the community to administer and implement this local law by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

"Lowest floor" means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

"Manufactured 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. The term does not include a "Recreational vehicle"

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mobile home" - has the same meaning as "Manufactured home".

"New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

"One hundred year flood" or **"100-year flood"** has the same meaning as "Base Flood".

"Principally above ground" means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

"Recreational vehicle" means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and

- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory 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 a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 273-14.B of this Law.

"Start of construction" means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent 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:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

"Variance" means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

§ 273-5 LANDS TO WHICH THIS LOCAL LAW APPLIES

This local law shall apply to all areas of special flood hazard within the jurisdiction of the City of Norwich, Chenango County.

§ 273-6 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the City of Norwich, Community Number 360161, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Map Panel Numbers:

36017C0241E, 36017C0242E, 36017C0243E, 36017C0244E

whose effective date is, November 26, 2010, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

- (2) A scientific and engineering report entitled "Flood Insurance Study, Chenango County, New York, All Jurisdictions" dated November 26, 2010.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at the office of the City Clerk, City Hall, One City Plaza, Norwich, NY, 13815.

§ 273-7 INTERPRETATION AND CONFLICT WITH OTHER LAWS

This Local Law includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

§ 273-8 SEVERABILITY

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

§ 273-9 PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the City of Norwich from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under Section 273-16 will be declared non-compliant and notification sent to the Federal Emergency Management Agency.

§ 273-10 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 that land outside the area 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 City of Norwich, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made there under.

§ 273-11 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Code Enforcement Officer is hereby appointed Local Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions.

§ 273-12 THE FLOODPLAIN DEVELOPMENT PERMIT

A. PURPOSE

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 273-6, without a valid floodplain development permit. Application for a permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and 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.

B. FEES

All applications for a floodplain development permit shall be accompanied by an application fee as shall be set from time to time by the Common Council. In addition, the applicant shall be responsible for reimbursing the City of Norwich for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500.00 to cover these additional costs.

§ 273-13 APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (2) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (3) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 273-15.B.3, UTILITIES.
- (4) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 273-15.D, NON-RESIDENTIAL STRUCTURES.
- (5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be submitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 273-6, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.
- (6) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

§ 273-14 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to the following.

A. PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of subsection 273-13, APPLICATION FOR A PERMIT, and for compliance with the provisions and standards of this law.
- (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements shall meet the applicable standards of Section 273-15, CONSTRUCTION STANDARDS and, in particular, sub-section 5.1-1273-15.A.1, SUBDIVISION PROPOSALS.
- (3) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 273-15, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

- (4) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

B. USE OF OTHER FLOOD DATA

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 273-13(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.
- (2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.

C. ALTERATION OF WATERCOURSES

- (1) Notification to adjacent communities and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse, and submittal of evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency.
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

D. CONSTRUCTION STAGE

- (1) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For

manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).

- (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

E. INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

F. STOP WORK ORDERS

- (1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 273-9 of this local law.
- (2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 273-9 of this local law.

G. CERTIFICATE OF COMPLIANCE

- (1) In areas of special flood hazard, as determined by documents enumerated in Section 273-6, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this local law.
- (2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.
- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 273-14.E, INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

H. INFORMATION TO BE RETAINED

The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certifications of as-built lowest floor elevations of structures, required pursuant to sub-sections 273-14.D(1) and 273-14.D(2), and whether or not the structures contain a basement;
- (3) Floodproofing certificates required pursuant to sub-section 273-14.D(1), and whether or not the structures contain a basement;
- (4) Variances issued pursuant to Section 273-16, VARIANCE PROCEDURES; and,
- (5) Notices required under sub-section 273-14.C, ALTERATION OF WATERCOURSES.

§ 273-15 CONSTRUCTION STANDARDS

A. GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 273-6.

(1) SUBDIVISION PROPOSALS

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (a) Proposals shall be consistent with the need to minimize flood damage;
- (b) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed so as to minimize flood damage; and,
- (c) Adequate drainage shall be provided to reduce exposure to flood damage.

