

Village of Port Chester
Building Department
222 Grace Church Street, Room 100
Port Chester, New York 10573

Kevin Donohue, Building Inspector
KDonohue@PortChesterNY.Gov

Phone: (914) 939-5203
Fax: (914) 939-8747

Above Ground Swimming Pool

ONE & TWO FAMILY DWELLING - PERMIT PACKAGE

1. **BUILDING PERMIT APPLICATION** – The applications must be filled out in sufficient detail and signed by the owner of the property or by an authorized agent/contractor with the submission of notarized owner consent & authorized agent form or other legal instrument authorizing the agent to act on their behalf and sign for and obtain a Building Permit. Sub-permit are required for plumbing, gas piping and electrical work.
2. **CONTACT INFORMATION** – An email address and phone number must be provided on the application
3. **PROPERTY INFORMATION** - The street address, ownership and Section/Block/Lot (SBL#) may be obtained online at the following links;
 - <https://townofrye.sdgny.com/index.aspx>
 - <http://giswww.westchestergov.com/taxmaps/default.aspx?sMun=Portchester>
4. **PAYMENT OF PERMIT FEE** – Please see the Building/Code Enforcement Department FEE SCHEDULE Effective February 8, 2021 and provide a check payable to The Village of Port Chester.
5. **CONSTRUCTION DOCUMENTATION** – Provide 1 paper copy and one electronic version in a pdf format on a thumb drive, CD-ROM or by email of the following supporting documentation;
 - a. Manufactures installation instructions,
 - b. Brochure of retractable ladder or other permanent barrier,
 - c. Brochure and specification of pool equipment (filter, pumps, heater, and sanitizer) and entrapment protection
 - d. Brochure of Swimming Pool alarm.
 - e. Anti-Siphon device on all exterior hose bibs.
6. **SITE PLAN** – Provide 1 paper copy and one electronic version in a pdf format on a thumb drive, CD-ROM or by email of a plan or survey of the property showing the location of the Above Ground Pool and deck, if proposed, and indicate the proper sideline setbacks from the property line in conformance with Zoning and, including but not limited to the following features:
 - a. Property lines, easements, rights-of-way, bodies of water
 - b. Location of residence, accessory structure and decks
 - c. Location of underground electric, gas, water and sewer line
 - d. Roads and their names adjacent to the property
 - e. Location and type of pool barrier see section RCNYS section R326.5.

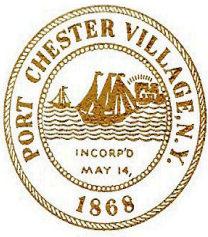


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7. **ELECTRICAL WIRING & BONDING** – Show on a plan the location of the GFCI and equipotential bonding in conforming to Residential Code of New York State 2020, Chapter R42. (Attached)
8. **SWIMMING POOL BARRIER** is required around all swimming pools, unless exempt. A design or plan showing the type and location of the temporary and permanent barrier in conformance with RCNYS 2020 Section R326 (Attached)
9. **WESTCHESTER COUNTY LICENSED CONTRACTORS** provide a copy of the Westchester County Home Improvement License for the Pool Contractor.
10. **WORKERS' COMPENSATION and DISABILITY BENEFITS COVERAGE** – Proof of insurance must be submitted from the contractor at the time of application. **ACORD FORMS** are not acceptable as proof of insurance.
 - Contractor with The State Insurance Fund must submit form U26.3 and DB-120.1.
 - Contractor with Private Insurance must submit form C-105.2 and DB-120.1.
 - Contractor who is self-insured must submit form SI-12 or GSI-105.2 and DB-155.
 - Exempt Contractors submit Workers' Compensation and/or Disability Benefits Coverage form CE-200.
 - An owner applying for the permit who occupies the residence may submit form BP-1 affidavit.



