

Legal Notice

Notice Of Adoption Of Village Building Ordinance

At a special meeting of the Board of Trustees of the Village of Andover held in the Village office, Thursday, December 13th, 1973, after a public hearing held as required by Law, of which due notice was published in the Andover News, the following Building Ordinance was adopted:

VILLAGE OF ANDOVER BUILDING ORDINANCE

Section 1. Application for permits.

- A. Before the construction or alteration of any building or structure, or any part of either is commenced, the owner or lessee or agent or either, the architect or builder employed by the owner or lessee in connection with the proposed construction or alteration, shall submit to the Board of Trustees a detailed statement of such plans and structural detail drawings of the proposed work, as the Board of Trustees may require, together with a sworn statement of the owner of the use or intended use of such building.
- B. All applications, notices and sworn statements required by this ordinance shall be presented to and kept on file in the office of the Village Clerk.
- C. Nothing in this ordinance shall prohibit the filing of amendments to any applications at any time before the completion of the work for which permit was sought, and such amendments, after approval, shall be made a part of the application and filed as such.
- D. Ordinary repairs to buildings or structures may be made without notice to the Board of Trustees.
- E. It shall be unlawful to complete or alter any building or structure, or any part thereof, until the application and plans required by the provisions of this Article shall have been approved by the Board of Trustees and a written permit issued by it.
- F. The Board of Trustees shall approve or reject any application or plan or amendment thereto, filed with it pursuant to the provisions of this Article, within a reasonable time, and if approved, shall promptly issue a permit therefor.
- G. Any permit issued by the Board of Trustees under the provisions of this Article but under which no work is commenced within one (1) year from the time of the issuance, shall expire by limitation.
- H. The Board of Trustees may reject any permit or approval issued under the provisions of this Article, in the case of any false statement or misrepresentation as to a material fact, in the application on which the permit or approval is based.
- I. The Board of Trustees may, by resolution, fix a charge or fee to be paid to the village by all applicants for permit issued under this ordinance.

Section 2. Nonconforming uses.

On and after the date when this ordinance shall take effect, a nonconforming building or use may be continued in such use, provided that no structural extension or addition thereto of more than one hundred percent (100%) of the existing cubical contents of the building shall be erected, and provided that such extension or addition shall be made in conformity with the provisions of Section 1 of this ordinance, pertaining to application for building permits.

Section 3. Reversion of use.

If a nonconforming building or use, existing at the time this ordinance shall become effective, is subsequently changed to a conforming use, or is destroyed by fire, explosion, Act of God, or the public enemy, to the extent of more than seventy-five percent

Legal Notice

(75%) of its assessed valuation, such building or use shall not again be altered or rebuilt, except in conformity with the rules and regulations of the district in which such building is located.

Section 4. Building Inspector.

The Board of Trustees, if it desires, may appoint a Building Inspector to assist in carrying out the provisions of this ordinance, and shall prescribe his powers and duties as such Inspector, and his compensation, if appointed, shall be a charge against the village.

Section 5. Board of Appeals.

- A. The Board of Trustees shall appoint a Board of Appeals of three (3) members, who may, but need not be Trustees, each to be appointed for three (3) years, and such Board of Appeals shall have all the powers and duties given and prescribed by Section 179-a of the Village Law of the State of New York.
- B. Where there are any practical difficulties in the way of carrying out the strict letter of any provision of this ordinance, or where unnecessary hardship would thereby result to the owners of property, the Board of Appeals shall have power in a specific case, after due notice and public hearing to vary any such provision in harmony with the general purpose and intent of this ordinance, so that the public health, safety and general welfare may be secured and substantial justice done, and to this end may permit, among other things:
 - (1) The granting in undeveloped sections of the village of temporary and conditional permits of not more than one (1) year's duration for structures and uses not permitted by this ordinance, but which are necessary to the development of such sections.
 - (2) The granting of special permits for the location within the village limits of a limited number of grocery stores, delicatessens and other similar businesses customarily found in residential sections, provided the location of such business does not interfere with the declared purpose of conserving property values in that locality, and provided that the building or structure from which said business is conducted is of approved modern design and equipment.
- C. The Board of Appeals shall have the power to reject and reverse any order, decision or approval of the Building Inspector.

Section 6. Amendments.