(2) ENCROACHMENTS

- (a) 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 City of Norwich 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 City of Norwich for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Norwich for all costs related to the final map revision.
- (b) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 273-6, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (i) a technical evaluation by a licensed professional engineer shows that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,
 - (ii) the City of Norwich 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 City of Norwich for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the City of Norwich for all costs related to the final map revisions.

B. STANDARDS FOR ALL STRUCTURES

(1) ANCHORING

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(2) CONSTRUCTION MATERIALS AND METHODS

- (a) New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.
- (b) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (c) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - (i) a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - (ii) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas sub-grade on all sides are considered basements and are not permitted.

(3) UTILITIES

- (a) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall also be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;
- (b) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (c) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,
- (d) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

C. RESIDENTIAL STRUCTURES

(1) ELEVATION

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 273-15.A.1, SUBDIVISION PROPOSALS, and 273-15.A.2, ENCROACHMENTS, and Section 273-15.B, STANDARDS FOR ALL STRUCTURES.

- (a) Within Zones A1-A30, 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.

- (b) Within Zone A, when no base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
- (c) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 273-6 (at least two feet if no depth number is specified).
- (d) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

D. NON-RESIDENTIAL STRUCTURES

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 273-15.A.1, SUBDIVISION PROPOSALS, and 273-15.A.2, ENCROACHMENTS, and Section 273-15.B, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure shall either:
 - (i) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
 - (ii) be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (2) Within Zone AO, new construction and substantial improvements of non-residential structures shall:
 - (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or
 - (ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in sub-section 273-15.D(1)(ii)
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 273-15.D(1)(ii), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

E. MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards in addition to the standards in Section 273-15.A, GENERAL STANDARDS, and Section 273-15.B, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:

- (i) be on site fewer than 180 consecutive days,
- (ii) be fully licensed and ready for highway use, or
- (iii) meet the requirements for manufactured homes in paragraphs 273-15.E(2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

- (2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (3) Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
- (4) Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in Section 273-6 (at least two feet if no depth number is specified).

§ 273-16 VARIANCE PROCEDURE

A. APPEALS BOARD

- (1) The Zoning Board of Appeals as established by the City of Norwich shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) 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 Local Administrator in the enforcement or administration of this local law.
- (3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.
- (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 to 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 for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;

- (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (xi) 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
 - (xii) the costs of providing governmental services during and after flood conditions, including search and rescue operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.
- (5) Upon consideration of the factors of Section 273-16.A(4) 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 Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

B. CONDITIONS FOR VARIANCES

- (1) 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-xii) in Section 273-16.A(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:
- (i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure"; and
 - (ii) the variance is the minimum necessary to preserve the historic character and design of the structure.
- (3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- (i) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met; and
 - (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.
- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
- (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 or conflict with existing local laws or ordinances.

- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:

(i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

(ii) such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with the record of all variance actions as required in Section 273-14.H of this Local Law.

Resolutions

RESOLUTION #58-2010

AWARDING BID – RESTORE NY III 24 EAST MAIN STREET

Ald. Jeffrey introduced the following and **moved** its adoption:

WHEREAS, bids have been received for the renovation of 24 East Main Street under the Restore NY III Program; and

WHEREAS, the Finance/Personnel Committee has made certain recommendations; now, therefore be it

RESOLVED, that the bid for renovation of 24 East Main Street under the Restore NY III program be awarded to the lowest qualified bidder, Justice Construction LLC of North Norwich, NY, in the amount of \$281,250.00.

Seconded by Ald. Laughlin, and duly adopted, 6-0, on a roll call vote.

RESOLUTION #59-2010

AWARDING BID – MATERIALS - 49 FRONT STREET

Ald. Schermerhorn introduced the following and **moved** its adoption:

WHEREAS, bids have been received for the materials for construction of a house at 49 Front Street; and

WHEREAS, the Finance/Personnel Committee has made certain recommendations; now, therefore be it

RESOLVED, that the bid for materials for the construction of a house at 49 Front Street be awarded to the lowest qualified bidder, Curtis Lumber, of Norwich, NY, in the amount of \$46,893.25.

Seconded by Ald. Laughlin, and duly adopted, 6-0, on a roll call vote.

