



Town of Lenox / Village of Wampsville
Code Enforcement Office
205 S. Peterboro Street, Canastota, NY 13032
E-Mail: tolcodes@cnymail.com / www.lenoxny.com
Josh Stagnitti Code Enforcement Officer
315-697-5575 Fax: 315-697-5514

**SWIMMING POOLS, SPA'S & HOT TUBS
BUILDING PERMIT APPLICATION**

1. Project Location and Information

- a. Number and Street Address: _____
- b. Tax Map Number: _____
- c. Current use of premises: _____
- d. Proposed use of premises: _____

2. Owner Identification

- a. Owners name: _____
- b. Owners Address: _____
- c. Phone number: _____
- d. Email: _____

3. Type of Construction or Improvement (CHECK ALL THAT APPLY)

- Above Ground Pool In Ground Pool
- Spa Hot Tub
- Decking Barrier (Fencing)
- Electrical Pool Alarm

4. Description of project: _____

5. Estimated Project Cost: _____

Official Use Only

Date Received: _____		Received By: _____	
Special Review By: <input type="checkbox"/> ZBA	<input type="checkbox"/> Planning BD	<input type="checkbox"/> Historic Review	
Date Issued: _____	Approved By: _____		
PERMIT NUMBER: _____			

Designers and Contractors Information

1. **Architect or Engineer:**

2. **General Contractor:**

3. **Electrical Contractor:**

4. **Plumbing Contractor:**

5. **Mechanical Contractor:**

6. **Other Contractor:**

**MUST SUBMIT WORKERS COMPENSATION, DISABILITY INSURANCE
CERTIFICATES AND ACCORD SHEETS FOR ALL CONTRACTORS.**

NOTES:

IMPORTANT NOTICES: READ BEFORE SIGNING!

1. Work conducted pursuant to a building permit must be visually inspected by the Code Enforcement Officer and must conform to the documents submitted, New York State Uniform 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 697-5575 at least 48 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 owners or contractors 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 DISCERNIBLE FROM 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 currently valid Worker's Comp and Disability Insurance certificate is attached to this application. If the contractor believes that they are not required to have the described insurance then the contractor must complete form C-105.21, attached hereto.
5. If a certificate of occupancy is required, the structure shall not be occupied until such certificate has been issued.
6. Work undertaken pursuant to this permit is conditioned upon and subject to any state and federal regulations relating to asbestos materials.
7. The building permit card must be displayed so as to be visible from the street nearest to the site of the work being conducted.

I _____, the above named applicant, 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) x _____ Date: _____

(Print Name) _____

(Title) _____

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

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
- ◆ 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:

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

For **businesses 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 (C-105.21),

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(3/99).

- ◆ Form BP-1(3/99) 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(3/99), 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.

Requirements for Swimming Pool and Spa Alarms

Brief Summary of Requirements Swimming Pool and Spa Alarm:

Every swimming pool that is installed, constructed or substantially modified after December 14, 2006, must be equipped with an approved pool alarm which:

- is capable of detecting a person entering the water at any point on the surface of the pool and giving an audible alarm
 - to provide detection capability at every point on the surface of a swimming pool, it may be necessary to install more than one pool alarm
- is audible poolside and at another location on the premises where the swimming pool is located
- is not an alarm device which is located on a person, or which is dependent on a device located on a person for its proper operation
- meets ASTM F2208

Pool alarms are not required in:

- a hot tub or spa equipped with a safety cover
- a swimming pool equipped with an automatic power safety cover

Contact your local municipality for additional code and zoning requirements.