The Board of Trustees may from time to time, on its own motion or on petition, after public notice and hearing, amend, supplement or change the regulations and uses herein established, and adopt rules and regulations for the purpose of construing, interpreting and carrying into effect this ordinance.

Section 7. Violations and penalties.

- A. Every agent, architect, building, contractor, owner, tenant or other person, having charge of any building or lands, who commences, takes part in or assists in any violation of any of the provisions of this ordinance, or who constructs, maintains or uses any building or structure or premises, in, upon or by which any provision of this ordinance is violated, shall for each and every day that said violation continues, be subject to a fine of not more than one hundred dollars (\$100), and in addition thereto, any such violation of any of the provisions of this ordinance shall constitute disorderly conduct, and any person violating

Legal Notice

any provision of this ordinance or orders made pursuant thereto, shall be a disorderly person, and may be punished by a fine of not more than one hundred dollars (\$100) and each and every day a violation of this ordinance is committed to exist, shall constitute a separate offense, after receiving notice to cease or remedy such violation.

B. Whenever the Mayor of the village shall certify that any building or any part thereof, or any lands are being erected or used in violation of the provisions of this ordinance, the Village Attorney is authorized to institute all actions and proceedings, either legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this ordinance.

Section 8. Validity.

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

Section 9. Repeal of conflicting ordinances.

All ordinances and parts of ordinances heretofore passed which are in conflict with this ordinance, are hereby repealed.

Section 10. Effective date.

This ordinance shall take effect at twelve noon on the 21st day of December, 1973.

STATE OF NEW YORK
SS

COUNTY OF ALLEGANY
JOAN C. DIBBLE, VILLAGE CLERK OF THE VILLAGE OF ANDOVER, New York, does hereby certify that the foregoing is a true copy of an ordinance duly adopted by the Village Board of the Village of Andover on December 13, 1973 after a public hearing, being a Building Ordinance for the Village of Andover, County of Allegany, New York.

IN WITNESS WHEREOF, I have hereunto signed this certificate and attached the seal of the Village of Andover, N. Y. This ordinance shall take effect after publication.

Dated this 18th day of December 1973.

JOAN C. DIBBLE
Village Clerk
(SEAL) Village of Andover, N. Y.

Notice Of Adoption Of Flood Insurance Ordinance No. 1

At a special meeting of the Board of Trustees of the Village of Andover held in the Village Office, Andover, New York on Thursday, December 13th, 1973, after a public hearing held as required by Law of which due notice was published in the Andover News, the following Flood Insurance Ordinance No. 1 was adopted.

FLOOD INSURANCE ORDINANCE No. 1

WHEREAS, the Village of Andover, has adopted and is enforcing the Building Code, and

WHEREAS, Section No. 1 of the Building Code as adopted by the Village of Andover, prohibits any person, firm or corporation from erecting, constructing, enlarging, altering, repairing, improving, moving or demolishing any building or structure without first obtaining a separate building permit for each building or structure from the Building Inspector, and

WHEREAS, the Building Inspector must examine all plans and specifications for the proposed construction when application is made for a building permit, and

NOW, THEREFORE, BE IT RESOLVED by the Village Board of Trustees of the Village of Andover, as follows:

- 1. That the Building Inspector for the Village of Andover when reviewing applications for building permits, including the plans and specifications for the proposed construction, will review all building permit applications to determine if the proposed construction is consistent with the need to minimize flood damage.
- 2. That the Building Inspector shall review all building permit applications to determine if the

Legal Notice

site of the proposed construction is reasonably safe from flooding and to make recommendations for construction in all locations which have flood hazards.

3. That the Building Inspector in reviewing all applications for construction in flood hazard locations within the Village of Andover shall require that any such proposed construction must:

- (a) Be designed and anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding.
- (b) Use of construction materials and utility equipment that are resistant to flood damage.
- (c) Use of construction methods and practices that will minimize flood damage.
- (d) Provide adequate drainage in order to reduce exposure to flood hazards.
- (e) Locate public utilities and facilities on the site in such a manner as to be elevated and constructed to minimize or eliminate flood damage, such utilities and facilities including sewer, gas, electrical and water systems.