RESOLUTION #60-2010

AWARDING BID – CITY HALL/FIREHOUSE MODIFICATIONS AND AUTHORIZING TRANSFER OF FUNDS

Ald. Carey introduced the following and **moved** its adoption:

WHEREAS, one bid was received for a project for modifications to be made to City Hall and the Firehouse; and

WHEREAS, associated project engineering services not to exceed \$69,600 were authorized by Resolution #51-2010 on July 27, 2010; and

WHEREAS, including estimated miscellaneous costs, the grand total project cost is estimated to be within \$360,000; and

WHEREAS, the Municipal Buildings Capital Project Fund has approximately \$275,000 in available funds remaining from previous completed projects and will require a transfer of \$85,000 from the Municipal Buildings Capital Reserves to meet the grand total estimated project cost; and

WHEREAS, the Finance/Personnel Committee has made certain recommendations; now, therefore be it

RESOLVED, that the bid for modifications to be made to City Hall and the Firehouse be awarded to the lowest qualified bidder meeting specifications, Wilcox Construction, Norwich, NY, in the amount of \$282,235.00; and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following transfer of funds:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR33-898	Capital Reserves - Municipal Buildings	\$85,000.00
<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
H36-5031	Capital Projects - Municipal Buildings	\$85,000.00

Seconded by Ald. Deierlein, and duly adopted, 6-0, on a roll call vote.

RESOLUTION #61-2010 **AUTHORIZING TRANSFER OF FUNDS FROM STORM SEWER CAPITAL RESERVES**

Ald. Carey introduced the following and **moved** its adoption:

WHEREAS, street stormwater drainage on Hillview Drive near the intersection with Sunset Drive has been inadequate, resulting in excessive runoff into adjacent property on the west side of Hillview Drive; and

WHEREAS, the Department of Public Works has previously attempted to alleviate such effects, but further work is required to more permanently remedy the situation; and

WHEREAS, funds for corresponding survey and engineering costs are required in order to accomplish the necessary work; and

WHEREAS, the Public Safety / Public Works and Finance / Personnel Committees have made certain recommendations; now, therefore be it

RESOLVED, that the Director of Finance be and hereby is authorized to make the following corresponding transfer of funds in the 2010 Wastewater Fund Budget up to the following amount:

<u>From:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR43-898	Capital Reserves - Storm Sewers	\$8,700.00
<u>To:</u>		
<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
G8140.4040	Storm Sewers - Repairs & Maintenance	\$8,700.00

Seconded by Deierlein, and duly adopted, 6-0, on a roll call vote.

RESOLUTION #62-2010 **ADOPTING PROPOSED ORDINANCE NO. (C) OF 2010 - PEDDLING AND SOLICITING**

Ald. Carey introduced the following and **moved** its adoption:

WHEREAS, the Common Council received proposed Ordinance No. (C) of 2010 on August 17, 2010, such ordinance to revise the Code as regards peddling and soliciting; and

WHEREAS, a public hearing was held on September 14, 2010, in connection with said proposed ordinance; and

WHEREAS, the Common Council moved to modify proposed Ordinance No. (C) of 2010 on September 14, 2010; now, therefore be it

RESOLVED, that Ordinance No. (C) of 2010, to revise the Code of the City of Norwich as regards peddling and soliciting, as presented to the Common Council on August 17, 2010 and modified by subsequent motion on September 14, 2010, be and hereby is adopted, and is hereby designated as Ordinance No. 3 of 2010.

Seconded by Ald. Deierlein and duly adopted, 6-0, on a roll call vote

ORDINANCE NO. 3
OF 2010

BE IT ORDAINED by the Common Council of the City of Norwich, New York, that Chapter 383, Peddling and Soliciting, be amended as follows:

§ 383-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

DESIGNATED AREAS -- Include specified areas in the City of Norwich which allow mobile food vendors for an extended duration between the hours of 8:00 a.m. through 11:00 p.m. without the need to move. The designated area shall be the size of two (2) parking spaces.

ESTABLISHED PLACE OF BUSINESS -- Includes a building or store in which or where the person transacts business and deals in the goods, wares or merchandise he hawks, peddles or solicits for during regular hours of business daily.

HAWKER, ~~and~~ PEDDLER, or VENDOR -- Includes any person, either principal or agent, who in any public street or public place, or by going from house to house or from place of business to place of business, on foot or on or from any vehicle ~~or animal~~, sells or barter, offers for sale or barter, or carries or exposes for sale or barter any goods, wares or merchandise and periodicals.

