

# Building Code

1. The inspector of buildings shall be the administrative officer of this ordinance. He shall receive applications and fees for the erection or alteration of buildings and electrical wiring thereof as provided in this ordinance, shall keep complete records of all applications and his action on the applications; promptly survey and inspect all buildings, alterations or uses proposed; accept and deposit with the town Treasurer all fees collected by him under this ordinance, and may issue permits for erection, alteration or remodeling of all buildings, if in his opinion the proposal complies with the law of the State, this ordinance and other town ordinances and by-laws, provided that in any instance where license or permit fees for uses are required his permit shall constitute only an approval on which the proper authority may issue a license on payment of required fees; any other duties prescribed by law; shall act in cooperation with the Fire Chief in any matter in which their duties as prescribed by law coincide or conflict; and shall take such action in the enforcement of this ordinance as may be directed by the Selectmen.

2. No building shall be started or altered without the benefit of a permit if the value of said construction or alteration is (\$2500.00 Residential \$1000.00 Commercial) or more and no building shall be put to any use different than the use on the day of the enactment of this ordinance until a permit therefore has been issued under the terms of this ordinance. No permit is required (residential only) for repairs necessitated by normal wear and tear provided that such repair is not a structural repair, restores the structure to its original condition and the repair does not effect more than 50% of the value of the structure. (Electrical, Plumbing and HVAC permit threshold \$100.00)

3. No application for a permit required by this ordinance shall receive action by the Building Inspector unless made in writing. All applications for permit to build, construct, alter or remodel a building, shall be accompanied by a sketch or plan of the proposed building or alterations, and a statement of its intended use when built, constructed or remodeled. A fee, as established in this ordinance, shall be paid for all permits issued. Proposed structures in excess of 2,000 square feet shall require the submission of plans stamped by a professional architect or professional engineer.

4. Upon receiving such application the building inspector shall promptly take such action as may be indicated in the way of investigation or public hearings, to acquaint himself with the merits of the application. He may without judging the application on its merits, refer the application to the Board of Adjustment. If, however, he finds the proposed building, alteration, or use of building to conform with the law and this ordinance he may at once issue the permit in writing over his signature. If he finds the proposal in any conflict with the law or this ordinance he shall fix whatever restrictions or conditions on the proposed construction as may be in his best judgment, right and proper, or for reasonable cause to refuse the permit.

**5.** No building or structure shall be erected, altered, rebuilt, substantially repaired or remodeled unless in compliance with the Newington Building Code and the NH State Building Code.

**6 - Fees:** The Board of Selectmen shall establish and maintain a schedule of fees for building permits and all related permits.

**7 - Sewer Connections:** All sewer connections contained within the footprint of the structure in the Commercial, Office & Industrial districts; non-metallic pipe may be used unless conditions, design or the Authority having Jurisdiction warrant the use of metallic pipe. Non-metallic or equivalent may be used in all other installations. All connections made outside the structure are subject to the requirements of the Sewer Commission.

**8 - Piping Materials:** In the Commercial, Office & Industrial districts, where the general public is allowed, all piping connections, electrical conduit, traps and vents shall be metal unless contained within a fire rated wall, ceiling or floor. (Fixture to wall or floor if in an open space shall be metallic)

**9 - Swimming Pools:** Any pool designed for swimming shall be completely fenced with a fence at least four feet in height. The gate or access to the fenced area shall be locked at all times that the pool is unattended.

**10 - Septic Systems:** Prior to the issuance of a building permit for the expansion of a residential structure, the building's owner shall submit evidence, which is satisfactory to the Building Inspector, demonstrating that the on-site septic system will adequately support the expanded residence.

**11 - Sprinklers:** All buildings that are used primarily for commercial, industrial or office use shall have an automatic sprinkler system. The following are exempted from this requirement:

A) Non-combustible construction used to store non-combustible material and that is separated from other structures by 50 feet or more; and

B) Structures that are occupied by less than 5 people per day *and* less than 4 hours per day.

**12 -** The Newington Board of Adjustment shall have the power, upon an appeal filed with it by any person aggrieved by a decision of the Building Inspector dealing with the Building Code, to vary the application of any provision of the Building Code to any particular case when, in its opinion, the enforcement of the Building Code would do manifest injustice and would be contrary to the spirit and purpose of the Building Code and the public interest.

**13 - Amendments:** This ordinance may be amended by a majority vote of any legal Town Meeting when such amendment is published in the warrant calling for the meeting.

**14 - Enforcement:** Upon any well-founded information that this ordinance is being violated, the Selectmen shall, on their own initiative, take immediate steps to enforce the provisions of this ordinance by seeking an injunction in the Superior Court or by any other appropriate legal action. Whoever violates any of the provisions of the above regulations shall be punished upon conviction by a fine not exceeding \$100 for each day of each violation.

**15 -** This Ordinance shall take effect upon its passage.

**16 - Conflicting Provisions.** Whenever the regulations made under the authority hereof differ from those described by any statute, ordinance, or other regulation, that provision which imposes the greater restriction or the higher standard shall govern.

**17 - Validity:** If any section, clause, provision, portion or phrase of this ordinance shall be held to be invalid or unconstitutional by any court or competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion or phrase of this ordinance.

