

**SECTION 7
TOWN OF CHARLESTOWN
BUILDING CODE**

7.1 AUTHORITY/PURPOSE

Pursuant to the procedures of RSA 675:2-4, the Town of Charlestown hereby enacts the following regulations as the Town of Charlestown Building Code, in order to establish minimum regulations governing the design, construction, alteration, enlargement and use of all buildings and structures, provide for the issuance of permits, collection of fees, making of inspections and providing penalties for the violation thereof, and repealing the existing “SECTION 7 Building Codes Outside the Flood Hazard Areas”, pursuant to RSA 674.51 and 674.52 and Title LXIV.

7.2 DEFINITIONS

The definitions listed in Section 2 shall apply to these building codes. The notations (BC), (DW), (ES), (FO), (SP), (SR), (ZO), refer to the Building Code, Drinking Water Protection District Ordinance, Excavation Site Regulations, Floodplain Development Ordinance, Site Plan Regulations, Subdivision Regulations and Zoning Ordinance, respectively, from which the “Definition” section was consolidated.

7.3 GENERAL PROVISIONS

7.3.1 Permit Requirements and Application Procedures

A permit shall be required and this Building Code shall control in all matters concerning the construction, alteration, addition, use, location, occupancy and maintenance of all buildings and structures, and shall apply to existing or proposed buildings and structures to the extent set forth in the section below.

No building permit is required for ordinary repairs, maintenance or replacement, or upgrade of existing building materials on or in a structure or building, or any new construction of less than 151 sq. feet, or substantial improvement of 50% of the total area shown on the town tax card for the year the work is being done, even though some paragraph or code may require it. All work and materials must conform to the codes listed in 7.5.1 A. B. C. D. E. F. All work done shall be listed on your Town Inventory Form. A person may get a permit if they choose. The Building Inspector may inspect the work at any time for compliance. The legal use and occupancy of any structure existing on the date of adoption of this Building Code, or for which it has previously been approved, shall be permitted to continue without change except as may be mandated by any of the National Code requirements described in Article 7.5.

7.3.2 Requirements for a Completed Application

Upon adoption of this code, it shall be unlawful to start any new construction over 150 sq. feet or substantial improvement of more than 50% of the living area as shown on the town tax card of the year the work is being done in the Town of Charlestown without first obtaining from

the Building Inspector an approved Building Permit. Application for such permits shall be made to the Building Inspector and shall be accompanied by plans and specifications in duplicate showing the work to be done. Such plans shall be signed by the owner and the contractor in charge of the project. All plans shall bear the seal of a licensed architect or engineer, except for the following: single or two-family residences or any structure which does not have as its principal structural members reinforced concrete or structural steel and is two and one half stories or less in height and 4,000 square feet or less on the ground floor and is not a public building or building of assembly.

A completed application shall contain all of the information as required by the applicable provisions of any of the Codes containing the construction requirements as set forth in Article 7.5. For an application to be deemed complete, the following minimum information shall be submitted:

1. Location, type of construction and proposed starting date, together with required information on the Building Permit;
2. All septic system regulations prescribed by the New Hampshire Department of Environmental Services;
3. Indication of compliance with all Local Land Use and Control Measures as adopted by the Town of Charlestown;
4. An approved Construction Permit Application for an Entrance Approach on an approved town road (see Sec. 4.4.9.2);
5. In the Watershed Zone "D", proposed work must be in compliance with "Guidelines for Watershed Zone", adopted by the Planning Board May 25, 1982; and;
6. In accordance with RSA 47:22-a, all manufactured housing newly placed or installed within the Town shall comply with Federal Housing and Urban Development Standards, which became effective December 18, 1975, and as amended thereafter, and are designated Title 24 CFR Part 3280 Manufactured Home Construction and Safety Standards. Name-plate data and serial numbers shall be as required by the standards. The standard, adopted by manufacturers in 1976, covers all equipment and installations in the design, construction, fire safety, plumbing, heat-producing and electrical systems of manufactured homes which are designed to be used as dwelling units.

7.4 ADMINISTRATION

7.4.1 Action on Application

Such application, with plans, shall be referred to the Building Inspector, who shall examine the same to determine whether the proposed construction or alteration will comply with the regulations contained within this Ordinance. Upon approval, one set of plans shall be returned to the applicant with his/her permit and the other shall be retained in the building department files.

Upon receipt of a completed application, the Building Inspector shall act to approve a building permit within fifteen (15) days.

7.4.2 Compliance with other Ordinances and Regulations

No permit or certificate of occupancy issued pursuant to this Building Code shall be valid that does not comply with the Zoning Ordinance, the requirements of any Subdivision approval, Site Plan approval, Zoning Board Variance or Exception or any applicable Town ordinance.

7.4.3 Enforcement

It shall be unlawful to vary materially from the approved plans and specifications unless such variations are submitted and approved by the Building Inspector as an amended plan. Any person or corporation who violates any provision of the Code may be punished by a fine as stipulated in RSA 676:17.

The Building Inspector shall make or cause to be made such inspections as are necessary to see to the enforcement of this Building code, and to make or request any tests or examinations of materials or methods to be used for the purpose of assuring compliance with this Building Code.

7.4.3.1 Building Inspector

Per the provisions of RSA 673:1 V and 673:5 II there shall be established a position of Building Inspector who shall be appointed every three years by the Board of Selectmen. The Building Inspector shall be paid from fees collected as a result of permits issued.

7.4.3.2 Fees

All requests for a permit shall be accompanied by an inspection fee payable to the Town of Charlestown, from which sum the Building Inspector will be paid when all provisions have been met and certified by the Selectmen.