PERSON -- Includes one or more persons of either sex, natural persons, firms and corporations, and all other entities of any kind capable of being sued.

SOLICITOR -- Includes any person who goes from place to place or house to house or who stands in any street or public place taking or offering to take orders for goods, wares or merchandise or for services to be performed in the future, or for making, manufacturing or repairing any article or thing whatsoever for future delivery.

SPECIAL EVENT -- An event of specific, limited duration at which the sponsoring organization will have vendors.

SPECIAL EVENT DESIGNATION -- Granted by the Common Council upon written request of an organization sponsoring an event at which it will have vendors.

§ 383-2. License required.

It shall be unlawful for any person, except as provided in § 383-11 below, within the corporate limits of the City of Norwich, to act as a vendor, hawker, peddler or solicitor as herein defined without first having obtained and paid for, and having in force and effect, a license therefor.

§ 383-3. Application; bond.

Any person desiring to procure a license, as herein provided, shall file with the Director of Finance of the City of Norwich, New York, a written application upon a blank form provided by the Director of Finance and furnished by the City, and shall file at the same time satisfactory proof of good character. Such application shall give the number and kind of vehicles to be used by the applicant in carrying on the business for which the license is desired, the kind of goods, wares and merchandise he desires to sell or the kind of service he desires to perform, the method of distribution, the name, permanent and Norwich

addresses and age of the applicant, the name and address of the person, firm or corporation he represents, the length of time the applicant desires a license and such other information as may be required by the Director of Finance. Such application shall be accompanied by a certificate from the Sealer of Weights and Measures certifying that all weighing and measuring devices to be used by the applicant have been examined and approved. An application for a license as a solicitor who demands, accepts or receives a payment or deposit of money in advance of final delivery shall also be accompanied by a bond to the City of Norwich, New York, approved as to form and surety by the City Attorney in the penal sum of \$500 with sufficient surety or sureties of sufficient collateral security conditioned for making a final delivery of the goods, wares or merchandise ordered or services to be performed in accordance with the terms of such order, or failing herein that the advance payment of such order be refunded. Any person aggrieved by the action of any licensed solicitors shall have right of action on the bond for the recovery of money or damages, or both. Such bond shall remain in full force and effect, and in case of a cash deposit, such deposit shall be retained by the City of Norwich for a period of 90 days after the expiration of any license, unless sooner released by the Director of Finance. The requirement for a certificate of weights and measures and bond shall apply to those claiming any one of the exemptions under § 383-11.

§ 383-4. Issuance of licenses.

- A. Upon the filing of the application as provided in § 383-3, the Director of Finance shall, upon approval of said application by the Chief of Police, issue to the applicant a license as provided in § 383-2 hereof. Except as hereinafter provided, no license shall be refused expect for a specific reason and for the protection of the public safety, health, morale or the general welfare, or failure to produce other documents which the Common Council may require such as insurance certificates, sales tax information, etc.
- B. A license shall not be assignable. Any holder of such license who permits it to be used by any other person, and any person who uses such license granted to any other person, shall each be guilty of a violation of this chapter. All licenses ~~shall be issued~~ shall list the following information: license number; from a properly bound book with proper reference stubs kept for that purpose, numbered in the order in which they are issued, and shall state clearly the kind of vehicle, if any, to be used, and the kind of goods, wares or merchandise to be sold, or service to be rendered; the dates of issuance and expiration of the license; the fee paid; and the name ~~and address~~ of the licensee. Every licensee, while exercising his license, shall carry the license with him or her and shall exhibit the same upon demand.

§ 383-5. Fees.

