

TOWN OF LENOX
APPLICATION FOR FENCE PERMIT

INSTRUCTIONS

A. This application **must** be typewritten or completed in ink and submitted to the Town Hall or the Code Enforcement Officer.

B. Any fence to be erected within the Town of Lenox shall require a fence permit from the Code Enforcement Office. A fence permit application shall be filled out by the applicant and approved by the Code Enforcement Officer prior to any construction of a fence.

DEFINITION OF FENCE- Any densely planted or constructed barrier of plant material, wood, masonry, stone, wire, metal or any other manufactured material or combination of materials erected for the total or partial enclosure of areas.

C. Submittal Requirements:

1. A complete fence/wall permit application.

2. A site plan. Use survey map where possible. Locate clearly and distinctly all buildings whether existing and indicate all setbacks with dimensions from property lines. Give lot dimensions according to deed and show location and name of address and street. Show the location of the waste water treatment system (septic) and the water source (well).

3. A detail of fence Materials.

4. Drawings of all concrete, concrete masonry, or similar type material construction.

D. Any commercial or industrial application is required to have site plan approval from the planning board.

E. The Codes Department will approve or disapprove the plans within 10 business days.

F. **THE WORK COVERED BY THIS APPLICATION MAY NOT BE STARTED BEFORE THE ISSUANCE OF A FENCE PERMIT. A Fence Permits shall be effective to authorize the commencement and completion of work in accordance with this application, plans and specifications on which it is based for a period of 12 months after the date of issuance.** For good cause the enforcing officer may allow such extension of time, as he may deem reasonable. Where the work described in the application, plans and specifications is not completed within the period allowed by the permit or performed according to this application and any extension thereof, the enforcing officer may order the owner of the premises to remove any fence which he shall deem detrimental to public health, safety or welfare.

H. Upon the approval of the application, the Code Enforcement Officer will issue the fence permit to the applicant.

I. Notify the Code Enforcement Officer when work is ready for inspection. Refer to inspection Schedule with permit.

Note: If you have questions call:

Josh Stagnitti
Code Enforcement Officer
Town of Lenox/Village of Wampsville
205 S. Peterboro St.
Canastota, New York 13032
315-697-5575 Office
315-697-5514 Fax
Email: tolcodes@cnyemail.com

Office Hours

Monday thru Friday

8:00 a.m. To 4:00 p.m.

**TOWN OF LENOX
Village of Wampsville
CODE ENFORCEMENT OFFICE**

INSPECTION SCHEDULE

Building Permit Number:
Date of issuance:
Permit Issued To:

Dear Applicant,

Your application for a building permit has been approved and is transmitted herewith subject to the following conditions:

You are to notify the Code Enforcement Office of the commencement of work under this permit prior to the start of the following construction stages in order to schedule the required inspections for compliance to the Uniform Building Code.

1. <i>Site before commencement of work</i>
2. <i>Footing before pouring concrete.</i>
3. <i>Foundation before back fill.</i>
4. <i>Framing before closing.</i>
5. <i>Electrical inspection *** Must be a third party inspection agency approved by the municipality and hired by the applicant.</i>
6. <i>Insulation before enclosing.</i>
7. <i>Plumbing before enclosing.</i>
8. <i>Heating, ventilation, air conditioning before enclosing.</i>
9. <i>Energy Code Compliance</i>
10. <i>OTHER:</i>
11. <i>OTHER:</i>
12. <i>OTHER:</i>
13. <i>FINAL COMPLETION FOR CERTIFICATE OF OCCUPANCY OR COMPLIANCE.</i>

It is required that timely notice of at least 48 hours SHALL be given to the Code Enforcement Office of the readiness of construction for all inspections for compliance of the State Uniform Building Code.

Contact the Code Enforcement Officer, who can be reached at 697-5575 Monday through Friday from 8:00 a.m. to 4 p.m.

