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City of Rome Code Enforcement Department Pool Permitting Guidelines

Updated: March 2015

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Overview

The Code Enforcement office is responsible for enforcement of building codes, enforcement of zoning code, and issuance building permits and their required inspections. The City of Rome Common Council has adopted the New York State Uniform Fire Prevention and Building Code for the administration and enforcement of all construction and maintenance of existing properties. Permits issued through the Codes Department are available daily between 8:30am and 4:30pm **by appointment**.

All pool projects that require a building permit must conform to the New York State Uniform Fire Prevention and Building Code. Prior to issuing pool permits the code enforcement department will perform a site visit, evaluate required submittals for compliance and determine if the proposed land use is consistent with the zone district. A project may be subject to an approval by the Zoning Board of Appeals. Pending zoning and code requirement compliance, a building permit will be issued. If approval is required by the zoning board, additional time will be required as they meet on the first Wednesday of the month.

Contact Information

City Hall Annex

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What Is Zoning And Why Is It Important?

Zoning regulates the use of land and the location of structures on the property. The City of Rome is segmented into a variety of zone districts, each of which has permitted uses and development standards. These zone districts range from industrial districts to preservation districts and were designed to provide a framework for orderly development and land use within the city. Compliance with the City of Rome Zoning Ordinance is the first step in any pool installation process. For a complete description of the zoning districts, permitted uses and development standards for each zone district, visit <http://www.municode.com/Resources/gateway.asp?pid=10285&sid=32/> and particularly Chapter 80 ZONING CODE.

What If the Proposed Pool Project Is Not Permitted In The Zone District?

An appeal process is established to for people who seek relief from the zoning requirements in the form of a variance. An application is made to the Zoning Board of Appeals through coordination with the Code Enforcement Office. The Zoning Board of Appeals is a volunteer board appointed by the Mayor that meets monthly, reviews applications and rules on the appeals after evaluating required evidence depicting an unreasonable hardship or restriction on the applicant. Applications to the Zoning Board of Appeals that fail will need to reconsider their project or made zoning compliant modifications to the plan. The zoning board of appeals meets the first Wednesday of each month with applications due the first of the preceding month.

Who Applies For The Pool Permit?

The owner of the home or the contractor doing the pool installation must apply for the permit. New York State law requires that all contractors provide proof of worker's compensation insurance when applying for the building permit. Contractors that are sole proprietors that may be exempt must submit a Certificate of Attestation of Exemption from NYS Worker's Compensation. Application is on line at <http://www.wcb.state.ny.us/content/ebiz/OnlineServices.jsp> . Home owners performing the work will be required to complete a BP-1 form and have their signature notarized. Building inspectors are required to contact the NYS Worker's Compensation Board if violations are witnessed.

Can The Home Owner Perform The Pool Installation?

The home owner is authorized to physically perform all work for which they believe are qualified. All plumbing work must be performed by a City of Rome licensed plumber with the exception of replacement of domestic fixtures and hot water tanks. See Appendix C for a list of City of Rome licensed plumbers.

All electrical work must be inspected by a certified inspection agency with certification submitted to the Codes Office. See Appendix B for a list of certified electrical inspection agencies.

Pool Permits

All pools with a depth of greater than twenty four (24) inches require a pool permit from the City of Rome. This includes in-ground pools, above ground pools and soft-side pools commonly known as inflatable pools. In addition to New York State Building Code requirements, zoning plays a role in the issuance of a pool permit. Before purchasing a pool or contracting to have one installed, a pool permit application is an essential first step.

Pool Zoning Requirements

The following zoning requirements must be considered prior to applying for a pool permit. Failure to consider these requirements and plan accordingly can result in an additional two month delay in the project. Parcels located on the intersection of two streets are considered and corner lot and by default have two front yards.

In Ground Pools

- All in ground pools must be located in the side or rear yard
- All in ground pools must be located a minimum of five (5) from the side or rear lot line

All Above Ground Pools Including Soft-side Pools

- All above ground pools must be located in the side or rear yard
- All in ground pools must be located a minimum of ten (10) from the side or rear lot line

Construction Requirements

Installation of pools, spas, or hot tubs must meet the following construction requirements from the following New York State Residential Code sections.