The following fees shall be paid for the license hereinabove required:

- A. Where a vehicle or vehicles is or are to be used by the applicant, the fees shall be:
- (1) Designated area annual fee: as set by the Common Council; allows for the lease of one of the six designated spaces in the City where goods and services may be sold from a mobile unit without having to fulfill the requirement of movement every 10 minutes.
 - (a) All four of the downtown spaces are available for annual lease. ~~The designated spaces can be used by seasonal permit holders until the spaces are leased for annual fees.~~ Permits are nontransferable. Limit one designated space per vendor. The annual permit may be renewed by the same vendor. To assure renewal of the same space the vendor must renew by the last day of February of the licensing year.
 - (b) Designated spaces for annual lease are as follows:
 - [1] Northwest corner of East Side Park.
 - [2] Southeast corner of East Side Park.
 - [3] Northeast corner of East Side Park.
 - [4] Northeast corner of West Side Park.
 - (2) Designated area seasonal fee: as set by the Common Council; allows for the length of six months from the date of permit.
 - (a) Designated spaces for seasonal lease are as follows:
 - [1] Old Borden Avenue Road across from Weiler Park.

[2] Kurt Beyer Park, next to the Kurt Beyer Pool Filter House.

- (3) Standard (all others): fee as set by the Common Council; allows for a calendar year permit allowing a vendor to sell throughout the City of Norwich under the standard conditions, including moving every 10 minutes.
- (4) Any person using a vehicle may employ under the same license not more than one person to assist in selling and delivering, but such person shall so act only when accompanying a licensed hawker, peddler or solicitor and, when any additional persons are so employed, an additional license shall be required for each such additional person and the fee fixed in Subsection A(3) shall be paid therefor.

B. Where no vehicle is used by the applicant, the fee shall be:

- (1) Standard: as set by the Common Council; allows for a calendar-year permit allowing the vendor to sell throughout the City of Norwich.

C. Special events: as set by the Common Council; allows for a vendor to set up for a special event designated by the Common Council. A permit is required, whether the vendor is on public or private property, and is required in addition to any other permit issued under this chapter. Any vendor setting up in the area designated by the Common Council as the special event area is required to obtain a permit. There is no requirement to move every 10 minutes with this permit.

§ 383-6. ~~Markings on Vehicles.~~

~~The vehicle kept or used by a licensee in exercise of his license shall be marked on both sides with the number corresponding to the number of his license and the words "licensed vendor" in plain letters and figures at least two inches in height and of such color as to be plainly read at a distance of at least 10 feet.~~

Special Event Permit.

A. An organization requesting Special Event Designation must submit written request for such designation to the Common Council at least **two (2)** months prior to the event.

B. An organization granted special event designation must apply to the City for a Special Event Permit. The organization must provide the City with the following information for each Vendor or Company selling at the special event:

- (1) Name of Vendor/Company
- (2) Names of owner and all employees
- (3) Address of Vendor/Company
- (4) Address of owner, if different than that of Vendor/Company
- (5) Dates of birth of owner and all employees
- (6) Driver's license numbers for owner and all employees
- (7) Make, model, license plate number of vehicle used for selling, if any
- (8) Certifications, if applicable, for New York State sales tax, Chenango County food permit, weights and measures.

All requirements must be met before a Special Event Permit will be issued.

C. The license fees shall be as set by the Common Council on the fee schedule and as amended from time to time by resolution of the Common Council.

§ 383-7. Name and address on vehicle.

Every vehicle used by a licensed hawker, peddler or solicitor in or about his business shall have the name of the licensee and his address plainly, distinctly and legibly painted in letters and figures at least two inches in height in a conspicuous place on the outside of each side of every such vehicle, and such name and address shall be kept so painted plainly and distinctly at all times where such vehicle is in use during the continuance of the license.

§ 383-8. Enforcement.

The Code Enforcement Officer of the City of Norwich or a designee is hereby authorized to enforce the provisions of this chapter.

§ 383-9. Revocation of license.

The ~~Director of Finance~~ Chief of Police may, at any time, for a violation of this chapter or any other ordinance or any law, revoke the license. When a license shall be revoked no refund of any unearned portion of the license fee shall be made. Notice of such revocation and the reason or reasons therefor, in writing, shall be served upon the person named in the application by delivering the same to him or her personally or by mailing the same to the address given in the application; such revocation shall be immediately effective if served personally and shall become effective 24 hours after mailing if served by mail. Licenses obtained by fraud or misrepresentation of any material fact shall be wholly invalid and shall be surrendered upon demand; no refund of the license fee shall be made.

§ 383-10. Restrictions.

