

Topic: Henniker Planning Board

Time: Nov 11, 2020 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/96580224548?pwd=Zm5YNkp0TTF5VHlMV1dLSGFjMkg1UT09>

Meeting ID: 965 8022 4548

Passcode: 962637



Henniker Planning Board  
Meeting Agenda  
Wednesday  
November 11, 2020 6:30 pm

In light of the Covid 19 social distancing advice made by the Governor and CDC, the Town of Henniker Planning Board will be conducting the meeting electronically via Zoom. Information on connecting to the meeting is available on the Town's website.

Topic: Henniker Planning Board  
Time: Nov 11, 2020 06:30 PM Eastern Time (US and Canada)

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Meeting ID: 965 8022 4548  
Passcode: 962637

- 1) Call to Order / Attendance/ Pledge
- 2) October 28, 2020 Meeting Minutes — Review and approve.
- 3) Projects of Regional Impact
- 4) Public Hearings
- 5) Other Business

Zoning Change ideas:

a. Amend allowable uses for the CR District to allow Light Industry & Commercial & Services Technical.

b. Draft: Building Code, Housing Standard Ordinance, Citations Ordinance

- 6) Adjournment

Copies of all materials are available for review on the Town of Henniker's website, Oct. 28 Planning Board meeting link.



Henniker Planning Board  
Draft Meeting Minutes  
Wednesday  
October 28, 2020 6:30 pm

1) Call to Order / Attendance/ Pledge

Present: Dean Tirrell Chair, Scott Dias, Ryan Haley, Dan Higginson, Heidi Aucoin, Tia Hooper,

Late to meeting due to technical difficulties: Keith DeMoura and Bill Marko.

Town Planner Mark Fougere

2) August 12, 2020 Meeting Minutes — Review and approve.

3) Public Hearings

**PB2020:05** Proposed lot-line relocation between two adjoining properties, Owner/Applicant: Kyle Carson & Holt Funeral Home Inc., 19 Hall Avenue and 100 Western Avenue, Map 2 Lot 160A & 160B, Residential Village Zone (RV).

The Chair read the case and excused Dan Higginson as he represents the applicants. Mr. Higginson explained the application, noting the minor nature of the application, involving 677 sq. ft. of land area. The lot line will be straightened out. The Chair asked if the shed would be move. Mr. Higginson stated yes, the owner would be moving it soon to meet setbacks. Mark noted a few issues that needed to addressed on the plan including setting pin, signatures, stamp, fixing Chair signature section. The Chair asked Mr. Higginson when the shed be relocated and he stated within a few weeks. Scott Dias made a motion to accept the application and approve the plan with the applicant addressing outstanding issues, including relocating the shed; seconded by Tia. All in favor 5 - 0

**Bill Marko & Keith DeMoura join meeting.**

**PB2020:06** Proposed **Conceptual Consultation** site plan being submitted under Article III of the Site Plan Review Regulations, proposal involves the construction of a 7,700 sq. ft. venue facility and associated parking on a 174 acre property, Applicant/Owner Mark Fusco, 2226 Weare Road, Map 1 Lots 744A & 743, Zoned Rec. 1.

The Chair read the case. Heidi Aucoin, an abutter to the application, excused herself for sitting on the case.

Jen McCourt of McCourt Engineering represents the applicant and reviewed the project program. She noted they have a very preliminary plan and additional work will be necessary including NHDOT approval, NHDES AOT, grading, locating potential wetlands and other details. She noted the event center will have an occupancy of 200 seats, but most events will be in the 100 – 150 seat range. Plenty of parking will be available. It will be a three season event, most activities occurring on the weekends, although smaller gatherings could occur during the week.

The Chair noted that this project meets zoning for the area, is in a great location and will generate no school children and is good for the town. Mr. Higginson noted the use is allowed by right. Mr. Dias noted the location was good and that the applicant is doing it the right way. Mr. DeMoura asked if there was other access to the site except off of Rt. 114 and will the facility operate during the week? Ms. McCourt noted no, the only access is from Rt. 114 and yes, smaller events could occur during the week. The applicant noted that the primary business would be on the weekends, but business meetings could occur during the week. They have been operating in Weare for many years on a lake and would like to expand their options. They want to be good neighbors and respect closing times and noise. He noted access would be gated when not in operation.

Mr. Fougere stated the Board would have to make a determination of Regional Impact when a formal application is submitted, given its location on the town line. The Board agreed to hold a site walk on Saturday November 7<sup>th</sup> at 9 AM.

#### 4) Other Business

Zoning Change ideas:

- a. Amend allowable uses for the CR District to allow Light Industry & Commercial & Services Technical. Mark noted that the Board has stated in the past they wanted to expand the allowed uses in the CR and CR1 District to expand opportunities. The Board agrees this should go to the voters.
- b. Mark noted that he had sent along a draft building code and housing standards ordinance to review. The Board would have to support to get on the ballot. Mark asked that the members review materials and we could discuss at the next meeting.

#### 5) Adjournment

The Board agreed to meet on November 11<sup>th</sup> at 6:30 PM to discuss zoning. As November 25<sup>th</sup> was the day before Thanksgiving the Board supported not meeting that evening.

Keith made a motion to adjourn, Scott seconded. All in favor.



**Town of Henniker  
Planning Board Meeting  
Wednesday, August 12, 2020  
Henniker Town Hall**

- Members Present:** Chair Dean Tirrell, Vice Chair Bill Marko, Dan Higginson, Heidi Aucoin, Keith DeMoura
- Members Excused:** Selectman Representative Tia Hooper, Ryan Haley, Scott Dias
- Town Planner:** Mark Fougere
- Recording Secretary:** Kelly McCutcheon
- Virtual Zoom Guests:** Natalie Crane, Joseph Carrier

1. Review Minutes

**Vice Chair Marko moved to approve as amended. Chair Tirrell seconded. Motion carried 4-0-1 (DeMoura)**

2. Projects of regional impact: None

3. Other Business- HHP- request to waive site plan to construct 7,630 square foot kiln at 14 Buxton Industrial Drive per Site Plan Review Regulations, section 203-3 applicability, D. Waiver of site plan review.

**Chair Tirrell moved to approve HHP's site plan waiver. Vice Chair Marko seconded. Motion carried 5-0.**

**Heidi moved a adjourn. Chair Tirrell seconded. Motion carried 5-0.**

Adjourn at 6:50pm



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LAND SURVEYING ▲ PERMITTING ▲ SEPTIC DESIGNS

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September 23, 2020

RE:  
Tax Map 2 Lots 160-A & 160-B  
100 Western Avenue & 19 Hall Avenue  
Henniker, NH 03242

### **Project Narrative**

The above referenced properties front on the North side of Western Avenue and the Western side of Hall Avenue. The Westerly lot (2-160-A) is owned by Kyle Carson. The Easterly lot (2-160-B) is owned by Holt Funeral Home INC.. The purpose of this lot line adjustment is to move the common lot line East from its current location to accommodate more yard space for lot 160-A. The two lots owners are related and use the properties as one. In the spirit of future planning this lot line adjustment will divide the properties in the way that they are currently being used.



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LAND SURVEYING ▲ PERMITTING ▲ SEPTIC DESIGNS

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September 23, 2020

RE:  
Tax Map 2 Lots 160-A & 160-B  
100 Western Avenue & 19 Hall Avenue  
Henniker, NH 03242

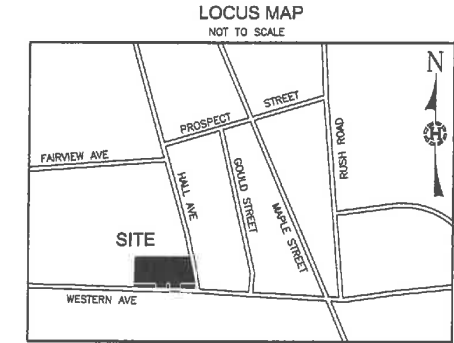
### **Waiver Request**

The following waiver is being requested due to this application being for a lot line adjustment for two existing parcels with no new lots being created.

Section 202-11 B16 requiring site topography

REFERENCE PLAN:  
 "PROPERTY LINE ADJUSTMENT - DONAL C. & NANCY EMERSON -  
 RONALS & CARON ROSENBLEETH" SCALE: 1"=40' DATED JULY 5,  
 1986 BY ROBERT T. FRENCH (M.C.R.D. PLAN # 9567).

LOT AREAS		
LOT	EXISTING	PROPOSED
2/160-A	20,837 S.F.	21,514 S.F.
2/160-B	26,046 S.F.	24,368 S.F.
PARCEL "A"		677 S.F.



**2/161**  
**MARC & LINDA HOULE**  
 P.O. BOX 429  
 HENNIKER, NH 03242  
 VOL. 3338 PG. 1859 9/21/12

**2/160-C**  
**ROBERT & HEIDI THERRIEN**  
 P.O. BOX 888  
 HENNIKER, NH 03242  
 VOL. 2078 PG. 189 11/20/97

**2/160**  
**DEAD RIVER COMPANY**  
 82 RUNNING HILL ROAD STE 400  
 S. PORTLAND, ME 04108  
 VOL. 3652 PG. 2204 10/28/19

**2/164**  
**FOX GEARY ESTATE LLC**  
 162 BARTON CORNER ROAD  
 ROPPONTON, NH 03223  
 VOL. 3655 PG. 2636 11/15/19

**2/406**  
**ROBERT & JOANN DEITRICH**  
 P.O. BOX 197  
 CRYSTAL BEACH, FL 34681  
 VOL. 3627 PG. 2413 4/16/19

**2/407**  
**DAVID GORHAN**  
 97 WESTERN AVENUE  
 HENNIKER, NH 03242  
 VOL. 3103 PG. 1910 12/17/08

**2/409**  
**WILLIAM B. & KIMBERLY C. BROWN FAMILY TRUST**  
 P.O. BOX 2201  
 HENNIKER, NH 03242  
 VOL. 3817 PG. 624 12/6/18

**2/410**  
**HENNIKER SCHOOL DISTRICT**  
 258 WESTERN AVENUE  
 HENNIKER, NH 03242

THIS MAP IS HEREBY APPROVED BY THE HENNIKER PLANNING BOARD AT AN  
 OFFICIAL MEETING HELD ON 12/11/19 AND SHALL BE FILED WITH THE  
 MERRIMACK COUNTY REGISTRY OF DEEDS.

DATE \_\_\_\_\_ CHAIR OF HENNIKER PLANNING BOARD

IT IS HEREBY CERTIFIED THAT THE LANDS SUBDIVIDED ON THIS MAP ARE  
 OWNED BY TITLE OF RECORD AND THAT CONSENT TO THE APPROVAL OF  
 SAID MAP IS GIVEN

DATE \_\_\_\_\_ KYLE S. CARSON

DATE \_\_\_\_\_ HOLT FUNERAL HOME INC.

**NOTES:**

1. THE PURPOSE OF THIS PLAN IS TO DEPICT A LOT LINE ADJUSTMENT BETWEEN TAX MAP 2 LOTS 160-B LOCATED AT 19 HALL AVENUE & 160-A LOCATED AT 100 WESTERN AVENUE.
2. THE OWNER OF RECORD OF TAX MAP 2 LOT 160-B IS HOLT FUNERAL HOME INC. 19 HALL AVENUE HENNIKER, NH 03242 (DEE M.C.R.D. BK. 1856 PG.264 DATED 2/12/81). THE OWNER OF RECORD OF TAX MAP 2 LOT 160-A IS KYLE S. CARSON 100 WESTERN AVENUE HENNIKER, NH 03242 (SEE M.C.R.D. BK. 3810 PG. 507 DATED 9/28/18).
3. THIS PLAN IS BASED ON A FIELD SURVEY PERFORMED BY THIS OFFICE ON 8/18/20.
4. THIS SITE LIES WITHIN THE RESIDENTIAL VILLAGE (RV) ZONE (WITH TOWN WATER AND SEWER) MINIMUM LOT SIZE IS 20,000 S.F. WITH 100' FRONTAGE. SETBACKS ARE 30' FRONT AND 15' SIDE AND REAR.
5. THIS SITE DOES NOT LIE WITHIN THE SPECIAL FLOOD HAZARD ZONE PER FIRM COMMUNITY MAP #3013CD487E PANEL 480 EFFECTIVE DATE APRIL 19, 2010.
6. UNDERGROUND UTILITIES DEPICTED HEREON ARE APPROXIMATE PER INFORMATION PROVIDED BY COGSWELL SPRING WATER WORKS AND THE TOWN OF HENNIKER WASTEWATER DEPARTMENT.

