

Town of Vienna

Code Enforcement Office

2083 NYS Rte. 49, P.O. Box 250, North Bay, NY 13123

315-245-2191 Ext. 5 / E-mail: codesofficer@viennany.gov

Pool / Spa Building Permit Application

1. This application must be filled out in ink, typed or clearly printed and submitted to the Codes Office for review and approval.
2. Please contact the Code Enforcement Office to assure you have the proper setbacks for the zone in which your property is located.
3. Please allow up to 10 business days for review and approval of all applications.
4. A building (pool) permit is required for all pool and spa installations with the exception of pools that are not capable of containing 24 inches or more of water.
5. New York State law requires that all contractors maintain Workers Compensation and Disability Insurance for their workers. No permit will be issued unless proof of valid Workers Compensation and Disability Insurance is provided or if the contractor is exempt, a copy of form CE-200, to verify their exemption. If the owner-occupant is installing the pool they must submit form BP-1 which is included in this packet.
6. Pools shall be surrounded by a barrier. The top of the barrier must be at least 48 inches above grade measured on the side away from the pool. The maximum clearance between grade and the bottom of the fence shall be 2 inches and openings in the barrier shall not allow the passage of a 4-inch diameter sphere. The maximum mesh size for chain link fences shall be a 2 ¼-inch square.

Exceptions:

- Above ground pools where the pool structure is the barrier and is in compliance with the minimum height requirements for barriers.
 - Spas or hot tubs with a safety cover which complies with ASTM F 1346.
7. All gates shall be self-closing and shall open away from the pool. Gates shall be self-latching with the latch handle on the interior (pool) side of the enclosure at least 40 inches above grade. Gate shall be locked by key, combination or other child proof lock.
 8. Where a wall of a dwelling serves as part of the barrier one of the following must be met:
 - The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346
 - Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or screen, if present, are opened.
 9. Pools shall be equipped with a pool alarm complying with ASTM F 2208 (Standard Specification for Pool Alarms).

Exceptions:

- A hot tub or spa equipped with a safety cover which complies with ASTM F 1346.
- A swimming pool with an automatic power safety cover which complies with ASTM F 1346.

10. Work conducted pursuant to a building (pool) permit must be visually inspected by a Code Enforcement Officer and must conform with the documents submitted, the New York State Uniform Fire Prevention and Building Code and the laws of the Town of Vienna.
11. It is the owner's responsibility to contact the Code Enforcement Office at 315-245-2191 Ext. 6 at least 24 hours before any requested inspection. DO NOT PROCEED TO THE NEXT STEP OF CONSTRUCTION UNTIL INSPECTIONS HAVE BEEN COMPLETED. Otherwise, work may need to be removed at the owner's or contractor's expense to conduct the required inspection. Close coordination with the Code Enforcement Office will greatly reduce this possibility.
12. **A third-party electrical inspection is required prior to the issuance of a Certificate of Occupancy.**
13. **NO POOL SHALL BE OCCUPIED OR USED, IN WHOLE, OR IN PART, FOR ANY PURPOSE UNTIL A CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED BY THE CODE ENFORCEMENT OFFICE.**
14. The owner hereby agrees to allow the code enforcement officer to inspect the sufficiency of the work being done pursuant to this permit, provided however, that such inspections are limited to the work being conducted pursuant to this permit and any other non-work related violations which are readily discernable from such inspections.
15. The information above is only a brief summary of the code requirements for the installation of a swimming pool or spa. Full compliance with the New York State Fire Prevention and Building Code as well as all other federal, state or local laws is required prior to a Certificate of Occupancy being issued.
16. The fee for a pool permit is \$75.00.
17. If a deck is being erected in addition to the pool/spa, a separate building permit will be required.

Building Permit Application

(Swimming Pool, Spa, Hot Tub)

Town of Vienna

Permit #: _____	Fee: _____
Received by: _____	Date: _____
Official Use	

Tax Map # _____ **Property Zone:** _____

Address of proposed project _____

The site is: In a flood plain: Yes _____ No _____ A designated wetland: Yes _____ No _____

Applicant:

Name: _____
Address: _____
City/Town/Village: _____ State: _____ Zip: _____
Telephone: _____ Email: _____

Owner: (if different than applicant)

Name: _____
Address: _____
City/Town/Village: _____ State: _____ Zip: _____
Telephone: _____ Email: _____

Nature of Work:

_____ Above Ground Pool - Dimensions: _____ Wall Height: _____
_____ In Ground Pool - Dimensions: _____ Fence _____
_____ Hot Tub/ Spa _____

Lot Dimensions: _____ Lot Size: _____

Set Backs: Front: _____ ft. Right Side: _____ ft. Left Side: _____ ft. Rear: _____ ft.

