

FREQUENTLY ASKED QUESTIONS

BUILDING PERMITS

1. We are just removing sheet rock to insulate. Do we need a permit?
2. Does electrical work require a permit?
3. Does painting or wall papering need a permit?
4. Does an existing porch/deck need a building permit to replace the joists or posts that have decayed over time?
5. What doesn't need a permit?
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BUILDING PERMIT QUESTIONS

1. We are just removing sheet rock to insulate. Do we need a permit?

A: *Yes. Under New York State Building Code a Building Permit is required to ensure compliance of the insulation R value. Also, once a wall or ceiling is opened up, smoke alarms are required to be updated (Hard wired & Interconnected).*

2. Does electrical work require a permit?

A: *Yes. Electrical work of any kind requires an Electrical Permit.*

3. Does painting or wall papering need a permit?

A: *No. Painting, wallpapering, tiling, carpeting, or other similar finish work does not require a permit.*

4. Does an existing porch/deck need a building permit to replace the joists or posts that have decayed over time?

A: *Yes. Any structural alteration requires a permit. However repairs to non-structural components do not need a permit.*

5. What doesn't need a permit?

A: *Springwater Local Law 2 of 2006 exempts 7 specific situations from needing a permit. Even though a permit is not needed, all work must still conform to the New York State Code, and Code Enforcement may stop by and check on progress periodically.*

Here is the list of exemptions:

(1) Residential sheds. Construction or installation of *one story detached* structures used for tool and storage sheds, playhouses or similar uses may be exempted **IF** (i) the gross floor area does not exceed 120 square feet, **AND** (ii) they are associated with one-or two-family dwellings, or with multiple single-family dwellings (townhouses);

(2) Residential Playground Equipment. Installation of swings and other playground equipment associated with a one or two-family dwelling or multiple single-family dwellings (townhouses) are exempted;

(3) Residential Swimming Pools. Residential swimming pools associated with a one- or two-family dwelling or multiple single-family dwellings (townhouses) are exempted **IF** such pools are designed for a water depth of less than 24 inches. AND are installed entirely above ground;

(4) Residential Fences. Installation of residential fences which are not part of an enclosure surrounding a swimming pool are exempted;

(5) Nonresidential Farm Buildings, including barns, sheds, poultry houses used directly and solely for agricultural purpose;

(6) Finish Work. Painting, wallpapering, tiling, carpeting, or other similar finish work are exempted;

(7) Repairs. Repairs are exempted, provided that such repairs do not involve (i) the removal or cutting away of a load bearing wall, partition, or portion thereof, or of any structural beam or load bearing component; (ii) the removal or change of any required means of egress, or the rearrangement of parts of a structure in a manner which affects egress; (iii) the enlargement, alteration, replacement or relocation of any building system; or (iv) the removal from service of all or part of a fire protection system for any period of time.

6. I'm planning to do some minor excavation for a patio/fence/pool etc. I can just do that, right?

A: *Wrong! While Building Code Enforcement is usually only concerned with excavation for driveways, slabs, foundations, and deep water/gas/sewer/electrical lines, you still must contact Dig Safely New York at least 2 days in advance of starting excavation. Dig Safely New York will take down the information and contact the utilities that may have buried pipes or cables beneath the ground, and verify whether or not it is safe to dig. This is a free service paid for by utility companies.*

Dig Safely New York can be contacted by dialing 8-1-1. You can also find more information at their website: <http://www.digsafelynewyork.com/>

7: How do I request a Building Permit?

A: *You complete this application <http://townofspringwater.ny.org/content/Departments/View/4:field=documents;/content/Documents/File/171.pdf> and file it with the Department of Building and Fire Code Enforcement. Sometimes it's just easier to stop into the office and picking up a copy or calling to set up an appointment with the Code Enforcement Officer.*

The property must also be current on its local, school, and county taxes. If you are delinquent on your property taxes, we will not be able to process the application until the property is free of liens for any delinquent taxes.

Once you have submitted your application the Code Enforcement Officer shall review the application, and may schedule an inspection of your premises prior to the issuance of an Building Permit. Thereafter, subsequent inspections may be conducted depending on the nature of work to be done.