**CERTIFICATION:**

"THIS PLAN AND THE SURVEY UPON WHICH IT IS BASED, WAS MADE ON THE GROUND UNDER MY DIRECT SUPERVISION DURING THE MONTH OF OCTOBER 2019 IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE STATE OF NEW HAMPSHIRE AND THE TOWN OF HENNIKER WITHIN WHICH IT IS LOCATED WITH A TRAVERSE ERROR OF CLOSURE BETTER THAN 1 PART IN 10,000. THE SURVEY PERFORMED IS CLASSIFIED AS AN URBAN STANDARD SURVEY (CATEGORY 1, CONDITION 1) AS CODIFIED IN THE STATE OF NEW HAMPSHIRE ADMINISTRATIVE RULES".

DATE \_\_\_\_\_ DANIEL B. HIGGINSON LICENSE #1009

LOT LINE ADJUSTMENT PLAN  
 PREPARED FOR:  
**KYLE S. CARSON**  
 AND  
**HOLT FUNERAL HOME INC.**  
 100 WESTERN AVENUE AND 19 HALL AVENUE  
**TAX MAP 2 LOT 160-B & 160-A**  
**HENNIKER, NEW HAMPSHIRE**

SEPTEMBER 20, 2020

**HIGGINSON LAND SERVICES**  
 LAND SURVEYING - SEPTIC SYSTEM DESIGNS - PERMITTING  
 76 PATTERSON HILL ROAD HENNIKER, NH 03242  
 TEL: 803-660-6412 | NOTE BOOK #17 | JOB #744

- LEGEND:**
- LOT LINE
  - - - BUILDING SETBACK LINE
  - - - ABUTTING LOT LINE
  - - - EXISTING PAVEMENT
  - - - APPROXIMATE WATER LINE
  - - - OVER HEAD ELECTRIC LINE
  - - - APPROXIMATE SEWER LINE
  - ○ ○ ○ ○ STONE WALL
  - GRANITE CURB
  - GRANITE BOUND SET
  - GRANITE BOUND FOUND
  - PIPE FOUND
  - PIN FOUND
  - PIN/CAP SET
  - ⊕ ELECTRIC UTILITY POLE
  - ⊕ TELEPHONE MAN HOLE
  - ⊕ WATER VALVE
  - ⊕ SEWER MANHOLE
  - ⊕ CATCH BASIN

SCALE: 1"=20'

REV.	DATE	DESCRIPTION	BY



**ME** McCOURT  
**ENGINEERING**  
**ASSOCIATES, PLLC**

42 Ezekiel Smith Road  
Henniker, NH 03242  
603-428-6682  
McCourtEngineering@tds.net

October 13, 2020

Mr. Dean Tirrell  
Chair  
Town of Henniker  
Planning Board  
18 Depot Hill Road  
Henniker, NH 03242

**Subject: Henniker Wedding Venue**  
**Map 1; Lots 743 & 744A**  
**2226 Weare Road**  
MEA Project # 220-070-1

Dear Mr. Tirrell and Board Members:

Please find enclosed two full size copies and ten reduced 11"x17" a conceptual plan set for a proposed Wedding venue development on the aforementioned property. Existing today is a house on lot 744-A and a shared driveway on lot 744-A that extends into lot 743. The existing house will remain and per the NHDOT Driveway permit will continue to share the driveway access. The Wedding Venue proposed on lot 743 would be for no more than 200 people and the access will be upgraded to accommodate a fire truck access.

I look forward to presenting the project to you via Zoom at your October 28<sup>th</sup> Planning Board Hearing and answer any questions, or concerns relative to this matter and receive initial nonbinding feedback.

Sincerely,



Jennifer B. McCourt, P.E.  
Manager  
Enclosures

### **ARTICLE III Conceptual Consultation**

#### **203-7 Conceptual review purpose**

To expedite Site Plan Review by identifying potential problems as early as possible, all prospective applicants are encouraged, but not required, to engage in a conceptual consultation as described below.

#### **203-8 Parameters of consultation**

The prospective applicant will describe the basic concept of the proposed development, and the Planning Board will offer suggestions to resolve problems that might arise during formal review. This consultation will not bind either the applicant or the Board, and statements made by members of the Planning Board will not be the basis for disqualifying the members or invalidating any subsequent action on the application.

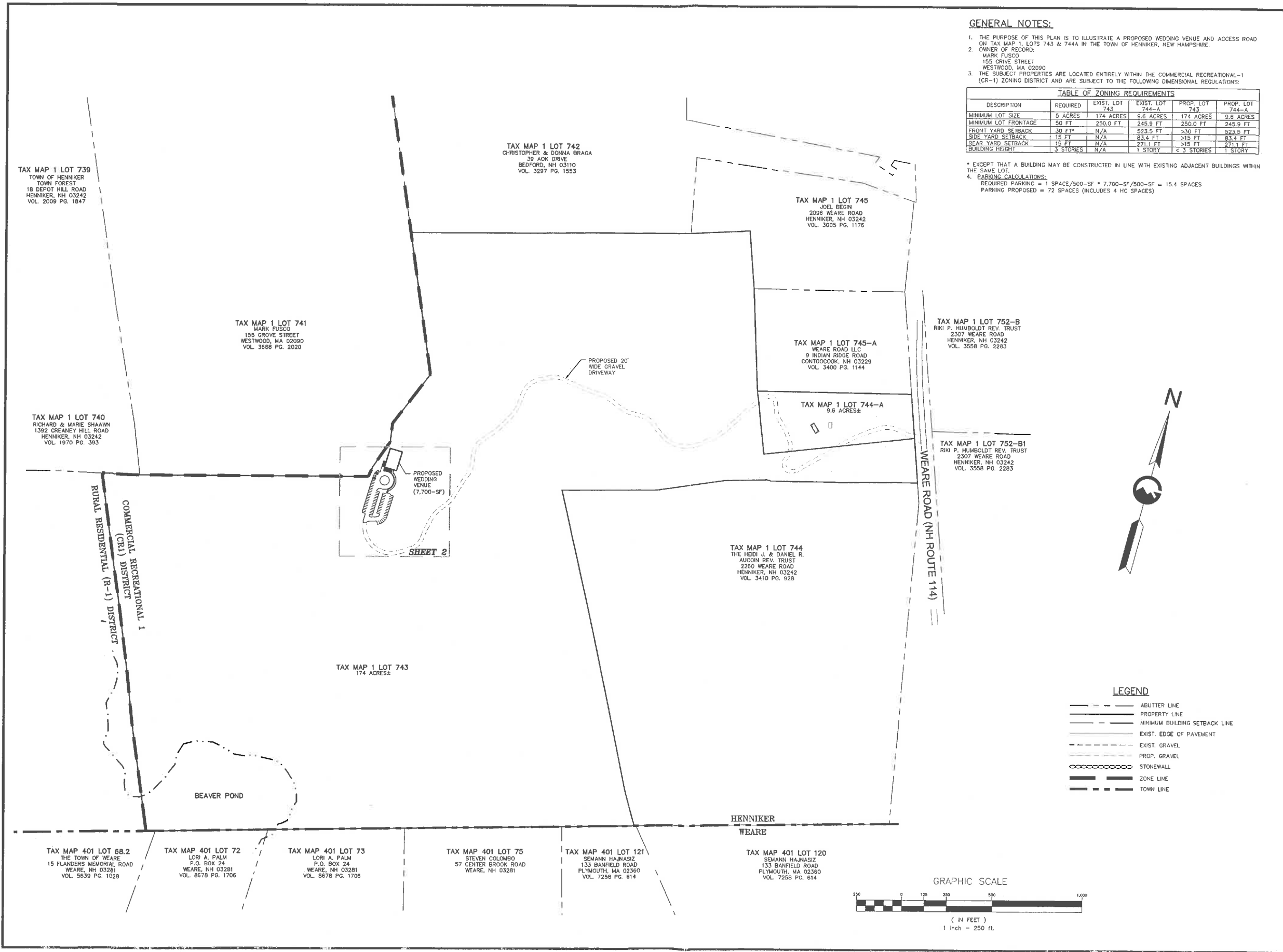
#### **203-9 Information requested to be supplied**

It is recommended that the prospective applicant submit the following information in writing at least 1 week prior to the next regularly scheduled Planning Board meeting:

- A. The location of the proposed development
- B. Correct names and mailing addresses of owner(s) of record (and the applicant, if different)
- C. A brief narrative description of the proposal
- D. Any other information that the applicant feels will be helpful.

The Planning Board and the applicant may discuss proposals in general terms only, such as desirability of types of development under the town's Master Plan. Such discussion may occur without formal notice to the public, but may occur only at formal meetings of the Board when the discussion has been paced on the agenda. [See RSA 676:4, 11(a).]

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**GENERAL NOTES:**

1. THE PURPOSE OF THIS PLAN IS TO ILLUSTRATE A PROPOSED WEDDING VENUE AND ACCESS ROAD ON TAX MAP 1, LOTS 743 & 744A IN THE TOWN OF HENNIKER, NEW HAMPSHIRE.
2. OWNER OF RECORD:  
MARK FUSCO  
155 GROVE STREET  
WESTWOOD, MA 02090
3. THE SUBJECT PROPERTIES ARE LOCATED ENTIRELY WITHIN THE COMMERCIAL RECREATIONAL-1 (CR-1) ZONING DISTRICT AND ARE SUBJECT TO THE FOLLOWING DIMENSIONAL REGULATIONS:

DESCRIPTION	REQUIRED	EXIST. LOT 743	EXIST. LOT 744-A	PROP. LOT 743	PROP. LOT 744-A
MINIMUM LOT SIZE	5 ACRES	174 ACRES	9.6 ACRES	174 ACRES	9.6 ACRES
MINIMUM LOT FRONTAGE	50 FT	250.0 FT	245.9 FT	250.0 FT	245.9 FT
FRONT YARD SETBACK	30 FT*	N/A	523.5 FT	>30 FT	523.5 FT
SIDE YARD SETBACK	15 FT	N/A	83.4 FT	>15 FT	83.4 FT
REAR YARD SETBACK	15 FT	N/A	271.1 FT	>15 FT	271.1 FT
BUILDING HEIGHT	3 STORIES	N/A	1 STORY	< 3 STORIES	1 STORY

- \* EXCEPT THAT A BUILDING MAY BE CONSTRUCTED IN LINE WITH EXISTING ADJACENT BUILDINGS WITHIN THE SAME LOT.
4. **PARKING CALCULATIONS:**  
REQUIRED PARKING = 1 SPACE/500-SF \* 7,700-SF/500-SF = 15.4 SPACES  
PARKING PROPOSED = 72 SPACES (INCLUDES 4 HC SPACES)

**GRANITE ENGINEERING**  
civil engineering • land planning • municipal services

REVISIONS	COMMENTS

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

No: \_\_\_\_\_

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PREPARED FOR:  
MICHAEL COLBURN  
LAKE SHORE VILLAGE REALTY  
225 GORHAM ROAD  
WEARE, NH 03281

OWNER:  
MARK FUSCO  
155 GROVE STREET  
WESTWOOD, MA 02090

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**GRANITE ENGINEERING**

civil engineering • land planning • municipal services

230 Commercial Street, Suite 8008  
Manchester, New Hampshire 03101  
603.518.8090

www.GraniteEng.com

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STAMP:

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LOCATION:  
**TAX MAP 1 LOT 743**  
2226 WEARE ROAD  
HENNIKER, NEW HAMPSHIRE  
MERRIMACK COUNTY

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PROJECT:  
**HENNIKER WEDDING VENUE**

