

TOWN OF NEW DURHAM

BUILDING REGULATIONS

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

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STAFF

Building Inspector	Health Officer	Road Agent	Inspections
David T. Lindberg Home after 6 PM Thurs: 7-9 PM Sat:9-12 PM	James W. Grigg	Mark Fuller	Building Inspector
859-0516 Office	859-7150	859-8000	859-0516

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.

2. PERMIT REQUIRED

No building construction shall be started; no alterations of an estimated value of more than \$1000.00 shall be undertaken of existing buildings, until a permit for same has 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 made in writing. 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. Fees for each permit issued are as follows:

PERMIT FEE -	\$10.00
VALUATION FEE -	\$3 per \$1000 valuation or fraction thereof.
INSPECTION FEES -	\$25 per inspection
PENALTY FEE -	\$25 for unsatisfactory inspections as result of applicants negligence.

All fees due upon issuance of permit to begin construction but 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 such time is extended by the Building Inspector.

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, he shall fix whatever restrictions or conditions on the proposed construction or use as may be in his best judgment, right and proper, or for reasonable cause refuse the permit.

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 2000
- b. The International Residential Building Code for One & Two Family Dwellings (adopted March 15, 2006).
- c. The International Fire Protection Code 2000
- 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 2000
- f. The International Mechanical Code 2000
- g. The National Electric Code 2005
- h. The International Plumbing Code 2000

Updates or revisions to these national codes may be adopted by the Town of New Durham consistent with the procedures outlined in RSA 674:52:VI.

a. Commercial Building

No building intended or designed to be used for industrial, commercial, or other public use shall be erected, altered, or used for any purpose which does not provide non-combustible walls and partitions between its component parts and meet all "National Fire Protection Association Codes."

b. Exits

No building intended or designed for any public use or congregation of people shall be erected, altered, or used for any purpose which does not provide adequate exits, as described in Chapter 155 and Chapter 156 N.H. Revised Statutes Annotated, and in the regulations of N.H. Fire Marshall's Office.* All inhabitable buildings must have at least two exits.

c. Garages

No public garage for the storage of five (5) or more automobiles, or having any service or repair enterprises connected therewith, shall be erected, altered, or enlarged unless the building is so constructed, or the proposed alterations, enlargements or extension shall be of slow-burning or non-combustible material, except that use of automatic sprinklers may obviate the use of such slow-burning or non-combustible materials.

d. Framing

Rafters, joists and headers used in new construction, additions to or major remodeling of dwellings and accessory buildings shall meet the International Building Code 2000.

e. Roofs

No roof or any building shall be covered or recovered in whole or in part save with non-combustible or fire-resistant roofing materials.

f. Fire - Stops

No building of wood or other combustible material shall be erected, altered, remodeled, or enlarged without providing firestops in every combustible wall or partition, at every floor and between floor joists at every partition.

g. Chimney and Smoke Pipes

Construction and re-construction shall conform to regulations set forth in the "National Fire Protection Association Codes." 89M.

h. Heating Appliances

The installation of heating appliances shall conform to regulations contained in the National Fire Protection Association Codes: 211.

i. Electric Wiring

All electrical wiring shall conform with approved methods and practices for safety to life and property. Compliance with the National Electric Code 2002, as published by the National Board of Underwriters, shall be prima facie evidence of such approved methods and practices.

j. Foundations

All structures shall be set on cement, brick, stone, or other acceptable masonry on suitable footing, except that in special cases where buildings are to be used for camp or accessory use the Building Inspector may waive the requirements of the section and permit the use of weed, metal or masonry piers with suitable footing. All buildings and mobile homes used as dwellings will be enclosed at base. The Building Inspector may waive this provision if, in his opinion, safety

and an orderly appearance results. Foundations shall be of adequate strength and thickness to resist lateral pressure from adjacent earth to support their vertical loads.

Footings shall be required to support foundation walls, piers, and posts and shall be adequate in size and design and construction below the frost line. Footings for foundation walls shall be of concrete and extend at least 4" from either face of the wall and be not less than 8" thick.

k. Minimum Building Area

Every dwelling unit to be used by a single family shall have a minimum ground floor area of 500 square feet.

l. Outside Walls

Outside walls shall be constructed of material commonly used for outside construction and materials customarily painted shall be painted within 3 years of construction of walls.

m. Water Supply and Sewage Systems

When a public sewer system is not available, a private sewage disposal is required. The type, size and construction of all septic tanks and drainage fields shall be approved by the New Hampshire Water Supply and Pollution Control Commission and the Town Health Officer. All installations of private sewage systems shall be inspected by the Town Health Officer prior to covering.

New or replacement water supply systems and/or sanitary sewage systems shall be designed to minimize or eliminate the infiltration of flood water into the system and discharges from the systems into flood waters. On site waste disposal systems shall be located so as to avoid impairment of them or contamination from them during flooding.

n. 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 which have been granted building permits as dwellings by the Town of New Durham are considered grandfathered.

o. Plumbing

All plumbing shall conform with approved methods and practices for safety to life and property. Compliance with the "Building Officials and Code Administrators Basic Plumbing Code." shall be prima facie evidence of such approved methods and practices.

8. INSPECTIONS

The Building Inspector shall, on 24 hour (weekday) notice, make the following inspections on new construction and additions:

- a. footings and foundations - prior to back filling, sealed and drains in.
- b. framing – exposed Framers 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. septic – Plan review: Health Officer

h. 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.

Construction may not proceed beyond the specified stages until the inspection is complete. The Building Inspector may waive one or more of these inspections.

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.

