# VILLAGE OF NORTHPORT

Department of Building, Housing & Code Compliance

224 Main Street
Northport, NY 11768
(631) 261-4145

## PERMIT APPLICATIONS WILL NOT BE ACCEPTED WITHOUT THE FOLLOWING DOCUMENTS:

| ITEM | DATE | Applicant Initials | Village Rep. Initials |
|---|---|---|---|
| Copy of Tax Bill or Deed | | | |
| New Building Permit Application | | | |
| Section/Block/Lot | | | |
| Description of Work | | | |
| Square Footage of Work | | | |
| Estimated Cost of Construction | | | |
| Applicant Signature Notarization | | | |
| Survey of Existing Property – 3 copies | | | |
| Plans by Architect or PE – 3 sets | | | |
| ZBA or Planning Board Approval, If Required | | | |
| Architectural Review Board, if Required | | | |
| DEC, FEMA-if Required (Flood Plain Areas) | | | |
| Health Department Approval (New Houses) | | | |

* * * * * * *

## CONTRACTOR INSURANCE REQUIREMENTS

Contractor's Insurance Certificates Required naming Inc. Village of Northport as additionally insured:

General Liability - $2M - $1M
Workmen's Comp. & Disability – ACORD Forms Not Accepted

**Inc. Village of Northport**
**BUILDING, HOUSING & CODE ENFORCEMENT DEPARTMENT**
**224 Main Street (631) 261-4145 Northport, NY 11768**

# BUILDING PERMIT APPLICATION
# INSTRUCTIONS FOR FILING

**Building Permit Application.** To be filled out **completely** in duplicate and in accordance with *the Code of the Inc. Village of Northport (hereafter 'the Code'), Chapter 106 "Building Construction", Section 106-6 'Permits required.'B. Application. (1)-(4).* See attached.
**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.**

**Fee Schedule.** Calculation for all construction set forth in *the Code, Chapter 147, "Fees".* See attached.
**FEES ARE DUE AND PAYABLE UPON SUBMISSION OF APPLICATION.**

**Survey.** Submit one (1) copy of the existing guaranteed survey of the property. Suffolk County Tax Map Number and date must be clearly represented on survey.

**Plans Submission.** As per *the Code, Chapter 106, Section 106-6, C. 'Plans required.' (1)(a)-(h) & (2).* See attached. Three (3) sets of plans and specifications sheets required. (**FOLDED**–rolled plans will not be accepted.)
**Site location of intended structure to be shown on plans.**
**DEFICIENT SUBMISSIONS WILL CAUSE ENTIRE APPLICATION TO BE RETURNED.**

**Health Department Approval.** Board of Health Approval to construct **required prior to the issuance of the building permit** for new underground sewage disposal systems.

**Foundation Survey.** Two (2) copies of foundation survey by a registered professional land surveyor or engineer submission/approval required **before** commencement of framing. As per *the Code, Chapter 106, Section 106-6 C(3).* See attached.

**Steep Slope Applications.** Where natural terrain has a natural slope of 10% or greater, a Steep Slope Permit must be filed and approved by the Planning Board. Application as per *the Code, Chapter 106, Section 106-6 C.(4)* (see attached); *and Chapter 219, "Planning Board", Section 219-25 thru 31.* (Copy upon request.)

**Retaining Walls.** Walls exceeding 3'-0" in height require a separate building permit, as per *the Code, Chapter 106, Section 106-6 C(4)(b)[1, 3, & 4].* See attached.

**Insurances.** Proof of Liability Insurance, Workman's Compensation, and N.Y.S. Disability required prior to issuance of building permit, as per *the Code, Chapter 247, Section 247-8.* See attached.

**Storm Drainage.** *The Property Maintenance Code of New York State, Chapter 5, Section 507, 'Storm Drainage'* mandates that **drainage of all open surfaces causing runoff shall not be discharged in a manner that causes a public nuisance. THIS INCLUDES CONTENTS OF SWIMMING POOLS!** Therefore, drywells are to be installed as required. All surfaces causing storm water runoff are to be drained into a separate storm sewer system (drywell) as per *the Plumbing Code of New York State, Chapter 11, Sections 1101 through 1113.* (See attached for formulas and requirements for drywell sizing.)

**Tax Assessment.** **Be advised that the Northport Assessor's Office is notified upon permit issuance. The appropriate property tax increase shall be levied a year from the date of commencement of work.**

**Property Owner/Permit Bearer Responsibility.** The above-listed outline is provided as a guide for filing of building permit applications only. **The property owner/permit bearer is responsible for ALL stipulations, rules, and ordinances as stated in *the Code, Chapter 106, Article I, Sections 106-1 through 106-26.*** (See attached.) It is

**Inc. Village of Northport**
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# FILING INSTRUCTIONS FOR SWIMMING POOL CONSTRUCTION

**Building Permit Application.** Fill out in entirety including Section Block Lot, Owner's information, Applicant's information (if different), Scope of Work including type of construction.
**INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.**

**Permit Fee.** Supply square footage of proposed construction and estimated cost.
**FEES ARE DUE AND PAYABLE UPON SUBMISSION OF APPLICATION.**

**Notarization.** Applicant's signature to be notarized.

**Survey.** Submit (1) copy of current guaranteed property survey.

**Survey/Site Plan.** (3) copies of survey or site plan showing:
- proposed swimming pool construction drawn to scale
- location of proposed pool enclosure.
- all setback distances from property lines, dwelling, and other accessory structures.
- design and location of proposed drainage.

**Insurances.** Proof of Liability Insurance Workman's Compensation, and N.Y.S. Disability required prior to issuance of building permit, as per *the Code, Chapter 247, Section 247-8.* See attached.

**Storm & Runoff Drainage.** *The Property Maintenance Code of New York State, Chapter 5, Section 507, 'Storm Drainage'* mandates that drainage of all open surfaces causing runoff shall not be discharged in a manner that causes a public nuisance. **THIS INCLUDES CONTENTS OF SWIMMING POOLS!** Therefore, drywells are to be installed as required. Design of drywell storage capacities shall be as per *the Plumbing Code of New York State, Chapter 11, Sections 1101 through 1113.* (See attached for formulas and requirements.)

**Temporary Swimming Pool Enclosures.** All pool excavations and construction, prior to issuance of certificate of occupancy, must be enclosed at all times as per *the Code, Chapter 264, 'Swimming Pools', Section 264-3, Temporary enclosure.* See attached.

**Permanent Swimming Pool Enclosures.** All swimming pools shall be provided with an enclosure **that surrounds the pool and accessory equipment ONLY**, as per *the Code, Chapter 264, 'Swimming Pools', Sections 264-1 through 264-4.* See attached.
**THIS REQUIREMENT IS MANDATORY AND NOT MERELY DIRECTORY!!!**

FEES



**CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v32 Updated 11-15-2008 / PART II GENERAL LEGISLATION / Chapter 147, FEES / § 147-1 Listing of fees from Code sections. [Amended 2-1-2000 by L.L. No. 2-2000; 2-1-2000 by L.L. No. 4-2000; 12-12-2000 by L.L. No. 22-2000; 3-5-2002 by L.L. No. 2-2002; 7-16-2002 by L.L. No. 12-2002; 6-3-2008 by L.L. No. 2-2008]**

**§ 147-1 Listing of fees from Code sections. [Amended 2-1-2000 by L.L. No. 2-2000; 2-1-2000 by L.L. No. 4-2000; 12-12-2000 by L.L. No. 22-2000; 3-5-2002 by L.L. No. 2-2002; 7-16-2002 by L.L. No. 12-2002; 6-3-2008 by L.L. No. 2-2008]**

Specific fees from particular Code sections are as follows:

| Location in Code | Subject | Fee |
|---|---|---|
| **Chapter 106, Building Construction, Article I, Administration and Enforcement** | | |
| § 106-11B | Building permit fees: For each building estimated to cost up to and including $1,000 | $25 |
| | For each additional $1,000 of estimated value or fraction thereof | $10 |
| | Fee when such building permit is applied for regarding work previously done without a permit, which was required to have been subject to a permit when done | Three times the building permit fee that would be due for such work at the time of application |
| § 106-11C | Method of estimating cost: For each and all square feet of floor area for stores, gas stations, office buildings, multiple dwellings, places of public assembly, municipal buildings, assembly halls, clubhouses and factories | $50 |
| | For each square foot of a one-story dwelling or a first-floor addition to a one-story dwelling | $100 |

| Location in Code | Subject | Fee |
|---|---|---|
| | For each square foot of each floor of a split-level, one-and-one-half-story-high ranch or two-story building and dwelling buildings; also dormers, unfinished-type factories, commercial storage buildings and passive solar installations | $60 |
| | For garages, roofed terraces, carports, storage spaces, utility spaces (all when attached to dwellings); also unfinished cellars, outside docks, accessory sheds covering an area of 200 feet or more and vinyl in-ground pools | $20 per square foot |
| § 106-11D | The maximum fee for new construction or alterations of public buildings or buildings for religious, hospital, educational, patriotic or veterans' purposes on property exempted upon the latest Village assessment roll from taxation for general Village purposes and owned by a corporation or association organized exclusively for such purposes | $10 |
| § 106-11E | Other fees: | |
| | For amending plans for which a building permit has been issued | $20 |
| | Permit to demolish a building unless said demolition is a necessary part of an alteration for which a permit | $25 |
| | has been issued Permit to move a building | $50 |
| | Certificate of completion | $25 |
| | Certificate of occupancy or temporary certificate of occupancy | $25 |

| Location in Code | Subject | Fee |
|---|---|---|
| | Duplicate certificate of occupancy | $25 |
| | Certificate of use or change of occupancy for commercial use | $50 |
| | Letter in lieu of a certificate of completion and occupancy | $25 |

| VILLAGE OF NORTHPORT | | | | | ZONING REQUIREMENTS | | | | | | | | | CODE SECTION 306-22 & 306-23 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| BUILDING LOTS | | | | | YARDS | | | BUILDINGS | | ACCESSORY BUILDINGS | | | | |
| DISTRICT | LOT DEPTH | LOT AREA | MIN. ST. FRONT | LOT WIDTH | FRONT DEPTH | REAR DEPTH | SIDE MIN/TOTAL | ** HEIGHT | %¤ LOT AREA | *** SIDE | *** REAR MIN/TOTAL | HEIGHT | MAX. ACCESS. WITH ROOF | FRONT |
| Res. A | 200' | 43,560 | 140' | 175' | 65' | 60' | 35'/75' | 30' | 12% | 12' | 2'/4'* | 15' | 800 sq. ft. | **50' or back of main bldg. whichever is greater except garage may be at set-back line and greater side yard** |
| Res. B | 175' | 21,780 | 100' | 125' | 50' | 50' | 30'/60' | 30' | 15% | 10' | 2'/4'* | 15' | 800 sq. ft. | |
| Res. C | 125' | 14,520 | 80' | 100' | 35' | 40' | 18'/40' | 30' | 20% | 7' | 2'/4'* | 15' | 650 sq. ft. | |
| Res. D | 100' | 8,500<br>5,000 | 70' | 85'<br>50' | 25' | 35'<br>20' | 12'/24' | 30' | 22% | 5' | 2'/4'* | 15' | 500 sq. ft. | |
| | | | | | | | | | | | | | | |
| Bus. A | | 4,000, | 30' | | 20' | 15% | 10'one side | 2.5 story 35' | 40% | | | 35' | | |
| Bus. B | | 7,500 | 50' | | 20' | 15% | 10'one side | 2-story 30' | 40% | | | 30' | | |
| Bus. C | | 12,000 | 75' | | 0 | 0 | 0 | not in code | 50% | | | 25' | | |
| Neigh'D | | 7,500 | 50' | | 30' | 15% | 10'one side | 2-story 30' | 30% | | | 30' | | |
| Highway | | 7,500 | 50' | | 10' | 15% | 10'one side | 2-story 30' | 30% | | | 30' | | |
| Marine | | 7,500 | 50' | | 50' | 15% | 10'one side | 2-story 30' | 30% | | | 30' | | |

***if wood frame or other combustible material**
****see the definition of height in the Village Code**
***** swimming pool minimum 10' from all sides or rear yard**
**% lot coverage: calculate using primary and accessory structures, decks, raised patios and pools.**

**¤ LOT COVERAGE: lots under 8500 square feet in all districts: 25% of lot size but not to exceed a foot print of 1870 sq. ft.**

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# ZONING ANALYSIS - MANDATORY!