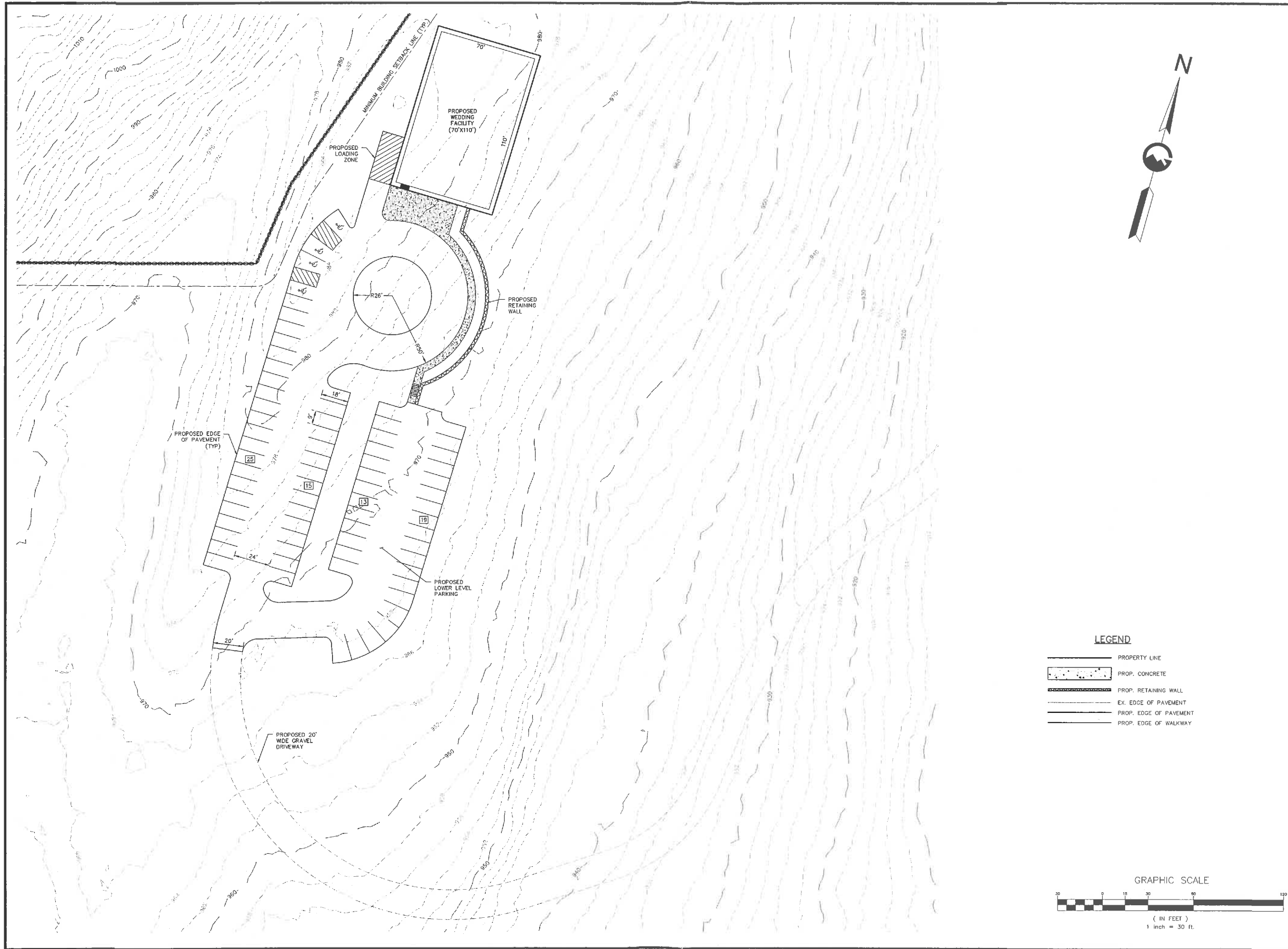
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TITLE:  
**CONCEPTUAL OVERVIEW PLAN**

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PROJECT No. 20-0820-1    DATE: OCTOBER 12, 2020    SCALE: 1" = 250'  
SHEET: 1 OF 2

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**LEGEND**

- PROPERTY LINE
- PROP. CONCRETE
- PROP. RETAINING WALL
- - - EX. EDGE OF PAVEMENT
- PROP. EDGE OF PAVEMENT
- PROP. EDGE OF WALKWAY

**GRAPHIC SCALE**

( IN FEET )  
 1 inch = 30 ft.

**GRANITE ENGINEERING**  
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No.	DATE	COMMENTS

PREPARED FOR:  
 MICHAEL COLBURN  
 1200 SHORE VILLAGE REALTY  
 1200 SHORE VILLAGE  
 WEARE, NH 03281

OWNER:  
 MARK FUSCO  
 50 W. MAIN STREET  
 WESTWOOD, NH 03090

**GRANITE ENGINEERING**  
 civil engineering • land planning • municipal services

250 Commercial Street, Suite 800B  
 Manchester, New Hampshire 03101  
 603.518.8780

[www.GraniteEng.com](http://www.GraniteEng.com)

STAMP:

LOCATION:  
 TAX MAP 1 LOT 743  
 2226 WEARE ROAD  
 HENNIKER, NEW HAMPSHIRE  
 MERRIMACK COUNTY

PROJECT:  
**HENNIKER WEDDING VENUE**

TITLE:  
**CONCEPTUAL SITE PLAN**

PROJECT No. 20-0820-1	DATE OCTOBER 12, 2020	SCALE HORIZ. 1" = 30'
SHEET: 2 OF 2		

**TOWN OF HENNIKER**  
**Town Ordinance**  
(RSA 674:51)

**BUILDING CODE**

**I. STATEMENT OF PURPOSE:**

The purpose of this code is to establish uniform rules and regulations for the construction of buildings within the corporate limits of the Town of Henniker. This code is not intended, nor shall it be construed, to create a duty on the part of Henniker or its officials, employees or agents, to promote the health, safety or economic interests of any person or entity, and no person or entity shall have the right to rely on this Code, or any action taken or not taken hereunder, as a basis to assert the claim for any loss, damage or expense against the Town, its officials, employees or agents.

**II. ENFORCEMENT:**

The town is establishing a process for the enforcement of the State Building Code in accordance with NH RSA 674:51.

**III. BUILDING INSPECTOR:**

- A. The position of Building Inspector is hereby established
- B. The Building Inspector is authorized to issue building permits as provided by RSA 676:11-13 and certificates of occupancy for any building or structure that is erected or remodeled or that undergoes a change, or expansion, of use.
- C. The Building Inspector is authorized to perform inspections as necessary to assure compliance with the Town Building Code regulations.
- D. The Building Inspector is authorized to enforce the State Building Code and to perform inspections to assure compliance with the State Building Code.

**IV. ADOPTION OF CODES BY REFERENCE:**

The Board of Selectmen of the Town of Henniker hereby adopts the following building codes and amendments thereto. These codes shall be known as the Henniker Building Code and are adopted to establish rules and regulations for the construction of buildings within the corporate limits of the Town of Henniker. Where any provisions of the Building Code Ordinance conflicts with State law, State law will supersede, unless provided for within this Ordinance or the provisions of the Adopted Codes. Additional codes adopted by reference herein, pursuant to NH RSA 674:51 and 674:51-a:

- A. NFPA 101 – Life Safety Code – 2015 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire)

- B.** NFPA 1 – Fire Code – 2015 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- C.** NFPA 54 – National Fuel Gas Code – 2015 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- D.** NFPA 70 – National Electric Code – 2017 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- E.** NFPA 211 – Standards for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances – 2013 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- F.** IBC – ICC International Building Code – 2015 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- G.** IRC – ICC International Residential Code – 2015 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- H.** IPC – ICC International Plumbing Code – 2015 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- I.** IMC – ICC International Mechanical Code – 2015 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- J.** IEC – ICC International Energy Code – 2015 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- K.** IEBC – ICC International Existing Building Codes – 2015 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- L.** ISPSC – ICC International Swimming Pool and Spa Code – 2015 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- M.** IPMC – ICC International Property Maintenance Code – 2015 Edition

The Town of Henniker’s amendments to these Codes are attached. A copy of each of the Codes with the amendments is on file with the Town Clerk’s Office and the Building, Planning & Zoning Department. The State of New Hampshire amendments to these codes may be found at:

<https://www.nh.gov/safety/divisions/firesafety/building/documents/NH-Adopted-Building-and-Fire-Codes-September-2019.pdf>

#### **V. APPLICABILITY OF BUILDING CODE:**

“Name of jurisdiction” shall mean “Town of Henniker”. All buildings, building components, and structures constructed in the Town of Henniker shall comply with the Building Code, State Building

Codes, and State Fire Codes. The construction, design, structure, maintenance, and use of all buildings or structures to be erected, and the alteration, renovation, rehabilitation, repair, removal, or demolition of all buildings and structures previously erected shall be governed by the provisions of the State building code.

#### **VI. LEGAL STATUS:**

The adoption of this ordinance shall not affect any suit or proceedings now pending in any court, nor shall it affect any legal decision reached prior to its adoption.

#### **VII. SEPARABILITY:**

If any portion of this ordinance is legally judged to be invalid or unconstitutional, it will have no effect on the remainder of the ordinance

#### **VIII. BUILDING PERMIT REQUIRED:**

Before beginning any work, except as exempted elsewhere in this ordinance, on any building project, the owner or his authorized agent shall secure a building permit from the Building, Planning, and Zoning Department in accordance with the applicable building code. Upon approval by the Building, Planning, and Zoning Department a permit card will be issued to the owner. This card shall be posted in a conspicuous location, visible from the street, for the duration of construction. A building permit shall be valid for two (2) years. If the project is not completed within the two-year permit window, written request for one-time extension of the time of completion shall be submitted to the Building Inspector/Code Enforcement Officer for approval

#### **IX. BLANKET PERMITS:**

In order to expedite the processing of numerous small building permit projects for a single owner, those institutions or others who employ on a regular basis licensed architectural and/or engineering personnel and maintenance staff responsible for the performance of work may obtain single blanket permit, filed yearly, for the following types of work:

- A. Electrical:** Any work not involving more than (25) device or outlet changes in concealed wiring.
- B. Plumbing:** Any work not involving more that (15) new drainage fixture units, including the necessary concealed piping.
- C. Mechanical:** Any work not involving more than the required equipment, duct work, piping, etc. For improving conditions in 300 square feet of gross floor area.
- D. General Construction:** Any work up to 500 square feet of gross floor area, which does not include items involving structural work or life safety concerns.

In order to verify work completed, the permit holder is required to submit a quarterly report detailing all work completed. Each different trade is required to submit a separate permit.

## **X. AMENDMENTS TO BUILDING PERMITS:**

Any amendment to a Building Permit shall be submitted in writing to the Building, Planning & Zoning Department, with appropriate adjustments to the permit fee. An amendment is required for any changes in building location, footprint, exiting, exit ways, life safety provisions, or significant changes in plumbing, electrical, mechanical, etc. Approval shall be granted before work is commenced. For other than one and two family dwellings, it shall be determination of the Planning and Zoning Staff whether the proposed changes merit an amendment to existing approved permit or require a new application submission.

## **XI. PERMIT NOT REQUIRED**

Work consistent with Section 102.6 of the adopted International Building Code or Section R105.2 of the adopted International Residential Code including:

### **Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 200 square feet (18.58 m<sup>2</sup>).
2. Fences, other than swimming pool barriers, not over 7 feet (2134 mm) high.
3. Oil derricks.
4. Retaining walls that are not higher than 3 feet (914 mm) measured from finished grade at the bottom of the wall to finished grade at the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
5. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
6. Sidewalks, driveways and on-grade concrete or masonry patios not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below and which are not part of an accessible route.
7. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work not involving structural changes or alterations.
8. Temporary motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Use Group R-3 occupancy, as applicable in Section 101.2, which are equal to or less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 927 L) capacity and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.
11. Swings and other playground equipment.
12. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
13. Nonfixed and movable fixtures, cases, racks, counters and partitions not higher than 5 feet 9 inches (1753 mm) and not containing any electrical, plumbing or mechanical equipment.
14. Portable grandstands or bleachers providing seating for fewer than 100 persons when located outside of a building.

### **Electrical:**

1. Minor repairs and maintenance work, including replacement of lamps and fuses or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Electrical equipment used solely for radio and television transmissions, but a permit is required for equipment and wiring for power supply and for the installation of towers and antennas.



3. Temporary testing systems required for the testing or servicing of electrical equipment or apparatus.

**Gas:**

1. Portable heating or cooking appliances with a self-contained fuel supply.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

**Mechanical:**

1. Portable heating appliances with a self-contained fuel supply.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

**Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

**Emergency Repairs:**

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

**XII. CERTIFICATE OF OCCUPANCY:**

When a Building Permit is required on any building project under this ordinance, such building project shall not be used or occupied, in whole or in part, as provided for in section IV, until the Certificate of Occupancy/Completion shall be issued by the Building, Planning & Zoning Department, unless approved in writing. No Certificate of Occupancy shall be issued unless there is compliance with the Building Code Ordinance, Zoning Ordinance, Subdivision Regulations and Site Plan Review Regulations, as required by RSA 673:13 I. All provisions contained in any of the national codes adopted under section IV relating to Certificates of Occupancy/Completions shall be enforced by the Building, Planning & Zoning Department. A Partial/Temporary Certificate of Occupancy/Completions, as provided for in any State building Code, may be issued for a period not to exceed thirty (30) days which may be extended at the discretion of the Building, Planning, and Zoning pursuant to RSA 676:12 III. The additional inspections required in order to issue a Temporary Certificate of Occupancy/Completion shall be paid for as

established in the Rate & Fee Schedule adopted by the Board of Selectmen.