Contractor:

Name: _____
Address: _____
City/Town/Village: _____ State: _____ Zip: _____
Telephone: _____ Email: _____

Electrician:

Name: _____
Address: _____
City/Town/Village: _____ State: _____ Zip: _____
Telephone: _____ Email: _____

Site Plan Drawing*
*See sample on next page
for instructions

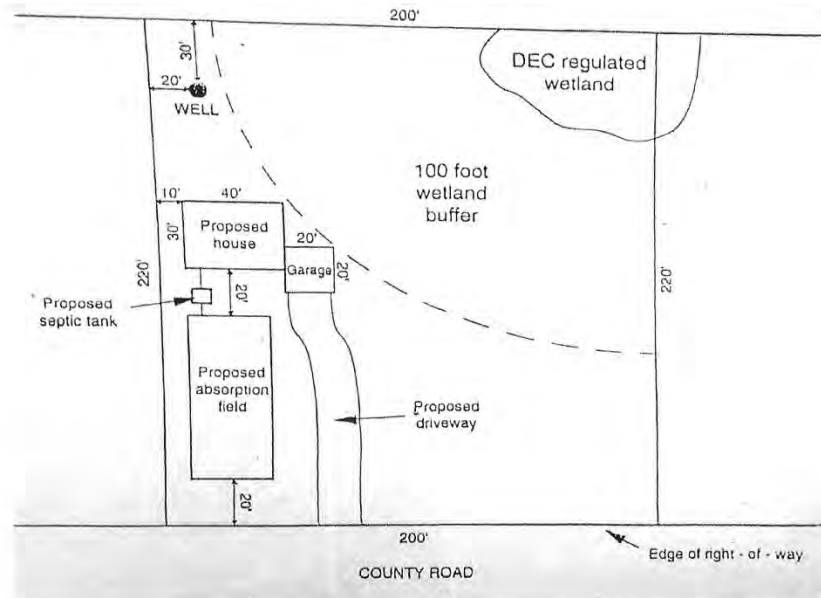


Please include:

- North arrow and scale
- Lot lines
- Existing and proposed buildings, dimensions and distance from lot lines
- Existing and proposed driveways and parking areas
- Existing and proposed roads
- Wetlands and buffer area
- Streams and floodplains
- Steep (unbuildable) slopes
- Existing and proposed water supply and sewage disposal facilities

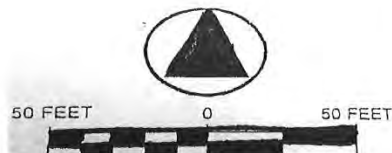
Additional drawings may be attached if needed

SAMPLE SITE PLAN*



* Elements that should be included on a site plan are:

- North arrow and scale
- Lot lines
- Existing and proposed buildings, dimensions, and distance from lot lines
- Existing and proposed driveways and parking areas
- Existing and proposed roads
- Wetlands and buffer area
- Streams and floodplains
- Steep (unbuildable) slopes
- Existing and proposed water supply and sewage disposal facilities
- Existing and proposed landscaping and storm water facilities (for large-scale projects only)



IMPORTANT NOTICES, PLEASE READ BEFORE SIGNING:

1. Work conducted pursuant to a building permit must be visually inspected by the Code Enforcement Officer or his designee and must conform to the documents submitted, the New York State Fire Prevention and Building Code and all applicable codes, rules and regulations.
2. It is the owner's responsibility to contact the Code Enforcement Office at 315-245-2191 at least 24 hours before any requested inspection. **DO NOT PROCEED TO THE NEXT STEP OF CONSTRUCTION UNTIL INSPECTIONS HAVE BEEN COMPLETED.** Otherwise, work may need to be removed at the owner's or contractor's expense to conduct the required inspections. Close coordination with the Code Enforcement Office will greatly reduce this possibility.
3. **THE OWNER HEREBY AGREES TO ALLOW THE CODE ENFORCEMENT OFFICER TO INSPECT THE SUFFICIENCY OF THE WORK BEING DONE PURSUANT TO THIS PERMIT, PROVIDED HOWEVER, THAT SUCH INSPECTIONS ARE LIMITED TO THE WORK BEING CONDUCTED PURSUANT TO THIS PERMIT AND ANY OTHER NON-WORK RELATED VIOLATIONS WHICH ARE READILY DISCERNABLE AS THE RESULT OF SUCH INSPECTIONS.**
4. New York State Law requires contractors to maintain Worker's Compensation and Disability Insurance for their employees. No permit will be issued unless a current, valid Worker's Comp and Disability Insurance certificate is included with this application. If the owner of a 1,2,3 or 4 family **owner occupied residence** is performing the work themselves, Form BP-1 (attached) may be completed and submitted.
5. Work undertaken pursuant to this permit is conditioned upon and subject to any state and federal regulations relating to asbestos materials.
6. The building permit card must be displayed so as to be visible from the street nearest to the site of work being conducted.
7. **NO POOL SHALL BE OCCUPIED OR USED, IN WHOLE OR IN PART, FOR ANY REASON,**
8. **UNTIL A CERTIFICATE OF OCCUPANCY HAS BEEN ISSUED.**

I hereby attest that I am the lawful owner or agent of the property described within and affirm under penalty of perjury that all statements made by me on this application are true.

