

Permit Requirements

Part of Chapter 83 of the Code of the Town of Amherst

- As may be expected, it's not the easiest to understand for someone not familiar with ordinances.
- In essence a permit is required for almost all work performed in or on a property.
- Work NOT requiring a permit include:
 - Fences (The zoning ordinance does regulate fence location & height)
 - Window Air Conditioners (An electrical permit may be required if new outlet provided)
 - Items such as children's swing sets, etc.
 - Paving or other non-combustible materials used for walks, drives or patios.

The following is an excerpt from the Town of Amherst Building Administrative Ordinance.

§ 83-5-1. Building Permits. [Amended 12-18-1978 by L.L. No. 6-1978; 4-3-1989 by L.L. No. 4-1989; 1-21-1992 by L.L. No. 2-1992; 7-21-1997 by L.L. No. 7-1997]

1-1 Requirement for building permits.

1-1.1 Permits required prior to commencement of work.

1-1.1.1 No person, firm or corporation shall commence the moving, demolition, erection, construction, enlargement, alteration, improvement or conversion of any building, structure or parking lot, or cause the same to be done, without first obtaining a separate building permit or quick permit from the Commissioner of Building for each such building, structure or parking lot, except that no permit shall be required for the performance of ordinary repairs as defined in § 83-5-6. New construction will be deemed to have commenced upon the commencement of the excavation for any foundation or part thereof or the grading of any land in preparation for authorized work.

When authorized by the Commissioner of Building, a quick permit application may be filed in the Building Department in accordance with procedures established by the Commissioner of Building.

1-1.1.2 No person, firm or corporation shall commence the installation, enlargement or alteration of any mechanical equipment, system or component or solid-fuel-burning appliance and related chimneys, flues, vents and connectors without first obtaining a separate building permit or quick permit from the Commissioner of Building for each such equipment, system, system component, solid-fuel-burning appliance and related chimney, flue, vent or connector.

1-1.2 Unless actual construction work is begun within six months of the date of any permit, or in the case of any demolition within two months, then such permit shall expire by limitation, except that the Commissioner of Building may postpone such expiration date not more than six months at his discretion.

1-1.2.1 Unless work, commenced pursuant to a valid permit, is completed within two years of the commencement of such work, either the permit shall expire and all work completed shall be removed and the premises returned to its original condition, or the permit shall expire and a new permit shall be obtained upon submittal of a new permit application and fees subject to the codes in effect at the time of submittal of the new application. If a new permit is issued for the purpose of completing work under a prior permit, all work associated with the new permit must be completed within six months of the date of issuance of the new permit. Failure to comply with either of these alternatives shall be deemed to be a violation of this chapter and subject to the penalties contained in § 83-1-5. The Commissioner of Building may extend the completion time period for any permit for just cause. Construction shall be deemed to be complete upon the issuance of a certificate of occupancy or certificate of compliance by the Commissioner of Building or his authorized representative. [Amended 5-16-2005 by L.L. No. 3-2005]

1-1.3 A permit may be revoked because of any false statement or misrepresentation of material fact in the application or because of failure to supply additional information required within a reasonable time or because the work is not being executed in accordance with the codes, ordinances, laws, rules and regulations of the Town of Amherst, the state and county laws and regulations applicable, or in accordance with the approved plans and specifications. Notice of the revocation of the permit shall be deemed to be duly given by service upon a responsible individual in charge at the premises or by mailing to the post office address of the party to whom the permit was issued. It shall be unlawful to proceed with any work, except what may be authorized by the Commissioner of Building, after revocation of the permit, and no permit may be reissued after revocation while any violation of any code, ordinance, law, rule or regulation or state and county law or regulation exists.