### **XIII. ENFORCEMENT & PENALTIES**

This ordinance shall be enforced by the Building, Planning & Zoning Department. In addition to any remedies available to the Town, specifically including those under RSA 676:15, any person who violates this ordinance.

- A. Shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.
- B. Shall be subject to a civil penalty not to exceed \$275 (\$500 for subsequent violations) for each day that such violation is found to continue after the date on which the violator receives written notice from the municipality that he/she is in violation, whichever is earlier.
- C. No action may be brought under this provision unless the alleged offender has been served with written notice which clearly sets forth the nature of the violation with reference to specific provisions of the Building Code. (A posted Stop Work Order constitutes such notice.)

### **XIV. BOARD OF APPEALS:**

The Board of Appeals shall be the Henniker Zoning Board of Adjustments. Any person aggrieved by a decision of the Building, Planning, and Zoning Department may appeal such decision to the Board of Appeals. The Board of Appeals shall have the power by vote of a majority of its members to vary the application of any provision of the Building Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of the Building Code.

Any appeal to the Board of Appeals shall be taken within fifteen (15) days of the date of the decision except for decisions that a violation exists. With regards to decisions by the Building, Planning, and Zoning that there has been a violation of the Building Code, the applicant and/or contractor shall have seven (7) days from the receipt of the Notice of Violation to appeal the decision of the Building, Planning, and Zoning. The time notice and manner of the hearing before the Board of Appeals shall conform to the same requirements as a hearing before the Zoning Board of Adjustment. Any person aggrieved by a decision of the Board of Appeals may appeal such decision to the Superior Court for Merrimack County.

### **XV. APPENDICES:**

The following Appendices are attached hereto:

- A. Appendix A – Application for Building Permit
- B. Appendix B – Schedule for Processing Building Permit Applications
- C. Appendix C – Procedures for Handling Non-compliance

### **XVI. AMENDMENTS:**

The following amendments are attached hereto:

- A. Amendment A – NFPA 70 – National Electric Code – 2015 Edition
- B. Amendment B – International Building Code – 2015 Edition
- C. Amendment C – International Plumbing Code – 2015 Edition
- D. Amendment D – International Mechanical Code – 2015 Edition
- E. Amendment E – International Residential Code – 2015 Edition

**XVII. EFFECTIVE DATE:**

This ordinance shall take effect as of

**APPENDICIES**

**APPENDIX A – APPLICATION FOR BUILDING PERMIT**

Application for a permit shall be made to the code official and shall be accompanied by one complete set of plans and specifications showing the work to be done. Additional sets of plans shall be provided for, if required by the Building, Planning, and Zoning Department. All plans shall bear the seal of an architect or engineer licensed by the State of New Hampshire, except for single or two-family residences or any structure which does not have its principal structural members reinforced concrete or structural steel and its two and one-half stories or less and 4,000 square feet or less in area and is not a building of assembly, church, hospital, or school use.

**APPENDIX B – SCHEDULE FOR PROCESSING PERMIT APPLICATION**

Upon submission of a complete application, the code official shall act to approve or deny a Building Permit within thirty (30) days, provided however, that non-residential application encompassing more than two (2) dwelling units shall be approved or denied within forty five (45) days.

An application which is incomplete shall be deemed abandoned if no further action is taken by the applicant within 180 days after the original filing. All material furnished will be returned to the applicant upon written request. If construction is not started within one (1) year after the date of approval of the permit, the job will be considered abandoned and twenty-five (25%) percent of the Building Permit fee will be returned to the applicant upon written request.

## APPENDIX C – PROCEDURE FOR HANDLING NON-COMPLIANCE

The owner/owner’s representative shall obtain an appointment for an inspection 24 hours before any work is covered to determine Building Code compliance. If the code official finds work covered the contractor shall, upon request uncover the work for inspection. If an owner/contractor is not available at a scheduled inspection, the owner may be charged a fee as established in the current Rate & Fee Schedule as adopted by the Board of Selectmen to cover the Building, Planning, and Zoning Department costs and will be required to reschedule immediately the required inspection.

If the code official determines that work is proceeding without the required inspections being requested, the Building Permit will be suspended and the code official shall remove the Permit Card from the project and no further work shall be done under the Building Permit until the suspension has been lifted. Reinstatement of the Building Permit will require the contractor to pay to the Building, Planning, and Zoning Department a sum equal to one-half of the original permit fee or fifty dollars (\$50.00), whichever is greater.

The provision of this Appendix shall equally apply to the owner if the owner is performing the work on the building or structure.

### AMENDMENTS

#### Amendment A – NFPA 70 – National Electrical Code – 2015 Edition:

#### Amendment B – International Building Code – 2015 Edition:

The latest adopted Town of Henniker Zoning Ordinance will be used together with the International Building Code. If conflicts occur, the Town of Henniker Zoning Ordinance will govern.

Section 112	Replace with section 14 of this ordinance – Board of Appeals
Section 1805.2.1	For the purpose of this section, the front line is five (5) feet below finished grade to the bottom of the footing or pier.
Section 2901.1	Replace the last sentence with: All private sewer disposal systems shall be approved by the State of New Hampshire Water Supply and Pollution Control Division.
Section 3107	The provisions of this section shall be used together with the Henniker Zoning Ordinance. In case of conflicts, the Zoning Ordinance shall govern.

#### Amendment C – International Plumbing Code – 2015 Edition:

All amendments adopted by the State of New Hampshire Plumbers Licensing Board under Plu 701.2 Amendments are adopted.

Section 106.6.2	Insert “Rate & Fee Schedule” as adopted by the Board of Selectmen
Section 106.6.3	Also see the “Rate & Fee Schedule” as adopted by the Board of Selectmen

Section 108.4	Replace with section 13 of this ordinance – <u>Enforcement and Penalties</u>
Section 108.5	Insert at end of paragraph “... shall be liable to penalties in accordance with section 13 of this ordinance – <u>“Enforcement and Penalties”</u> ”
Section 109	Replace with section 14 of this ordinance – <u>Board of Appeals</u>
Section P-305.6.1	Substitute the following: Building sewers that connect to private sewage disposal systems shall conform to regulations adopted pursuant to RSA 485-A relative the minimum depth below finished grade. Building sewers that connect to public sewers shall be minimum depth of 4 feet below grade or adequately insulated to afford the same protection whenever a condition arises that the same protection whenever a condition arises that the 4 feet cannot be attained.”

#### **Amendment D – The International Mechanical Code – 2015 Edition**

Section 106.5.2	Insert “Rate & Fee Schedule” as adopted by the Board of Selectmen
Section 106.5.3	Also see the “Rate & Fee Schedule” as adopted by the Board of Selectmen
Section 108.4	Replace with Section 13 of this ordinance – <u>Enforcement and Penalties</u>
Section 108.5	Insert at end of paragraph “...shall be liable to penalties in accordance with Section 13 of the Henniker Building Code Adopting Ordinance – <u>Enforcement and Penalties”</u> ”
Section 109	Replace with Section 14 of this ordinance – <u>Board of Appeals</u>

#### **Amendment E – International Residential Code – 2015 Edition**

Section R101.1	Insert “Town of Henniker”
Section 106.2	After the first sentence, insert “The site plan shall depict the existence and location of all public and private easements, as well as applicable setback lines from lot lines, wetlands, and other features creating setbacks under the Henniker Zoning Ordinance”
Section 108.5	Delete “Building Official and insert “Board of Selectmen”
Section R301.2	Amend Table by inserting design criteria

**2009 IRC Table R301.2 (1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

Ground Snow Load	WIND DESIGN		SEISMIC DESIGN CATEGORY <sup>f</sup>	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP <sup>g</sup>	ICE BARRIER UNDERLAYMENT REQUIRED <sup>h</sup>	FLOOD HAZARDS <sup>g</sup>	AIR FREEZING INDEX <sup>i</sup>	MEAN ANNUAL TEMP <sup>j</sup>
	Speed <sup>d</sup> (mph)	Topographic-effects <sup>k</sup>		Weathering <sup>a</sup>	Frost line depth <sup>b</sup>	Termite <sup>e</sup>					
50psf	90-100	No	C	Severe	48"	Slight to Moderate	0	Yes	March 1989 DFIRMS 2015	2000	47

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

- a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
- b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(4)]. Wind exposure category shall be determined on a site-specific basis in accordance with [Section R301.2.1.4](#).
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97<sup>1</sup>/<sub>2</sub>-percent values for winter from Appendix D of the *International Plumbing Code*. Deviations from the Appendix D temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
- f. The jurisdiction shall fill in this part of the table with the seismic design category determined from [Section R301.2.2.1](#).
- g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of all currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.
- h. In accordance with [Sections R905.2.7.1](#), [R905.4.3.1](#), [R905.5.3.1](#), [R905.6.3.1](#), [R905.7.3.1](#) and [R905.8.3.1](#), where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°)" at [www.ncdc.noaa.gov/fpsf.html](http://www.ncdc.noaa.gov/fpsf.html).
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at [www.ncdc.noaa.gov/fpsf.html](http://www.ncdc.noaa.gov/fpsf.html).
- k. In accordance with [Section R301.2.1.5](#), where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

**TOWN OF HENNIKER**  
**Town Ordinance**  
(RSA 674:51)

**HOUSING STANDARDS ORDINANCE**

**I. STATEMENT OF PURPOSE.**

It is declared to be the intent of the Town of Henniker to protect, preserve, and promote the health, safety, and welfare of the residents of the Town of Henniker. This Ordinance provides health-based provisions to simplify and complement existing policies, ordinances, codes and laws already in use by the Town of Henniker and State of New Hampshire for the upkeep of existing homes. The Ordinance bridges the health and building code communities by putting modern public health information into housing code parlance. Individually and together, the Ordinance constitutes minimum performance standards for property and housing use and maintenance necessary to preserve neighborhoods, abate nuisances, and protect the public health, safety, and welfare of Town residents.

The following is a list of current codes, ordinances, and some of the laws used to both create this document and to aid in the enforcement goal of safe and healthy housing.

- A. State Fire Code Saf-C 6000
- B. International Building Code 2015 with Amendments
- C. International Energy Conservation Code 2015 with Amendments
- D. International Existing Building Code 2015 with Amendments
- E. International Mechanical Code 2015 with Amendments
- F. International Plumbing Code 2015 with Amendments
- G. International Residential Code 2015 with Amendments
- H. International Property Maintenance Code 2015
- I. National Electrical Code 2014 with Amendments
- J. State of New Hampshire Health Officers Manual
- K. Town of Henniker Zoning Ordinance
- L. National Healthy Housing Standard 2014 (NHHS 2014)

- M. State of New Hampshire RSA 141-E
- N. State of New Hampshire RSA 48-A
- O. State of New Hampshire RSA 130-A
- P. State of New Hampshire RSA 540-A
- Q. State of New Hampshire Department of Environmental Services (NH DES)
- R. National Fire Protection Association 1 (NFPA 1)
- S. National Fire Protection Association 72 (NFPA 72)

## II. DEFINITIONS.

For the purpose of this Ordinance, the following words and phrases shall have the meaning respectively ascribed to them by this Section. Where the words “dwelling,” “dwelling unit,” “premises,” and “structure,” or a particular building component are used in this Ordinance, they shall be construed as if they were followed by the words “or any part thereof.” Words used in the singular include the plural, and the plural the singular:

**Adequate** shall mean sufficient to accomplish the purpose intended without unreasonable risk to human health or safety, per the AHJ or designated official.

**AHJ** shall mean Authority Having Jurisdiction

**Approved** shall mean established by the local or state authority having such administrative authority or determined by the designated official.

**Asbestos** shall mean chrysotile, amosite, crocidolite; or, in fibrous form, tremolite asbestos, anthophyllite asbestos, or actinolite asbestos.

**Asbestos-containing material** shall mean any material or product containing more than one percent asbestos.

**Backdrafting** shall mean improper venting of combustion appliances that causes combustion by-products or other gases to enter the indoor environment rather than to exhaust outdoors.