FIRE SAFETY / PROPERTY MAINTENANCE INSPECTIONS / OPERATING PERMITS

8: Do I need a Fire Safety and Property Maintenance Inspection?

A: *In general, residential one- and two-family dwellings, or with multiple single-family dwellings (townhouses) do not require Fire Safety I Property Inspections. Property owners may also request Fire Safety I Property Inspections from this office.*

The following types of buildings DO require either an annual or tri-annual Fire Safety and Property Maintenance Inspection.

(I) Buildings or structures which contain an area of public assembly.

(II) Buildings or structures being occupied as dormitories.

(III) All multiple dwellings not included in (I) or (II) above,

(IV) All non-residential buildings, structures, uses and occupancies not included in (I)(II) or (III) including the following occupancies (A, B, E, F, H, I, M, R, S and U)

9. How often do my building(s) need a fire safety Inspection?

A: *Buildings or structures that require a Fire Safety and Property Maintenance Inspection once every 12 months include buildings that contain an assembly occupancy "A"(such as Restaurants, Churches, Court rooms, Museums, Night clubs, Bars, Art galleries, Bowling alleys, Dance halls, Funeral parlors, Libraries, Pool and billiard parlors, Swimming pools, Arenas, Stadiums, Grandstands and Bleachers and similar areas that have an occupant load of 50 or more) and buildings or structures occupied as dormitories*

Otherwise, other buildings and multiple dwellings require a Fire, Safety and Property Maintenance Inspection once every 36 months.

10: How does a business request a Fire Safety Inspection?

A: *Contact the Code Enforcement office at (585) 447-0249 and ask to schedule a Fire, Safety and Property Maintenance Inspection.*

11: Are there any other times a Fire, Safety and Property Maintenance Inspection may/will/should be performed?

A: *Yes. A Code Enforcement Officer or an Inspector designated by the Code Enforcement Officer may perform a Fire, Safety and Property Maintenance Inspection of any building, structure, use, or occupancy, or of any dwelling unit, at any time.*

Usually, this occurs in one of three ways:

(1) Upon written request by the owner (or owner's agent) of the property to be inspected;

(2) When the Code Enforcement Office receives a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist; or

(3) When the Code Enforcement Officer receives any other information, reasonably believed by the Code Enforcement Officer to be reliable, giving rise to reasonable cause to believe that conditions or activities failing to comply with the Uniform Code or Energy Code exist.

An inspection may not be performed in any circumstance under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

12: What type of buildings or activity requires an Operating Permit?

A: *An Operating Permit is **REQUIRED** to when the building will be used for following activities:*

- Manufacturing, storing or handling hazardous materials in quantities exceeding those listed in Tables 2703.1.1 (1), 2703.1.1 (2), 2703.1.1 (3) or 2703.1.1 (4) in the publication entitled "Fire Code of New York State" and incorporated by reference in 19 NYCRR section 1225.1;*
- Hazardous processes and activities as defined by the Fire Code of the State of New York, including but not limited to, commercial and industrial operations which produce combustible dust as a byproduct, fruit and crop ripening, and waste handling;*
- Use of pyrotechnic devices, provided, however that such devices shall only be used outside and shall in no event be allowed to be used or operated indoors;*
- Buildings containing one or more areas of public assembly with an occupant load of fifty (50) persons or more; and*
- Buildings whose use or occupancy classification may pose a substantial potential hazard to public safety, as determined by the Fire Code of the State of New York;*
- Carnivals, fairs and other special events excluding one- and two-family occasions.*

13: How do I request an Operating Permit?

A: *You call to set up an appointment with the Code Enforcement Officer.*

The property must also be current on its local, school, and county taxes. If you are delinquent on your property taxes, we will not be able to process the application until the property is free of liens for any delinquent taxes.

Once you have submitted your application the Code Enforcement Officer shall review the application, and schedule an inspection of your premises prior to the issuance of an Operating Permit. Thereafter, subsequent inspections may be conducted at the time of the Fire Safety and Property Maintenance Inspections. required under Section 11, of Local Law 2 of 2006.