## SITE AND ZONING DATA

| ZONING REQ. - RES "D" | | EXISTING CONDITIONS | PROPOSED CONDITIONS |
|---|---|---|---|
| LOT AREA MIN. | 8,500 SQ. FT | 14, 213 SQ. FT .33 ACRES | 14, 213 SQ. FT .33 ACRES |
| LOT FRONTAGE MIN. | 70 FT. | 82. 55 FT. | 82. 55 FT. |
| FRONT YARD SETBACK | 25 FT. | 26.0 FT. | 22. 5 FT. |
| REAR YARD SETBACK | 35 FT. | 107. 3 FT. | 94. 3 FT. |
| SIDE YARD SETBACK | 12 FT. | 11. 4 FT. & 19. 2 FT. | 11. 4 FT. & 6. 9 FT. |
| TOTAL @ BOTH SIDES | 24 FT | 30. 6 FT. | 18. 3 FT. |
| FIRST FLOOR | | 961 S.F. | 1, 428 S.F. |
| SECOND FLOOR | | 652 S.F. | 793 S.F. |
| TOTAL AREA | | 1,613 S.F. | 2, 221 SF. |
| MAX. LOT COVERAGE | 22% | 1, 026 S.F. 7 % | 1, 509 S.F. 10. 6 % |
| MAXIMUM HEIGHT | 30 FT. | ± 24 FT. | ± 24 FT. |
| LANDSCAPE AREA | n/a | n/a | n/a |
| | | | |

*TOWN OF HUNTINGTON*

*VILLAGE OF NORTHPORT*

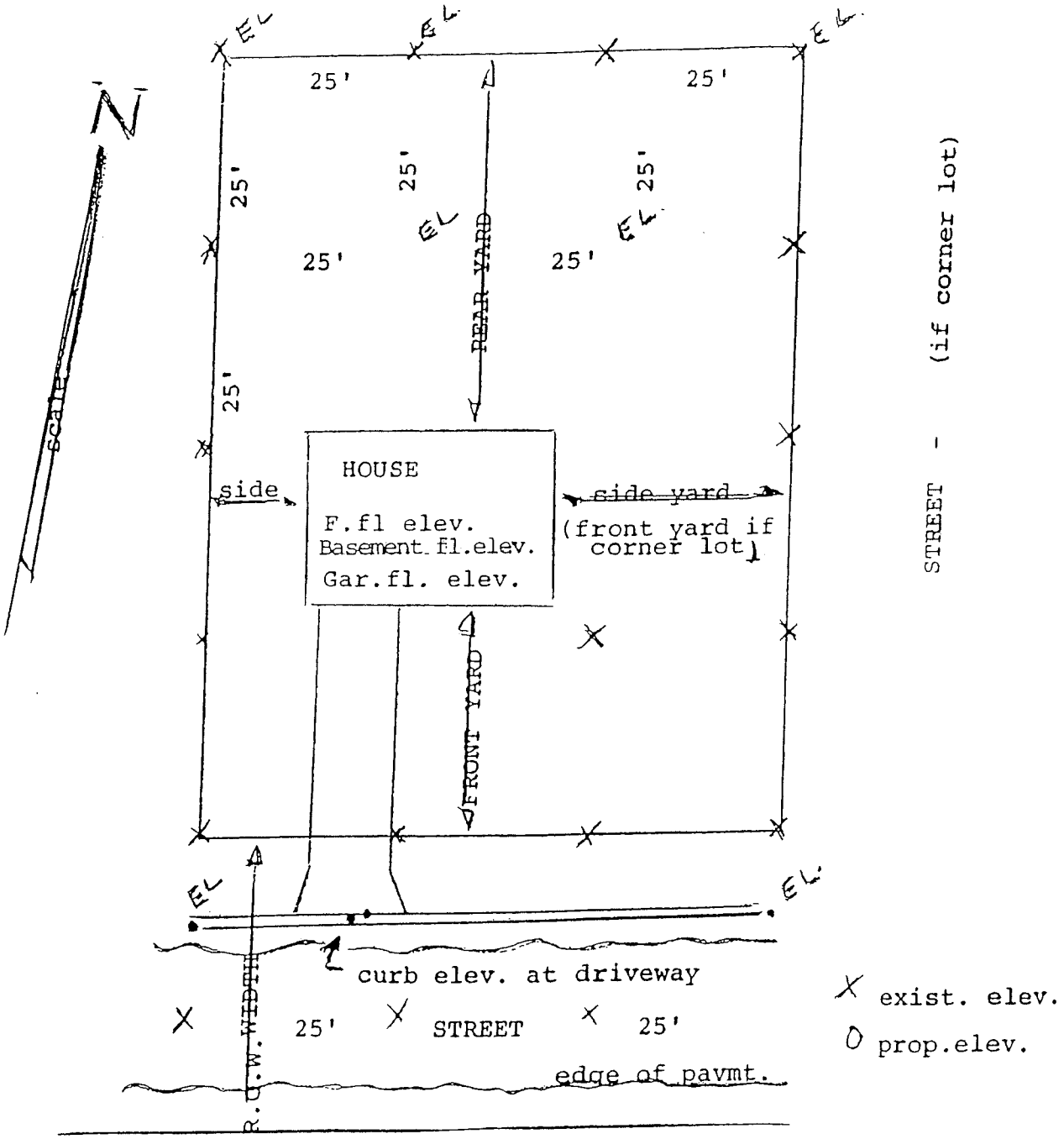
*S.C.T.M. 0404 - 013 - 02 - 007*

*INFORMATION TAKEN FROM SURVEY*

# VILLAGE OF NORTHPORT

INCORPORATED 1894

NORTHPORT, NEW YORK 11768



**CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v32 Updated 11-15-2008 / PART II GENERAL LEGISLATION / Chapter 219, PLANNING BOARD / ARTICLE IV, Approval of Site Plans [Amended 11-6-1963; 3-17-1976 by L.L. No. 2-1976; 12-21-1976 by L.L. No. 16-1976; 9-6-1977 by L.L. No. 17-1977; 8-5-1980 by L.L. No. 6-1980; 10-3-1989; 8-17-1999 by L.L. No. 12-1999; 4-17-2001 by L.L. No. 4-2001; 11-6-2006 by L.L. No. 10-2006] / § 219-24. Liability insurance.**

**§ 219-24. Liability insurance.**

A. Prior to the issuance of the building permit, the owner shall obtain a public liability policy in an amount commensurate with the size, degree of difficulty of construction and risks inherent in the construction of the proposed building or alteration, as determined by the Planning Board, but at a minimum, the insurance requirements for independent contractors obtaining a permit to work within the Village shall be as set forth below. The Village shall be named as additional insured on this policy.

B. The contractor shall maintain at a minimum the following giving evidence of same to the owner in the form of certificates of insurance or copies of policies. The insurance carrier must be New York State licensed carrier with A.M. Best Rating of at least A IX. All subcontractors must adhere to workers' compensation, comprehensive liability, umbrella liability and auto liability and provide 30 days' notice of cancellation or material change.

(1) Worker's compensation and New York State disability:

(a) Coverage: statutory.

(b) Extensions:

[1] Voluntary compensation.

[2] All states coverage employers.

[3] Employers liability: unlimited.

(2) Commercial general liability:

(a) Coverage, occurrence: 1988 ISO or equivalent.

(b) Limits:

[1] General aggregate: $2,000,000.

[2] Products-Comp/Ops Aggreg.: $1,000,000.

[3] Personal and advert. injury: $1,000,000.

[4] Each occurrence: $1,000,000.

[5] Fire damage (any one fire): $50,000.

[6] Medical expenses (any one person): $5,000.

[7] Or such other limits as may be set from time to time by the Board of Trustees.

(c) Additional insured: municipality using ISO form CG2012 or equivalent.

(d) Special: hold harmless as per sample or equivalent.

(3) Automobile insurance:

(a) Coverage: standard New York policy insuring all owned, hired and nonowned vehicles.

(b) Limits (minimum limit): $1,000,000 CSL.

(c) Additional insured: municipality.

(d) Or such other limits as may be set from time to time by the Board of Trustees.

(4) Umbrella liability (recommended):

(5) Sample hold-harmless agreement/contractor. The contractor shall indemnify and hold the municipality harmless against any claim of liability or loss including the cost of defense for personal injury or property damage resulting from or arising directly or indirectly out of or resulting from the permit holders operations within the municipality, including losses arising out of the negligent acts or omissions of the contractor, its servants or agents, and any subcontractors, its servants or agents.

# Certificate of Attestation of Exemption
## From New York State Workers' Compensation and/or Disability Benefits Insurance Coverage

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

The applicant may use this Certificate of Attestation of Exemption **ONLY** to show a government entity that New York State specific workers' compensation and/or disability benefits insurance is not required. The applicant may **NOT** use this form to show another business or that business's insurance carrier that such insurance is not required.

**Please provide this form to the government entity from which you are requesting a permit, license or contract. This Certificate will not be accepted by government officials one year after the date printed on the form.**

| In the Application of (Legal Entity Name and Address): | Business Applying For: BUILDING PERMIT |
|---|---|
| **JOHN SMITH**<br>**123 MAIN STREET**<br>**ALBANY, NY 12207**<br>**111-111-1111**<br>**Federal ID Number: XXXXX6789** | **From: CITY OF ALBANY, DEPT OF BUILDING AND CODES**<br>The location of where work will be performed is<br>**123 ACME AVENUE, ALBANY, NY 12203.**<br>Estimated dates necessary to complete work associated with the building permit are from **October 14, 2008 to March 31, 2009.**<br>The estimated dollar amount of project is **$25,001 - $50,000** |

**Workers' Compensation Exemption Statement:**

The above named business is certifying that it is **NOT REQUIRED TO OBTAIN NEW YORK STATE SPECIFIC WORKERS' COMPENSATION INSURANCE COVERAGE** for the following reason:

The business is owned by one individual and is not a corporation. Other than the owner, there are no employees, day labor, leased employees, borrowed employees, part-time employees, unpaid volunteers (including family members) or subcontractors.