Signature: _____

Date: _____

Print Name: _____

Title: _____

Action Taken:

This application has been: **Approved** _____ **Denied** _____

Reason for denial: _____

Date: _____

**LAWS OF NEW YORK, 1998
CHAPTER 439**

The general municipal law is amended by adding a new section 125 to read as follows:

125. ISSUANCE OF BUILDING PERMITS. NO CITY, TOWN OR VILLAGE SHALL ISSUE A BUILDING PERMIT WITHOUT OBTAINING FROM THE PERMIT APPLICANT EITHER:

1. PROOF DULY SUBSCRIBED THAT WORKERS' COMPENSATION INSURANCE AND DISABILITY BENEFITS COVERAGE ISSUED BY AN INSURANCE CARRIER IN A FORM SATISFACTORY TO THE CHAIR OF THE WORKERS' COMPENSATION BOARD AS PROVIDED FOR IN SECTION FIFTY-SEVEN OF THE WORKERS' COMPENSATION LAW IS EFFECTIVE; OR

2. AN AFFIDAVIT THAT SUCH PERMIT APPLICANT HAS NOT ENGAGED AN EMPLOYER OR ANY EMPLOYEES AS THOSE TERMS ARE DEFINED IN SECTION TWO OF THE WORKERS' COMPENSATION LAW TO PERFORM WORK RELATING TO SUCH BUILDING PERMIT.

Implementing Section 125 of the General Municipal Law

1. General Contractors -- Business Owners and Certain Homeowners

For businesses and certain homeowners listed as the general contractors on building permits, proof that they are in compliance with Section 57 of the Workers' Compensation Law (WCL) is **ONE** of the following forms that indicate that they are:

- ◆ insured (C-105.2 or U-26.3),
- ◆ self-insured (SI-12), or
- ◆ are exempt (CE-200),

under the mandatory coverage provisions of the WCL. Any residence that is not a **1, 2, 3 or 4 Family, Owner-occupied Residence** is considered a business (income or potential income property) and must prove compliance by filing one of the above forms.

2. Owner-occupied Residences

For homeowners of a **1, 2, 3 or 4 Family, Owner-occupied Residence**, proof of their exemption from the mandatory coverage provisions of the Workers' Compensation Law when applying for a building permit is to file form BP-1 (12/08).

- ◆ Form BP-1 shall be filed if the homeowner of a **1, 2, 3 or 4 Family, Owner-occupied Residence** is listed as the general contractor on the building permit, and the homeowner:
 - ◇ is performing all the work for which the building permit was issued him/herself,
 - ◇ is not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping the homeowner perform such work, or
 - ◇ has a homeowner's insurance policy that is currently in effect and covers the property for which the building permit was issued AND the homeowner is hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for the work for which the building permit was issued.
- ◆ If the homeowner of a **1, 2, 3 or 4 Family, Owner-occupied Residence** is hiring or paying individuals a total of **40 hours or MORE** in any week (aggregate hours for all paid individuals on the jobsite) for the work for which the building permit was issued, then the homeowner may not file the "Affidavit of Exemption" form, BP-1(12/08), but shall either:
 - ◇ acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit (the C-105.2 or U-26.3 form), OR
 - ◇ have the general contractor, (performing the work on the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit) provide appropriate proof of workers' compensation coverage, or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit.

Affidavit of Exemption to Show Specific Proof of Workers' Compensation Insurance Coverage for a 1, 2, 3 or 4 Family, Owner-occupied Residence

This form cannot be used to waive the workers' compensation rights or obligations of any party.

Under penalty of perjury, I certify that I am the owner of the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit that I am applying for, and I am not required to show specific proof of workers' compensation insurance coverage for such residence because (please check the appropriate box):

- ☐ I am performing all the work for which the building permit was issued.
- ☐ I am not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping me perform such work.
- ☐ I have a homeowners insurance policy that is currently in effect and covers the property listed on the attached building permit AND am hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for which the building permit was issued.

I also agree to either:

- ♦ acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if I need to hire or pay individuals a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit, or if appropriate, file a CE-200 exemption form; OR
- ♦ have the general contractor, performing the work on the 1, 2, 3 or 4 family, **owner-occupied** residence (including condominiums) listed on the building permit that I am applying for, provide appropriate proof of workers' compensation coverage or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit if the project takes a total of 40 hours or more per week (aggregate hours for all paid individuals on the jobsite) for work indicated on the building permit.

(Signature of Homeowner)

(Date Signed)

(Homeowner's Name Printed)

Home Telephone Number _____

Property Address that requires the building permit:

<i>Sworn to before me this _____ day of _____,</i>
<i>(County Clerk or Notary Public)</i>

Once notarized, this BP-1 form serves as an exemption for both workers' compensation and disability benefits insurance coverage.