SECTION G102 DEFINITIONS

G102.1 General. For the purposes of these requirements, the terms used shall be defined as follows and as set forth in Chapter 2.

BARRIER PERMANENT. A fence, wall, building wall or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool.

BARRIER TEMPORARY. An approved temporary fence, permanent fence, the wall of a permanent structure, any other structure, or any combination thereof that prevents access to the swimming pool by any person not engaged in the installation or construction of the swimming pool during its installation or

construction.

HOT TUB. See "Swimming pool."

IN-GROUND POOL. See "Swimming pool."

RESIDENTIAL. That which is situated on the premises of a detached one- or two-family dwelling or a one-family townhouse not more than three stories in height.

SPA, NONPORTABLE. See "Swimming pool."

SPA, PORTABLE. A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.

SUBSTANTIAL DAMAGE. For the purpose of determining compliance with the pool alarm provisions of this appendix, 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.

SUBSTANTIAL MODIFICATION. For the purpose of determining compliance with the pool alarm provisions of this appendix, any repair, alteration, 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 improvement or repair is started. If a swimming pool has sustained substantial damage, any repairs are considered substantial modification regardless of the actual repair work performed.

SWIMMING POOL. Any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designed to contain, or is capable of containing water more than 24 inches (610 mm) deep at any point. This includes in-ground, above-ground and on-ground pools; indoor pools; hot tubs; spas; and fixed-in-place wading pools.

SWIMMING POOL, INDOOR. A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

SWIMMING POOL, OUTDOOR. Any swimming pool which is not an indoor pool.

SECTION G103 SWIMMING POOLS

G103.1 In-ground pools. In-ground pools shall be designed and constructed in conformance with ANSI/NSPI-5 as listed in Section AG108.

G103.2 Above-ground and on-ground pools. Above-ground and on-ground pools shall be designed and constructed in conformance with ANSI/NSPI-4 as listed in Section AG108.

SECTION G104 SPAS AND HOT TUBS

G104.1 Permanently installed spas and hot tubs. Permanently installed spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-3 as listed in Section AG108.

G104.2 Portable spas and hot tubs. Portable spas and hot tubs shall be designed and constructed in conformance with ANSI/NSPI-6 as listed in Section AG108.

SECTION G105 BARRIER REQUIREMENTS

G105.1 Application. The provisions of this chapter shall control the design of barriers for residential swimming pools, spas and hot tubs. These design controls are intended to provide protection against potential drownings and near- drownings by restricting access to swimming pools, spas and hot tubs.

G105.2 Temporary barriers. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a temporary barrier during installation or construction and shall remain in place until a permanent barrier in compliance with Section AG105.3 is provided.

Exceptions:

1. Above-ground or on-ground pools where the pool structure is the barrier in compliance with Section AG105.3.
2. Spas or hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section AG107, provided that such safety cover is in place during the period of installation or construction of such hot tub or spa. The temporary removal of a safety cover as required to facilitate the installation or construction of a hot tub or spa during periods when at least one person engaged in the installation or construction is present is permitted.

G105.2.1 Height. The top of the temporary barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool.

G105.2.2 Replacement by a permanent barrier. A temporary barrier shall be replaced by a complying permanent barrier within either of the following periods:

1. 90 days of the date of issuance of the building permit for the installation or construction of the swimming pool; or
2. 90 days of the date of commencement of the installation or construction of the swimming pool.

G105.2.2.1 Replacement extension. Subject to the approval of the code enforcement official, the time period for completion of the permanent barrier may be extended for good cause, including, but not limited to, adverse weather conditions delaying construction.

G105.3 Outdoor swimming pool. An outdoor swimming pool, including an in-ground, above-ground or on-ground pool, hot tub or spa shall be surrounded by a barrier which shall comply with the following:

1. The top of the barrier shall be at least 48 inches (1219 mm) above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of the barrier which faces away from the swimming pool. Where the top of the pool structure is above grade, such as an above-ground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm).