4. It is further resolved that the Building Inspector in reviewing all subdivision applications shall make findings of fact and determine if:

- (a) All such proposed developments are consistent with the need to minimize flood damage.
- (b) Adequate drainage is provided so as to reduce exposure to flood hazards.
- (c) Adequate drainage is provided so as not to increase the exposure to flood hazards of adjacent lands.
- (d) All public utilities and facilities are located elevated and constructed so as to minimize or eliminate flood damage, these utilities and facilities to include sewer, gas, electrical and water systems.

STATE OF NEW YORK
SS
COUNTY OF ALLEGANY:

JOAN C. DIBBLE, VILLAGE CLERK OF THE VILLAGE OF ANDOVER, NEW YORK, does hereby certify that the foregoing is a true copy of an ordinance duly adopted by the Village Board of the Village of Andover on December 13th, 1973, after a public hearing being a Flood Insurance Ordinance No. 1 for the Village of Andover, County of Allegany, New York.

IN WITNESS WHEREOF I have hereunto signed this certificate and attached the seal of the Village of Andover, N. Y. This ordinance shall take effect after publication.

Dated this 18th day of December 1973.

JOAN C. DIBBLE
Village Clerk
(SEAL) Village of Andover, N. Y.

Notice Of Adoption Of Flood Insurance Ordinance No. 2

At a special meeting of the Board of Trustees of the Village of Andover held in the Village Office, Andover, New York on Thursday, December 13th, 1973, after a public hearing held as required by Law, of which due notice was published in the Andover News, the following Flood Insurance Ordinance No. 2 was adopted.

FLOOD INSURANCE ORDINANCE NO. 2

WHEREAS, certain areas of the Village of Andover are subject to periodic flooding and mudslides from Dyke Creek and East Valley Creek, causing serious damages to residential properties within these areas; and

WHEREAS, relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968 as amended;

Legal Notice

and WHEREAS, it is the intent of this Board of Trustees of the Village of Andover to comply with land use and management criteria regulations as required in said act; and

WHEREAS, it is also the intent of this Board of Trustees of the Village of Andover to recognize and duly evaluate flood and mudslide hazards in all official actions relating to land use in the flood plain areas having special flood and mudslide hazards; and

WHEREAS, the Code Citations of any State enabling legislation and of any resulting county, city, town and village ordinance that authorizes this Village to adopt land use and control measures is State Law, Chapter 64;

NOW, THEREFORE, BE IT RESOLVED, that this Village Board of Trustees of the Village of Andover, hereby assures the Federal Insurance Administration that it takes the following legislative action:

- (1) Appoints the Village Planning Board with the responsibility, authority, and means to:
 - (a) Delineate or assist the Administrator, at his request in delineating the limits of the areas having special flood hazards on available local maps of sufficient scale to identify the location of building sites.
 - (b) Provide such information as the Administrator may request concerning present uses and occupancy of the flood plain.
 - (c) Maintain for public inspection and furnishing upon request, with respect to each area having special flood hazards, information on elevation (in relation to mean sea level) of the lowest floors of all new or substantially improved structures; and
 - (d) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map and identify flood plain or mudslide areas, and cooperate with neighboring communities with respect to management of adjoining flood plain and mudslide areas in order to prevent aggravation of existing hazards.
 - (e) Submit on the anniversary date of the community's initial eligibility, an annual report to the Administrator on the progress made during the past year within the community in the development and implementation of flood plain and mudslide area management measures.
- (2) Take such other official action as may be reasonably necessary to carry out the objectives of the program

BE IT FURTHER RESOLVED that the Village Board of Trustees of the Village of Andover hereby appoints the Building Inspector with the overall responsibility, authority and means to implement all commitments made herein.

STATE OF NEW YORK
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COUNTY OF ALLEGANY
JOAN C. DIBBLE, VILLAGE CLERK OF THE VILLAGE OF ANDOVER, NEW YORK, does hereby certify that the foregoing is a true copy of an ordinance duly adopted by the Village Board of the Village of Andover on December 13th, 1973, after a public hearing being a Flood Insurance Ordinance No. 2 for the Village of Andover, County of Allegany, N. Y.

IN WITNESS WHEREOF I have hereunto signed this certificate and attached the seal of the Village of Andover, N. Y. This ordinance shall take effect after publication.

Dated this 18th day of December, 1973.
JOAN C. DIBBLE
Village Clerk
(SEAL) Village of Andover, N. Y.