

Building Regulations

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Article I Building Inspector

The Building Inspector shall be appointed annually by the Board of Selectmen. In the event of the death, disability, resignation or disqualification of the Building Inspector, the Selectmen shall appoint an Inspector to serve in his place. The Selectmen may, for cause and by majority vote, disqualify the Building Inspector at any time.

Article II Duties of the Building Inspector

The Building Inspector shall be the administrative officer of this ordinance. He shall receive application and fees for permits for the erection and/or alterations of buildings and electrical wiring thereof as provided in this Ordinance.

- A. Make available applications in duplicate.
- B. Keep complete records of his action on all applications along with the duplicates of said applications.
- C. Promptly inspect sites of proposed buildings or buildings to be altered, and study proposed uses of said buildings.
- D. Issue or deny residential permits within ten (10) days of receipt of application.
- E. Regularly inspect buildings during the process of erection, alteration or demolition.
- F. Report violations of this Ordinance to the Board of Selectmen immediately.
- G. Take such action in enforcement as may be directed by the Selectmen.
- H. Accept and deposit with the Town Treasurer all fees collected by him under the Ordinance.

Article III Duties of the Applicant

Any person, persons, partnership, or corporation intending to construct a new building or to make structural alterations, said alterations valued in excess of one thousand dollars (\$1,000), shall first make application for a permit from the Building Inspector. General maintenance and upkeep shall not be considered as making structural alterations.

- A. Said application shall be accompanied by a sketch or plan of the proposed building or alterations and will include:
 - 1. Plans and specifications of the proposed building or alterations including floor plans for each level and a minimum of two elevation views with dimensions shown.
 - 2. Design of sewage
 - 3. Design of Waster Disposal
 - 4. Driveway permit from the Town of Madbury or the State of NH
- B. Said application shall be accompanied by signed statements of the intended use of the building upon completion of construction or alteration.
- C. The applicant shall prominently display a card issued by the Building Inspector evidencing his permit at the site of construction or alteration.

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- D. The applicant shall make the premises accessible to the Building Inspector at reasonable times for the performance of his duties.
- E. The applicant shall submit a copy of the sewage and waste disposal Approval for Operation from the New Hampshire Water Supply and Pollution Control Commission.

Article IV Application Fees

Section 1. Calculation

The Selectmen shall maintain a fee schedule, which will be used to determine the amount to be charged for all costs relating to building permits.

Section 2. Charges of Administrative Time

The permit allows the applicant up to four (4) hours of administration time (office and inspection). Time accrued beyond the four hours allowed would be billed by the Town of Madbury.

Section 3. Expiration of Building Permits

The initial building permit shall expire 12 months from date of issuance. Said permit may be renewed thereafter at the discretion of the building inspector. Reasons for delay in completing construction, alteration of original plans and/or changes in regulations will be considered by the building inspector prior to issuing permit renewal.

Section 4. Review of Structural Details

Upon request by the Building Inspector, the Board of Selectmen shall engage a Town approved engineer or architect to review structural detail of question to the Building Inspector. The cost of any such review shall be borne by the applicant.

Article V Structural Requirements

Section 1. Requirements

No building shall be erected, altered, rebuilt, remodeled, or substantially repaired, unless in compliance with the following requirements:

- A. Any building intended or designed for any public use or congregation of people shall provide, when erected or altered, exits as approved by the office of the State Fire Marshal.
- B. All new buildings and reconstruction or alteration of existing buildings shall comply with NFPA 1(New Hampshire State Fire Code), NFPA 101 (National Life Safety Code) and NFPA 70 (National Electric Code) as now printed or as may be amended
- C. All new buildings, reconstruction, or alteration of existing buildings shall comply with the New Hampshire State Building Code and IRC (International Residential Code) as now printed or as may be amended. This code shall not apply to construction under permit or completed prior to the adoption of these codes.

Section 2. Height Regulations

Structures shall not exceed 38 feet in height in any district.

- A. Exceptions
 - 1. Non-residential farming structures.

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2. Non-residential structures such as church spires, utility and communication towers, smoke stacks, etc.
 3. Commercial and industrial structures if approved by the Planning Board by site plan review.
- B. Method of Measurement: Height shall be measured vertically from the lowest ground point 15 feet from the base of the structure to highest roofline point.

