

# **BUILDING REGULATIONS**

## **TOWN OF NEW DURHAM**



**ADOPTED - MARCH 12, 1968**

**REVISED**

**MARCH 14, 1978**

**MARCH 08, 1983**

**MARCH 11, 1980**

**MARCH 08, 1988**

**MARCH 12, 1991**

**MARCH 14, 1995**

**SEPTEMBER 14, 2002**

**MARCH 11, 2003**

**MARCH 27, 2006**

**REWRITTEN MARCH 9, 2011**

Town of New Durham

Town of New Durham

**STAFF<sup>1</sup>**

<b>Building Inspector</b>	<b>Health Officer</b>	<b>Road Agent</b>	<b>Inspections</b>
<p><b>Mark Arenberg</b> Tues: 4 - 8 PM Last Sat of the Month 8 - noon Or by appointment</p>	<p><b>Mark Arenberg</b></p>	<p><b>Mike Clarke</b></p>	<p><b>Building Inspector</b></p>
<p>603-859-0516 603-380-4320 Cell</p>	<p>603-859-0516 603-380-4320 Cell</p>	<p>859-8000</p>	<p>603-859-0516 603-380-4320 Cell</p>

**BUILDING REGULATIONS**

**1. BUILDING INSPECTOR**

The Building Inspector shall be appointed by the Selectmen annually and shall be administrative officer of this Ordinance. He shall receive applications and fees for the erection or alteration of buildings and electric wiring thereof as provided in this Ordinance; shall keep complete records of all applications and his action of the applications; promptly survey and inspect all buildings; alterations or uses proposed, accept and deposit with the Town Treasurer all fees collected by him under this Ordinance, and may issue permits for erection, alteration, or remodeling of all buildings, if in his opinion the proposal complies with the law of the State, this Ordinance, and other Town ordinances and by-laws, provided that in any instance where license or permit fees for uses are required his permits shall constitute only an approval on which the proper authority may issue a license on payment of required fees; any other duties prescribed by law, shall act in cooperation with Fire Chief in any matter in which their duties as prescribed by law may coincide or conflict; and shall take such action in the enforcement of this Ordinance as may be directed by the Selectmen.

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<sup>1</sup>This list of staff is not part of the regulations and may be changed as needed without Planning Board action.

## **2. PERMIT REQUIRED**

No building construction, moving of structures, alterations, structural changes, electrical, plumbing or mechanical shall be started, until all proper permits have been issued under the terms of this Ordinance.

## **3. CONSTRUCTION IN FLOOD HAZARD AREA**

See Appendix A of the Zoning and Land Use Ordinance for the Town of New Durham, New Hampshire Adopted March 8, 1991 as amended through March 14, 1995.

## **4. APPLICATION FOR PERMIT**

No application for a permit required by this ordinance shall receive action by the Building Inspector unless a complete building permit application is filed. All applications for a permit to build, construct, alter or remodel any building shall be accompanied by a sketch or plan of the proposed building or alterations, and a statement of its intended use when built, constructed, altered or remodeled. A non-refundable application fee must accompany all applications. The rest of the fees are due upon issuance of permit to begin construction. In no case shall an occupancy permit be granted until all fees are paid.

A building permit shall become void unless operations are commenced within six (6) months from the date of approval, unless the Building Inspector extends such time.

## **5. FEES AND TRAVEL**

Inspectors shall receive an hourly wage as determined by the Selectmen plus mileage and expenses.

## **6. PERMIT ISSUE/DENIAL**

Upon receiving such application, the Building Inspector shall promptly take action as may be indicated in the way of investigation or public hearings and acquaint himself with the merits of the application. He may, without judging the application on its merits, refer the application to the Board of Adjustment. If, however, he finds the proposed building, alteration, or use of buildings to

conform to the law and this Ordinance he may at once issue the permit in writing over his signature.

If he finds the proposal in conflict with any law or this Ordinance, the Building Inspector shall issue a denial in writing within 30 days.

## **7. BUILDING STANDARDS**

No building or structure shall be erected, altered, rebuilt, substantially repaired, or remodeled unless in compliance with "Building Officials and Code Administrators" codes.

As part of the New Durham Building Code, enacted pursuant to RSA 674:51, New Durham incorporates by reference the following nationally recognized codes:

- A. The International Building Code
- B. The International Residential Building Code for One & Two Family Dwellings (adopted March 15, 2006).
- C. The International Fire Protection Code
- D. The Life Safety Code, NFPA 101, as adopted by the National Fire Protection Association, Inc. and approved by the American National Standards Institute.
- E. The International Energy Conservation Code
- F. The International Mechanical Code
- G. The National Electric Code
- H. The International Plumbing Code
- I. Minimum Building Area  
Every dwelling unit to be used by a single family shall have a minimum ground floor area of 500 square feet.
- J. Water Supply and Sewage Systems  
When a public sewer system is not available, a private sewage disposal is required. The New Hampshire Department of Environmental Services shall approve the type, size and construction of all septic tanks and drainage fields.
- K. Mobile Homes  
Mobile Homes must meet the minimum required standards as established by the Housing and Urban Development Mobile Home Construction Safety

Standards under Title 24 Certificate of Federal Register part 280 amended. All Mobile Homes must have the Housing and Urban Development seal and approval date attached thereto. Existing Mobile Homes that have been granted building permits as dwellings by the Town of New Durham are considered grandfathered.