A. A hawker, peddler, vendor or solicitor shall:

- (1) Not falsely or fraudulently misrepresent the quantity, character or quality of any article offered for sale; or offer for sale any unwholesome, tainted or diseased provisions or merchandise.
- (2) Keep the vehicles and receptacles used by him or her in a clean and sanitary condition and the foodstuffs and edibles offered for sale well covered and protected from dirt, dust and insects.
- (3) Not blow a horn, ring a bell or use any other noisy device to attract public attention to his wares, or shout or cry his wares.
- (4) Not stand or permit the vehicle used by him or her to stand in one place in any street or public place for more than 10 minutes unless the vehicle has a permit for a designated area or special event.
- (5) Not create or maintain any booth or stand or place any barrels, boxes, crates or other obstructions upon any street or public place for the purpose of selling or exposing for sale any goods, wares or merchandise.
- (6) Not use any weighing or measuring device unless the same shall have been examined and sealed by the City Sealer of Weights and Measures.

B. Participants in the Norwich Business Improvement District (BID) Pushcart Program are hereby exempted from Subsection A(3), (4) and (5) above.

§ 383-11. Written statement of orders required.

A written statement of all orders taken by licensed solicitors who demand, accept or receive payment or deposit of money in advance of final delivery, setting forth the terms thereof, the amount paid in advance, the name of the solicitor and the name of the person or firm he represents, shall be given to the purchaser at the time the money is paid to or deposited with the solicitor.

§ 383-12. Exemptions; certificate of compliance.

A. Nothing in this chapter shall apply to sales conducted pursuant to statute or by order by any court, or to any persons selling personal property at wholesale to dealers in such articles. The licensing provisions of this chapter shall not apply to merchants having an established place of business within the City or their employees; to farmers and truck gardeners who themselves or through their employees vend, sell or dispose of the products of their own farms or gardens; to honorably discharged members of the Armed Forces of the United States properly exercising a license issued pursuant to the General Business Law, or to berry pickers who sell berries of their own picking; but all such persons shall observe the provisions of §§ 383-7 and 383-9 hereof, and shall provide the certificate of weights and measures and bond mentioned in § 383-3.

- B. This chapter also shall not apply so as unlawfully to interfere with interstate commerce, and to that end all persons claiming to be engaged in interstate commerce or claiming any of the exemptions hereinabove set forth shall apply to the ~~City Chamberlain~~ Director of Finance for a certificate of compliance, using the form of application described in § 383-3. The applicant shall also submit to the ~~City Chamberlain~~ Director of Finance satisfactory evidence that he is engaged in interstate commerce. When the applicant shall have established, to the satisfaction of the ~~City Chamberlain~~ Director of Finance, that he is engaged in interstate commerce, or is entitled to one or more of the above exemptions, the ~~City Chamberlain~~ Director of Finance shall issue to him or her, without charge, a certificate of compliance, stating, among other things, that such person has complied with the requirements of this section and has satisfactorily established that he is engaged in interstate commerce. Such certificate shall be carried with the person exercising it and shall be exhibited upon demand. Each such certificate shall be invalid after one year from its date of issue. The securing of any such certificate by fraud or misrepresentation by any person not in fact engaged in interstate commerce or entitled to one or more exemptions shall constitute a violation of this chapter.

§ 383-13. Penalties for offenses.

Failure to comply with the provisions of this chapter shall constitute a violation subject to a fine of not more than \$250 or imprisonment for not more than 15 days, or both, and each day's violation shall constitute a separate offense.

New Material is Underlined. Deleted Material is ~~struck through~~.

RESOLUTION #63-2010

AUTHORIZING PURCHASE OF FIRE VEHICLE AND TRANSFER OF FUNDS

Ald. Carey introduced the following and **moved** its adoption:

WHEREAS, a pressing need has developed for replacing the Fire Chief's vehicle, which has fallen into a state of disrepair; and

WHEREAS, such vehicle is no longer operational, and due to the nature of the Fire Chief's function, its replacement is required on an emergency basis as provided under Section 103 (4) of New York State General Municipal Law; and

WHEREAS, an opportunity exists to replace such vehicle with a new 2011 Chevrolet Tahoe 4WD at the approved State-bid price of \$25,890; and