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Office (914) 939- 5203 Fax (914) 939-8747

Application for Building Permit and/or Zoning Permit

SBL # _____ - _____ - _____

Date: _____

Construction Located at: _____

Zoning District: _____

Owner: _____

Phone: _____

Mailing Address: _____

Email: _____

Agent: _____

Phone: _____

Mailing Address: _____

Email: _____

Description of work: _____

Use Classification: _____ Type Construction: _____ Number of Units: _____ Sign: _____

New: _____ Addition: _____ Repair/Replacement: _____ Alteration Level: _____ Change in Use: _____

Building Systems: _____ Fire Protection Equipment & Systems: _____ Fuel Oil Tank: _____ Heating Appliance: _____

Demolition: _____ Special/Open Building Permit: _____ Area of Land Disturbance: _____

Record of Legal Use: _____ Located in a Special Flood Hazard Zone: Yes or No

Site Plan/Special Exception Approval: _____ ZBA Variance: _____

Design Professional: _____ Phone: _____ Email: _____

Contractor: _____ Phone: _____ Email: _____

I certify that the information provided above is correct. I understand that false statements made herein are punishable as a Class A misdemeanor. I further understand that upon discovery that I provided any false information, I may be subject to criminal penalties and my permit may be revoked.

All work shall be performed in accordance with the construction documents which were submitted with and accepted as part of this application for permit. I understand that as the owner, and permit holder, I shall immediately notify the Building Inspector of any changes occurring during the course of work and further understand that if the Building Inspector determines that such changes warrants a new or amended permit or plans, such changes shall not be made until and unless a new or amended permit reflecting such changes is issued. I agree not to occupy this building/structure until a certificate has been issued for same upon completion of the description thereof in compliance herewith.

Owner/Authorized Agent

Date

Email address - Required to Receive Correspondence

COST OF CONSTRUCTION: \$ _____

PERMIT FEES _____ **Received By:** _____

Department Stamped Received Date

§R326 SWIMMING POOLS, SPAS AND HOT TUBS

R326.1 General. The provisions of this section shall control the design and construction as well as substantial modification of swimming pools, spas and hot tubs installed in or on the lot of dwellings regulated under this code, and detached one- and two-family dwellings classified as Group R-3 and constructed under the *Building Code of New York State*.

Exception: Communal pools for the shared use of multiple townhouse units shall be regulated by the *Building Code of New York State*.

R326.1.1 Compliance with other sections. Swimming pools, spas and hot tubs shall comply with this section and other applicable sections of this code. The requirements of this section and of the other applicable sections of this code shall be in addition to, and not in replacement of or substitution for, the requirements of other applicable federal, state and local laws and regulations, including, but not necessarily limited to the requirements of Section 8003 (Federal swimming pool and spa drain cover standard) of Title 15 of the United States Code (CPSC 15 USC 8003), where applicable.

R326.2 Definitions. For the purpose of these requirements, the terms used shall be defined as follows and as set forth in [Chapter R2](#).

BARRIER, PERMANENT. A fence, the walls of a permanent structure, any other structure or combination thereof which completely surrounds the swimming pool and sufficiently obstructs access to the swimming pool.

BARRIER, TEMPORARY. An approved temporary fence, permanent fence, the walls of a permanent structure, any other structure, or any combination thereof that sufficiently 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 "Spa."

RESIDENTIAL. That which is situated on the premises of dwellings regulated under this code, and detached dwellings classified as R-3 and constructed under the *Building Code of New York State*.

SPA. A portable or nonportable structure intended for recreational or therapeutic bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product. Spas are shallow in depth and are not designed for swimming or diving.

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

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.

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R326.4.1.1 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.

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R326.4.1.2 Replacement by a permanent barrier. A temporary barrier shall be replaced by a complying permanent barrier within either of the following periods:

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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.

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R326.4.1.2.1 Replacement extension. Subject to the approval of the *building 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.

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R326.4.2 Permanent barriers. Swimming pools shall be completely enclosed by a permanent barrier complying with Sections [R326.4.2.1](#) through [R326.4.2.6](#).

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R326.4.2.1 Barrier height and clearances. The top of the barrier shall be no less than 48 inches (1219 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The vertical clearance between grade and the bottom of the barrier shall be not greater than 2 inches (51 mm) measured on the side of the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, the barrier may be at ground level, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the barrier shall comply with Sections [R326.4.2.2](#) and [R326.4.2.3](#).

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R326.4.2.2 Solid barrier surfaces. Solid barriers which do not have openings shall not contain indentations or protrusions except for normal construction tolerances and tooled masonry joints.