Sincerely,

Josh Stagnitti
Code Enforcement Officer

FENCE PERMIT

APPLICATION NUMBER: _____	ISSUED DATE: _____
APPROVED BY: _____	ISSUED BY: _____
SIGNED: _____	SIGNED: _____
X _____ Zoning Officer	X _____ Administration
VARIANCE DATE: _____	ZONING DISTRICT: _____
OFFICIAL USE	

DATE: _____	TAX MAP NUMBER: _____
ADDRESS OF JOB SITE: _____	

NATURE OF WORK: _____

PROPOSED USE: _____

EXISTING USE: _____

PROPERTY OWNERS NAME: _____
ADDRESS: _____
PHONE NUMBER: _____

APPLICANTS NAME: _____
ADDRESS: _____
PHONE NUMBER, EMAIL: _____

APPLICANTS SIGNATURE: X _____

When was the last time you tested your smoke or carbon monoxide detector??

IMPORTANT NOTICES: READ BEFORE SIGNING!

1. Work conducted pursuant to a building permit must be visually inspected by the Code Enforcement Officer and must conform to the documents submitted, New York State Uniform Fire Prevention and Building Code and all applicable codes, rules and regulations.
2. It is the owner's responsibility to contact the Code Enforcement Office at 697-5575 at least 48 hours before any requested inspection. **DO NOT PROCEED TO THE NEXT STEP OF CONSTRUCTION UNTIL INSPECTIONS HAVE BEEN COMPLETED.** Otherwise, work may need to be removed at the owners or contractors expense to conduct the required inspections. Close coordination with the Code Enforcement Office will greatly reduce this possibility.
3. **THE OWNER HEREBY AGREES TO ALLOW THE CODE ENFORCEMENT OFFICER TO INSPECT THE SUFFICIENCY OF THE WORK BEING DONE PURSUANT TO THIS PERMIT, PROVIDED HOWEVER, THAT SUCH INSPECTIONS ARE LIMITED TO THE WORK BEING CONDUCTED PURSUANT TO THIS PERMIT AND ANY OTHER NON WORK RELATED VIOLATIONS WHICH ARE READILY DISCERNIBLE FROM SUCH INSPECTIONS.**
4. New York State Law requires contractors to maintain Worker's Compensation and Disability Insurance for their employees. No permit will be issued unless a currently valid Worker's Comp and Disability Insurance certificate is attached to this application. If the contractor believes that they are not required to have the described insurance then the contractor must complete form C-105.21, attached hereto.
5. If a certificate of occupancy is required, the structure shall not be occupied until such certificate has been issued.
6. Work undertaken pursuant to this permit is conditioned upon and subject to any state and federal regulations relating to asbestos materials.
7. The building permit card must be displayed so as to be visible from the street nearest to the site of the work being conducted.

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

(Signature) x _____ Date: _____

(Print Name) _____

(Title) _____

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

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

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

I also agree to either:

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

(Signature of Homeowner)

(Date Signed)

(Homeowner's Name Printed)

Home Telephone Number _____

Property Address that requires the building permit:

BP-1 (3/99)

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

LAWS OF NEW YORK, 1998
CHAPTER 439

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

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

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

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

Implementing Section 125 of the General Municipal Law

1. General Contractors and Business Owners

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

- ◆ insured (C-105.2 or U-26.3),
- ◆ self-insured (SI-12), or
- ◆ are exempt (C-105.21),

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

2. Owner-occupied Residences

For homeowners of a 1, 2, 3 or 4 Family, Owner-occupied Residence, proof of their exemption from the mandatory coverage provisions of the Workers' Compensation Law when applying for a building permit is to file form BP-1(3/99).

- ◆ Form BP-1(3/99) shall be filed if the homeowner of a 1, 2, 3 or 4 Family, Owner-occupied Residence is listed as the general contractor on the building permit, and the homeowner:
 - ◇ is performing all the work for which the building permit was issued him/herself,
 - ◇ is not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping the homeowner perform such work, or
 - ◇ has a homeowner's insurance policy that is currently in effect and covers the property for which the building permit was issued AND the homeowner is hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for the work for which the building permit was issued.
- ◆ If the homeowner of a 1, 2, 3 or 4 Family, Owner-occupied Residence is hiring or paying individuals a total of 40 hours or MORE in any week (aggregate hours for all paid individuals on the jobsite) for the work for which the building permit was issued, then the homeowner may not file the "Affidavit of Exemption" form, BP-1(3/99), but shall either:
 - ◇ acquire appropriate workers' compensation coverage and provide appropriate proof of that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit (the C-105.2 or U-26.3 form), OR
 - ◇ have the general contractor, (performing the work on the 1, 2, 3 or 4 family, owner-occupied residence (including condominiums) listed on the building permit) provide appropriate proof of workers' compensation coverage, or proof of exemption from that coverage on forms approved by the Chair of the NYS Workers' Compensation Board to the government entity issuing the building permit.