**Disability Benefits Exemption Statement:**

The above named business is certifying that it is **NOT REQUIRED TO OBTAIN NEW YORK STATE STATUTORY DISABILITY BENEFITS INSURANCE COVERAGE** for the following reason:

The business is owned by one individual or is a partnership (LLC, LLP, PLLP or a RLLP) under the laws of New York State and is not a corporation; or is a one or two person owned corporation, with those individuals owning all of the stock and holding all offices of the corporation (in a two person owned corporation, each individual must be an officer and own at least one share of stock) or is a business with no NYS location. In addition, the business does not require disability benefits coverage at this time since it has not employed one or more individuals on at least 30 days in any calendar year in New York State. (Independent contractors are not considered to be employees under the Disability Benefits Law.)

I, JOHN SMITH, am the Sole Proprietor with the above-named legal entity. I affirm that due to my position with the above-named business I have the knowledge, information and authority to make this Certificate of Attestation of Exemption. I hereby affirm that the statements made herein are true, that I have not made any materially false statements and I make this Certificate of Attestation of Exemption under the penalties of perjury. I further affirm that I understand that any false statement, representation or concealment will subject me to felony criminal prosecution, including jail and civil liability in accordance with the Workers' Compensation Law and all other New York State laws. By submitting this Certificate of Attestation of Exemption to the government entity listed above I also hereby affirm that if circumstances change so that workers' compensation insurance and/or disability benefits coverage is required, the above-named legal enti tate specific workers' compensation insurance and/or disability benefits coverage and also immediately y the Chair of the Workers' Compensation Board to the government entity listed above.

THIS IS A NEW FORM REQ'D. BY NYS COMP. BOARD.

| SIGN HERE | Signature: | Date: |
|---|---|---|

IT IS REQ'D WHEN A CONTRACTOR STATES HE DOES NOT HAVE ANY EMPLOYEES + DOES NOT NEED TO CARRY WORKMANS COMP + DISABILITY

**Exemption Certificate Number**
2008-00197

**Received**
October 2, 2008
**NYS Workers' Compensation Board**

CE-200 (Draft 06/02/08)

**Inc. Village of Northport**
**BUILDING, HOUSING & CODE ENFORCEMENT DEPARTMENT**
**224 Main Street** **(631) 261-4145** **Northport, NY 11768**

# CONSTRUCTION REQUIREMENTS

**New York State Law requires that this Department conduct inspections as various stages of construction are completed. You are therefore advised that the following list of inspections are applicable under the terms of your building permit.**

**Excavation Inspection.** After excavation, & placement of footing forms & steel reinforcement. Approval mandatory prior to pouring footings.

**Drywells - Excavation.** After excavation for drywells/prior to rings being set. Soil at base of excavation must be witnessed by this Department. **NEW YORK STATE REQUIRES ALL RUN-OFF DRAINED TO DRYWELLS!**

**Footings Inspection.** After footings have been poured & forms stripped. Key-way must be visible. Approval mandatory prior to forming for foundation walls (poured concrete or block.)

**Foundation Inspection.** After foundation walls have been poured & forms stripped. Approval mandatory prior to commencement of framing **AND,**

**Foundation Survey.**
**FOUNDATION SURVEY SUBMISSION/APPROVAL IS MANDATORY PRIOR TO FRAMING!!!**

**Dampproofing Inspection.** Required prior to backfilling.

**Rough Framing Inspection.** After completion of all structural/partition framing, and application of all required framing hardware as per project plans.

**Electrical Inspection.** The owner is responsible for applying for certification of electrical installations from either New York State Board of Fire Underwriters or Electrical Inspectors, Inc.

**Plumbing. A SEPARATE PLUMBING PERMIT IS REQUIRED FOR ALL WORK.**
**Rough Plumbing Inspections:**

- **#1:** After underground waste pipes are laid/installed, prior to backfilling.
- **#2:** After interior waste piping/potable water piping, & pans have been installed.

**Mercury or Pressure Test.** Required for all gas and propane installations. Must be witnessed by this Department.

**Open Wall Inspection.** After roofing, siding, windows/doors, Rough Plumbing & Rough Electric are completed.

**Insulation Inspection.** Prior to walls and ceilings finishes being installed.

**Final Survey/Final Paperwork. FINAL SURVEY & ALL REQUIRED PAPERWORK MUST BE SUBMITTED & APPROVED PRIOR TO SCHEDULING FINAL INSPECTION, OCCUPANCY, or USE.**

**Final Inspection.** After all required inspections, receipt & approval of all final paperwork. Final grading, driveway, and drainage work **MUST** be completed prior to scheduling final inspection.

**Inc. Village of Northport**
**BUILDING, HOUSING & CODE ENFORCEMENT DEPARTMENT**
**224 Main Street** **(631) 261-4145** **Northport, NY 11768**

# CONSTRUCTION REQUIREMENTS
# SWIMMING POOLS

**New York State Law requires that this Department conduct inspections as various stages of construction are completed. You are therefore advised that the following list of inspections are applicable under the terms of your building permit.**

**Excavation Inspection.** After excavation, & placement of footing forms & steel reinforcement. Approval mandatory prior to pouring footings.

**Structural Forming/Framing.** After Reinforcing Rod/Steel/or Concrete Forms Placed.

**Gunite Pour.** Must be witnessed/inspected to guarantee a monolithic pour.

**Drywells - Excavation.** After excavation for drywells/prior to rings being set. Soil at base of excavation must be witnessed by this Department. **NEW YORK STATE REQUIRES ALL RUN-OFF DRAINED TO DRYWELLS!**

**Electrical Inspection.** The owner is responsible for applying for certification of electrical installations from either New York State Board of Fire Underwriters or Electrical Inspectors, Inc.

**Plumbing.** **A SEPARATE PLUMBING PERMIT IS REQUIRED FOR ALL WORK.**
**Rough Plumbing Inspections:**

- **#1:** After underground waste pipes are laid/installed, prior to backfilling.
- **#2:** After interior waste piping/potable water piping, & pans have been installed.

**Mercury or Pressure Test.** Required for all gas and propane installations. Must be witnessed by this Department.

**Swimming Pool Enclosure.**
**Temporary Swimming Pool Enclosures.** All pool excavations and construction, prior to issuance of certificate of occupancy, must be enclosed at all times as per *the Code, Chapter 264, 'Swimming Pools', Section 264-3, Temporary enclosure.* See attached.

**Permanent Swimming Pool Enclosures.** All swimming pools shall be provided with an enclosure **that surrounds the pool and accessory equipment ONLY**, as per *the Code, Chapter 264, 'Swimming Pools', Sections 264-1 through 264-4.* See attached.
**THIS REQUIREMENT IS MANDATORY AND NOT MERELY DIRECTORY!!!**

**Final Survey/Final Paperwork. FINAL SURVEY & ALL REQUIRED PAPERWORK MUST BE SUBMITTED & APPROVED PRIOR TO SCHEDULING FINAL INSPECTION, OCCUPANCY, or USE.**

**Final Inspection.** After all required inspections, receipt & approval of all final paperwork. Final grading, driveway, and drainage work **MUST** be completed prior to scheduling final inspection.

# Chapter 264

# SWIMMING POOLS


§ 264-1. Definitions and word usage.

§ 264-2. Enclosure requirements; exception.

§ 264-3. Temporary enclosure.

§ 264-4. Penalties for offenses.


**[HISTORY: Adopted by the Board of Trustees of the Village of Northport 10-4-1966 by L.L. No. 3-1966 as Ch. 70 of the 1966 Code. Amendments noted where applicable.]**

**GENERAL REFERENCES**

**Appearance tickets — See Ch. 9.**

**Zoning — See Ch. 306.**

## § 264-1. Definitions and word usage.

A. For the purposes of this chapter, the following terms, phrases and words shall have the meanings given herein:

PERSON — Any person, firm, partnership, association, corporation, company or any organization of any kind.

SWIMMING POOL — A body of water in an artificial or semiartificial receptacle or other container located outdoors, used or intended to be used for public, semipublic or private swimming by adults or children, or both adults and children, whether or not any charge or fee is imposed upon such adults or children, operated and maintained by any person as herein defined, whether he be an owner, lessee, operator, licensee or concessionaire. Swimming pool shall include both in-the-ground and above-the-ground pools. **[Amended 7-15-1986 by L.L. No. 8-1986]**

B. The word "shall," as used herein, is mandatory and not merely directory.

## § 264-2. Enclosure requirements; exception. [Amended 7-15-1986 by L.L. No. 8-1986]

An enclosure shall be provided around outdoor swimming pools which surrounds the pool and accessory equipment only. Such enclosure shall be at least four feet in height and have a maximum clearance to the adjoining grade of two inches, and openings, if provided, shall prohibit the passage of a two-inch-diameter sphere. Such enclosure shall resist a horizontal force of 50 pounds per foot applied at a height of four feet. Structural bracing shall be within the enclosure. Gates or doors shall be self-closing and self-latching, with the latch handle at least 40 inches above grade or located within the enclosure. Aboveground pools with at least 46 inches between pool decking or pool top and adjoining grade are exempt from this requirement, provided that access is restricted. A pool less than 24 inches deep is exempt from this requirement.

**Part 1228. Additional Uniform Code Provisions.**
*Emergency Rule Effective Date: June 22, 2007*
*Emergency Rule Expiration Date: September 19, 2007*

# SWIMMING POOL ALARM REQUIREMENTS

**1228.2. SWIMMING POOL ALARMS.**

(a) **Purpose.** This section is intended to implement the provisions of paragraphs (b) and (c) of subdivision (14) of section 378 of the Executive Law.

(b) **Definitions.** For the purposes of this section, the following words and terms shall have the following meanings:

(1) The word **"approved"** means approved by the code enforcement official responsible for enforcement and administration of the Uniform Code as complying with and satisfying the purposes of this section.

(2) The term **"commercial swimming pool"** means any swimming pool (as defined in paragraph (4) of this subdivision) that is not a residential swimming pool (as defined in paragraph (3) of this subdivision).

(3) The term **"residential swimming pool"** means a swimming pool (as defined in paragraph (4) of this subdivision) which is situated on the premises of a detached one- or two-family dwelling; a multiple single-family dwelling (townhouse) not more than three stories in height; a one-family dwelling converted to a bed and breakfast; a community residence for 14 or fewer mentally disabled persons, operated by or subject to licensure by the Office of Mental Health or the Office of Mental Retardation and Developmental Disabilities; a one-or two-family dwelling operated for the purpose of providing care to more than two but not more than eight hospice patients, created pursuant to Article 40 of the Public Health Law, and defined as a hospice residence in §4002 of said Law; a manufactured home; a mobile home; or a factory manufactured dwelling unit.

(4) The term **"swimming pool"** means any structure intended for swimming, recreational bathing or wading which contains or which is designed to contain water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground pools; indoor pools; hot tubs; spas; and fixed-in-place wading pools.