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R326.4.2.3 Closely spaced horizontal members. 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 1³/₄ inches (44 mm) in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than 1³/₄ inches (44 mm) in width.

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R326.4.2.4 Widely spaced horizontal members. 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 be not greater than 4 inches (102 mm). Where there are decorative cutouts within vertical members, spacing within the cutouts shall be not greater than 1³/₄ inches (44 mm) in

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width.

R326.4.2.5 Chain link dimensions. Maximum mesh size for chain link fences shall be a 2¹/₄ inch (57 mm) square, unless the fence has vertical slats fastened at the top or the bottom which reduce the openings to not more than 1³/₄ inches (44 mm).

R326.4.2.6 Diagonal members. Where the barrier is composed of diagonal members, the maximum opening formed by the diagonal members shall be not greater than 1³/₄ inches (44 mm).

R326.4.2.7 Gates. Gates shall comply with the requirements of Sections [R326.4.2.1](#) through [R326.4.2.6](#), and with the following requirements:

R326.4.2.7.1 Self-closing and opening configuration. 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.

R326.4.2.7.2 Latching. 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 grade, 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.

R326.4.2.7.3 Locking. 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.

R326.4.2.8 Dwelling wall as barrier. A wall or walls of a dwelling may serve as part of the barrier, provided that the wall or walls meet the applicable barrier requirements of Sections [R326.4.2.1](#) through [R326.4.2.6](#), and one of the following conditions shall be met:

1. a) Doors with direct access to the pool through that wall shall be equipped with an alarm that 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; and
- b) Operable windows in the wall or walls used as a barrier shall have a latching device located no less than 48 inches above the floor. Openings in operable windows shall not allow a 4-inch-diameter (102 mm) sphere to pass through the opening when the window is in its largest opened position; and
- c) Where the dwelling is wholly contained within the pool barrier or enclosure, alarms shall be provided at every door with direct

access to the pool; or

2. Other approved means of protection, such as self-closing with self-latching devices, so long as the degree of protection afforded is not less than the protection afforded by Item 1 described above.

R326.4.2.8.1 Alarm deactivation switch location. Where an alarm is provided, the deactivation switch shall be located 54 inches (1372 mm) or more above the threshold of the door. In dwellings required to be Accessible units, Type A units, or Type B units, the deactivation switch shall be located 48 inches (1219 mm) above the threshold of the door.

R326.4.2.9 Pool structure as barrier. Where an above-ground pool structure is used as a barrier, or where the barrier is mounted on top of the pool structure, the structure shall be designed and constructed in compliance with ANSI/APSP/ICC 4 and meet the applicable barrier requirements of Sections [R326.4.2.1](#) through [R326.4.2.8](#). Where the means of access is a ladder or steps, one of the following conditions shall be met:

1. The ladder or steps shall be capable of being secured, locked or removed to prevent access. 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; or
2. The ladder or steps shall be surrounded by a barrier which meets the requirements of Sections [R326.4.2.1](#) through [R326.4.2.8](#).

R326.4.3 Indoor swimming pool. Walls surrounding an indoor swimming pool shall comply with Section [R326.4.2.8](#).

R326.4.4 Prohibited locations. Barriers shall be located so as to prohibit permanent structures, equipment or similar objects from being used to climb the barrier.

R326.5 Entrapment protection for swimming pool and spa suction outlets. 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.

R326.5.1 Compliance. Suction outlets shall be designed and installed in accordance with the requirements of CPSC 15 USC 8003 and ANSI/APSP/ICC 7, where applicable.

R326.6 Suction outlets. 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.

R326.6.1 Compliance alternative. Suction outlets may be designed and installed in accordance with ANSI/ APSP/ICC 7.

R326.6.2 Suction fittings. Pool and spa suction outlets shall have a cover that conforms to ANSI/ASME A112.19.8, or an 18 inch by 23 inch (457 mm by 584 mm) drain grate or larger, or an approved channel drain system.

Exception: Surface skimmers.

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R326.6.3 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:

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

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R326.6.4 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.

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R326.6.5 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).