**Balusters** shall mean pillars or columns in a series supporting a rail or guard.

**Basement** shall mean a portion of a building located partly or entirely below grade.



**Biological agent** shall mean but not be limited to mold, infestation, human and animal waste, wastewater, sewage, rotting material, and accumulation of trash that may harbor viruses, parasites, fungi, and/or bacteria.

**Carbon monoxide alarm** shall mean an electronic device that measures the level of carbon monoxide gas in the air and is equipped with a sensor that activates an audible alarm when an amount of carbon monoxide above the device's threshold level accumulates in the area in which the alarm is located.

**Chemical agent** shall mean chemicals that have the potential to cause adverse health effects.

**Chimney** shall mean a vertical masonry shaft of reinforced concrete or other approved noncombustible, heat-resisting material enclosing one or more flues, to remove products of combustion from solid, liquid, or gaseous fuel.

**Class ABC fire extinguisher** shall mean a fire extinguisher capable of putting out (1) fires in ordinary combustible materials, such as wood, cloth, paper, rubber, and many plastics (Class A); (2) fires in flammable liquids, combustible liquids, petroleum greases, tars, oils, oil-based paints, solvents, lacquers, alcohols, and flammable gases (Class B); and (3) fires that involve energized electrical equipment (Class C).

**Cleanable** shall mean moisture-resistant, free from cracks, pitting, chips, or tears, and designed to be cleaned frequently.

**Common areas** shall mean areas within multifamily housing that are designated for use by all occupants, owners, tenants, or users of a building or building complex, including but not limited to corridors, hallways, lobbies, parking areas, laundry rooms, recreational spaces, pools, and exterior property.

**Dwelling** shall mean any building wholly or partly used or intended to be used for living, sleeping, cooking, and eating.

**Dwelling unit** shall mean a room or group of rooms used or intended to be used for living, sleeping, cooking, and eating by one or more individuals living together as a single household.

**Egress** shall mean the path available for a person to leave a building. This route shall be unobstructed, and doors along this route cannot be subject to locking from the side to which people will be leaving.

**Electrical system** shall mean a system that makes electricity available in a building and distributes it through outlets and lighting fixtures for occupant use.

**Emergency escape and rescue opening** shall mean an operable window, door, or other similar device that provides for a means of escape and access for rescue in the event of an emergency.

**Flue** shall mean a conduit made of non-combustible heat-resisting material that is used to remove the products of combustion from solid, liquid, or gaseous fuel.

**Formaldehyde** shall mean the colorless, flammable carcinogenic chemical, an organic compound with the formula HCHO, which is used in the manufacture of building materials (e.g., pressed wood products) and household products. Federal limits for formaldehyde emissions from building materials (hardwood plywood, medium-density fiberboard, and particleboard) were established in 15 U.S.C. 2697(b) (2).

**Friable** shall mean asbestos-containing material that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

**Grade** shall mean the finished ground level adjoining building at all exterior walls.

**Graywater system** shall mean a system for collecting household wastewater from plumbing fixtures other than toilets and treating it for non-potable reuse.

**Guard** shall mean a building component or a system of building components located near the open sides of elevated walking surfaces or adjacent to a window that minimizes the possibility of a fall from the walking surface or window to the lower level.

**Habitable room** shall mean an enclosed floor space used or intended to be used for living, sleeping, cooking, or eating, and excluding bathrooms, toilet rooms, laundries, furnace rooms, pantries, kitchenettes, utility rooms, foyers, communicating corridors, stairways, closets, storage spaces, workshops, or rooms with less than 70 ft<sup>2</sup> (6.5 m<sup>2</sup>) of floor space.

**Handrail** shall mean a horizontal or sloping rail intended for grasping by the hand for guidance or support that adheres to code.

**Harborage** shall mean any conditions or place where pests can obtain water or food, nest, or obtain shelter.

**Healthy:** See “safe and healthy.”

**Heating system** shall mean facilities that, for the purpose of maintaining thermal comfort during cold weather, heat air or water through a furnace or heat pump and distribute such heat through vents, ducts, pipes, or radiators, or hardwired electrical heaters. Neither a cooking appliance nor a portable, unvented fuel-burning space heater is a heating system. No solid fuel appliance can act as a primary source of heat.

**Infestation** shall mean the recurrent presence of any life stages of a pest that presents a hazard to humans, property, or the environment.

**Insects** shall mean all species of classes of Arachnida and Insecta (Hexapoda) of the phylum Arthropoda and includes but is not limited to flies, mosquitoes, bed bugs, crickets, cockroaches, moths, bees, wasps, hornets, fleas, lice, beetles, weevils, gnats, ants, termites, mites, ticks, spiders, and scorpions.

**Integrated pest management** shall mean a systematic strategy for managing pests that consists of prevention, exclusion, monitoring, and suppression of pests. Where chemical pesticides are necessary, a preference is given to materials and methods that maximize safety and reduce environmental health risk. Methods to manage pests include eliminating their harborage places; removing or making inaccessible their food and water sources; routine inspection and monitoring; identification of evidence found; treatment that is scaled to and designed for the infestation; using the least-toxic pesticide for the identified pest; and follow-up inspection until the infestation is gone. Low-toxicity pesticide products are labeled with the signal word of CAUTION while WARNING, DANGER, and POISON indicate higher levels of toxins.

**Lead-based paint** shall mean equal to or greater than 1.0 milligram lead per square centimeter or 0.5 percent lead by weight for existing surfaces, paint, or other surface coatings, and equal to or greater than 90 parts per million (ppm) or .009 percent lead for paint and other surface coatings at the point of purchase.

**Lead-based paint hazard** shall mean any deteriorated lead-based paint, dust-lead hazard, soil-lead hazard, lead-based paint present on chewable surfaces with teeth marks, or lead-based paint present on friction surfaces, in accordance with 40 C.F.R. § 745.65.

**Let** shall mean to lease or grant the use and possession of real property whether or not for compensation.

**Long-lasting battery** shall mean a battery having a life of ten or more years.

**Methamphetamine** shall mean the synthetic drug with more rapid and lasting effects than amphetamine, sometimes used or manufactured illegally as a stimulant.

**Mold** shall mean a growth that a fungus produces on damp or decaying organic matter or on living organisms.

**Multifamily housing** shall mean any dwelling containing more than two dwelling units.

**Occupant** shall mean any individual living, sleeping, cooking, or eating in and having possession of a dwelling or dwelling unit.

**Owner** shall mean any person who alone, jointly, or severally with others, has legal title to the premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof; has charge, care, or control of any premises, dwelling, or dwelling unit, as owner, agent of the owner, or other person; is executor, administrator, trustee, or guardian of the estate of the owner; is a mortgagee in possession; or is the senior officer or trustee of the association of unit owners of a condominium.

**Person** shall mean any individual, firm, corporation and its officers, association, partnership, cooperative, trustee, executor of an estate, governmental agency, or any other legal entity recognized by law.

**Pesticide** shall mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or desiccant.

**Pests** shall mean insects, rodents, or other vermin.

**Plumbing** shall mean and include any and all of the following facilities and equipment: water pipes, garbage disposal units, waste pipes, toilets, sinks, bathtubs, shower baths, catch basins, drains, vents, installed clothes washing machines and dishwashers, and any other supplied plumbing fixtures, together with all connections to water, sewer, or gas lines.

**Potable water** shall mean water that complies with the maximum contaminant limits of the United States Environmental Protection Agency (EPA) or a regulatory limit that is more protective than EPA's.

**Premises** shall mean a lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling, and includes any such building, accessory structure, or other structure thereon.

**Privacy** shall mean the existence of conditions that permit an individual or individuals to be without observation, interruption, or interference by unwanted individuals.

**Properly connected** shall mean installed in accordance with all applicable codes and ordinances, and in good working order and not constituting a hazard to life or health.

**Recyclable materials** shall mean disposable products composed of glass, metal, paper, plastic, and similar content that can be processed to produce a new supply of the same material or be reused in the production of other materials.

**Riser** shall mean the vertical surface that connects one tread of a step or stair to the next.

**Rodent** shall mean any member of the order Rodentia, including but not limited to field and wood mice, wood rats, squirrels, woodchucks, gophers, Norway rats (*Rattus norvegicus*), roof rats (*Rattus rattus*), and house mice (*Mus musculus*).

**Rubbish** shall mean garbage, refuse, trash or ashes.

**Safe and healthy** shall mean the condition of being free from danger and chemical, biological, and physical agents that may cause injury, disease, or death; and fit for human occupancy.

**Sleeping room** shall mean a room that meets the area, placement and egress requirements for such a use per the reasoned judgement of the AHJ.

**Smoke** shall mean emissions from a lighted pipe, cigar, cigarette, hookah, weed, herbs, or any other lighted biomass-burning substances such as but not limited to tobacco, marijuana, and incense.

**Smoke detector** shall mean a device that is equipped to activate an audible alarm when it detects the presence of combustion products in air.

**Space heater** shall mean a self-contained convection or radiant heater designed to heat a room, two adjoining rooms, or some other limited space or area.

**Supplied** shall mean paid for, furnished by, provided by, or under the control of the owner or operator.

**Toilet room** shall mean a room containing a water closet or urinal but not necessarily a bathtub or shower.

**Trash** shall mean garbage, refuse, rubbish or ashes.

**Trash container** shall mean a container with a tight-fitting lid that is constructed of metal or other durable material that is impervious to rodents, insects, and handling stress; and is capable of being filled, emptied, and cleaned without creating unsanitary conditions.

**Tread** shall mean the horizontal surface of a step or stair.

**Unblockable drain** shall mean a pool, spa, or whirlpool drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard, per code.

**Ventilation system** shall mean the natural or mechanical process of supplying or removing conditioned or unconditioned air to or from a space.

**Volatile organic compounds, or VOCs**, shall mean organic chemical compounds whose composition makes it possible for them to evaporate under normal indoor atmospheric conditions of temperature and pressure.

**Waterproof** shall mean impervious to water.

**Watertight** shall mean closely sealed, fastened, or fitted so that no water enters or passes through the surface.

**Weathertight** shall mean secure against penetration by air, wind, rain, snow, and other weather conditions.

### III. ADMINISTRATION AND ENFORCEMENT

- A. **Inspection.** In the administration of this Ordinance, the Code Enforcement Officer may inspect buildings, premises, and dwellings or dwelling units with consent or pursuant to an administrative warrant issued under RSA 155-A:7 and RSA 595-B.
- B. **Notice of Violation.** If the Code Enforcement Officer observes a violation but determines said violation does not pose a serious hazard to life, health, or safety, the Code Enforcement Officer shall issue a notice of violation to the property owner or occupant stating the nature of the violation and the time period within which such violation must be corrected, and describing the administrative appeals process. If the owner or occupant fails to correct the violation in a timely manner, the Code Enforcement Officer may commence formal enforcement action, as allowed by law, to correct the violation.

### IV. PENALTIES

#### A. Violations

- i. Any violation of a provision of this Ordinance or any failure to comply with this Ordinance shall be prosecuted within the limits provided by NH RSA 31:39 III, with penalties not to exceed \$1,000 for each offense.
- ii. Each day that a violation continues shall constitute a separate offense.
- iii.

### V. EXEMPTIONS

#### A. Exempt Units

- i. All owner occupied single and two-family dwellings
- ii. All non-owner-occupied dwelling units which are condemned as uninhabitable for human occupancy or dwellings which are being renovated, for which a legal current building permit has been issued, shall be exempt from the requirements of this ordinance.

## VI. APPEALS.

For the purpose of this Ordinance, the Zoning Board of Adjustment shall be designated as the acting Building Code Board of Appeals for the Town of Henniker. Any party who has been aggrieved by a decision of the Code Enforcement Officer in the application of this Ordinance may appeal from such action by filing a written appeal from said administrative decision within thirty (30) days from the date of decision, said appeal to be filed with the Zoning Board of Adjustment through the Community Development Department. All appeals to the Building Code Board of Appeals shall be subject to the limitations and requirements of RSA 674:34.