2. Openings in the barrier shall not allow passage of a 4-inch-diameter (102 mm) sphere.

3. Solid barriers which do not have openings, such as a masonry or stone wall, shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches (1143 mm), the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed $1\frac{3}{4}$ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed $1\frac{3}{4}$ inches (44 mm) in width.

5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is 45 inches (1143 mm) or more, spacing between vertical members shall not exceed 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed $1\frac{3}{4}$ inches (44 mm) in width.

6. Maximum mesh size for chain link fences shall be a $2\frac{1}{4}$ -inch (57 mm) square unless the fence has slats fastened at the top or the bottom which reduce the openings to not more than $1\frac{3}{4}$ inches (44 mm).

7. Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall not be more than $1\frac{3}{4}$ inches (44 mm).

8. Gates shall comply with the requirements of Section AG105.2, Items 1 through 7, and with the following requirements:

8.1. All gates shall be self-closing. In addition, if the gate is a pedestrian access gate, the gate shall open outward, away from the pool.

8.2. All gates shall be self-latching, with the latch handle located within the enclosure (i.e., on the pool side of the enclosure) and at least 40 inches (1016 mm) above grade. In addition, if the latch handle is located less than 54 inches (1372 mm) from the bottom of the gate, the latch handle shall be located at least 3 inches (76 mm) below the top of the gate, and neither the gate nor the barrier shall have any opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the latch handle.

8.3. All gates shall be securely locked with a key, combination or other child proof lock sufficient to prevent access to the swimming pool through such gate when the swimming pool is not in use or supervised.

9. Where a wall of a dwelling serves as part of the barrier, one of the following conditions shall be met:

9.1. The pool shall be equipped with a powered safety cover in compliance with ASTM F 1346; or

9.2. Doors with direct access to the pool through that wall shall be equipped with an alarm which produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be listed in accordance with UL 2017. The audible alarm shall activate within 7 seconds and sound continuously for a minimum of 30 seconds after the door and/or its screen, if present, are opened and be capable of being heard throughout the house during normal household activities. The alarm shall automatically reset under all conditions. The alarm system shall be equipped with a manual means, such as touch pad or switch, to temporarily deactivate the alarm for a single opening. Deactivation shall last for not more than 15 seconds. The deactivation switch(es) shall be located at least 54 inches (1372 mm) above the threshold of the door; or

9.3. Other means of protection, such as self-closing doors with self-latching devices, shall be acceptable so long as the degree of protection afforded is not less than the protection afforded by Item 9.1 or 9.2. described above.

10. Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps:

10.1. The ladder or steps shall be capable of being secured, locked or removed to prevent access; or

10.2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Section AG105.2, Items 1 through 9. When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a 4-inch-diameter (102 mm) sphere.

G105.4 Indoor swimming pool. Walls surrounding an indoor swimming pool shall comply with Section AG105.2, Item 9.

G105.5 Prohibited locations. Barriers shall be located to prohibit permanent structures, equipment or similar objects from being used to climb them.

G105.6 Barrier exceptions. Spas or hot tubs with a safety cover which complies with ASTM F 1346, as listed in Section AG107, shall be exempt from the provisions of this appendix.

SECTION G106 ENTRAPMENT PROTECTION FOR SWIMMING POOL AND SPA SUCTION OUTLETS

G106.1 General. Suction outlets shall be designed to produce circulation throughout the pool or spa. Single-outlet systems, such as automatic vacuum cleaner systems, or multiple suction outlets, whether isolated by valves or otherwise, shall be protected against user entrapment.

G106.1.1 Compliance alternative. Suction outlets may be designed and installed in accordance with ANSI/APSP-7.

G106.2 Suction fittings. Pool and spa suction outlets shall have a cover that conforms to ANSI/ASME A112.19.8, or an 18 inch × 23 inch (457mm by 584 mm) drain grate or larger, or an approved channel drain system.