(5) The term **"substantial damage"** means damage of any origin sustained by a swimming pool whereby the cost of restoring the swimming pool to its before damaged condition would equal or exceed 50 percent of the market value of the swimming pool before the damage occurred.

(6) The term **"substantial modification"** means any repair reconstruction, rehabilitation, addition, or improvement of a swimming pool, the cost of which equals or exceeds 50 percent of the market value of the swimming pool before the repair, rehabilitation, addition, or improvement is started. If a swimming pool has sustained substantial damage, any repairs are considered to be a substantial modification regardless of the actual repair work performed.

(c) **Pool alarms.** Except as otherwise provided in subdivision (e) of this section, each residential swimming pool installed, constructed or substantially modified after December 14, 2006 and each commercial swimming pool installed, constructed or substantially modified after December 14, 2006 shall be equipped with an approved pool alarm which:

(1) is capable of detecting a child entering the water and giving an audible alarm when it detects a child entering the water;

(2) is audible poolside and at another location on the premises where the swimming pool is located;

(3) is installed, used and maintained in accordance with the manufacturer's instructions;

(4) is classified by Underwriters Laboratory, Inc. (or other approved independent testing laboratory) to:

(i) reference standard ASTM F2208, entitled "Standard Specification for Pool Alarms," as adopted in 2002 and editorially corrected in June 2005, published by ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428, or

(ii) reference standard ASTM F2208, entitled "Standard Specification for Pool Alarms," as adopted in 2007, published by ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428; and

(5) is not an alarm device which is located on person(s) or which is dependent on device(s) located on person(s) for its proper operation.

(d) Multiple pool alarms. A pool alarm installed pursuant to subdivision (c) of this section must be capable of detecting entry into the water at any point on the surface of the swimming pool. If necessary to provide detection capability at every point on the surface of the swimming pool, more than one pool alarm shall be installed.

(e) **Exemptions.**

(1) A hot tub or spa equipped with a safety cover classified by Underwriters Laboratory, Inc. (or other approved independent testing laboratory) to reference standard ASTM F1346 (2003), entitled "Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs," published by ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428, shall be exempt from the requirements of subdivisions (c) and (d) of this section.

(2) Any swimming pool (other than a hot tub or spa) equipped with an automatic power safety cover classified by Underwriters Laboratory, Inc. (or other approved independent testing laboratory) to reference standard ASTM F1346 (2003), entitled "Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs," published by ASTM International, 100 Barr Harbor Drive, West Conshohocken, PA 19428, shall be exempt from the requirements of subdivisions (c) and (d) of this section.

**BUILDING, HOUSING & CODE ENFORCEMENT DEPARTMENT**
224 Main Street (631) 261-4145 Northport, NY 11768

# CERTIFICATE OF OCCCUPANCY INSTRUCTIONS

**Conditions of Occupancy.** Certificate of Occupancy required, as per *the Code of Northport, Chapter 106, Section 106-15A-D.* (See attached.)

**Certificate of Occupancy.** Conditions for application, listed in *the Code, Chapter 106, Section 106-16A-C* (See attached.)

**Final Survey.** Final survey, guaranteed by a licensed land surveyor, shall be submitted prior to approval of work and final inspection. As required in *the Code, Chapter 106, 106-16C.* (See attached.)

**Final Paperwork Requirements.** The following must be submitted and approved **PRIOR TO SCHEDULING FINAL INSPECTION:**

- **Final Survey**
  Three (3) copies signed and sealed by licensed surveyor

- **As-Built Set of Construction Drawings**
  One (1) set signed and sealed by NYS licensed design professional

- **Sanitary System Approval**
  For new private septic: final approval from Suffolk County Health Department
  For new sewer hookup: test and approval by Northport Sewer Department

- **Electrical Inspection Certificate**
  Certification of electrical work from approved electrical inspection agency

- **Architect's Letter**
  Letter from job architect/engineer stating project has been constructed as per design

- **Plumber's Letter**
  Letter from job plumber stating the project has been constructed according to all applicable NYS and local codes. Signed by plumber with License Number

- **HVAC Specifications**
  Detailed description (specifications) of HVAC equipment installed with NYS approval numbers

- **Specifications for Gas-Fired Appliances**
  Detailed description (specifications) for any & all gas-fired appliances w/NYS approval numbers

**AFTER THE ABOVE-LISTED SUBMISSIONS ARE RECEIVED AND APPROVED:**

- **Final Inspection may be scheduled**

# CHAPTER 11
# STORM DRAINAGE

## SECTION 1101
## GENERAL

**1101.1 Scope.** The provisions of this chapter shall govern the materials, design, construction and installation of storm drainage.

**1101.2 Where required.** All roofs, paved areas, yards, courts and courtyards shall drain into a separate storm sewer system, or a combined sewer system, or to an approved place of disposal. For one- and two-family dwellings, and where approved, storm water is permitted to discharge onto flat areas, such as streets or lawns, provided that the storm water flows away from the building.

**1101.3 Prohibited drainage.** Storm water shall not be drained into sewers intended for sewage only.

**1101.4 Tests.** The conductors and the building storm drain shall be tested in accordance with Section 312.

**1101.5 Continuous flow.** The size of a drainage pipe shall not be reduced in the direction of flow.

**1101.6 Fittings and connections.** All connections and changes in direction of the storm drainage system shall be made with approved drainage-type fittings in accordance with Table 706.3. The fittings shall not obstruct or retard flow in the system.

**1101.7 Roof design.** Roofs shall be designed for the maximum possible depth of water that will pond thereon as determined by the relative levels of roof deck and overflow weirs, scuppers, edges or serviceable drains in combination with the deflected structural elements. In determining the maximum possible depth of water, all primary roof drainage means shall be assumed to be blocked.

**1101.8 Cleanouts required.** Cleanouts shall be installed in the storm drainage system and shall comply with the provisions of this code for sanitary drainage pipe cleanouts.

**1101.9 Backwater valves.** Backwater valves installed in a storm drainage system shall conform to Section 715.

## SECTION 1102
## MATERIALS

**1102.1 General.** The materials and methods utilized for the construction and installation of storm drainage systems shall comply with this section and the applicable provisions of Chapter 7.

**1102.2 Inside storm drainage conductors.** Inside storm drainage conductors installed above ground shall conform to one of the standards listed in Table 702.1.

**1102.3 Underground building storm drain pipe.** Underground building storm drain pipe shall conform to one of the standards listed in Table 702.2.

**1102.4 Building storm sewer pipe.** Building storm sewer pipe shall conform to one of the standards listed in Table 1102.4.

**TABLE 1102.4**
**BUILDING STORM SEWER PIPE**

| MATERIAL | STANDARD |
|---|---|
| Acrylonitrile butadiene styrene (ABS) plastic pipe | ASTM D 2661; ASTM D 2751; ASTM F 628 |
| Asbestos-cement pipe | ASTM C 428 |
| Cast-iron pipe | ASTM A 74; ASTM A 888; CISPI 301 |
| Concrete pipe | ASTM C 14; ASTM C 76; CSA A257.1; CSA CAN/CSA A257.2 |
| Copper or copper-alloy tubing (Type K, L, M or DWV) | ASTM B 75; ASTM B 88; ASTM B 251; ASTM B 306 |
| Polyvinyl chloride (PVC) plastic pipe (Type DWV, SDR26, SDR35, SDR41, PS50 or PS100) | ASTM D 2665; ASTM D 3034; ASTM F 891; CSA-B182.2; CSA CAN/CSA-B182.4 |
| Vitrified clay pipe | ASTM C 4; ASTM C 700 |
| Stainless steel drainage systems, Type 316L | ASME A112.3.1 |

**1102.5 Subsoil drain pipe.** Subsoil drains shall be open-jointed, horizontally split or perforated pipe conforming to one of the standards listed in Table 1102.5.

**TABLE 1102.5**
**SUBSOIL DRAIN PIPE**

| MATERIAL | STANDARD |
|---|---|
| Asbestos-cement pipe | ASTM C 508 |
| Cast-iron pipe | ASTM A 74; ASTM A 888; CISPI 301 |
| Polyethylene (PE) plastic pipe | ASTM F 405 |
| Polyvinyl chloride (PVC) plastic pipe (type sewer pipe, PS25, PS50 or PS100) | ASTM D 2729; ASTM F 891; CSA-B182.2; CSA CAN/CSA-B182.4 |
| Vitrified clay pipe | ASTM C 4; ASTM C 700 |
| Stainless steel drainage systems, Type 316L | ASME A112.3.1 |

**1102.6 Roof drains.** Roof drains shall conform to ASME A112.21.2 or ASME A112.3.1.

**1102.7 Fittings.** Pipe fittings shall be approved for installation with the piping material installed, and shall conform to the respective pipe standards or one of the standards listed in Table 1102.7. The fittings shall not have ledges, shoulders or reductions capable of retarding or obstructing flow in the piping. Threaded drainage pipe fittings shall be of the recessed drainage type.

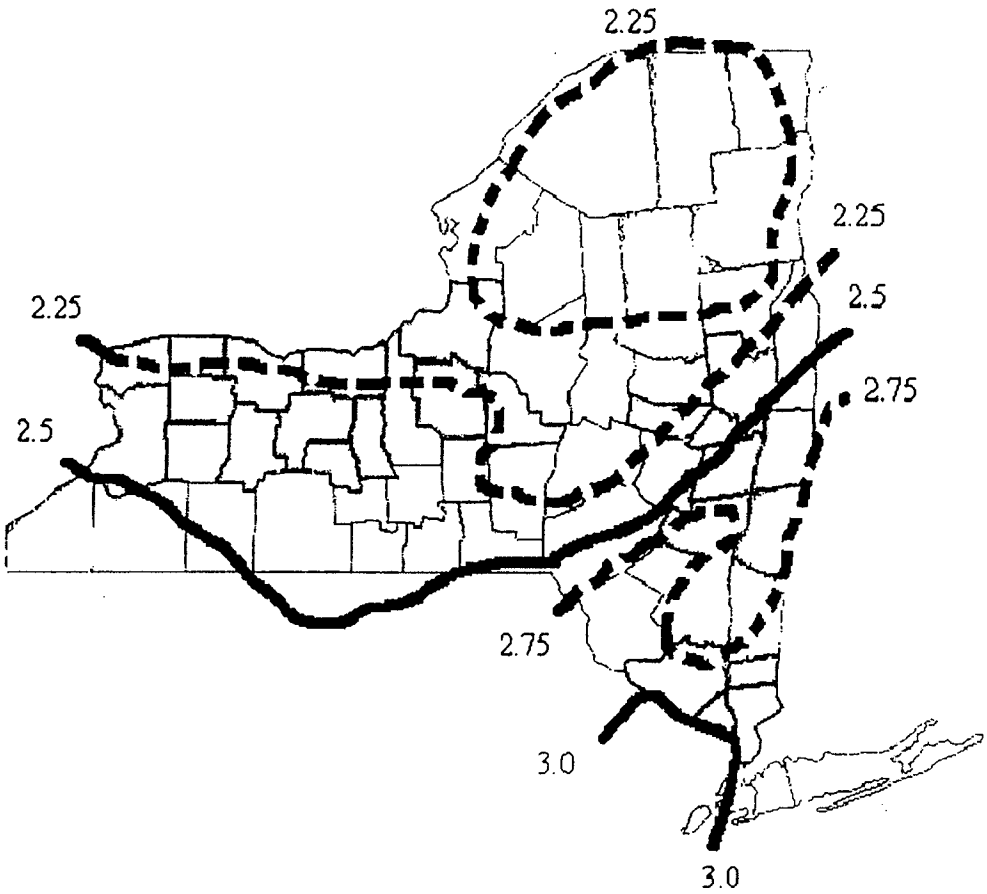



**FIGURE 1106.1**
**100-YEAR, 1-HOUR RAINFALL (INCHES)**
**NEW YORK STATE**

For SI: 1 inch = 25.4 mm

Source: National Weather Service, National Oceanic and Atmospheric Administration, Washington, D.C.