## VII. DUTIES OF OWNERS AND OCCUPANTS.

- A. **Duties of Owners.** The owner has the duty to ensure that the structure, dwelling, dwelling unit, common areas, and premises are maintained in a safe and healthy condition, in compliance with this Ordinance and other applicable requirements.
- i. The owner shall ensure the collection of trash and recyclables and provide and maintain trash containers, bulk storage containers, recycling containers, and areas where the containers are stored or have a written lease agreement to the contrary. NH RSA 48-A:14
  - ii. The owner shall maintain the building and premises to keep pests from entering the building and dwelling units, inspect and monitor for pests, and eliminate pest infestation in accordance with integrated pest management methods. NH RSA 48-A:14
  - iii. The owner shall provide occupants with at least 48 hours written notice of the planned use of a chemical agent such as a pesticide or herbicide, the date and location of application, and a copy of the warning label. NH RSA 540-A:3
  - iv. The owner shall not cause or allow any water, sewage, electrical, or gas service, facility, or equipment required for safe and healthy occupancy to be removed, shut off, or discontinued for any occupied dwelling, except for such temporary interruption as may be necessary while repairs or alterations are being performed, or during temporary emergencies requiring discontinuance of service. This provision does not apply where the occupant has contractual control over the service and shall not be interpreted as preventing a utility company from discontinuing service for reasons allowed by law. NH RSA 540-A:3
  - v. The owner shall investigate occupant reports of unsafe or unhealthy conditions, respond in writing, and make needed repairs in a timely manner per applicable laws, codes and ordinances. NH RSA 540-A:3
- B. **Duties of Occupants.** The occupant shall properly use and operate the dwelling unit and owner-supplied fixtures and facilities controlled by the occupant in order to maintain a safe and healthy environment within the dwelling unit, and report unsafe or unhealthy conditions, including breakdowns, leaks, and other problems requiring repair to the owner in a timely manner. RSA 540-A:3

- i. The occupant shall place trash and recyclables in the appropriate containers per written signed agreement. NH RSA 540-A:3
- ii. The occupant shall work with the owner to ensure pest-free conditions in accordance with integrated pest management. If the occupant's action leads to pooling of water or another excessive moisture problem inside the dwelling unit, the occupant shall clean up and dry out the area in a timely manner. NH RSA 540-A:3

## VIII. STRUCTURE, FACILITIES, PLUMBING, AND SPACE REQUIREMENTS

- A. **Structure.** Every slab foundation, roof, floor, exterior and interior wall, ceiling, inside and outside stair, porch, trim, accessory structure, fence, door, window, and window glass shall be safe to use and capable of supporting the intended design loads and load effects and shall be in good condition. NHHS 2014 / IPMC 2015
- B. **Facilities.** Every plumbing fixture and pipe, chimney, flue, smoke pipe, and every other facility, piece of equipment, or utility shall be installed in conformance with applicable statutes, ordinances, and regulations. NH RSA 48-A:14
  - i. Mechanical, utility, and heating equipment shall be separated from habitable rooms. In multifamily buildings, equipment rooms shall be secured per applicable laws, codes and ordinances. NH RSA 48-A:14
- C. **Plumbing Systems.** Every plumbing fixture, stack, vent, water, waste, and sewer pipe shall be properly installed, maintained in a safe and functional order, and kept free from obstructions, leaks, and defects. NH RSA 48-A:14
  - i. An approved potable water supply system shall provide an adequate amount of running water under pressure to all fixtures simultaneously. NH RSA 48-A:14
  - ii. An adequate supply of heated running water under pressure shall be supplied to sinks, bathtubs, showers, and laundry facilities. Water heaters shall be set at a minimum temperature of 110° F (43° C). At bathtub faucets and shower heads, the maximum temperature shall be 120° F (49° C). Heated water shall be provided by either a tank-type or tankless water heater. A tank-type water heater shall have a temperature/pressure relief valve that discharges to a drip pan, storage tank, or the outside. The temperature of water discharged from a tankless water heater shall not exceed 140° F (60° C). NH RSA 48-A:14 / IRC 2015 P2708.4 / P2801.6.1 / P2803.2
  - iii. Every waste pipe shall be connected to a public sewer system, an approved private sewage disposal system, or an approved graywater system. No toilet waste pipe shall be connected to a graywater system. The drainage system shall have an accessible cleanout. IRC 2015 P2602.1
  - iv. Bathtub and shower faucets shall have anti-scald devices, such as an automatic



temperature control mixing valve, water temperature limiting devices, or temperature actuated flow reduction valve. IRC 2015 P2708.4

- v. Multifamily housing with one or more central water heaters shall comply with ASHRAE Standard 188P to assess and manage the risks associated with Legionella in building water systems. NHHS 2014

**D. Kitchen.** Every dwelling unit shall have a single kitchen equipped with the following:

- i. A kitchen sink in good working condition that is properly connected to heated and unheated water supplies and waste pipes. Any provided dishwasher and components of the sink, including disposal and water filtration devices, shall be in good working condition and properly connected. RSA 48: A, 2015 / IPMC 502.1
- ii. A counter for food preparation and cabinets and/or shelves sufficient to store occupants' food that does not require refrigeration and eating, drinking, and food preparation equipment. Cabinets shall have tight-fitting doors and no gaps between any surfaces. The counter, countertop edges, cabinets, and shelves shall be of sound construction and furnished with surfaces that are impervious to water, smooth, and cleanable. NHHS 2014
- iii. A range for cooking food. The range shall be properly installed with all necessary connections for safe and efficient operation and shall be maintained in good working condition. NHHS 2014
- iv. The range shall include an oven unless both a separate oven, other than a microwave oven, and a cooktop are provided. A hot plate is not an acceptable substitute for burners on a range or cooktop. The range or cooktop shall have a vertical clearance of not less than 30 inches (762 mm) from above its surface to unprotected combustible material. Reduced clearances are permitted in accordance with the listing and labeling of a range hood. NHHS 2014
- v. If the lease does not provide for a range, adequate connections for the occupant's installation and operation of a range shall be provided. NHHS 2014
- vi. A refrigerator with a freezer. The refrigerator shall be in good working condition, of sufficient size to store occupants' food that requires refrigeration, and capable of maintaining a temperature less than 41° F (6° C) but more than 32° F (0° C). The freezer section shall be capable of maintaining a temperature below 0° F (-18° C). If the lease does not provide for a refrigerator, adequate connections for the occupant's installation and operation of a refrigerator shall be provided. NHHS 2014
- vii. A kitchen floor in good condition with a sealed, water-resistant, nonabsorbent, and cleanable surface. NHHS 2014 / 2015 IPMC 404.7
- viii. Wall surfaces immediately adjacent to the range, sink, and counter shall be covered with an impervious finish. NHHS 2014 / 2015 IPMC 404.7

- ix. The joints where a wall meets a cabinet or counter, and where a counter meets a stove or sink shall be sealed or covered to permit thorough cleaning and deter pests. NHHS 2014 / 2015 IPMC 404.7

**E. Bathroom.** Every dwelling unit shall have a private bathroom equipped with the following:

- i. A toilet in good working condition that is sealed to the waste pipe and affixed to the floor and properly connected to both the dwelling's water supply and a waste pipe leading to an approved sewage system or private waste disposal system. IRC 2015 R306.1
- ii. A sink in good working condition, with a stable connection to the wall or secure attachment to the floor that is properly connected to the heated and unheated potable water supply and a sealed trap leading to a waste pipe. IRC 2015 R306.4
- iii. A bathtub or shower in good working condition that is properly connected to the heated and unheated potable water supply and a waste pipe. The bottoms of bathtubs and shower floors shall have permanent or removable nonslip surfaces. IRC 2015 307.2 / IPMC 502.1
- iv. Cleanable nonabsorbent water-resistant material on floor surfaces and extending on bathroom walls at least 72 inches (183 cm) above the floor of a bathtub or shower stall. Such materials on walls and floors shall form a watertight joint with each other and with the bathtub or shower. IRC 2015 R307.2
- v. Ventilation for the bathroom provided. IRC 2015 R303.3
- vi. A door that latches and locks and operates without the need for special knowledge or tools. IPMC 2015 F 702.3
- vii. Grab bars shall be firmly anchored to the wall adjacent to each bathtub, shower, and toilet in accordance with the Americans with Disabilities Act Design Guidelines if needed by tenants upon request. NHHS 2014
- viii. Tub and shower enclosures composed of tile or panel assemblies with caulked joints shall be installed over moisture-resistant backing material, such as cement board behind such tub and shower enclosures. Monolithic tub and shower enclosures (e.g., fiberglass with no seams) are exempt from these limitations unless required by the manufacturer. NHHS 2014

**F. Minimum Space.** The dwelling shall provide privacy and adequate space for sleeping and living.

- i. A bedroom shall not be the only passageway to the only bathroom in a dwelling unit with more than one bedroom. 2015 IPMC 404.4.3
- ii. A bathroom or toilet room shall not be the only passageway to any habitable room,

hall, basement, or the exterior of the dwelling. 2015 IPMC 503.1

- iii. Every habitable room shall have a minimum floor area of 70 ft<sup>2</sup> (6.5 m<sup>2</sup>) and the room shall not be less than 7 feet in any horizontal direction. IRC 2015 R304.2
- iv. Every dwelling shall have closet space or other storage space to store occupants' clothing and personal belongings. NHHS 2104
- v. The ceiling height of any habitable room shall be at least 84 inches (213 cm). In a habitable room with a sloping ceiling, at least one-half of the floor area shall have a ceiling height of at least 84 inches (213 cm). If any part of a room has a ceiling height lower than 60 inches (152 cm), its floor area shall not be considered when computing the floor area of the room. 2015 IRC 305
- vi. A habitable non-sleeping room located partly or totally below grade shall be provided with natural light by windows in accordance with Section VIII, Article C, and ventilation in accordance with Section IX, Article C. In such a room, the ceiling and any ducts, pipes, and other obstructions shall be at least 84 inches (213 cm) above the floor throughout the room, and walls and floors shall be waterproof and free of dampness. 2015 IRC 305

- G. **Floors and Floor Coverings.** Floors and floor coverings shall be attached at each threshold, maintained in safe and healthy condition, capable of being cleaned, and free of bulges and buckling. Carpets shall have no tears, folds, or bumps. NHHS 2014

## IX. SAFETY AND PERSONAL SECURITY.

- A. **Egress.** In accordance with local fire codes, every dwelling unit shall have at least two means of egress that serve as emergency escapes and rescue openings. Each egress shall lead outside without passing through another dwelling unit or garage. IRC 2015 311.1
  - i. Egress routes shall be unobstructed. Doors along egress routes shall be openable from the inside without the use of a key or tool or special knowledge. IRC 2015 section R310, R311.1
  - ii. Any bedroom located below the fourth floor shall be provided with an exterior window openable from the inside that can be used as a means of emergency egress. IRC 2015 R310.2.1
  - iii. If a habitable room partly or totally below grade is intended for sleeping purposes, at least one exterior window shall be openable from the inside and accessible for easy and ready use as an emergency exit. The window shall have the following minimum dimensions: a net clear opening of 5.7 ft<sup>2</sup> (0.53 m<sup>2</sup>); 24 inches (61 cm) from the top of the sill to the bottom of head of the window frame; a width of 20 inches (51 cm); and a sill height of not more than 44 inches (112 cm) from the floor. IRC 2015 R310.2.1, R310.2.3, R310.2.4
    - a. If the window opening sill height is below ground elevation, the horizontal

dimension (width times projection) of the window well shall be at least nine sq. ft. and the horizontal projection shall extend at least 36 inches (91 cm) from the exterior side of the window. IRC 2015 R 310.2.3

- b. If the egress window well is deeper than 44 inches (112 cm) below ground elevation, there shall be steps, or a ladder permanently attached to serve as an emergency exit to ground elevation. The distance between steps or rungs shall be 18 inches (46 cm), their width shall be at least 12 inches (31 cm), and their projection from the wall shall be between three and six inches (7.6 and 15 cm). IRC 2015 310.2.3.1
- c. A door leading directly from the room to the outside that provides an exit at grade level shall fulfill this requirement. IRC 2015 311.2
- d. A roof is required over a single exterior stair serving second and third floor dwelling units. No enclosing or storage shall be permitted beneath dedicated exterior egress stairs. 2015 IBC 1011.7.2 / 1011.7.4

**B. Locks/Security.** Means of egress (i.e., windows and/or doors) from dwellings shall have locks compliant with local laws, codes and ordinances.