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R326.7 Swimming pool and spa alarms, applicability. A swimming pool or spa installed, constructed or substantially modified after December 14, 2006, shall be equipped with an approved pool alarm. Pool alarms shall comply with ASTM F2208 (Standard Specification for Pool Alarms), and shall be installed, used and maintained in accordance with the manufacturer's instructions and this section.

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Exceptions:

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

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R326.7.1 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.

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R326.7.2 Alarm activation. Pool alarms shall activate upon detecting entry into the water and shall sound poolside and inside the dwelling.

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R326.7.3 Prohibited alarms. The use of personal immersion alarms shall not be construed as compliance with this section.

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§RE4203 EQUIPMENT LOCATION AND CLEARANCES

RE4203.1 Receptacle outlets. Receptacles outlets shall be installed and located in accordance with Sections [RE4203.1.1](#) through [RE4203.1.5](#). Distances shall be measured as the shortest path that an appliance supply cord connected to the receptacle would follow without penetrating a floor, wall, ceiling, doorway with hinged or sliding door, window opening, or other effective permanent barrier. [680.22(A)(5)]

RE4203.1.1 Location. Receptacles that provide power for water-pump motors or other loads directly related to the circulation and sanitation system shall be of the grounding type, located not less than 6 feet (1829 mm) from the inside walls of pools and outdoor spas and hot tubs, and ground-fault circuit-interrupter protected.

RE4203.1.2 Other receptacles. Other receptacles on the property shall be located not less than 6 feet (1829 mm) from the inside walls of pools and outdoor spas and hot tubs. [680.22 (A)(3)]

RE4203.1.3 Where required. Not less than one 125-volt, 15- or 20-ampere receptacle supplied by a general-purpose branch circuit shall be located not less than 6 feet (1829 mm) from and not more than 20 feet (6096 mm) from the inside wall of permanently installed pools and outdoor spas and hot tubs. This receptacle shall be located not more than 6 feet, 6 inches (1981 mm) above the floor, platform or grade level serving the pool, spa or hot tub. [680.22(A)(1)]

RE4203.1.4 GFCI protection. All 15- and 20-ampere, single phase, 125-volt receptacles located within 20 feet (6096 mm) of the inside walls of pools and outdoor spas and hot tubs shall be protected by a ground-fault circuit interrupter. Outlets supplying pool pump motors supplied from branch circuits rated at 120 volts through 240 volts, single phase, whether by receptacle or direct connection, shall be provided with ground-fault circuit-interrupter protection for personnel. [680.21(C) and 680.22(A)(4)]

BUILDING/CODE ENFORCEMENT DEPARTMENT

FEE SCHEDULE Effective February 8, 2021

Use: R = Residential, one and two family dwelling and their accessory structures CM = Commercial and Multifamily including mix use Commercial, Multifamily and Residential buildings and their accessory structures Base Fee: Is a non-refundable fee. N/A = Not Applicable				
Permit Type	Section #	Use	Base Fee	Added Fee Cost of Construction
Addition	151-4	R	\$200	+ \$20.00 per \$1,000 Cost of Const.
	151-4	CM	\$400	+ \$20.00 per \$1,000 Cost of Const.
Alteration & Change in Use	151-4	R	\$200	+ \$20.00 per \$1,000 Cost of Const.
	151-4	CM	\$400	+ \$20.00 per \$1,000 Cost of Const.
Building Systems	151-4	R	\$200	+ \$20.00 per \$1,000 Cost of Const.
	151-4	CM	\$400	+ \$20.00 per \$1,000 Cost of Const.
Demolition	151-4	R	\$200	+ \$20.00 per \$1,000 Cost of Const.
	151-4	CM	\$400	+ \$20.00 per \$1,000 Cost of Const.
Electrical	151-4	R	\$150	+ \$10.00 per \$1,000 Cost of Const.
	151-4	CM	\$250	+ \$10.00 per \$1,000 Cost of Const.
Fire Protection	151-4	R	\$200	+ \$20.00 per \$1,000 Cost of Const.
	151-4	CM	\$400	+ \$20.00 per \$1,000 Cost of Const.
Floodplain Development	181-11	R	\$100	N/A
	181-11	CM	\$200	N/A
Land Development	151-4	R	\$200	+ \$20.00 per \$1,000 Cost of Const.
	151-4	CM	\$400	+ \$20.00 per \$1,000 Cost of Const.
Mechanical	151-4	R	\$200	+ \$20.00 per \$1,000 Cost of Const.
	151-4	CM	\$400	+ \$20.00 per \$1,000 Cost of Const.
New Construction	151-4	R	\$200	+ \$20.00 per \$1,000 Cost of Const.
	151-4	CM	\$400	+ \$20.00 per \$1,000 Cost of Const.