Article VI Additional Requirements

Section 1. Sewage System and Leach Fields

- A. All sewage disposal systems must be in compliance with the NH RSA 149-E as now or as may be in the future amended.
- B. No test pits or percolation tests shall be performed without the Town appointed soil scientist present. Test pit data to be submitted shall identify:
1. Soil profile description to a depth of ten (10) feet if possible, with a minimum acceptable depth of six (6) feet;
 2. Depth of seasonal high water table;
 3. Depth of observed water table (if any);
 4. Depth to bedrock (if any);
 5. Depth to restrictive layer (if any). (If more than one applies, list the most restrictive.)
- C. Installation
1. No sewage system or leach field shall be installed where the seasonal high water table is closer than two (2) feet to the surface of the natural ground level.
 2. No septic tank or sewage disposal area shall be constructed less than:
 - a. 100 feet from the edge of a public body of water or a permanent stream;
 - b. 75 feet from a well;
 - c. 75 feet from a dwelling other than that to which it is appurtenant;
 - d. 75 feet from soils classified as very poorly drained;
 - e. 50 feet from soils classified as poorly drained.
- D. Test Pits
1. All test pits and percolation tests are to be performed in the presence of a qualified soil scientist on contract to the Town of Madbury. Said soil scientist shall be prohibited by contract from performing any private consulting work in the Town of Madbury. A "Test Pit" shall be defined as any test pit dug for the purpose of subdivision of land or for the purpose of installation of a sewage disposal system.
 2. Percolation tests are to be performed in accordance with guidelines set forth by NHWSPCC (when received to be appended hereto).
- E. Inspections
- The Building Inspector or Selectmens' designee shall inspect the bed bottom to insure:
1. proper size and location of the system;
 2. conformance to setback requirements;
 3. complete removal of organics, construction debris and stones greater than one foot in diameter;
 4. any compacted or smeared soil has been scarified;
 5. bed extension areas are of the same substance as the receiving layer;
 6. no impermeable substrates are found.

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If the Inspector cannot confirm that items 5 and 6 meet the standards of the town, a soil scientist shall be employed to complete the inspection at the expense of the applicant. In accordance with RSA 485-A:29, there shall be an inspection by the NHDES Subsurface Systems Bureau before the system is covered and placed in operation. The Town shall in no way be liable if the system does not function properly.

Section 2. Start of Construction

No construction including footings and foundation shall begin prior to the issuance of a permit.

Section 3. Permits Required

- A. Any building including mobile homes moved onto land in the Town of Madbury requires a permit.
- B. A permit may be issued for temporary storage of a mobile building but such permit shall be limited to a six (6) month period. Such building shall not be connected to any services.

Section 4. In-Ground Swimming Pools

In-ground swimming pools shall require a permit. All in-ground swimming pools shall be protected from inadvertent access by an enclosure of at least four (4) feet in height. Points of access shall be protected by a gate, which can be secured so as to prevent children from unsupervised access. All above ground pools shall have a gate barring access to the raised deck area.

Article VII Amendment

This Ordinance may be amended by a majority vote of any legal Town Meeting when such amendment is published in the warrant calling for the meeting, pursuant to Chapter 156 A-3 of the New Hampshire Laws of 1955.

Article VIII Enforcement

Any person, persons, firm, or corporation violating any of the provisions of this ordinance shall be subject to a fine not exceeding one hundred dollars (\$100.00) for each violation. Each day that any violation is allowed to continue constitutes a separate offense. The Board of Selectmen may institute in the name of the Town any appropriate action or proceedings to prevent, restrain, correct, or abate the violations of this Ordinance.

Article IX Conflicting Provisions

Whenever the regulations made under the authority of this Ordinance differ from those described by any state ordinance, or other regulation, that provision which imposes the greater restriction or the highest standard shall prevail.

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**Article X
Saving Clause**

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

**Article XI
When Effective**

This Ordinance shall take effect upon its passage.

**Article XII
Prior Regulations**

Any and all building regulations heretofore enacted by the Town of Madbury are hereby repealed.

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