- i. Dwelling unit entry doors shall be equipped with a dead bolt lock with a minimum throw of one inch (2.54 cm) that is capable of being opened from the interior side without a key and a device that permits the occupant to see a person at the entry door without fully opening the door. 2015 IPMC 304.18.1
- ii. Exterior doors on multifamily buildings with a common entry that leads into a foyer or hallway shall have a self-closing mechanism and shall be equipped with a locking device capable of being opened from the interior side without a key. NHHS 2014 IBC Chapter 10
- iii. Exterior windows that are capable of being opened and are potential means of entry shall be equipped with a lock on the interior side. All locks shall be operable without the need of special knowledge or tools. 2015 IPMC 304.18

**C. Smoke Alarm.** Every dwelling unit shall have a functioning smoke alarm located on the ceiling outside each sleeping area in the immediate vicinity of the bedrooms, in each additional room used for sleeping purposes, and on every level except crawlspaces and uninhabitable attics. In dwellings or dwelling units with split levels that have no door between adjacent levels, the smoke alarm installed on the upper level shall suffice for the adjacent lower level. In the event a smoke alarm sounds, the cause of the alarm condition shall be identified and corrected. IRC 2015 314 / Saf-C6015

- i. In multifamily housing, a tamper-proof smoke detection system (interconnected with a central fire alarm system) or stand-alone smoke alarms in good working condition shall be installed on each level including basements, in heating system and storage rooms, in garages, and in other common areas. Saf-C 6015.02 / Saf-C 6015.03

- ii. Battery-operated smoke alarms and the battery backup for hardwired smoke alarms shall be powered with long-lasting batteries. Property owner/landlord shall be responsible for maintenance and battery replacement per manufacturer's recommendations. IRC 2015 R314.6 / Saf-C 6015.05
- iii. Alternative visual and or physical notification shall be provided for hearing-impaired occupants upon request of the tenant or their agent. NFPA 72
- iv. Smoke alarms shall be hardwired with battery backup.  
2015 IRC 314.6
- v. Smoke alarm batteries shall be sealed-in and tamper-proof.  
NHHS 2014
- vi. Multiple smoke detection stations shall be interconnected.  
IRC 2015 R314.4 / Saf-C6015.02

**D. Carbon Monoxide Alarm.** Every dwelling unit shall have at least one functioning carbon monoxide (CO) alarm on every habitable floor. IRC 2015 R315.3 / Saf-C 6015.04

- i. CO alarms shall be hardwired, CO alarms shall have long-lasting battery backup. Property owner/landlord shall be responsible for maintenance and replacement of batteries per manufacturer's recommendations. IRC 2015 315.5
- ii. Alternative visual and or physical notification shall be provided for hearing-impaired occupants upon request of the tenant or their agent. NHHS 2014
- iii. CO alarms and combination smoke/CO alarms shall include voice notification.
- iv. CO batteries shall be sealed-in and tamper-proof within unit to unit interconnection.  
NHHS 2014
- v. CO present at or above 30 ppm (35 mg/m<sup>3</sup>) when measured over one hour or above nine ppm (10.5 mg/m<sup>3</sup>) measured over eight hours, shall be deemed hazardous. The cause of a hazardous CO level shall be investigated to identify and eliminate its source prior to re-habitation. NHHS 2014

**E. Fire Extinguisher.** Fire extinguishers shall be rated Class ABC and shall be readily accessible.

- i. Each dwelling unit shall have at least one no less than one 5-pound fire extinguisher in good working condition in or near the kitchen.  
NFPA 1
- ii. In multifamily housing, there shall be fire extinguishers in common areas on each floor and in areas where flammable or combustible liquids are stored, used, or dispensed. The fire extinguishers shall be located in conspicuous, unobstructed

locations that are not obscured from view. IBC 2015 906

- F. Walking Surfaces.** Every interior and exterior stairway, ramp, deck, porch, and balcony shall be maintained structurally sound, in good repair, properly anchored, and capable of supporting the imposed loads.
- i. Treads on exterior stairways shall have nonskid surfaces.
  - ii. Every interior and exterior stairway with four or more risers shall have at least one structurally sound continuous handrail installed not less than 34 inches (86.7 cm) and not more than 38 inches (96.5 cm), measured vertically from above the nose of the tread. The handrail shall be firmly fastened, capable of supporting a load of 300 pounds, and in good condition. If a side of a stairway is open to the floor or grade below, and the handrail provides the guard required by Section VII, Article G, the rail shall be supported by balusters 34 to 38 inches (86.7 to 96.5 cm) in height, measured vertically from the nose of the tread. IRC 2015 R311.7.8
  - iii. Every interior and exterior stairway shall have uniform risers and treads. Risers shall be no higher than 7 <sup>3</sup>/<sub>4</sub> inches (19.6cm) and treads shall be at least 10 inches (25,4 cm) deep, unless the existing space and construction do not allow a reduction in pitch or slope. IRC 2015 R311.7.5

**G. Guards.**

- i. Every stairway, porch, patio, landing, and/or balcony located more than 30 inches (76.2 cm) above an adjacent area shall have a structurally sound guard between 30 inches (76.2 cm) and 42 inches (107 cm) high, measured vertically from the floor. The guard shall be firmly fastened, capable of supporting normally imposed loads, capable of being opened in case of emergency, and in good condition. Balusters with a minimum thickness of one-half inch (13 mm) shall be placed at intervals that do not allow passage of a sphere greater than four (10.2 cm) inches in diameter. There shall be no climbable cross pieces. If the balusters do not reach the floor, the narrowest opening between the bottom of the stair guard and the floor shall be a maximum of four inches (10.2 cm). IRC 2015 R312
- ii. The fall prevention device for a window that provides access to a fire escape or is otherwise designated for emergency egress shall be compliant with the local authority having jurisdiction (AHJ). IRC 2105 R312.2, R312.2.1

**H. Flammable and Combustible Liquid Storage.**

- i. Storage space for flammable and combustible liquids, if permitted by rental / lease agreement, shall be available in a building separate from the dwelling's habitable space. NHHS 2014

## X. LIGHTING AND ELECTRICAL SYSTEMS

- A. **Electrical System.** Every dwelling unit shall have electric service, outlets, and fixtures that are grounded and installed properly, maintained in good and safe working condition, and connected to a source of electric power.
- i. Every dwelling unit shall be supplied with a three-wire, 120/240-volt, single-phase electrical service that is not shared with another dwelling unit. NEC 2014 2015 IRC E3601.2.
  - ii. Temporary wiring or extension cords shall not be used as permanent wiring. NHHS 2014
  - iii. The electrical service shall have a rating of not less than 100 amperes. IRC 2015 E3602.1
- B. **Outlets.** Every habitable room shall have at least two separate and remote grounded duplex electric receptacle outlets.
- i. Each kitchen and each room containing a toilet, sink, bathtub, or shower stall shall have at least one grounded duplex electrical receptacle outlet protected by ground-fault circuit interrupter (GFCI). IRC 2015 Chapter 39 Section E3902
  - ii. Receptacle outlets in garages, crawl spaces, unfinished basements, and outdoors shall be protected by GFCIs. 2015 IRC E3902.2
  - iii. Habitable rooms shall have sufficient receptacle outlets so that no location on a wall is more than six feet from an outlet. IRC 2015 E3901.2.1
  - iv. Every countertop space 12 inches (305 mm) or wider shall have a grounded duplex electric convenience receptacle outlet protected by a GFCI. No section of counter shall be more than 24 inches (610 mm) measured horizontally from an outlet. IRC 2015 3901.4.1
  - v. Receptacle outlets in habitable rooms that are not protected by GFCI's shall be protected by arc-fault circuit interrupters (AFCI's) 2015 IRC E3902.16
- C. **Natural Lighting.** Every habitable room shall receive daylight from at least one exterior window or skylight.
- i. If a habitable room receives daylight from an adjacent room or area used seasonally, such as a porch, the daylight through this interconnection shall be available year-round. 2015 IRC R303.2 / NHHS 2014
  - ii. Every bathroom and kitchen shall comply with the daylight requirement for habitable rooms contained in this section, unless the room is equipped with a ventilation system. 2015 IRC R303.3 / NHHS 2014

- D. **Artificial Lighting.** Each room containing a toilet, sink, bathtub, or shower stall shall contain at least one ceiling- or wall-type electric lighting fixture. Each non-habitable room, including laundry rooms, furnace rooms, and public halls, shall contain at least one ceiling- or wall-type electric lighting fixture. NHHS 2014
- i. Light switches that control ceiling- or wall-type electric light fixtures shall be located conveniently for safe use. NHHS 2014
  - ii. Every public hall, exterior entry door, and stairway in multifamily housing shall be illuminated at all times by ceiling- or wall-type electric lighting fixtures providing 800 lumens for every 200 ft<sup>2</sup> (18.6 m<sup>2</sup>) of floor area. The distance between light fixtures shall not be greater than 30 feet (762 cm). NHHS 2014
  - iii. In a building containing one or two dwelling units, every public hall, exterior entry door, and stairway shall be illuminated by ceiling- or wall-type electric lighting fixtures providing 800 lumens for every 200 ft<sup>2</sup> (18.6 m<sup>2</sup>) of floor area that is controlled by a three-way switch or a motion-activated device. 2015 IRC R303.7 / NEC?
  - iv. Polychlorinated-biphenyl (PCB)-containing lighting ballasts (e.g., older pre-1978 T-12 lighting ballasts) shall be removed, replaced with lighting fixtures that do not contain PCB's, and disposed of in accordance with applicable state and federal regulations. NHHS 2014
  - v. The parking areas and walkways of multifamily housing shall be illuminated by outdoor lighting devices suitable for the premises. NHHS 2014

## XI. THERMAL COMFORT, VENTILATION, AND ENERGY EFFICIENCY

- A. **Heating, Ventilation, and Air Conditioning Systems.** Facilities for heating, cooling, ventilation, and humidity control shall be maintained in good working condition and operated when necessary for the health and comfort of the occupants and in accordance with the design capacity of the installed equipment. Within 48 hours after equipment has become inoperative due to a mechanical problem or power failure other than a utility outage, an alternative safe source of necessary heating, ventilating, or cooling shall be provided. RSA 48-A
- B. **Heating System.** Every dwelling shall have a properly installed heating system in good and safe working condition that is capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms. The heating system, filtration components, distribution components, heating elements, and cooling elements (if provided), shall be sealed, cleaned, maintained, and operated in accordance with manufacturer specifications and shall be inspected and serviced annually by a licensed heating, ventilation, and air conditioning systems contractor. RSA 48-A



- i. **Venting and Air Supply for Heating Equipment.** Furnaces, water heaters, wood stoves, and other devices that employ combustion-burning fuel shall be vented to the outside of the structure in an approved manner that meets manufacturer specifications and is in compliance with applicable codes and standards (e.g., ANSI 223.1/NFPA 54 National Fuel Gas Code, NFPA 31 Standard for the Installation of Oil-Burning Equipment, NFPA 211 Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances) and shall be supplied with sufficient air to support the continuous complete combustion of fuel and prevent back draft. NHHS 2014
- ii. **Heating Supply.** If the dwelling unit is rented, leased, or let on terms either expressed or implied that heat will be supplied per the rental/lease agreement, heat shall be provided to maintain a minimum temperature of 65° F (20° C) in habitable rooms, bathrooms, and toilet rooms. RSA 48-A
- iii. **Forced-Air Systems.** Any dwelling with a forced-air system shall have at least one thermostat within each dwelling unit capable of controlling the heating system, and cooling system if provided. The system shall have a clean air filter installed in accordance with manufacturer specifications at each change in tenancy and at least annually. This filter shall have a minimum efficiency reporting value of eight (MERV-8) unless the system is not equipped to use a MERV-8 filter. NHHS 2014 / 2015 IMC
- iv. **Steam and Hot Water Systems.** In dwellings with heating equipment utilizing steam or hot water with a temperature of 110° F (43° C) or greater, protective covers/barriers shall be installed on and maintained for exposed surfaces of baseboard units, radiators, and piping between radiators. NHHS 2014
- v. **Wood Stoves.** A wood stove manufactured after June 1988 shall have a manufacturer's label certifying compliance with the emission standard at 40 C.F.R. § 60 part AAA. Clearance of 30 inches (76 cm) shall be maintained between combustible materials and a stove with no heat shield. Where a heat shield is present, the clearance between combustible materials and the stove shall be compliant with manufacturer specification for the heat shield. NH DES ARD-53 / NHHS 2014

### C. Ventilation.

- i. Every dwelling shall have a ventilation system compliant with ASHRAE Standard 62.2 (Ventilation and Acceptable Indoor Air Quality in Low-Rise Residential Buildings) or ASHRAE 62.1 (Ventilation for Acceptable Indoor Air Quality) as applicable to the dwelling.
- ii. The air exhausted from a bathroom, toilet room, clothes dryer, or basement shall not be vented into any other parts of the building's habitable space or an attic; such air shall discharge directly to the outdoors but not near any intake on the building exterior. 2015 IRC M1501.1