Occupancy Public Sidewalk	283-19	R/CM	N/A	\$10 per linear foot
Plumbing	151-4	R	\$150	+ \$20.00 per \$1,000 Cost of Const.
	151-4	CM	\$250	+ \$20.00 per \$1,000 Cost of Const.
Pool/Spa	151-4	R	\$200	+ \$20.00 per \$1,000 Cost of Const.
	151-4	CM	\$400	+ \$20.00 per \$1,000 Cost of Const.
Re-Roof & Re-Covering	151-4	R	\$200	+ \$20.00 per \$1,000 Cost of Const.
	151-4	CM	\$400	+ \$20.00 per \$1,000 Cost of Const.
Shell Permit	151-4	R	\$200	+ \$20.00 per \$1,000 Cost of Const.
	151-4	CM	\$400	+ \$20.00 per \$1,000 Cost of Const.
Sign	151-4	R	\$200	N/A
	151-4	CM	\$400	+ \$20.00 per \$1,000 Cost of Const.
Solar Panel & Generators	151-4	R	\$200	+ \$20.00 per \$1,000 Cost of Const.
	151-4	CM	\$400	+ \$20.00 per \$1,000 Cost of Const.
Special Building Permit	151-4	P1	\$100	N/A
	151-4	P2	\$100	N/A
Storage Tank, Bulk Distribution	151-4	C	\$400	+ \$20.00 per \$1,000 Cost of Const.
Telecommunication Facility	151-4	C	\$400	+ \$20.00 per \$1,000 Cost of Const.
Tenant Fit-Out	151-4	R	\$200	+ \$20.00 per \$1,000 Cost of Const.
	151-4	CM	\$400	+ \$20.00 per \$1,000 Cost of Const.
Amendment to Permit	151-4	R	\$100	+ \$20.00 per \$1,000 Cost of Const.
Amendment to Permit	151-4	CM	\$200	+ \$20.00 per \$1,000 Cost of Const.
Annual Permit Renewal	151-4	R	Base Fee Two renewals	3 rd renewal is original fee
Annual Permit Renewal	151-4	CM	Base Fee Two renewals	3 rd renewal is original fee.
Temporary Certificate of Occupancy	151-7		-0-	Base Fee of issued permit and valid for maximum of 60 days (Recurring)
Re-inspection	151-4		\$100	N/A
Re-instatement of Suspension of Permit	151-4		-0-	Base Fee of Issued Permit

BUILDING DEPARTMENT ADMINISTRATION

Affidavit of final cost of construction		Submission required when permit construction cost exceeds \$10,000
Building permit administrative fee where there is an outstanding stop-work order or where work has been commenced without the requisite permit having been obtained	§ 151-6CF	\$300 or 3 times the permit fee, whichever is greater
Expedited searches		\$200

CODE ENFORCEMENT FEE SCHEDULE

Fire safety and property maintenance inspection program		\$200 for the first \$10,000; \$5 per \$1,000
Multiple dwellings		\$400 for the first \$10,000; \$5 per \$1,000
Commercial		\$550 for the first \$10,000; \$5 per \$1,000
First re-inspection		\$150
Each additional re-inspection		\$250
(Mixed-use buildings will be assessed a fee for each occupant present.)		
Testing Fees Work Cost \$0 to \$1000		\$350
Each additional \$1,000		
Sale or storage of explosives		\$50
Storage and sale of small arms ammunition		\$80
Fireworks display and discharge		\$150
Blasting (per job)		\$80
Copies of fire reports		\$10
Transport of explosives		\$50
Storage or handling of any catalytic agent necessary for the manufacture of plastic materials	§ 151-40	\$40
Retailer, jobber or wholesaler storing or handling more than 25 pounds of cellulose nitrate plastics (pyroxylin)		\$100