Chapter 134

ZONING

ARTICLE VI

Regulations Applicable in All Districts

Section 134-52.2 Fences.

A. Definition

- (1) Any densely planted or constructed barrier of plant material, wood, masonry, stone, wire, metal or any other manufactured material or combination of materials erected for the total or partial enclosure of areas.

B. Construction and maintenance.

- (1) Any fence to be erected within the Town of Lenox shall require a fence permit from the Code Enforcement Office. A fence permit application shall be filled out by the applicant and approved by the Code Enforcement Officer prior to any construction of a fence.
- (2) A copy of the property survey or site plane is required at the time of application. The proposed fence shall be located on the survey to ensure set-back requirements are met.
- (3) Any fence erected shall have the "good side" (as determined by the Code Enforcement Officer) of said fence facing out towards the abutting property owner.
- (4) Any fence erected shall be placed at least 24 inches from the property line so if repairs and maintenance of said fence is to be performed, it may be performed from the property owner's land.
- (5) Minimum depth for fence, gate, ect. posts is 48 inches due to frost depth.
- (6) All fences shall be maintained by the person responsible for the property. Such maintenance shall include but not be limited to the replacement and / or repair of fences which may be come in disrepair. Repairs should be made in accordance with existing fences, this repair may include missing or broken sections, heaving, collapsed, and / or tilted fences.
- (7) The maximum height of any fence to be erected shall be eight feet or less measured from the grade of the property.
- (8) In all districts regarding frontage of fencing and front lines, all fences shall meet State, County, and local road right of ways plus 10 feet from that line. No fence, wall, or planting shall be placed or maintained within the required front yard which interferes with the safe movement of vehicular or pedestrian traffic or the

removal and storage of snow. All front yard fencing, wall, or natural earth shall not exceed 48 inches in height.

- (9) Local condition may warrant further set-back distances from the property line. Specifically, fencing for animal kennels shall be a minimum of 10 feet from any property line.
- (10) Any property or business that has a dumpster shall require a fence enclosure. Such fence shall meet all of the above code requirements.

C. Submittal Requirement

To obtain a permit for the construction of fence/walls, please provide the following information;

- (1) A completed fence/wall permit application.
- (2) A property survey indicating boundary lines, location of all structures, and proposed location of such structures, and proposed location of such fencing.
- (3) A detail of fencing materials
- (4) Drawings of all concrete, concrete masonry, or similar type material construction.

D. Corner lot visibility.

At the intersection of two or more streets, no hedge, fence or wall, nor any obstructions to vision shall be permitted in the triangular area framed by the intersecting street lines and a line joining each 20 foot distance from said intersections along said street line. See example 1-1 attached to this ordinance.

E. Natural plantings and Earth berms

All natural plantings and earth berms installed with the intention of providing natural fencing or screening of a property, shall be reviewed by the Code Enforcement Officer and may be referred to the local planning board for approval in order to comply with applicable codes.

F. Pool requirements.

All outdoor swimming pools shall meet the requirements of the Building Code of New York State barrier requirements. At no time shall natural plantings be considered as "approved fencing" in meeting the fencing and barrier requirements for pools.

G. Agriculture

Lands zoned or actively used (ie. Grandfathered) specifically for agriculture only are exempt from this ordinance. The farm house, housing buildings for farm-hands, or businesses that occupy a structure shall comply with the requirements of this ordinance.

H. Snow fencing

Snow fencing may be used and installed from November 1st to April 1st. Snow fencing shall not be used in place of permanent fencing. No permit shall be required for snow fencing. Snow fencing shall be exempt from the installation requirements of this ordinance.

I. State, County, Town, Utility, and Local Right-of-Way

At no time shall a fence/wall/natural barrier be constructed through any State, County, Town, Utility, and Local right-of-way.