N
Y

TABLE 1106.6
SIZE OF SEMICIRCULAR ROOF GUTTERS

| DIAMETER OF GUTTERS (inches) | HORIZONTALLY PROJECTED ROOF AREA (square feet) | | | | | |
|---|---|---|---|---|---|---|
| | RAINFALL RATE (inches per hour) | | | | | |
| | 1 | 2 | 3 | 4 | 5 | 6 |
| $^1/_{16}$ unit vertical in 12 units horizontal (0.5-percent slope) | | | | | | |
| 3 | 680 | 340 | 226 | 170 | 136 | 113 |
| 4 | 1,440 | 720 | 480 | 360 | 288 | 240 |
| 5 | 2,500 | 1,250 | 834 | 625 | 500 | 416 |
| 6 | 3,840 | 1,920 | 1,280 | 960 | 768 | 640 |
| 7 | 5,520 | 2,760 | 1,840 | 1,380 | 1,100 | 918 |
| 8 | 7,960 | 3,980 | 2,655 | 1,990 | 1,590 | 1,325 |
| 10 | 14,400 | 7,200 | 4,800 | 3,600 | 2,880 | 2,400 |
| $^1/_8$ unit vertical in 12 units horizontal (1-percent slope) | | | | | | |
| 3 | 960 | 480 | 320 | 240 | 192 | 160 |
| 4 | 2,040 | 1,020 | 681 | 510 | 408 | 340 |
| 5 | 3,520 | 1,760 | 1,172 | 880 | 704 | 587 |
| 6 | 5,440 | 2,720 | 1,815 | 1,360 | 1,085 | 905 |
| 7 | 7,800 | 3,900 | 2,600 | 1,950 | 1,560 | 1,300 |
| 8 | 11,200 | 5,600 | 3,740 | 2,800 | 2,240 | 1,870 |
| 10 | 20,400 | 10,200 | 6,800 | 5,100 | 4,080 | 3,400 |
| $^1/_4$ unit vertical in 12 units horizontal (2-percent slope) | | | | | | |
| 3 | 1,360 | 680 | 454 | 340 | 272 | 226 |
| 4 | 2,880 | 1,440 | 960 | 720 | 576 | 480 |
| 5 | 5,000 | 2,500 | 1,668 | 1,250 | 1,000 | 834 |
| 6 | 7,680 | 3,840 | 2,560 | 1,920 | 1,536 | 1,280 |
| 7 | 11,040 | 5,520 | 3,860 | 2,760 | 2,205 | 1,840 |
| 8 | 15,920 | 7,960 | 5,310 | 3,980 | 3,180 | 2,655 |
| 10 | 28,800 | 14,400 | 9,600 | 7,200 | 5,750 | 4,800 |
| $^1/_2$ unit vertical in 12 units horizontal (4-percent slope) | | | | | | |
| 3 | 1,920 | 960 | 640 | 480 | 384 | 320 |
| 4 | 4,080 | 2,040 | 1,360 | 1,020 | 816 | 680 |
| 5 | 7,080 | 3,540 | 2,360 | 1,770 | 1,415 | 1,180 |
| 6 | 11,080 | 5,540 | 3,695 | 2,770 | 2,220 | 1,850 |
| 7 | 15,600 | 7,800 | 5,200 | 3,900 | 3,120 | 2,600 |
| 8 | 22,400 | 11,200 | 7,460 | 5,600 | 4,480 | 3,730 |
| 10 | 40,000 | 20,000 | 13,330 | 10,000 | 8,000 | 6,660 |

For SI: 1 inch = 25.4 mm, 1 square foot = 0.0929 $m^2$.

## SECTION 1107
## SECONDARY (EMERGENCY) ROOF DRAINS

**1107.1 Secondary drainage required.** Secondary (emergency) roof drains or scuppers shall be provided where the roof perimeter construction extends above the roof in such a manner that water will be entrapped if the primary drains allow buildup for any reason.

**1107.2 Secondary drainage piping.** Secondary roof drains shall have piping separate from the primary system. Discharge shall be above grade, or to a building storm sewer, retention area or other approved location.

**1107.3 Sizing of secondary drains.** Secondary (emergency) roof drain systems shall be sized in accordance with Section 1106 based on the rainfall rate for which the primary system is sized in Tables 1106.2, 1106.3 and 1106.6. Scuppers shall be sized to prevent the depth of ponding water from exceeding that for which the roof was designed as determined by Section 1101.7. Scuppers shall not have an opening dimension of less than 4 inches (103 mm).The flow through the primary system shall not be considered when sizing the secondary roof drain system.

## SECTION 1108
## COMBINED SANITARY AND STORM SYSTEM

**1108.1 Size of combined drains and sewers.** The size of a combination sanitary and storm drain or sewer shall be computed in accordance with the method in Section 1106.3. The fixture units shall be converted into an equivalent projected roof or paved area. Where the total fixture load on the combined drain is less than or equal to 256 fixture units, the equivalent drainage area in horizontal projection shall be taken as 4,000 square feet (372 $m^2$). Where the total fixture load exceeds 256 fixture units, each additional fixture unit shall be considered the equivalent of 15.6 square feet (1.5 $m^2$) of drainage area. These values are based on a rainfall rate of 1 inch (25 mm) per hour.

# LOCAL LAW "9"OF 2006
# A LOCAL LAW OF
# THE VILLAGE OF NORTHPORT
# TO AMEND CHAPTER 306 "ZONING"
# OF THE CODE OF THE VILLAGE OF NORTHPORT

BE IT ENACTED: By the Board of Trustees of the Village of Northport as follows:

## Section 1. Legislative Intent

I. By Resolution 2002-107 dated May 7, 2002 the Board of Trustees created an Open Space Citizen Advisory Committee comprised of certain members of the Village Planning Board, Board of Zoning Appeals and Board of Architectural and Historic Review. Among its recommendations, some of which have already been codified, the Open Space Committee proposed specific modifications and amendments to Chapter 306 "Zoning" of the Village Code to regulate and control the scale of residential development in the Village.

II. By Resolution 2005- 185 dated December 20, 2005, the Board of Trustees referred these proposed code amendments to the Planning Board for their review and recommendations. The modifications recommended by the Planning Board have been incorporated into the code amendments now being proposed.

III. The distinctive character of residential neighborhoods in the Village of Northport depends in part on general uniformity in the scale of development. Recent trends of building increasingly larger homes, large additions to existing houses and/or large accessory structures, threatens the appearance Northport's neighborhoods, and the sense of place and community identity of Village residents.

IV. Increases in the scale of residential development also results in corresponding increases in impervious surfaces, with potentially adverse effects on storm water drainage, aquifer recharge, and surface water quality.

V. To address Village interests in preserving the charm and character of its residential districts, and in promoting environmental protection, these amendments:

1. establish limits on the size of accessory structures on residential lots. The Village does not presently have such limits; the use of accessory structures has also been limited to subordinate uses to that of the principle use of the property.

2. reduce the allowable lot coverage of all structures on residentially-zoned property;

3. refine and clarify existing height restrictions by providing standards for quantifying building height.

VI. The amendments account for differences in the character and development patterns of the Village's four residential districts by varying the bulk regulations in those districts.

## Section 2. Statutory Authority and Supersession

This Local Law is adopted pursuant to the Village Law, Municipal Home Rule Law and State Environmental Quality Review Act and its implementing regulations and expressly supersedes the provisions of the Village Code as detailed below in Section 4 of this Local Law.

## Section 3. Applicability

The provisions of this Local Law shall apply to all lands within the Incorporated Village of Northport.

## Section 4. Amendments

Explanation of notations:

- Existing zoning text is reproduced in *italicized text.*
- **Text to be added is indicated in Boldface.**
- Text to be deleted is indicated in with a ~~Strikethrough.~~

I. § 306-5. Definitions.

1. The following existing definitions in the Village Code shall be amended to read as indicated according to the system of notations given above.

a) *ACCESSORY BUILDING OR USE — A subordinate building or use, located on the same plot on which the main building or use is situated, which is reasonably necessary to and incidental to the conduct of the primary use of each building or main use, and which is also dependent upon the predominant building or use.* ~~*In residence districts, the term "accessory use" shall include the office of a professional person, defined home occupation, and customary family avocations or workshop, provided that the latter two activities are not conducted for compensation.*~~ **Accessory structures in residence districts shall not feature habitable living space.** *In business districts (Central Business A, Central Business B, Marine Business, Highway Business and Neighborhood Business), the term "accessory use" shall not include the following: the use or intended use of a portion of a business use premises located in any of the business zone districts of the Village for the operation of more than two coin-operated amusement devices (as the same is defined herein) for the use of the general public or specific invitees.*

b) *BUILDING, HEIGHT OF — The vertical distance measured from the average elevation of the proposed finished grade* ~~*at the front, rear or sides of the building*~~ **or average natural grade** *(whichever is lowest)* **at the lowest side of the building** *to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between*

*eaves and ridge for gable, hip and gambrel roofs. Chimneys, towers, cupolas, spires, domes and other ornamental features are to be excluded in the computation of building height. Ventilators, air-conditioning devices and machinery, tanks, bulkheads and other accessory features required above roofs shall be included in the computation of building height.* **Any change in the natural grade requires a variance from the Board of Zoning Appeals, except for retaining walls authorized by the Planning Board.**

II. § 306-22. Principal buildings in residence districts.
The following existing provisions shall be amended to read as indicated according to the system of notations given above.

*§306-22. A. Maximum height: in all districts two stories but not exceeding 30 feet,* **except that the height of houses with flat roofs shall not exceed 22 feet. A roof shall be considered flat if the pitch is 3:12 or less.**

1. §306-22.K., governing lot coverage, shall be deleted and replaced by the following:
**§306-22.K. Surface lot coverage in residence districts.**
**(1) The maximum percentage of lot coverage in residence districts:**
**(a) Residence A: 12% (of lot size)**
**(b) Residence B: 15% (of lot size)**
**(c) Residence C: 20% (of lot size)**
**(d) Residence D: 22% (of lot size)**
**(E) lots under 8500 square feet in all districts: 25% of lot size but not to exceed a foot print of 1870 sq. ft.**
**(2) Lot coverage shall be calculated using primary and accessory structures, decks, raised patios and pools.**

III. **§ 306-23.**
The following provisions shall be amended or added:

1. *§306-23. A. Maximum height, all districts:* **one and ½ stories but not exceeding** *15 feet* **on peaked roofs, 10 feet on flat roofs, which is defined as having a pitch of 3:12 or less.**

2. **§306-22.G. Maximum size of roofed-over accessory structures:**
**(1) Residence A: 800 square feet**
**(2) Residence B: 800 square feet**
**(3) Residence C: 650 square feet**
**(4) Residence D: 550 square feet**

<u>Section 6.</u> <u>Severability</u>

**CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION**

# Chapter 106, BUILDING CONSTRUCTION

[HISTORY: Adopted by the Board of Trustees of the Village of Northport as indicated in article histories. Amendments noted where applicable.]