1. Special Flood Hazard Area Variances and Appeals

a. 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.

b. 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:

1. That the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
2. 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.
3. That the variance is the minimum necessary, considering the flood hazard, to afford relief.

c. The Zoning Board of Adjustment shall notify the applicant in writing that:

1. 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
2. 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.

d. The town shall:

1. Maintain a record of all variance actions, including the justification for their issuance, and
2. 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 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 which 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. DEFINITIONS

- a. **Area of Special Flood Hazard** - the land in the floodplain within the Town of New Durham subject to a one percent or greater possibility of flooding in any given year. The area is designated on the FIRM as Zones A and AE.
- b. **Base Flood** - the flood having a one percent possibility of being equaled or exceeded in any given year.
- c. **Basement** - any area of a building having its floor subgrade on all sides.
- d. **Building** - see "Structure"
- e. **Breakaway Wall** - a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation.
- f. **Development** - any man made change to improved or unimproved real estate, including, but not limited to, structures, mining, dredging, filling, grading, paving, excavation, or drilling operation.
- g. **Flood or Flooding** - a general and temporary condition of partial or complete inundation of normally dry land areas from
 - 1) the overflow of inland or tidal waters or
 - 2) the unusual and rapid accumulation or runoff of surface waters from any source.
- h. **Flood Elevation Study** - an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

i. **Flood Insurance Rate Map (FIRM)** - an official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of New Durham.

j. **Flood Insurance Study** - see "Flood Elevation Study".

k. **Floodplain or Flood - Prone Area** - any land area susceptible to being inundated by water from any source (see "Flooding").

l. **Floodproofing** - any combination of structural and nonstructural additions, changes, or adjustments that reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

m. **Floodway** - see "Regulatory Floodway".

n. **Functionally Dependent Use** - a use that cannot perform its intended purpose unless it is located or carried out in close proximity to the water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.

o. **Highest Adjacent Grade** - the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

p. **Historic Structure**

1. Listed individually in the National Register of Historic Places (National Register) or preliminarily determined by the Secretary of Interior as meeting the requirements for individual listing of the National Register.

2. Certified or preliminarily determined by the Secretary of Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

3. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior.

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior, or directly by the Secretary in those states without approved programs.

q. **Lowest Floor** - the lowest floor of the lowest enclosed area including a basement. An unfinished or flood-resistant enclosure useable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

r. **Manufactured Home** - a structure that is transportable in one or more sections, built on a permanent chassis, and designed for use with or without a permanent foundation when connected to required utilities. For floodplain management purposes, the term: "manufactured home" includes park trailers and similar vehicles placed on site for more than 180 days.

s. Mean Sea Level - the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's FIRM are referenced.

t. 100-year Flood - see "Base Flood".

u. Regulatory Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation. These areas are designated as floodways on the Flood Boundary and Floodway Map.

v. Structure - for floodplain management purposes, a "structure" is defined as a walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

w. Start of Construction - includes substantial improvements, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start of means either the first placement of permanent construction of a structure on site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; installation of streets or walkways, the excavation for a basement, footings, piers, or foundations.

x. Substantial Damage - damage of any origin sustained by a structure to its predamaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

y. Substantial Improvement - any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds 50 percent of the market value of the structure, The market value of the structure equals:

1. The appraised value prior to the start of the initial repair or improvement, or
2. In the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures that have incurred substantial damage, regardless of the actual repair work performed. However, the term does not include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications that are solely necessary to assure safe living conditions or any alteration of an "historic structure", provided that the alteration will not preclude the structure's continued designation as an "historic structure".

z. Water Surface Elevation - the height, in relation to the National Geodetic Vertical Datum or other datum where specified, of various magnitudes and frequencies in the floodplains.

APPENDIX I - REQUIREMENTS FOR BUILDING PERMITS

- 1) Driveway permits from Town Road Agent - Mark Fuller
- 2) Septic System Permit from State of N.H. Approved by Health Officer - James W. Grigg

NEW BUILDINGS & ADDITIONS

- 3) Set of Plans (Complete with window & door schedule)
- 4) NH Residential Energy Code Application Completed
- 5) Building Contractors Name
- 6) Electrical Contractors apply for Electric Permit
- 7) Plumbing Contractors apply for Plumbing Permit

INSPECTIONS REQUIRED

- 1) a. footings and foundations - prior to backfilling, sealed and drains in.
- b. framing – exposed Framers 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 permit the building inspector does the new buildings and the New Durham Fire Department does the replacement of the existing oil burners.
- g. septic – Plan review: Health Officer
- h. 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.

FEES

- 1) Permit Fee - \$10
- 2) Valuation Fee - \$ 3 per \$1000 Valuation or fraction thereof.
- 3) Inspection Fees - \$25 per inspection
- 4) Penalty Fee - \$25 for unsatisfactory inspections as result of applicant's negligence.

BUILDING SPECIFICATIONS CODES

- 1) The International Building Code 2000
- 2) The International Residential Code 2000 for One and Two Family Dwelling (adopted March 15, 2006)
- 3) The International Plumbing Code 2000
- 4) The International Mechanical Code 2000
- 5) The International Energy Conservation Code 2000
- 6) The International Fire Protection Code 2000
- 7) The National Electrical Code 2005
- 8) The Life Safety Code NFPA 101
- 9) 90 Pound Ground Snow Load Design

*Updates and revisions to these national codes may be adopted by the town of New Durham consistent with the procedures outlined in RSA: 674:52,VI.

PERMIT REQUIRED

No building construction shall be started; no alterations of an estimated value of more than \$1,000 shall be undertaken of existing buildings, until a permit for same has been issued under the terms of the New Durham Building Regulations.

APPENDIX II - SETBACKS**1. CONFORMING LOTS:**

A. 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.

B. Maximum Height: Any dwelling or place of 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.)

2. NON-CONFORMING LOTS:

A. 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.

B. 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*)