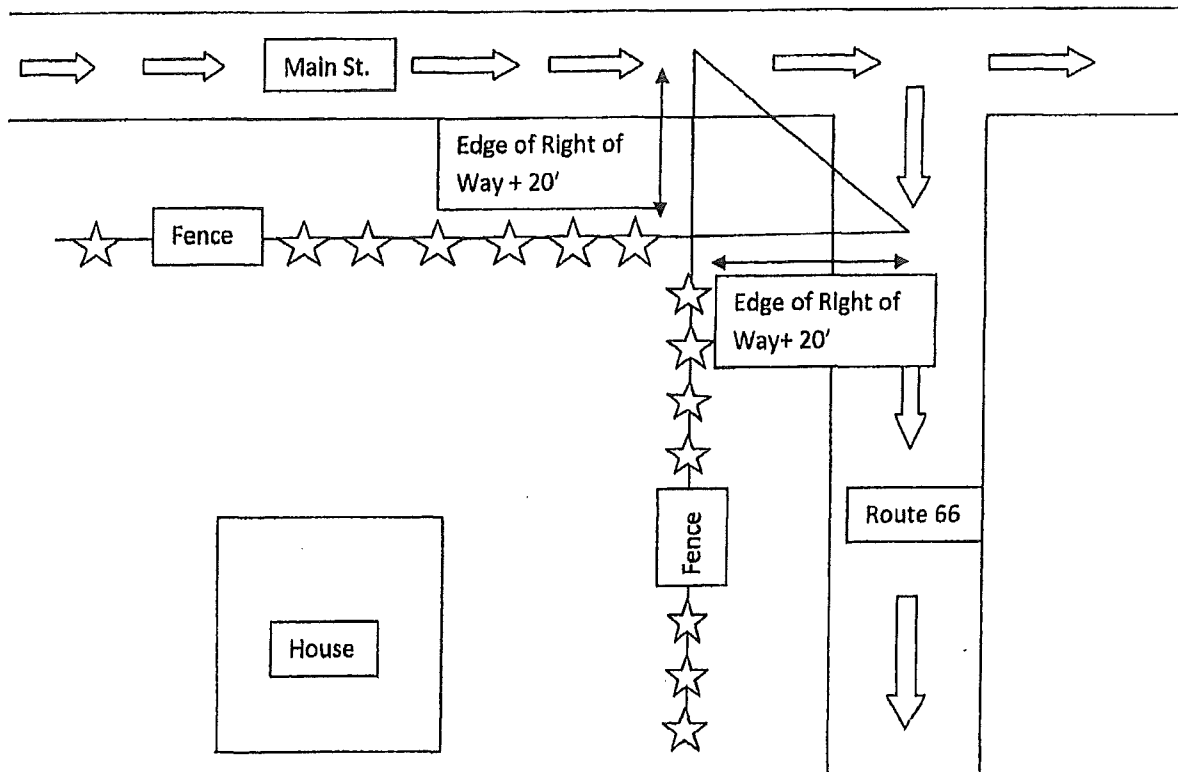
J. Lakefront fencing

For lakefront lots, fences erected on the lakeside yard of the lot are limited to four feet in height and shall be constructed of chain link material or customary split rail fencing to ensure the least impact to Lake views for surrounding properties and allow for reasonably unobstructed view of the lake (a minimum of eighty percent (80%) open view). Fences in rear lots of lakefront properties shall also be limited to four feet in height. Natural plantings and earth berms shall also comply with 134-55 of this ordinance.

K. Fees.

A fence permit fee of \$10.00 shall be collected at the time the fence permit application is submitted for approval.

CORNER LOT FENCING EXAMPLE 1-1



At the intersection of two or more streets, no hedge, fence or wall, nor any obstructions to vision shall be permitted in the triangular area framed by the intersecting street lines and a line joining each 20 foot distance from said intersections along said street line.

Use the right-of-way location plus 20 feet and mark the property. Do the same thing for the other intersecting street. The two lines have to intersect at some point. At the point of intersection will be the corner post.

ANY CORNER LOT FENCING APPLICATIONS SHALL REQUIRE A SITE VISIT AND SITE APPROVAL BEFORE CONSTRUCTION BEGINS.

*** The Code Enforcement Officer will provide the road right-of-way foot distance. State, County, and Town roads all have different right-of-ways.