



# Town of Philipstown

Code Enforcement Office  
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## **BUILDING PERMITS REQUIRED FOR CERTAIN WORK**

This document should help you answer some general questions on what work requires a building permit. The requirements for building permits prescribed by the State take into account the dynamic construction environment. New and improved materials, equipment and methods are continuously being approved. The requirements are not proscriptive but rather a performance based.

The New York State Executive Law authorized the Secretary of State to develop Code, Rules and Regulation which requires all local municipalities (Towns, Cities and Villages) in the State to adopt a local program to administer and enforce the New York State Uniform Fire Prevention Building Code. The State Law requires permit issued to be in compliance with New York State Uniform Fire Prevention Building Code and the Towns, Cities and Villages local laws.

Keeping it simple, here are the definitions for "building" and "construction" followed by a list of the most common types of work a building owner would need to know about permits. Please remember, if you are unsure check with the code enforcement office before you build.

### **NEW YORK STATE EXECUTIVE LAW ARTICLE 18 section 372 Definitions;**

**"Building"** means a combination of any materials, whether portable or fixed, having a roof, to form a structure affording shelter for persons, animals or property. The word "building" shall be construed when used herein as though followed by the words "or part or parts thereof" unless the context clearly requires a different meaning. The term "building" shall also mean "factory manufactured home" and "mobile home". The term "building" shall not include a "temporary greenhouse".

**"Construction"** means the construction, reconstruction, alteration, conversion, repair, installation of equipment or use of buildings, and requirements or standards relating to or affecting materials used in connection therewith, including provisions for safety and sanitary conditions.

### **TITLE 19 (NYCRR) Code Rules and Regulations of Department of State;**

**Section 1203.3 (a) (1)** "Building permits are required for work which must conform to the New York State Uniform Fire Prevention Building Code."

### **REPAIRS EXEMPT FROM PERMITTING**

**REPAIR IS DEFINED** as the restoration to good or sound condition of any part of an existing building for the purpose of its maintenance include the patching or restoration of materials, elements, equipment, or fixtures for the purpose of maintaining such materials, elements, equipment, or fixtures in good or sound condition. EXCEPT WHERE cited as a violation.

## **PERMITS ARE REQUIRED FOR;**

1. New homes site built or modular; need a building permit.
2. Decks, porches, entry ways also when completely tearing down and old one to replace with a new one. Replacing of components may be exempt.
3. Swimming pools: both in ground and above ground, fencing (barrier) is required along with electrical and plumbing changes. Associated decks and pool house.
4. Detached accessory structures like garages, barns, coops and other pole style buildings
5. Sheds: small, medium, or large. Need permits. Some sizes are exempt from building code but not zoning, check the code enforcement office before you build.
6. Fencing: A permit is required for a swimming pool barrier. Other types and/or zoning requirements may apply.
7. All Commercial and multifamily buildings. Except for maintenance and minor repair. Check with the Code Enforcement Office before you begin repairs.
8. Additions: to an existing building or structure also includes: garages, decks, sheds.
9. Structural changes: all need a building permit. This includes replacement of all or sections of a foundation; re-pitch of a roof, new roof trusses or rafters. Load bearing walls, headers, columns, piers, floor joists and any reconstruction whether existing or not.
10. Roofing Permits: Commercial and certain multifamily roofs. Check with your the Code Enforcement Office before beginning work to overlay, tear off, repair or plywood replacement.
11. Siding: use of vinyl siding, wooden clapboard, T-111, normally do not require a building permit. Check with the Code Enforcement Office before you begin. There are distance regulation that apply to certain buildings and the protection against the spread of fire.
12. New windows and doors (fenestrations) and replacement windows and doors requires a building permit. One and Two family dwellings replacing less than 25% of the windows and door of the same size may not require a permit.
13. All new or replacement wood stoves, furnaces, boilers and chimneys for solid fuel devices requires a building permit.
14. Change of use: if a building is being used for one type of use but will now will be used for another (ie. single family home to a three family or an office to a store) this is a change of use and will require a building permit.
15. Alterations (non structural): this would be upgrading with no structural changes such as replacing plaster and lathe with sheetrock. Check with the code enforcement office before you begin.
16. Manufactured (Mobile) homes including skirting, stairs and handrails, decks, tie downs, foundations. Also includes replacement Manufactured (Mobile) homes on existing lots and existing trailer park lots.

17. All handicapped accessible features including parking, signage and accessible routes.
18. Electrical wiring, electric generators, wind turbines, solar panels, electric service change out and upgrades, weather head and service feeders, temporary electrical services. Exempt from permits are repair with similar materials such as outlets, breakers and fixtures.
19. Plumbing systems, water, waste water and storm water including plumbing within property lines. HVAC, mechanicals, motor controllers. Permits are not required for the repair with similar materials faucets, pumps, fixture and traps, visible fixture supply lines.
20. Fire protection equipment including fire and smoke detection systems, alarm and sprinklers.
21. Tanks above ground and below ground; including flammable and combustible liquid and compressed Gas.
22. All oil or gas fired heating appliances. Plumbing, heating, electrical and LP Gas all need a permits and inspections.
23. Tents and Canopies for special events.

This list of items is to try and help clear up some general questions. Please use enough common sense to understand that this list will not be applicable in all cases and ALWAYS when in doubt or not quite sure ASK YOUR CODE ENFORCEMENT OFFICER.