Barrier (Fence) Requirements for Outdoor Residential Swimming Pools

Brief Summary of Barrier Requirements for Outdoor Residential Swimming Pools:

- The barrier must completely surround the swimming pool and must obstruct access to the swimming pool.
- The barrier must be at least 4 feet (48 inches) high.
- In the case of an above-ground pool, the barrier may be at ground level or mounted on top of the pool structure; however, if the barrier is mounted on top of the pool structure, the space between the top of the pool structure and the bottom of the barrier cannot exceed 4 inches.
- A building wall can form part of the required barrier. However, where a wall of a dwelling serves as part of the barrier, at least one of the following requirements must be satisfied:
 - the pool must be equipped with a powered safety cover
 - all doors with direct access to the pool through that wall must be equipped with an alarm or other means of protection, such as self-closing doors with self-latching devices, which are approved by the governing body
- In the case of an above-ground pool, the pool structure itself can serve as a part of the required barrier, provided that the pool structure is sufficiently rigid to obstruct access to the pool. However, where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:

- the ladder or steps shall be capable of being secured, locked or removed to prevent access, or the ladder or steps shall be surrounded by a barrier
- when the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter sphere.
- Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barriers.

Contact your local municipality for additional code and zoning requirements.

Temporary Barriers

Brief Summary of Requirements for Temporary Barriers:

During the installation or construction of a swimming pool, the pool must be ENTIRELY enclosed by a temporary barrier. The temporary barrier may be a temporary fence, a permanent fence, the wall of a permanent structure, any other structure, or any combination of those. However, the temporary barrier must:

- be at least four (4) feet high
- prevent access to the swimming pool by any person not installing or constructing the pool
- remain in place until a permanent pool barrier is provided
- be replaced by a permanent pool barrier within either:
 - 90 days of the date of issuance of the building permit for the installation or construction of the swimming pool; or
 - 90 days of the date of commencement of the installation or construction of the swimming pool.

The code enforcement official may extend the time period to complete the permanent barrier for good cause, including, but not limited to, adverse weather conditions delaying construction.

There are some exceptions to the requirement for temporary pool barriers:

- Above-ground or on-ground pools where the pool structure itself serves as the barrier
- Spas or hot tubs with a safety cover, as long as the safety cover remains in place during the installation or construction
 - The safety cover can be removed temporarily for the installation or construction of the hot tub or spa if at least one person engaged in the installation or construction is present

Contact your local municipality for additional code and zoning requirements.

Entrapment Protection for Residential Swimming Pool and Spa Suction Outlets

According to the Consumer Products Safety Commission, there are an average of 283 drowning deaths and 2,700 emergency room visits related to swimming pools and spas involving children under the age of five each year. One

cause of drowning deaths and injuries is entrapment. Entrapment occurs when a person becomes caught in the strong suction in and around swimming pool and spa drains. In some instances, the suction force around drains is so strong that the bather cannot break free and either drowns or is fatally injured before being rescued.

Brief Summary of Requirements for Entrapment Protection for Residential Swimming Pool and Spa Suction Outlets:

- Suction outlets must be designed to produce circulation throughout the pool or spa
- Single outlet systems, such as automatic vacuum cleaner systems, or other such multiple suction outlets whether isolated by valves or otherwise must be protected against user entrapment

- **Suction Fittings:** All pool and spa suction outlets (except surface skimmers) must be provided with:
 - a cover that conforms with reference standard ANSI/ASME A112.19.8 *Suction Fittings for Use in Swimming Pools, Wading Pools, Spas, Hot Tubs, and Whirlpool Bathtub Appliances*, or
 - a drain grate that is 18 inches x 23 inches or larger, or
 - an approved channel drain system

- **Atmospheric vacuum relief system required:** All pool and spa single- or multiple-outlet circulation systems must be equipped with atmospheric vacuum relief should grate covers located in the pool become missing or broken
- The vacuum relief system needs to include at least one of the following two approved or engineered methods:
 1. Safety vacuum release system conforming to ASME A112.19.17; or
 2. An approved gravity drainage system

- **Dual drain separation:** Single or multiple pump circulation systems must have:
 - at least two of the approved type of suction outlets, and
 - a minimum horizontal or vertical distance of 3 feet between the outlets, and
 - the suction outlets piped so that water is drawn through them simultaneously through a vacuum-relief-protected line to the pump or pumps

- **Pool cleaner fittings:** Where provided, vacuum or pressure cleaner fittings shall be located in accessible positions at least 6 inches and not more than 12 inches below the minimum operational water level, or
- as an attachment to the skimmers