

ARTICLE XXX

Building Code

[Added 3-9-2021]

133-173 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.

133-174 Enforcement

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

133-175 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 all local ordinances. They may also perform inspections to assure compliance with the State Building Code and all local ordinances.

133-176 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)

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- C. NFPA 54 – National Fuel Gas Code – 2015 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire) *2015*
- D. NFPA 70 – National Electric Code – 2017 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire) *2020*
- 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) *2016*
- F. IBC – ICC International Building Code – 2015 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire) *2018*
- G. IRC – ICC International Residential Code – 2015 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire) *2018*
- H. IPC – ICC International Plumbing Code – 2015 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire) *2018*
- I. IMC – ICC International Mechanical Code – 2015 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire) *2019*
- J. IEC – ICC International Energy Code – 2015 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire) *2018*
- K. IEBC – ICC International Existing Building Codes – 2015 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire) *2018*
- 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) *2018*
- M. IPMC – ICC International Property Maintenance Code – 2015 Edition - *TOWN ADOPT 2018?*
- N. NH RSA 319 – Governing Electricians and homeowners’ exemptions
- O. NH RSA 153:36 VIII - Mechanical Licensing and homeowners’ exemption

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>

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133-177 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.

133-178 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.

133-179 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

133-180 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

133-181 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.

133-182 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 small accessory structures of less than 200 square feet, interior finish work, ordinary repairs, or direct replacement with like materials, may be performed without a Building Permit. Other examples not requiring permits according to the code include, but are not limited to:

A. 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 m²).
2. Fences, other than swimming pool barriers, not over 7 feet (2134 mm) high.
3. Oil derricks.

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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 927L) 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.

B. 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.

C. 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.

D. Mechanical

1. Portable heating appliances with a self-contained fuel supply.
2. Portable ventilation appliances.
3. Portable cooling units.

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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.

E. 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.

F. 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.

133-183 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.

133-184 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.

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- 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.)

133-185 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.

133-186 Effective Date:

This ordinance shall take effect as of July 1, 2021

133-187 Appendices

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 fourteen days (14) for one- and two-family dwellings and thirty (30) days for non-residential application encompassing more than two (2) dwelling units.

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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.

133-188 Amendments

Amendment A – NFPA 70 – National Electrical Code – 2017 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:

Handwritten red annotations: "2020" above Amendment A, "2018" above Amendment B, and "FROST" and "SEWER" with arrows pointing to the table.

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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.”

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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

ARTICLE XXXI – HOUSING STANDARDS ORDINANCE

ARTICLE XXXI

Housing Standards Ordinance

[Added 3-9-2021]

133-189 Statement of Purpose

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. 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.

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

Ground Snow Load	WIND DESIGN		SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^a	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
	Speed ^d (mph)	Topographic effects ^k		Weathering ^a	Frost line depth ^b	Termite ^c					
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 97¹/₂-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.
- 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.
- 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.

ARTICLE XXXI – HOUSING STANDARDS ORDINANCE

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 (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- C. International Energy Conservation Code 2015 with Amendments (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- D. International Existing Building Code 2015 with Amendments (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- E. International Mechanical Code 2015 with Amendments (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- F. International Plumbing Code 2015 with Amendments (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- G. International Residential Code 2015 with Amendments (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- H. International Property Maintenance Code 2015
- I. National Electrical Code 2017 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)