## **8. INSPECTIONS**

The Building Inspector shall, on 36-hour notice, make any of the following inspections or any additional inspections as required by the inspector on all construction projects:

- A. Footings and foundations - prior to back filling, sealed and drains in.
- B. Framing – exposed Framer on Site
- C. Plumbing – exposed Air test-5lb. Waste & 80lb. Water-Exposed or Water Test Plumber on site.
- D. Electrical – exposed Electrician on site
- E. Insulation - prior to wall & ceiling covering
- F. Heating and fire code – Oil Burner permit prior installation: Operation Prior Occupancy the Building Inspector does the inspection for new buildings and the New Durham Fire Department does the inspection for replacement for existing oil burners.
- G. Occupancy – Prior to Occupancy. (working kitchen, working bathroom, sleeping area, electrical all plates on, Stairs must have guards and handrails, Smoke detectors, hot water 120 degrees, heating system operational. Builder or Owner present.
- H. Construction may not proceed beyond the specified stages until the inspection is complete.

## **9. BOARD OF ADJUSTMENT**

The Selectmen shall appoint a Board of Adjustment of five members, one of whom may be a member of the Planning Board, said Board of Adjustment to serve without compensation. The Board of Adjustment shall have the authority to allow slight variances from the specific terms of the Ordinance, where it can be shown that unnecessary hardship would otherwise result.

- A. Special Flood Hazard Area Variances and Appeals

1. Any order, requirement, decision or determination of the Building Inspector made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA: 676:5.
2. If the applicant, upon appeal, requests a variance as authorized by RSA:674:33,I(b), the applicant shall have the burden of showing in addition to the usual variance standards under state law:
  - a. That the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
  - b. That if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
  - c. That the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. The Zoning Board of Adjustment shall notify the applicant in writing that:
  - a. The issuance of a variance to construct below flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
  - b. Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
4. The town shall:
  - a. Maintain a record of all variance actions, including the justification for their issuance, and
  - b. Report such variances issued in its annual or biennial report submitted to FEMA'S Federal Insurance Administrator.

## **10. AMENDMENT**

This ordinance may be amended by majority vote of any legal town meeting when such an amendment is noticed in the warrant calling for the meeting.

## **11. ENFORCEMENT**

Enforcement shall follow steps outlined in NH RSA 676:17, which grants authority

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to the Town to enforce the Building Regulations.

## 12. TAKES EFFECT

This Ordinance shall take effect upon its passage.

## 13. CONFLICTING PROVISIONS

Whenever the regulations made under the authority hereof differ from those described by any statute, ordinance, or other regulation, the provision that imposes the greater restriction or the higher standard shall govern.

## 14. VALIDITY

If any section, clause, provision, portion or phrase of this Ordinance shall be held to be invalid or unconstitutional by any court of competent authority such holding shall not effect, impair or invalidate any other section, clause, provision, portion or phrase of this Ordinance.

## 15. SETBACKS

### B. CONFORMING LOTS:

1. Building Location: No new building shall be less than twenty (20) feet from the road frontage property line of any road (*amended 3/11/03*), and fifteen (15) feet from the property line of an abutter. No new buildings, except for water-related structures, shall be located in a flood hazard area, or less than seventy-five (75) feet from any water body or river course.
2. Maximum Height: Any dwelling or place or business within 300 feet of a great pond or navigable stream shall be thirty (35) feet from the average Parent Lot finished grade surrounding the building to the highest point of the roof. (All other structures - thirty-five (35) feet maximum height.)

### C. b. NON-CONFORMING LOTS:

1. Building Location: No new building shall be less than twenty (20) feet from the road frontage property line of any road. (Amended 3/11/03) No new building except for water-related structures shall be located in a flood hazard area, or less than fifty (50) feet from any water body or river course. No buildings are to cover more than fifteen (15%) percent of the

area of a lot. No more than a total of twenty (20%) percent of the lot area shall be covered by all impervious surfaces. No new building shall be less than fifteen (15) feet from the property line of an abutter or less than thirty (30) feet from abutter's building.

2. The maximum height of any dwelling or place of business shall be thirty five (35) feet from the average Parent lot grade to the highest point of the roof. (Amended March 15, 2006)

Public Hearing held: November 16, 2010

Planning Board voted approval: November 16, 2010

Planning Board voted to place on warrant: 2/1/2011

Planning Board certified: 2/1/2011

Effective: March 9, 2011 approved at Town Meeting

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\_\_\_\_\_ Chair, New Durham Planning Board