7.5 CONSTRUCTION REGULATIONS

7.5.1 Conformance with National Codes

In accordance with RSA 674:52, all work requiring a permit shall hereafter conform to the requirements contained within the following, most recently adopted, National Codes, which are hereby adopted by reference, excluding any penalty clauses contained therein, each as amended/supplemented thereafter.

- a) 1996 BOCA National Building Code, as recommended and maintained and published by the Building Code Administrators International, Inc. and Code Administrators International, Inc;
- b) 1996 BOCA National Fire Protection Code, as recommended and maintained and published by the Building Officials and Code Administrators International, Inc;

- c) 1994 Life Safety Code, NFPA 101, as adopted by the National Fire Protection Association, Inc., approved by the American National Standards Institute and as published by the International Codes and Standards Organization;
- d) 1996 National Electrical Code, ANSI/NFPA 70, as adopted by the National Fire Protection Association, Inc., approved by the American National Standards Institute and as published by the National Fire Protection Association;
- e) 1993 National Plumbing Code, as recommended and maintained by the Building Officials and Code Administrators International, Inc. and as published by the International Code Council;
- f) 1993 National Mechanical Code, as recommended and maintained by the Building Officials and Code Administrators International, Inc., and as published by the International Code Council, Inc.

The Fire Department shall review all building permit applications and requests for certificates of occupancy to determine conformity with the Life Safety Code and the Fire Prevention Code, and shall file a written report with the Building Inspector. In addition, the Fire Department shall make inspections to investigate any claimed violations of the Life Safety and Fire Prevention Codes, and shall file a written report with the Building Inspector.

The provisions of this Ordinance and/or statutory requirements shall control over any inconsistent provisions of any of the Codes adopted hereby.

7.5.2 Modifications

When there are practical difficulties involved in carrying out the provisions of any of the adopted Codes, the Building Inspector, after consultation with the Fire Chief, may vary or modify such provision, after notification to and receipt of comment from the Board having granted project approval, provided that the spirit and intent of the law shall be observed and public welfare and safety not compromised.

7.5.3 Exceptions to National Code Requirements

Notwithstanding the provisions of BOCA, a property owner may utilize their own native lumber, either softwood or hardwood, of comparable dimensions and load bearing capacity, in construction on their own property. A statement shall be included on the building permit, noting that the lumber used was not commercially graded. Native lumber milled for sale requires certification and stamping, per RSA 434:59.

7.5.4 Certificate of Use and Occupancy

Prior to use of any building or addition, a Certificate of Occupancy shall be issued by the Building Inspector, after inspection of the property, as provided for in the BOCA National Building Code.

7.6 APPEALS, FINES PENALTIES

7.6.1 Building Code Board of Appeals

There is hereby established a Building Code Board of Appeals, and the Zoning Board of Adjustment is designated to act in that capacity, as provided in RSA 673:1. The Building Code Board of Appeals shall have the power, upon an appeal filed with it by any person aggrieved by a decision of the Building Inspector, relating to this Building Code, to vary the application of any provision of the Building Code to any particular case when, in its opinion, the enforcement of the Building Code would do manifest injustice and would be contrary to the public interest, in accordance with RSA 674:34. Any person aggrieved by a decision of the Building Code Board of Appeals may appeal that Board's decision to the Sullivan County Superior Court, as provided in RSA 677:16.

Any appeal to the Board of Appeals shall be taken within fifteen (15) days from the date of the decision of the Building Inspector. The time, notice and manner of hearing shall conform to the same requirements as the hearing before the Zoning Board of Adjustment, except that no notice will be given to abutters.

7.6.2 Fines and Penalties

Any violation of this Ordinance shall be subject to the fines and penalties as provided in RSA 676.15 through 17b.

7.6.3 Adoption/Amendment

On September 16, 1975 a Special Town Meeting adopted a Building Code within the Flood Hazard Area and one outside the Flood Hazard Area.

On March 10, 1981 the Town Meeting amended the Building Code within the Flood Hazard Area and the Town became part of the General Flood Insurance Program.

On March 12, 1985 Town Meeting authorized word changes.

On March 11, 1986 Town Meeting established standards for manufactured housing.

On March 8, 1988 the Town Meeting amended the Building Code within the Flood Hazard Area.

On March 12, 1996 the Town Meeting amended the Building Code within the Flood Hazard Area.

On March 10, 1998, the Town Meeting amended the Building Code, in order to adopt by reference the National BOCA, Life-Safety, Fire, Plumbing, Electrical and Mechanical Codes.

This Code may be amended in accordance with the provisions of Chapter 675:3, New Hampshire Revised Statutes Annotated.

7.6.4 Severability

Should any of the provisions of this Ordinance be held to be invalid, such invalidity shall not be deemed to affect any other provision or application of this Ordinance.

7.6.5 Conflict With Other Regulations

Whenever the requirements of this code conflict with any other duly adopted rules, regulations, or ordinances, the more restrictive shall govern.

7.6.6 Effective Date

This Code shall take effect upon its passage and upon amendment by the Local Legislative Body.

7.6.7 Certification

I hereby certify that the foregoing is a true copy of the Town of Charlestown Building Code, as approved by the Charlestown Annual Town Meeting, held on March 9, 1999 and amended through the Annual Town Meeting held on March 13, 2001

Signed _____
Richard St. Pierre, Planning Board Chair

Received this ____ day of _____

_____ Seal
Debra J. Clark, Charlestown Town Clerk

cc: Upper Valley Lake Sunapee Regional Planning Commission
NH Office of State Planning
Charlestown Building Inspector