14: What if more than one activity needing an Operating Permit is conducted at the same location?

A: *In any circumstance in which more than one activity needing an Operating Permit is to be conducted at a location, the Code Enforcement Officer may require a separate Operating Permit for each such activity, or the Code Enforcement*

*Officer may, in his or her discretion, issue a single Operating Permit to apply to all such activities. Except that **Pyrotechnics Operating Permits** are valid for the day of the display(s) only and need to be separate from other Operating Permits.*

15: How long is my Operating Permit valid?

A: *Operating permits for an area of public assembly, or for buildings or structures that are being occupied as dormitories are good for twelve months. Operating Permits for multiple dwellings, all nonresidential buildings, structures, uses and occupancies are good for thirty-six months.*

Operating permits for pyrotechnic devices for carnivals, fairs and other special events (not including one- and two-family occasions) are issued only for the dates of the event.

16: How can an Operating Permit get revoked or suspended?

A: *If the Code Enforcement Officer determines that any activity or building for which an Operating Permit was issued does not comply with any applicable provision of the Uniform Code, then the Code Enforcement Officer may revoke or suspend the Operating Permit.*

17: Can an Operating Permit get extended or renewed?

A: *Yes. An Operating Permit may be reissued or renewed. In either case, an application must be submitted, the applicable fee paid, the application reviewed and approved by the Code Enforcement Officer, a site inspection conducted, and any/all other requirements satisfied.*

COMPLAINTS

18. What types of complaints does the Code Enforcement Office investigate?

A: *Code Enforcement Office is primarily concerned with complaints which assert the existence of conditions or activities that fail to comply with the Uniform Code, the Energy Code, Springwater Local Law 2 of 2006 (as amended), or any other local law or ordinance or regulation adopted for administration and enforcement of the Uniform Code or the Energy Code.*

In practical terms, this means that we are concerned with allegations of unsafe structures-structures that pose an imminent danger to life from fire, structural failure, environmental danger, and/or other hazardous conditions. These might include: unsafe building equipment; insanitary conditions; structures being used for purposes other than that which they were designed; structures in imminent danger of structural failure or collapse; structures which have partially or fully collapsed and occupation is hazardous,- situations where there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials; or the operation of defective or dangerous equipment. We also investigate poor workmanship and unsafe design during building construction, and buildings that have been built or altered unlawfully.

19: How do I file a complaint?

A: *To file a complaint, simply submit a written statement alleging that conditions or activities failing to comply with the Uniform Code or Energy Code exist. Or Contact the Code Enforcement Office and supply the following: Your name, Phone number where you can be reached, the nature of the complaint and how you are aware of the situation.*

If you are filing a complaint about the place you are living please provide the following: Your name, Phone number where you can be reached, the nature of the complaint and how you are aware of the situation, if you are receiving any government assistance the name and contact information for you case worker, if you are behind on any rent, the date you informed the land lord and if the notification was verbal or in writing.

20: What happens if a violation is found to exist?

A: *The Code Enforcement Officer will provide the owner of the affected property, and any other Person who may be responsible for the violation, with notice of the violation and an opportunity to abate, correct or cure the violation. If the violation constitutes an immediate hazard to life and safety, then the building or structure may be posted Uninhabitable or Condemned in addition to the violation notice being served on the responsible party (Tenant or Owner).*

21: What are the penalties for not correcting a violation?

A: *The Code Enforcement Officer is authorized to issue appearance tickets after the due date for the correction has passed, every opportunity is given to the responsible party to abate the violation prior to further legal action.*

The key is to work with our Office to correct the violation, not to ignore it.

Penalties for Violations.

Under Springwater's Local Law 2 of 2006, the penalty for violating the Uniform Code, the Energy Code is a penalty of up to a \$1000.00 fine, a sentence of up to fifteen (15) days in jail, or both, for each day that a violation continues.

Additional civil penalties of up to \$200 for each day or part thereof during which such violation continues, and other civil action to remedy the violation are also possible.

All of these penalties are in addition to any penalties provided for under State law.