- iii. The exhaust vent from a clothes dryer shall consist of a rigid or corrugated semi-rigid metal duct. 2015 IRC M1502
  - iv. Pipes, ducts, conductors, fans, and blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors, or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another occupant. Vent pipe openings and any pest-proofing screens that cover them shall be maintained free of debris. 2015 IPMC 302.6 / NHHS 2014 / 2015 IRC M1804 / 2015 IMC 401.5
  - v. Basement air shall not be used as supply air for an air handling system. 2015 IECC / 2015 IRC M1602.2
- D. Air Sealing.** Openings into dwellings and dwelling units shall be sealed to limit uncontrolled air movement.
- i. Exterior doors, windows and skylights, openings where siding and chimneys meet, utility penetrations, electrical outlets, and other openings shall be weather tight. NHHS 2014
    - a. Pads, door sweeps, weather stripping, and seals shall be used and maintained to minimize air leaks. NHHS 2014
  - ii. Openings separating an attached garage from a habitable room, including doors, ceilings, floors, and utility and ductwork penetrations, shall be sealed. 2015 IRC R302.11
    - a. Any doorway between a habitable room and a garage shall be equipped with a wood door not less than 1 3/8 inches (35 mm) in thickness, a solid or honeycomb core steel door not less than 1 3/8 inches (35 mm) thick, or a 20-minute fire-rated door. The door shall have an automatic closing mechanism and be sealed with weather stripping. 2015 IRC 302.5.1
    - b. There shall be no door, window, or other opening from a garage into a room used for sleeping purposes. 2015 IRC 302.5.1
    - c. There shall be no supply or return vent openings in a garage that connect to air handlers serving habitable spaces. NHHS 2014
  - iii. In a multifamily building, walls, ceilings, and floors that separate a dwelling unit from neighboring units, corridors, chases, stairwells, and other openings shall be sealed. NHHS 2014 / NFPA / 2015 IECC

## XII. MOISTURE CONTROL, SOLID WASTE, AND PEST MANAGEMENT

- A. **Moisture Prevention and Control.** Every foundation, roof, roofing component, exterior wall, door, skylight, and window shall be watertight, weather-tight, free of persistent dampness or moisture, and in good condition.
- i. The building's drainage system, such as footing or foundation drains, gutters, downspouts, rainwater collection containers, or other elements, shall direct water away from the structure. 2015 IPMC 302.2
  - ii. Exterior wood surfaces shall be protected from the elements and decay by paint or other protective treatment. Weep holes in brickwork shall be left open. NHHS 2014
  - iii. Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of water on the premises, within a crawlspace, or within the structure. 2015 IPMC 302.2
  - iv. Interior and exterior surfaces and surface coverings, such as but not limited to carpet, wood, cellulose insulation, and paper, paint, and other wall coverings, including paper-faced gypsum board, shall have no signs of visible mold growth or chronic or persistent excessive dampness or moisture. 2015 IPMC 305.3 / NHHS 2014
  - v. Building material that is discolored or deteriorated by mold or mildew or causes a moldy or earthy odor shall be cleaned, dried, and repaired. Structurally unsound material shall be removed and replaced.  
NHHS 2014 / NH RSA 48-A / NH RSA 540-A
  - vi. The underlying cause of excessive dampness or moisture or moldy or earthy odor shall be investigated and corrected. NHHS 2014 / NH RSA 48-A / NH RSA 540-A
  - vii. Unless the crawl space is sealed and insulated from the outdoors, the crawl space shall be free of high- moisture conditions or be separated from the dwelling by an air seal or other method suitable to the climate and conditions.  
NH RSA 48-A / NH RSA 540-A
  - viii. Water/mold-resistant materials shall be used on bathroom walls and floors, showers, and other areas of the home that are likely to be exposed to moisture.  
IRC 2015 R307.2 / NHHS 2014
- B. **Solid Waste.** Every dwelling shall have adequate facilities for temporary storage of trash, rubbish and recyclable materials.
- i. There shall be trash/rubbish containers outside the dwelling for the storage of trash/rubbish awaiting collection or disposal. The total capacity of these facilities shall be sufficient to store occupants' trash/rubbish between scheduled collection times and shall be placed on a cleanable surface constructed to minimize spillage.  
2015 IPMC 308 / NH RSA 48-A

- ii. There shall be containers outside the dwelling for recyclable materials awaiting collection, with capacity sufficient to store occupants' recyclable materials between scheduled collection times. 2015 IPMC 308 / NH RSA 48-A
- C. Pest Management.** Integrated pest management (IPM) methods shall be used to maintain every dwelling free of infestation, openings that allow pest entry, conditions that harbor pests or provide them with food or water, and visible pest residue or debris.
- i. Every dwelling, premise, accessory structure, and fence shall be maintained in good repair, free of pest infestation, and inspected for pests and building conditions that attract and support pests. 2015 IPMC 302.5
    - a. There shall be no accumulation of trash, rubbish, paper, boxes, lumber, scrap metal, food, or other materials that support rodent harborage in or about any dwelling or premises. Stored materials shall be placed in boxes or stacked in stable piles elevated at least six inches (152 mm) above the ground or floor and at least six inches (152 mm) from the walls. Stored materials shall not block any egress routes. 2015 IPMC 302
    - b. There shall be no accumulation of water in or about any dwelling or premises. 2015 IPMC 302.2
  - ii. Every openable window and storm door shall be supplied with adequate screens to prevent the entry of pests. NH RSA 48-A
    - a. The areas surrounding windows, doors, pipes, drains, wires, conduits, vents, and other openings that penetrate exterior walls shall be sealed with low-VOC caulk closed cell insulation or other job specific product. NH RSA 48-A
  - iii. Pest infestation and the underlying cause shall be eliminated using control methods such as exclusion, sanitation, and least-risk pesticides scaled to and designed for the targeted infestation. RSA 48-A / 2015 IPMC 309.1
  - iv. The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure. 2015 IPMC 309.2

### **XIII. CHEMICAL AND RADIOLOGICAL AGENTS**

- A. **General Requirements.** All chemical and radiological agents in dwellings, premises, and accessory structures, including but not limited to deteriorated lead-based paint, friable asbestos-containing material, formaldehyde, volatile organic compounds, radon, pesticides, and methamphetamine, shall be contained, stored, removed, or mitigated in a safe and healthy manner consistent with federal, state, and local laws and regulations. When an applicable regulatory limit is more protective than the level included in this section, the more restrictive limit shall apply.

- B. **Lead-Based Paint.** Lead poisoning continues to be a significant, preventable environmental health problem, particularly among children. Most children with elevated blood lead levels have no obvious symptoms. Lead affects every system in the body, particularly the developing brain and nervous systems of young children and fetuses. Effects also include reproductive system disorders, intelligence deficiencies, delays in physical development, cognitive and behavioral changes and hypertension. Title X (ten), a federal law enacted in 1992 requires landlords to disclose any known lead-based paint hazards within those properties constructed prior to 1978 to prospective tenants. It also mandates a landlord provide an EPA-approved lead paint disclosure form and approved informational brochure as part of the lease or rental agreement that includes an explicit checklist of information received and a space for both parties to sign and date verifying receipt of information.
- i. Lead based substances which are peeling, chipping, chalking or cracking, or any paint located on an interior or exterior surface of fixture that is damaged or deteriorated and is likely to become accessible to a child shall be properly remediated. RSA 130-A
  - ii. Lead based substances on interior or exterior surfaces that are subject to abrasion or friction or subject to damage by repeated impact shall be properly remediated. RSA 130-A
  - iii. The presence of lead-based substances on chewable, accessible, horizontal surfaces that protrude more than 1/2 inch and are located more than 6 inches but, less than 4 feet from the floor or ground shall be properly remediated. RSA 130-A
  - iv. Bare soil in children's play areas that has equal to or greater than 400 parts per million (PPM) of lead or 1200ppm average of lead for bare soil in the rest of the yard shall be properly remediated. RSA 130-A
  - v. It shall be unlawful for any person to use or apply, or cause to be used or applied, in any childcare facility, dwelling or dwelling unit any paint containing more than 0.06 percent lead. NH RSA 130-A
- C. **Asbestos.** Every owner shall maintain in good repair all asbestos-containing material on the premises. All asbestos-containing material shall be maintained non-friable and free from any defects such as holes, cracks, tears, and/or looseness that may allow the release of fibers into the environment. NH RSA 141-E
- i. Friable asbestos-containing material shall be abated by licensed asbestos professionals in accordance with federal, state, or local requirements. NHDES Env-A 1803
  - ii. Any renovation, demolition, or other activity that will disturb asbestos-containing materials shall be preceded by asbestos abatement performed by certified asbestos professionals in accordance with federal, state, or local requirements. NHDES Env-A 1804

- iii. Abatement, removal, and disposal of all asbestos-containing material shall comply with all appropriate federal, state, and local requirements. NH DES - Asbestos
- D. **Pesticides.** Pesticides shall only be used in accordance with IPM methods using the least toxic pesticide with demonstrated efficacy for the identified pest. NHHS 2014
  - i. Pesticides shall be stored and disposed in accordance with manufacturer specifications. NHHS 2014 / NH DES
- E. **Methamphetamine.** A dwelling that has been used for methamphetamine manufacture shall be vacated until certified by an approved testing method as safe from hazardous materials related to the methamphetamine manufacturing process. NHHS 2014

#### **XIV. POOLS, HOT TUBS, AND OTHER WATER FEATURES**

- A. Swimming pools, hot tubs, spas (except a residential spa or hot tub with a safety cover complying with ASTM F 1346-91), ornamental ponds, and other water features that hold water more than 24 inches (61 cm) in depth shall be completely surrounded by a fence or barrier at least 48 inches (122 cm) in height above the finished ground level that is accessible only through a self-closing and self-latching gate. The gate's latch shall be located 54 inches (137 cm) above the bottom of the gate on the interior side of the gate facing the water feature. The fence and gate shall not have climbable crosspieces. 2015 SC 305 / 2015 IPMC 303.2
- B. All pools and spas shall have anti-entrapment drain covers compliant with ANSI/ASME A112.19.8, ANSI/ APSP 16-2011, or any successor standard on every suction outlet. 2015 ISPSC 310
- C. Pool drains and drain covers shall be clearly visible and in good repair. Where there is a single main drain (other than an unblockable drain), a second anti-entrapment system shall be installed. 2015 ISPSC 310
- D. Luminaries, receptacles, and other outlets shall have ground-fault circuit interrupter (GFCI) protection. IRC 2015 E4203.1.3

#### **XV. SEVERABILITY**

If any provisions of this Ordinance or the application of such provisions to any person or circumstances shall be held invalid, the validity of the remainder of this Ordinance and applicability of such provisions to other persons or circumstances shall not be affected thereby.

#### **XVI. EFFECTIVE DATE**

This Ordinance shall take effect on May 10, 2021 if passed by the 2021 Town Meeting.

**TOWN OF HENNIKER**  
**Town Ordinance**  
(RSA 31:39-C)

**CITATIONS**

**I. STATEMENT OF PURPOSE.**

In addition to any other enforcement procedure authorized by law, any Town official with authority to prosecute an offense under any municipal code, ordinance, bylaw, or regulation, if such offense is classified as a violation under applicable law, may issue and serve upon the defendant, in addition to a summons to appear in the Circuit Court, a local ordinance citation as set forth in this chapter. A defendant receiving such a citation may plead guilty or nolo contendere by mail by entering that plea as provided herein. If such a plea is accepted by the Circuit Court and the prescribed fine is paid with the plea by mail, the defendant shall not be required to appear personally or by counsel; otherwise the defendant shall appear as directed by the Court.

**II. AUTHORITY.**

This chapter is adopted pursuant to the authority vested in the town by RSA 31:39-c and d

**III. FINE SCHEDULE**

Any defendant issued a local ordinance citation may plead guilty or nolo contendere by mail within 10 days of receipt of the local ordinance citation consistent with the following violation fine schedule:

<b>Category</b>	<b>First Offense</b>	<b>Second/Subsequent Offense</b>
Permits	\$50	\$100
Garbage, residential solid waste and debris	\$75	\$150
Infestation	\$100	\$200
Interior, building elements	\$125	\$250
Exterior, building elements	\$150	\$300
Exterior, motor vehicles	\$200	\$400
All other violations	\$100	\$275

**\*Each day the offense exists will constitute a separate offense.**