**GENERAL REFERENCES**

**Architectural and Historic Review Board -- See Ch. 13.**
**Unsafe buildings -- See Ch. 114.**
**Fees -- See Ch. 147.**
**Planning Board -- See Ch. 219.**
**Sewers -- See Ch. 239.**
**Zoning -- See Ch. 306.**
**Subdivision regulations -- See Ch. A312.**

**CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION / ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)]**

## ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)]

**CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION / ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)] / § 106-1. Creation of Department; Code Compliance Director.**

### § 106-1. Creation of Department; Code Compliance Director.

There is hereby created as a separate department in the village government of the Village of Northport the Department of Building, Housing and Code Enforcement; and there is hereby established the office of Code Compliance Director.

## CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION / ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)] / § 106-2. Department head.

### § 106-2. Department head.

The Code Compliance Director shall be the head of the Department of Building, Housing and Code Enforcement and shall be vested with authority, discretion and control over such Department.

## CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION / ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)] / § 106-3. Appointment of Director; removal; classification.

### § 106-3. Appointment of Director; removal; classification.

The Code Compliance Director shall be appointed by the Mayor, subject to approval by the Board of Trustees. The appointee to such office shall be removable at the pleasure of the Village Board, subject to conditions of any existing employment contract, and shall be in the unclassified service of the civil service.

## CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION / ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)] / § 106-4. Powers and duties generally.

### § 106-4. Powers and duties generally.

A. The Department of Building, Housing and Code Enforcement shall have cognizance, jurisdiction, supervision and control over, and the Code Compliance Director of the Department of Building, Housing and Code Enforcement shall be charged with, the administration and enforcement of the laws of the State of New York pertaining to building and housing, including but not limited to the Multiple Residence Law, the State Uniform Fire Prevention and Building Code and the local laws, ordinances and codes of the Village of Northport pertaining to building, housing, fire prevention and the construction, alteration,

repair, maintenance, use and occupancy of all buildings and structures within the Village of Northport, including but not limited to the chapters relating to zoning, building, housing, plumbing, fire, etc. [Amended 3-19-1986 by L.L. No. 3-1986]

B. The Department of Building, Housing and Code Enforcement shall have supervision over, and the Code Compliance Director shall be charged with, the inspection and appraisal of real property in the Village of Northport and the placing of the same upon the assessment rolls of said village, as well as the apportionment of properties for tax assessment purposes within said village. The Code Compliance Director shall in this capacity prepare and submit to necessary state, county and municipal governments such reports as may be required by law. [Amended 8-17-1999 by L.L. No. 12-1999]

C. The Department of Building, Housing and Code Enforcement shall have supervision over, and the Code Compliance Director shall be charged with, the investigation of any violation of any state or village ordinance, local law or rule or regulation. The said Code Compliance Director shall be, and he is hereby designated as, the Chief Code Enforcement Officer of the Village of Northport. He shall receive complaints of alleged violations from residents of the Village of Northport, and he shall investigate the same and shall, when a violation is established, take all necessary steps to enforce the local law, ordinance, rules or regulations, either by civil or criminal measures, or both, as circumstances require. The Code Compliance Director shall, subject to the provision of any other applicable statute or law, be empowered to be deputized by the Sheriff of Suffolk County as a peace officer for the purpose of issuing a criminal summons charging any person or persons with the violation of any ordinance or local law of the Village of Northport.

D. Wherever in any other ordinance, resolution or local law of the Village of Northport the word "Building Inspector" appears, the said term "Building Inspector" shall be deemed to mean "Code Compliance Director," so that the terms "Code Compliance Director" and "Building Inspector" are to be considered synonymous.

## CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION / ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)] / § 106-5. Duties of Director.

### § 106-5. Duties of Director.

A. The Director shall receive applications required by this article, issue permits and furnish the prescribed certificates. He shall examine premises for which permits have been issued, and he or his staff shall make necessary inspections to see that the provisions of the law are

complied with and that construction is proceeding safely. He shall enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, except as may otherwise be provided for. He shall, when requested by the Village Board, make investigations in connection with matters referred to in this article and render written reports to the Board on the same. For the purpose of enforcing compliance with the law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction or to require adequate exit facilities in existing buildings, he shall issue such notices or orders as may be necessary.

B. Power to enter and inspect any building. The Director shall, subject to any other provision of law, have the right to enter and inspect at any time any building, structure or premises in order to enforce any provision of this code or of any applicable statute or state code and may request and shall receive, insofar as may be necessary in the discharge of their duties, the assistance and cooperation of all village officials.

C. Availability for public inspection. The Director shall keep careful and comprehensive records of applications, permits issued, certificates issued, inspections made, reports rendered and notices or orders issued. These records shall be open to public inspection, for good and sufficient reasons, at reasonable hours, but shall not be removed from the office of the village. The Director shall retain on file copies of all papers in connection with building work as long as any part of the building to which they relate remains in existence, except as may be otherwise prescribed by law.

## CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION / ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)] / § 106-6. Permits required.

### § 106-6. Permits required.

A. Application.

(1) When required. It shall be unlawful to construct, alter, remove or demolish or to commence the construction, alteration, removal or demolition of a building or structure without first filing with the Department of Building, Housing and Code Enforcement an application in writing and obtaining a formal permit and, when required, obtaining the consent of the Architectural and Historic Review Board. For the purposes of this article, the terms "alter" and "the alteration of any structure or buildings" shall include the definition of said terms set forth in Chapter 13 hereof. [Amended 6-15-1976 by L.L. No. 8-1976; 4-17-1979 by L.L. No. 6-1979; 6-16-1981 by L.L. No. 5-1981; 10-20-1981 by

L.L. No. 10-1981]

(2) Acceptance. No application for a permit shall be accepted by the Department unless it is accompanied by the fee prescribed for the kind of permit applied for.

(3) Form of application. Application for permits shall be made on forms furnished by the Director.

(4) Who can apply. Applications for permits may be made by the owner or his authorized representative.

B. Requirements.

(1) Information to be given in application.

(a) Each application for a permit for new work, alteration or repair shall contain the full name and address of the owner and, if the applicant is his representative, the full name and address of the applicant also. If the owner is a corporation, the full names and addresses of its responsible officers shall be given.

(b) It shall describe fully the lot and premises, either by lot number, street number or by exact description.

(c) It shall give separately the estimated cubage or value, according to whichever serves as a basis for computing fees, of the proposed work and the value of existing improvements, if any, and shall describe existing buildings and structures on the lot.

(d) It shall describe the proposed work, giving dimensions of the new construction and setting forth the character of the construction and the kinds of material to be used, the loads for which each floor is designed and such other information as may be required.

(e) It shall state fully the lawful uses for which the existing buildings are used at the time of making the application and the uses for which the new work will be put after the proposed work is completed.

(f) It shall contain a statement by or on behalf of the owner that the proposed work will be faithfully carried out as described in the application and as shown on the accompanying plans and specifications, and not otherwise, and that the provisions of the law and ordinances applying to the premises and to the proposed work will be complied with, whether stated in the application and plans or not.

(g) The application shall be signed by the applicant who shall also make an affidavit that the statements set forth in the application are true.

(2) Applications to move buildings. If the application contemplates the moving of an existing building or structure from one location to another, it shall be accompanied by a description of the method to be used and the route to be followed. Permits from the state, county, town and village authorities, if required by them, shall be submitted at the time of making application for a permit.

(3) Applications to demolish. An application to demolish shall give the full names and addresses of the owner, the applicant and the person who is to do the work, and the lot number, street number or description of the property.

(4) Additional information. Nothing in this section shall prevent the Director from requiring such additional information as may be necessary to an intelligent understanding of any proposed work.

C. Plans required.

(1) List of plans. All applications for permits, including alterations, except applications to move or demolish, shall be accompanied by the following plans, in duplicate, on paper and drawn to the scale of not less than 1/8 inch equals one foot unless otherwise stated or approved:

(a) Foundation plan.

(b) Basement plan.

(c) All floor plans.

(d) Section showing riser diagram for plumbing and means of sewage disposal.

(e) All elevations.

(f) Such structural details as the Director may require.

(g) Plot diagram (at scale and suitable size for filing). This must show accurately the sizes and exact locations of all proposed new construction or, in the case of demolition, of the building or structures to be demolished and existing buildings or structures that are to remain. Structures on adjoining lots within 10 feet of the property lines shall also be shown.

(h) Specifications which, together with the plans, will completely describe the proposed work.

(2) Architects' plans required for certain buildings. For all structures costing more than $10,000 and for all structures exceeding 30,000 cubic feet in volume, and for all alterations costing more than $10,000 to any existing building or structure, and for all

alterations involving changes affecting the structural safety of any building or structure, whatever the size or cost, the plans shall be drawn by a registered architect or professional engineer licensed to practice in the State of New York and shall be affixed with his seal.

(3) Foundation survey. Two copies of a foundation survey by a registered professional engineer or land surveyor shall be required to be approved by the Code Compliance Director before any framing is started. This survey shall be made after the footings and foundation walls are completed and shall show the following:

(a) Foundation location showing setbacks of front, rear and side yards.

(b) Elevation of top of foundation and established road grade.

(c) Elevation of finished garage floor and established road grade.

(d) Approximate driveway layout.

(4) Additional requirements in certain cases. [Added 12-18-1984 by L.L. No. 12-1984[EN(1)]]

(a) Where the applicant proposes activity on a lot, parcel or piece of land where the natural terrain has a natural slope of 10% (a vertical rise of 10 feet over a horizontal distance of 100 feet) or greater and where such activity is not otherwise subject to Planning Board review, the applicant may be required to supply a survey and/or plan showing the topography of the property, the location of any existing or proposed improvements, as well as the location and design of any proposed retaining walls, drainage facilities and grading. Such survey and/or plan shall be prepared by a licensed professional engineer or land surveyor and shall be at a scale of one inch equals 20 feet, or larger.

(b) Retaining walls.

[1] Where retaining walls are proposed or necessary exceeding three feet in height, construction of same shall be subject to the issuance of a separate building permit; and in such cases the permit for any other activity proposed to be conducted shall not be issued until the location and design of such retaining wall(s) have been approved.

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[2] ~~Railroad tie retaining walls~~ shall be designed by a professional engineer or may be constructed in accordance with the detail adopted by the Code Compliance Director as the village standard.

[3] Retaining walls in excess of eight feet in height shall be of reinforced concrete, and all retaining walls shall be designed and constructed in accordance with

Building Department standards.[EN(2)]

[4] Reinforced concrete walls shall be designed by a professional engineer.