Exception: Surface skimmers

G106.3 Atmospheric vacuum relief system required. Pool and spa single- or multiple-outlet circulation systems shall be equipped with atmospheric vacuum relief should grate covers located therein become missing or broken. This vacuum relief system shall include at least one approved or engineered method of the type specified herein, as follows:

1. Safety vacuum release system conforming to ASME A112.19.17; or
2. An approved gravity drainage system.

G106.4 Dual drain separation. Single or multiple pump circulation systems have a minimum of two suction outlets of the approved type. A minimum horizontal or vertical distance of 3 feet (914 mm) shall separate the outlets. These suction outlets shall be piped so that water is drawn through them simultaneously through a vacuum-relief-protected line to the pump or pumps.

G106.5 Pool cleaner fittings. Where provided, vacuum or pressure cleaner fitting(s) shall be located in an accessible position(s) at least 6 inches (152 mm) and not more than 12 inches (305 mm) below the minimum operational water level or as an attachment to the skimmer(s).

SECTION G107 SWIMMING POOL AND SPA ALARMS

G107.1 Applicability. A swimming pool or spa installed, constructed or substantially modified after December 14, 2006, shall be equipped with an approved pool alarm.

Exceptions:

1. A hot tub or spa equipped with a safety cover which complies with ASTM F1346, as listed in Section AG109.
2. A swimming pool (other than a hot tub or spa) equipped with an automatic power safety cover which complies with ASTM F1346, as listed in Section AG109.

Pool alarms shall comply with ASTM F2208, as listed in Section AG109, and shall be installed, used and maintained in accordance with the manufacturer's instructions and this section.

G107.2 Multiple alarms. A pool alarm 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 provided.

G107.3 Alarm activation. Pool alarms shall activate upon detecting entry into the water and shall sound poolside and inside the dwelling.

G107.4 Prohibited alarms. The use of personal immersion alarms shall not be construed as compliance with this section.

Electrical Requirements

All pools have electrical requirements to operate pumps, heaters and convenient outlets and if installed incorrectly can lead to serious injury or death. A conductive path for fault current can easily be established through the water to the earth. When a person in a pool touches a metallic surface that is energized, the fault-current path through the individual can be fatal. Also, a person in the pool not touching anything but the water could become part of a fault-current path. For example, if an energized device such as an electric appliance drops into the pool, an electrical potential could be established in the pool where a voltage gradient could cause the person to be surrounded by different levels of voltage in the water acting like a conductor.

For these reasons it is imperative that you engage the services of a qualified electrician and have the work inspected by one of the certified electrical inspectors detailed in appendix B prior to calling for a final inspection. The complete NYS Residential Code section regarding the electrical wiring of pools, spas, and hot tubs is available upon request.

Required Pool Permit Application Submittals

Each application for a pool permit shall be accompanied by a site plan detailing to scale the property boundaries, existing dwelling and accessory structure(s). In cases where the proposed location is at the minimum lot setbacks a survey may be required to ensure zoning compliance.

Issuance of Pool Permit

Upon successful review of the pool permit application appointments will be made to issue a building permit. At the time of issuance the contractor performing the installation must present one of the following:

- Proof of Workers Compensation Insurance (**Companies that employ workers**)
- Certificate of Attestation of Exemption from NYS Worker's Compensation Insurance (Form CE-200). **Sole Proprietors** may apply for exemption at <http://www.wcb.state.ny.us/content/ebiz/OnlineServices.jsp>

If the installation is being performed by the home owner, form BP-1 must be completed and notarized. See appendix D for a copy of the BP-1 form.

City of Rome Building Inspectors are required to contact the New York State Worker's Compensation Board of any discrepancies noted as compared to the submitted worker's compensation insurance information.

Each pool permit has a fee associated with. In ground and hard side pools have a \$50 permit fee. Soft side pools have a permit fee of \$10. At the time of issuance of the permit, the City will also collect a \$100 deposit check made out to the City of Rome. This deposit is kept until verification that a third party electrical inspection is performed. If the third party electrical inspection is not completed within 90 days of issuance of the permit, the check will be cashed and the City of Rome will arrange for a third party electrical inspection and no further refunds will be issued. The fee must be paid at the time of issuance of the pool permit. Issuance of the pool permits gives consent to the City of Rome Code Enforcement Department to enter the property in order to perform the required building inspections.