WHEREAS, the Common Council has reviewed various options; now, therefore be it

RESOLVED, that the purchase of a 2011 Chevrolet Tahoe 4WD from Hoselton Chevrolet, Inc. of East Rochester, NY, at a price not to exceed \$25,890 is hereby approved; and further be it

RESOLVED, that the Director of Finance be and hereby is authorized to make a transfer in the 2010 General Fund Budget not to exceed the following:

From:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
HR32-898	Capital Reserves - Fire Equipment	\$25,890.00

To:

<u>Account Number</u>	<u>Name</u>	<u>Amount</u>
A3410.2100	Fire Department - Equipment	\$25,890.00

Seconded by Ald. Schermerhorn, and duly adopted, 6-0, on a roll call vote.

RESOLUTION #64-2010**AUTHORIZING RENEWAL OF DCMO BOCES PRINT SHOP CONTRACT**

Ald. Carey introduced the following and **moved** its adoption:

WHEREAS, the DCMO BOCES Print Shop Service is a plan of a number of public school districts in the Delaware-Chenango-Madison-Otsego BOCES area in New York, to jointly provide duplicating services through a centralized facility; and

WHEREAS, the City of Norwich is desirous of participating with other governmental entities in the Delaware-Chenango-Madison-Otsego BOCES area in the Service mentioned above as authorized by General Municipal Law, Section 119-o; and

WHEREAS, the Finance/Personnel Committee has made certain recommendations; now, therefore be it

RESOLVED, that the Common Council of the City of Norwich hereby appoints the Delaware-Chenango-Madison-Otsego BOCES Print Shop Service to represent it in all matters relating above; and, further be it

RESOLVED, that the Mayor be and hereby is authorized, under the direction of the City Attorney, to enter into an agreement with DCMO BOCES Print Shop Service for 2010/2011 to assume its share of the costs for duplicating costs; abide by majority decisions of the participating members; and abide by the terms and conditions of the Mutual Sharing Plan of the BOCES Board.

Seconded by Ald. Deierlein, and duly adopted, 6-0, on a roll call vote.

RESOLUTION #65-2010**DECLARING SURPLUS EQUIPMENT AND AUTHORIZING DISPOSAL**

Ald. Jeffrey introduced the following and **moved** its adoption:

WHEREAS, certain obsolete fire apparatus has been deemed to be surplus by the Fire Department; and

WHEREAS, the Finance/Personnel Committee has made certain recommendations; now, therefore be it

RESOLVED, that the following items, as presented to the Common Council, be and hereby are declared surplus:

Chief's Vehicle: 1999 Chevy Blazer VIN# 1GNDT13W6Y2236156

Alarm Truck: 1953 Dodge Power Wagon, Military ORD Stock# G2741-8358322

and, further be it

RESOLVED, that the Director of Finance be and hereby is authorized to dispose of such equipment as is provided for by law.

Seconded by Ald. Carey, and duly adopted, 6-0, on a roll call vote.

RESOLUTION #66-2010**APPROVING BRIDGE LOAN – NORWICH HOUSING AUTHORITY,
BROWN AVENUE HOUSING PROJECT**

Ald. Deierlein introduced the following and **moved** its adoption:

WHEREAS, the Norwich Housing Authority is in need of temporary bridge financing to pursue construction of a second unit at its Brown Avenue Homes project; and

WHEREAS, funds are available for eligible applicants through the City's Economic Development Revolving Loan Program; and

WHEREAS, the Finance/Personnel Committee has made certain recommendations; now, therefore be it

RESOLVED, that a bridge loan be and hereby is approved in the amount of \$90,000 to the Norwich Housing Authority; and, further be it

RESOLVED, that such loan shall be for a term not to exceed one (1) year at a fixed rate of 75% of prime and subject to all terms and conditions as specified by the Director of Finance.

Seconded by Ald. Bresina and duly adopted, 6-0, on a roll call vote.

Payment of September 2010 Bills Ald. Carey **moved** that the payment of the September 2010 bills be authorized subject to final audit and verification, and subject to subsequent ratification and approval of the detailed bill list at the October 2010 meeting. Seconded by Ald. Schermerhorn and duly adopted ayes all.

Adjournment

Ald. Schermerhorn **moved** to adjourn at 7:17 p.m. Seconded by Ald. Deierlein, accepted ayes all.