

VILLAGE OF TANNERSVILLE
LOCAL LAW # 43 OF 1992
REGULATION OF STREAMS AND WATERCOURSES

SECTION 1 PURPOSE

Pursuant to Section 4-412(3) (1) of the Village Law, a local law regulation the streams and watercourses within the Village of Tannersville is hereby adopted. It shall be the purpose of this law:

- (A) to regulate the construction of drains, culverts, pipes, ditches, sluices and other channels for the passage of water;
- (B) To regulate the filling, diverting or other altering of existing streams or water courses;
- (C) To remedy those conditions presently existing which constitute a flood hazard, in order to protect the property within the village from floods, freshets, and high waters.

SECTION 2 PROHIBITED ACTS

Unless authorized to do so by a valid permit issued by the Village Clerk, it shall be unlawful for any person, firm, corporation or entity to"

- (A) Place, deposit or permit to be placed or deposited, any debris, fill, sand, stone or other solid materials of any kind into any stream, ditch, culvert, pipe, watercourse or other drainage system;
- (B) Construct or place any ditch, pipe, culvert, or artificial watercourse of any kind or nature which shall collect and direct the flow of natural surface waters or drainage from paved surfaces, structures, roads or improvements directly into any stream, ditch, culvert, pipe, watercourse or other drainage system;
- (C) Fill, obstruct, dam, divert or otherwise change or alter the natural or artificial flow of waters or drainage or the intensity or quality of flow, through any stream, ditch, pipe, culvert, watercourse or other drainage system.

SECTION 3 PERMITS

- (A) All applications for permits shall be in writing on a form provided by the Village Clerk and accompanied by a plan.
- (B) All plans accompanying the above application shall show the site location together with sufficient topographical information to effect satisfactory and speedy review.
- (C) All applications for the proposed work shall include: the upstream watershed area; and the size of any channel sections, pipes or waterway openings associated with such proposed diversions or fillings.
- (D) Any and all proposed filling of streams or watercourses shall include plans for any bridges, culverts, storm-water or pipe drains of any nature or description which may be required to be constructed.

SECTION 4 PERMIT FEE

A fee of twenty-five dollars (\$25.00) shall accompany each application for a permit.

SECTION 5 COMMENCEMENT OF WORK

The Village Superintendent of Highways shall be notified at least twenty-four (24) hours in advance of the commencement of the work in order that provisions may be made for proper inspection thereof. Samples of material and every reasonable facility for ascertaining whether the work is in conformity with the provisions of this Local Law shall be furnished to the Village Superintendent of Highways as he may require.

SECTION 6 CORRECTION OF EXISTING CONDITIONS

All existing obstructions, dams, diversions, construction of any kind, deposits of debris, fill, sand, stone or other solid material, or other alterations or diversions of the natural flow of water or the intensity or quality of flow, through, across or to any stream, ditch, culvert, watercourse or other drainage system which:

- (A) Causes the inundation of real property, buildings or other premises; or
- (B) In the opinion of the Village Board constitutes an undue burden upon the drainage system or hampers the proper present or future course of development of the drainage system; or
- (C) In the opinion of the Village Board, present constitutes or in the reasonably foreseeable future will constitute a danger or hazard to the well-being, safety or general welfare of the residents of the Village or any property located therein; shall be removed or connected by the owners of the premises upon which said obstruction, dams, diversions, construction, deposits or other alterations of the natural flow of water are situated within sixty (60) days after written notice to remove or correct same from the Village Clerk, subject, however, to appeal by such owner by the Village Board within sixty (60) days of such notice.

SECTION 7 EXCLUSION

- (A) The prohibited acts and correction of existing conditions set forth in sections two and six hereof shall have no application to work done pursuant to the authority of an agency of the Village of Tannersville, the County of Greene, the State of New York, or the United States of America.
- (B) The provisions of sections three and four hereof shall not apply to any person, firm, corporation or entity authorized pursuant to an approved and filed subdivision map, building permit, or special permit carrying site development plan approval by the Village Board, Planning Board or Building Inspector.

SECTION 8 PENALTIES AND CORRECTIVE ACTION

- (A) Any person, firm, corporation or entity found to be violating any provisions of this Local Law shall be served with a written notice by the Village Clerk, stating the nature of the violation and providing a sixty (60) day time limit for the satisfactory correction thereof, subject to appeal of the Village Board within such sixty (60) days.
- (B) Any person, firm, corporation or entity who shall continue any violation beyond the time limit provided for in subdivision (A) shall be guilty of a violation, and upon conviction thereof be fined in an amount not to exceed two hundred fifty dollars (\$250.00) for each violation. Each week in which such condition shall continue shall be deemed a separate violation.
- (C) Any person, firm, corporation or entity violating any of the provisions of this Local Law shall become liable to the Village for any expense or loss or damage, occasioned the Village by reason of such violation.

SECTION 9 VALIDITY

The invalidity of any word, clause, sentence or provision of this Local Law shall not invalidate any other work, clause, sentence, provision or part thereof.

SECTION 10 EFFECTIVE DATE

This Local Law shall become effective upon filing with the Secretary of State.