Inspection of the Pool Project

A final inspection must be called for before use of the pool can commence. At the time of final inspection, barriers, alarms, gates and latches will be inspected for compliance. A third party electrical inspection certificate must be presented at this time. A certificate of compliance which authorizes use of the pool will only be issued following successful final inspection and third party electrical inspection.

City of Rome Building Permit Application

Property Owner

Name	
Street Address	
City ST ZIP Code	
Home Phone	
Work Phone	
E-Mail Address	

Design Professional Information

Name	
Company Name	
License Number (if applicable)	
Street Address	
City ST ZIP Code	
Home Phone	
Work Phone	
E-Mail Address	

Contractor Information

Do You Employ Workers Yes No

Name	
Company Name	
License Number (if applicable)	
Street Address	
City ST ZIP Code	
Home Phone	
Work Phone	
E-Mail Address	

Type of Building Project Planned

Check all that apply

<input type="checkbox"/> New Residential Construction	<input type="checkbox"/> Above Ground Pool	<input type="checkbox"/> Plumbing <input type="checkbox"/> New <input type="checkbox"/> Repair
<input type="checkbox"/> New Commercial Construction	<input type="checkbox"/> In Ground Pool	<input type="checkbox"/> Well <input type="checkbox"/> New <input type="checkbox"/> Replacement
<input type="checkbox"/> Residential Addition	<input type="checkbox"/> Shed / Garage	<input type="checkbox"/> Septic <input type="checkbox"/> New <input type="checkbox"/> Repair
<input type="checkbox"/> Commercial Addition	<input type="checkbox"/> Deck	<input type="checkbox"/> Sign <input type="checkbox"/> New <input type="checkbox"/> Replacement
<input type="checkbox"/> Change in Occupancy	<input type="checkbox"/> Electrical Work	<input type="checkbox"/> Heating, Ventilation and Cooling Sign <input type="checkbox"/> New <input type="checkbox"/> Replacement
<input type="checkbox"/> Demolition	<input type="checkbox"/> Building Relocation	<input type="checkbox"/> Wood Stove / Fireplace

Project Description

Describe the project for which you are planning

Estimated Construction Cost \$ _____

Project Specifics - Check All that Apply

Utility Information		
Water Supply <input type="checkbox"/> Public <input type="checkbox"/> Private	Sewer <input type="checkbox"/> Public <input type="checkbox"/> Private	Water Meter <input type="checkbox"/> Yes <input type="checkbox"/> No

Construction Information		
Number of Stories _____	Number of Bedrooms _____	Accessory Building Square Ft _____
Total Square Footage _____	Number of Bathrooms _____	Deck Square Feet _____
Building Height (feet) _____	Spa <input type="checkbox"/> Yes <input type="checkbox"/> No	Finished Basement <input type="checkbox"/> Yes <input type="checkbox"/> No
Site Build <input type="checkbox"/> Yes <input type="checkbox"/> No	Food Disposal <input type="checkbox"/> Yes <input type="checkbox"/> No	Fireplace <input type="checkbox"/> Yes <input type="checkbox"/> No
Garage <input type="checkbox"/> Yes <input type="checkbox"/> No		
Attached <input type="checkbox"/> Yes <input type="checkbox"/> No		

Energy Source

Fuel	Natural Gas	Liquid Petroleum	Oil	Electric	Solid	Solar / Passive
Space Heating	<input type="checkbox"/> Yes <input type="checkbox"/> No					
Water Heating	<input type="checkbox"/> Yes <input type="checkbox"/> No					

Site Information	
Tax Number	Width of Driveway (Residential)
Lot Dimensions	Percent of Lot covered by Structure
Front Set Back (feet)	Percent of Lot covered by parking area
Rear Set Back (feet)	Will One Acre of Soil be Disturbed? <input type="checkbox"/> Yes <input type="checkbox"/> No
Side 1 Set Back (feet)	Survey Attached <input type="checkbox"/> Yes <input type="checkbox"/> No
Side 2 Set Back (feet)	
Corner Lot? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Applicant Attestation

I understand that submittal of a building permit application is not an authorization to proceed with the proposed project and the application is correct to the best of my knowledge. I also understand that pending the review of the application and submittals, modifications may be required to the construction documents in order to comply with New York State Building Codes and City of Rome Zoning and Planning requirements.