(c) Maximum driveway grade shall not exceed 14%, which shall start not closer than the rear edge of the existing or proposed sidewalk, the inside edge of the road shoulder (where no sidewalk exists or is proposed) or four feet from the edge of the road (where there is no sidewalk existing or proposed nor a road shoulder).

(d) The Code Compliance Director, in issuing any permit(s) in connection with such applications, may require the inclusion of a schedule of work to be performed designed to ensure that the activity is conducted without harm to adjoining properties and to prevent erosion and runoff. The Director may impose requirements, such as but not limited to the provision of temporary sheeting during the activity; the completion of retaining walls prior to framing; and adequate provision for collection, storage and recharge of runoff from impervious surfaces proposed (such as roofs and driveways).

(e) In no event shall certificates of occupancy for any buildings constructed on the premises be issued until all required site improvements, including but not limited to driveway, retaining walls, grading and drainage facilities, are completed.

D. Amendments and additional requirements.

(1) Filing. Amendments may be filed to an application, or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be attached to and be deemed a part of the original application.

(2) Alterations in plans. Alterations in or deviations from approved applications and plans during a building operation may be made without amendment, provided that they do not involve changes in structural parts, exit facilities or open spaces or reduction in size of rooms or do not violate a provision of this code or other law or ordinance.

(3) Repairs. Ordinary repairs to buildings and structures may be made without filing an application or obtaining a permit so long as they include only the replacements of existing work with the same kind of material used in the existing work and do not include additional work involving structural changes in any part of the building, exit facilities or open spaces or the size of rooms or any work that would be a violation of a provision of law or ordinance.

(4) Limitation. Nothing in this code shall require any changes in the plan, construction or designated use of a building or structure for which a lawful permit has been issued

heretofore or which has been otherwise lawfully authorized.

E. Action on application.

(1) General procedure. It shall be the duty of the Director to examine applications for permits. If, upon examination, it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto and the proposed construction will be safe, he shall approve the application and issue a permit. If his examination reveals otherwise, he shall reject such application within 30 days after filing, giving the applicant a statement of his reason for rejection. The Director shall, when otherwise mandated, refer to the Architectural and Historic Review Board those applications for permits required to be submitted to such Board. No permit shall then be issued until the Board approves the application or until approval is otherwise obtained by law.

(2) Signature. All permits shall be drawn in duplicate and shall be signed by the Director. One copy shall be delivered to the applicant and the other filed in the office of the Director.

(3) Posting. A copy of the permit shall be kept on the premises and be open to public inspection during the performance of the work until the completion of same. The Director shall require a certified copy of the approved plans and specifications to be kept on the premises at all times, from the commencement of the work to the completion thereof.

(4) Approval in part. The Director may issue a permit for the construction of part of a building, except single-family dwellings, when plans and detailed statements have been presented for the same before the entire plans and detailed statements of said building or structure have been submitted or approved, provided that the plot diagram has been filed. The part of the construction to be permitted shall be at the discretion of the Director, and any such work under this section shall be at the risk of the applicant.

## CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION / ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)] / § 106-7. Reduction of plot area.

### § 106-7. Reduction of plot area.

It shall be unlawful to reduce or diminish the area of any lot or plot for which a plot diagram has been filed and used as the basis for a permit, so that the remaining plot fails to conform in every way with Chapter 306, Zoning, of this Code, unless a revised plot diagram showing the proposed

change in conditions shall have been filed with and approved by the Zoning Board of Appeals and the Director.

## CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION / ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)] / § 106-8. Duration of permit. [Amended 10-5-1976 by L.L. No. 12-1976]

### § 106-8. Duration of permit. [Amended 10-5-1976 by L.L. No. 12-1976]

Any building permit issued hereunder shall expire one year from the date of issuance.

## CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION / ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)] / § 106-9. Renewal of permit.

### § 106-9. Renewal of permit.

A. A building permit may be renewed for an additional second-year period upon the payment of 1/2 the fee that had been paid at the issuance of the building permit, provided that the applicant has commenced substantial construction and/or alteration of the subject premises during the period provided under § 106-8 hereof. [Amended 8-5-1980 by L.L. No. 5-1980]

B. Said permit can be further extended for an additional third-year period upon the payment of 1/2 the fee that had been paid at the issuance of the building permit.

C. At the expiration of three years from the original date of issuance of the permit, the building permit shall expire and become null and void and no renewal thereof shall be permitted. [Amended 10-5-1976 by L.L. No. 12-1976]

## CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION / ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)] / § 106-10. Restriction of hours. [Added 7-17-2001 by L.L. No. 9-2001EN

**§ 106-10. Restriction of hours. [Added 7-17-2001 by L.L. No. 9-2001**[EN(3)]

It shall be unlawful and a violation of this Chapter 106 for any person to undertake or engage in any exterior or outdoor construction activity for which a permit is required pursuant to this Code other than between the hours of 8:00 a.m. and 7:00 p.m. on weekdays or between the hours of 9:00 a.m. and 6:00 p.m. on weekends, prevailing time, except in the case of an emergency in the interest of public health and safety and then only as expressly authorized by the Code Compliance Director, Building Inspector or Superintendent of Public Works or as emergency work under Chapter 114, Buildings and Structures, Unsafe.

## CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION / ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)] / § 106-11. Fees. [Amended 7-6-1982 by L.L. No. 6-1982: 9-3-1991 by L.L. No. 10-1991; 5-5-1992 by L.L. No. 4-1992; 8-17-1999 by L.L. No. 12-1999]

**§ 106-11. Fees. [Amended 7-6-1982 by L.L. No. 6-1982: 9-3-1991 by L.L. No. 10-1991; 5-5-1992 by L.L. No. 4-1992; 8-17-1999 by L.L. No. 12-1999]**

A. Collection. All fees prescribed in this section shall be collected by the Director, and no permits shall be issued by him until such fees have been paid.

B. Basis for computing fees. Building permit fees shall be based upon the cost thereof, as set forth in Chapter 147, Fees, for additions, alterations and new buildings.

C. The method of estimating the cost of the proposed building addition or alteration shall be as set forth in Chapter 147, Fees.

D. The maximum fee for new construction or alterations of public buildings or buildings for religious, hospital, educational, patriotic or veterans' purposes on property exempted upon the latest village assessment roll from taxation for general village purposes and owned by a corporation or association organized exclusively for such purposes shall be as set forth in Chapter 147, Fees.

E. Other fees shall be as set forth in Chapter 147, Fees.

## CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION /

## ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)] / § 106-12. Notice of violation. [Amended 3-19-1986 by L.L. No. 3-1986]

### § 106-12. Notice of violation. [Amended 3-19-1986 by L.L. No. 3-1986]

Whenever the Director is satisfied that a building or structure or any work in connection therewith, the erection, construction, alteration, execution or repair of which is regulated, permitted or forbidden by the State Uniform Fire Prevention and Building Code or the Code of the Village of Northport, is being erected, constructed, altered or repaired in violation of the provisions or requirements of this article or in violation of a detailed statement or plan submitted and approved thereunder, he shall serve a written notice or order upon the person responsible therefor directing discontinuance of such illegal action and the remedying of the condition that is in violation of the provisions or requirements of this article.

## CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION / ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)] / § 106-13. Stop orders.

### § 106-13. Stop orders.

Whenever the Director has reasonable grounds to believe that work on any building is being performed in violation of the provisions of the applicable building laws, ordinances, rules or regulations or not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued or in an unsafe and dangerous manner, he shall notify the owner of the property or the owner's agent to suspend all work; and any such persons shall forthwith stop such work and suspend all building activities until the stop order has been rescinded. Such order and notice shall be in writing, shall state the conditions under which the work may be resumed and may be served upon a person to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building where the work is being performed and sending a copy of the same to him by certified mail at the address set forth in the application for permission for the construction of such building.

## CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION / ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)] / § 106-14. Revocation of building permit.

**§ 106-14. Revocation of building permit.**

The Director may revoke a building permit theretofore issued in the following instances:

A. Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based.

B. Where he finds that the building permit was issued in error and should not have been issued in accordance with the applicable law.

C. Where he finds that the work performed under the permit is not being performed in accordance with the provisions of the application, plans or specifications.

D. Where the person to whom a building permit has been issued fails or refuses to comply with a stop order issued by the building official.

## CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION / ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)] / § 106-15. Conditions of occupancy.

**§ 106-15. Conditions of occupancy.**

A. Certificates required. It shall be unlawful to maintain, occupy or use a building or structure or part thereof that has been erected or altered in violation of the provisions of this code and the applicable state code, or for which a certificate of occupancy has not been issued by the Director.

B. In the case of change of the nature of occupancy or of use in any building, existing or to be erected, the owner or lessee must notify the Director before the proposed change is made. The Director shall thereupon cause an inspection to be made of the premises, and a certificate shall be issued for such use. No new certificate shall be issued, nor shall the building be occupied or used, unless it conforms or is made to conform to all requirements for strength of floors to carry the proposed loads, for means of egress, for light and air and for all other safety requirements of this code. In an existing building, no change of occupancy shall be made that would bring it under some special provision of law, ordinance or regulation, unless the Director finds, upon inspection, that such building conforms to the provisions of law with respect to the proposed new occupancy and use, and issues a certificate of occupancy therefor.

C. Where the code authorizes more than one occupancy in any structure, a certificate must be

obtained by each occupant for the use of the premises.

D. Installation of fire hydrants. Notwithstanding any other provision of this code, no certificate of occupancy shall be issued for any building or structure located within the bounds of any final subdivision plat where the location and layout of fire hydrants on said plat have been approved by the Board of Fire Commissioners of the fire district in which said plat is located, pursuant to the applicable provisions of Chapter A312, Subdivision Regulations, Article I, Residential Subdivision Regulations and Site Improvement Specifications, of the Village of Northport, until such fire hydrants have been located and laid out in compliance with such approval and until such fire hydrants and necessary water mains and other facilities appurtenant thereto have been completed and installed and are in good operating condition.

## CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION / ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)] / § 106-16. Certificate of occupancy.

### § 106-16. Certificate of occupancy.

A. Upon the completion, under a permit, of any structure or alteration, the Director shall issue to the permit holder a certificate, to be known as a certificate of occupancy, stating that the work has been completed substantially in accordance with the permit and the codes and laws applicable thereto.

B. The certificate shall state the purposes for which the structure may be used in its several parts, the maximum permissible live loads on the several floors and the number of persons that may be accommodated in the several stories in case any or all such matters are limited by law or the permit under which the construction was undertaken. No certificate of occupancy shall be issued after the expiration of one year from the date of the original building permit or renewal permit, as the case may be.

C. Certificates of occupancy and other certificates shall be issued in duplicate within 10 days after written application therefor, if the building at the time of such application shall be entitled thereto. One copy of each certificate shall be kept in the office of the Department, and one copy shall be furnished to the person having principal interest in the building affected. Duplicate copies shall be furnished to other interested persons on request. No certificates of occupancy shall be issued unless at the time of the application therefor a final approved survey shall be submitted showing the lot, the building and any other improvements thereon, together with lot and building dimensions and distances from exterior lot lines to said improvements.

## CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION / ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)] / § 106-17. Existing buildings.

### § 106-17. Existing buildings.

Nothing in this code shall require the removal, alteration or abandonment of, nor prevent the continuance of the use and occupancy of, a lawfully existing building, except as may be necessary for the safety of life and property.

## CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION / ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)] / § 106-18. Maintenance of safe conditions.

### § 106-18. Maintenance of safe conditions.

Every building and structure heretofore or hereafter erected shall be kept in good repair to maintain the conditions of safety and habitability prescribed by this article.

## CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION / ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)] / § 106-19. Repair of damaged buildings.

### § 106-19. Repair of damaged buildings.

Any building damaged by fire, explosion, act of the public enemy or other accidental cause may, within six months, be reconstructed as it was, and a building declared structurally unsafe by duly constituted authority may be made safe, provided that if the cost of reconstruction is in excess of 1/2 of the value of the building, inclusive of foundations, such reconstructed or restored building shall be made to conform to the requirements for new buildings in all respects, but no change of use or occupancy shall be compelled or allowed by reason of such reconstruction or restoration.

## CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION / ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975

**(Ch. 13 of the 1966 Code)] / § 106-20. Fire limits. [Added 8-5-1980 by L.L. No. 5-1980; amended 3-19-1986 by L.L. No. 3-1986; 8-17-1999 by L.L. No. 12-1999]**

**§ 106-20. Fire limits. [Added 8-5-1980 by L.L. No. 5-1980; amended 3-19-1986 by L.L. No. 3-1986; 8-17-1999 by L.L. No. 12-1999]**

Pursuant to acceptance of the State Uniform Fire Prevention and Building Code, adopted by the Village Board of Trustees of the Village of Northport on April 17, 1984,[EN(4)] the following provisions are hereby adopted:

A. Fire limits. The term "fire limits" shall be defined as set forth in Section 606.3 of the State Uniform Fire Prevention and Building Code.

B. Fire limits of zoning districts. The fire limits of the Village of Northport are hereby established as those areas as shown on the Zoning Map of the Incorporated Village of Northport, designated as "Central Business A District," "Central Business B District," "Central Business C District," "Neighborhood Business District," "Marine Business District" and "Highway Business District," and including any business or commercial nonconforming use located within a residential district, and such other areas which may be established as fire limits by the Board of Trustees by way of amendment to this article. [Amended 8-11-1987 by L.L. No. 6-1987]

C. Applicability. The special fire protection requirements set forth in the aforesaid State Uniform Fire Prevention and Building Code shall be applicable to the above-described fire limits as the same is required by said State Uniform Fire Prevention and Building Code.

**CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION / ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)] / § 106-21. Penalties for offenses.**

**§ 106-21. Penalties for offenses.**

A. A person who shall violate a provision of this article, including the State Uniform Fire Prevention and Building Code, or fail to comply therewith or with any of the requirements thereof or with any notice, order or directive, or who shall erect, construct, alter, move or repair or has erected, constructed, altered, moved or repaired a building or structure in violation of a detailed statement or plan submitted and approved thereunder or of a permit or certificate issued thereunder, shall be guilty of a misdemeanor punishable by a fine of not more than $1,000 or by imprisonment for not more than one year, or by both such fine and imprisonment; and each day such violation shall be permitted to exist shall constitute a

separate offense. The giving of written notice is not a prerequisite for action under this section unless the subject of the prosecution is the noncompliance with such notice. [Amended 3-19-1986 by L.L. No. 3-1986; 8-17-1999 by L.L. No. 12-1999]

B. The imposition of the penalties herein prescribed shall not preclude the village from instituting an appropriate action or proceeding in law or in equity to prevent an unlawful erection, construction, reconstruction, alteration, moving, repair, conversion, maintenance or use or to restore correct or abate a violation or to prevent an illegal act, conduct, business or use in or about any premises.

C. No oversight or dereliction of duty on the part of the Director or his subordinates shall legalize the erecting, constructing, altering, removing, use or occupancy of a building that does not conform to the provisions of law.

**CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 106, BUILDING CONSTRUCTION / ARTICLE I, Administration and Enforcement [Adopted 1-7-1975 by L.L. No. 1-1975 (Ch. 13 of the 1966 Code)] / § 106-22. Definitions.**

# DEFINITIONS



**CODE OF THE VILLAGE OF NORTHPORT, NEW YORK, v31 Updated 08-15-2008 / PART II GENERAL LEGISLATION / Chapter 114, BUILDINGS AND STRUCTURES, UNSAFE / § 114-2. Definitions.**

**§ 114-2. Definitions.**

For the purposes of this chapter, the terms used herein are defined as follows:

BUILDING -- A combination of materials to form a construction that is designed for or used as a residence, place of business, storage place or public place. The word "building" shall be construed as if followed by the words "or parts thereof" and shall include the term "structure."

CODE COMPLIANCE DIRECTOR -- The Code Compliance Director of the village or such other person appointed by the Board of Trustees to enforce the provisions of this chapter.

STRUCTURE -- A combination of materials to form a construction, including but not limited to docks, excavations, bulkheads, platforms, ramps, culverts, drains, sidewalks and private streets.

UNSAFE BUILDINGS -- Includes all buildings and structures which have any or all of the following defects:

A. Those whose interior walls or exterior bearing walls or other vertical structural members list, lean or buckle to such an extent as to weaken the structural support they provide.

B. Those which, exclusive of the foundation, show 33% or more of damage to or deterioration of the supporting member or members or 50% of damage to or deterioration of the nonsupporting, enclosing or outside walls or covering.

C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

D. Those which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or the people of this village; or which, having sustained damage to the exterior by such casualty, shall not have had such damage repaired within six months of the date of the casualty or such longer period, not to exceed 12 months from the date of casualty, as may be determined by the Board of Trustees for good cause shown after hearing pursuant to § 114-6 hereof.

E. Those which have become or are so dilapidated, decayed, unsafe or unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease to those living therein or adjacent thereto.

F. Those having light, air and sanitation facilities which are inadequate to protect the health,

safety or general welfare of human beings who live or may live therein, with particular reference to the requirements of the New York State Uniform Fire Prevention and Building Code as a determinant.[EN(1)]

G. Those having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication, again referencing the New York State Uniform Fire Prevention and Building Code as a determinant.

H. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

I. Those which consist of debris, rubble or parts of buildings left on the ground after demolition, reconstruction, fire or other casualty.

J. Those which, because of their condition are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this village.

INC. VILLAGE OF NORTHPORT

PLUMBING PERMIT APPLICATION

## MANDATORY SUBMISSIONS FOR ACCEPTANCE:

RISER DIAGRAM
GAS SCHEMATIC
COPY OF OWNER'S TAX BILL
COPY OF PLUMBER'S LICENSE (SUFFOLK OR TOWN OF HUNTINGTON)
PROOF OF LIABILITY INSURANCE $2.M/1.M
PROOF OF WORKMEN'S COMPENSATION INSURANCE ON EITHER NYS W.C. BOARD FORM OR STATE FUND FORM. **NO ACORD FORMS!**

## NOTICE!!!

**HOMEOWNER WILL BE CHARGED $50. REINSPECTION FEE FOR EACH FAILED INSPECTION.**

**HOMEOWNER WILL BE CHARGED 3 TIMES THE PERMIT FEE OR $200.00 MINIMUM PENALTY FOR WORK PERFORMED WITHOUT PERMIT!**

# Certificate of Attestation of Exemption
## From New York State Workers' Compensation and/or Disability Benefits Insurance Coverage

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

The applicant may use this Certificate of Attestation of Exemption **ONLY** to show a government entity that New York State specific workers' compensation and/or disability benefits insurance is not required. The applicant may **NOT** use this form to show another business or that business's insurance carrier that such insurance is not required.

**Please provide this form to the government entity from which you are requesting a permit, license or contract. This Certificate will not be accepted by government officials one year after the date printed on the form.**

| In the Application of (Legal Entity Name and Address): | Business Applying For: BUILDING PERMIT |
|---|---|
| **JOHN SMITH**<br>**123 MAIN STREET**<br>**ALBANY, NY 12207**<br>**111-111-1111**<br>**Federal ID Number: XXXXX6789** | **From: CITY OF ALBANY, DEPT OF BUILDING AND CODES**<br>The location of where work will be performed is<br>**123 ACME AVENUE, ALBANY, NY 12203.**<br>Estimated dates necessary to complete work associated with the building permit are from **October 14, 2008 to March 31, 2009.**<br>The estimated dollar amount of project is **$25,001 - $50,000** |

**Workers' Compensation Exemption Statement:**

The above named business is certifying that it is **NOT REQUIRED TO OBTAIN NEW YORK STATE SPECIFIC WORKERS' COMPENSATION INSURANCE COVERAGE** for the following reason:

The business is owned by one individual and is not a corporation. Other than the owner, there are no employees, day labor, leased employees, borrowed employees, part-time employees, unpaid volunteers (including family members) or subcontractors.

**Disability Benefits Exemption Statement:**

The above named business is certifying that it is **NOT REQUIRED TO OBTAIN NEW YORK STATE STATUTORY DISABILITY BENEFITS INSURANCE COVERAGE** for the following reason:

The business is owned by one individual or is a partnership (LLC, LLP, PLLP or a RLLP) under the laws of New York State and is not a corporation; or is a one or two person owned corporation, with those individuals owning all of the stock and holding all offices of the corporation (in a two person owned corporation, each individual must be an officer and own at least one share of stock) or is a business with no NYS location. In addition, the business does not require disability benefits coverage at this time since it has not employed one or more individuals on at least 30 days in any calendar year in New York State. (Independent contractors are not considered to be employees under the Disability Benefits Law.)

I, JOHN SMITH, am the Sole Proprietor with the above-named legal entity. I affirm that due to my position with the above-named business I have the knowledge, information and authority to make this Certificate of Attestation of Exemption. I hereby affirm that the statements made herein are true, that I have not made any materially false statements and I make this Certificate of Attestation of Exemption under the penalties of perjury. I further affirm that I understand that any false statement, representation or concealment will subject me to felony criminal prosecution, including jail and civil liability in accordance with the Workers' Compensation Law and all other New York State laws. By submitting this Certificate of Attestation of Exemption to the government entity listed above I also hereby affirm that if circumstances change so that workers' compensation insurance and/or disability benefits coverage is required, the above-named legal enti tate specific workers' compensation insurance and/or disability benefits coverage and also immediately y the Chair of the Workers' Compensation Board to the government entity listed above.

THIS IS A NEW FORM REQ'D. BY NYS COMP. BOARD.

| SIGN HERE | Signature: | Date: |
|---|---|---|

| Exemption Certificate Number | Received |
|---|---|
| 2008-00197 | October 2, 2008<br>NYS Workers' Compensation Board |

IT IS REQ'D WHEN A CONTRACTOR STATES HE DOES NOT HAVE ANY EMPLOYEES + DOES NOT NEED TO CARRY WORKMAN'S COMP + DISABILITY.

CE-200 (Draft 06/02/08)

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