Applicant Signature

Date

For Official Use Only

Routing Required

Public Works Department Yes No

Fire Department Yes No

Planning Department Yes No

Parks and Recreation Yes No

Responses due by: _____

Zoning District _____

ZBA Required Yes No

Historic District Yes No

Planning Board
Action Required Yes No

On State Highway Yes No

Flood Plain Checked Yes No

DEC Map Checked Yes No

ROW Permit Required Yes No

Are Open Roof or
Floor joists uses? Yes No

Is an Elevator Planned Yes No

JACQUELINE M. IZZO
Mayor



MARK DOMENICO
Director

DEPARTMENT OF CODE ENFORCEMENT
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The following electrical inspection agencies have entered into contractual agreements with the City of Rome to act as our agents for electrical inspections:

Middle Department Inspection Agency
PO Box 2654
West Chester, PA 19380-0904
(610) 696-3900
Local Office:
143 Troy-Schenectady Road
Watervliet, NY 12189
(518) 273-0861
Attn: Paul Heroux or Frank Mazzara

The Inspector, LLC
5390 State Route 11
Burke, New York 12917
800-487-0535
Local Office:
PO Box 140
Little York NY, 13087
Attn: Timothy Willsey
(315) 247-9162

Central New York Electrical Inspection Services, Inc
7910 Rinaldo Blvd., West
Bridgeport, New York 13030
Attn: Lawrence J. Kinne
(315) 633-0027
LJKinne@twcny.rr.com

Independent Consolidated Inspection Services, Inc.
1410 Albany St. PO Box 4178
Utica, NY 13504-4178
(315) 735-5233
Attn: Thomas Morosco

Commonwealth Electrical Inspection Services, Inc
585-624-2380
585-624-2399 fax
Local Office:
One Main Street
Whitesboro, NY 13492
Attn: Keith Townsend (cell) 709-9014 or
Dick McCarthy (cell) 534-0077

Appendix C - Owner Occupier Exemption Form BP-1

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

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

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

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

I also agree to either:

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

(Signature of Homeowner)

(Date Signed)

(Homeowner's Name Printed)

Home Telephone Number _____

Property Address that requires the building permit:

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

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

BP-1 (12/08)

NY-WCB

LAWS OF NEW YORK, 1998
CHAPTER 439

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

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

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

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

Implementing Section 125 of the General Municipal Law

1. General Contractors -- Business Owners and Certain Homeowners

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

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

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

2. Owner-occupied Residences

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

- ◆ Form BP-1 shall be filed if the homeowner of a 1, 2, 3 or 4 Family, Owner-occupied Residence is listed as the general contractor on the building permit, and the homeowner:
 - ◇ is performing all the work for which the building permit was issued him/herself,
 - ◇ is not hiring, paying or compensating in any way, the individual(s) that is(are) performing all the work for which the building permit was issued or helping the homeowner perform such work, or
 - ◇ has a homeowner's insurance policy that is currently in effect and covers the property for which the building permit was issued AND the homeowner is hiring or paying individuals a total of less than 40 hours per week (aggregate hours for all paid individuals on the jobsite) for the work for which the building permit was issued.
- ◆ If the homeowner of a 1, 2, 3 or 4 Family, Owner-occupied Residence is hiring or paying individuals a total of 40 hours or MORE in any week (aggregate hours for all paid individuals on the jobsite) for the work for which the building permit was issued, then the homeowner may not file the "Affidavit of Exemption" form, BP-1(11/04), 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.