

Chapter 207

BUILDING CONSTRUCTION

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[HISTORY: Adopted by the Annual Town Meeting of the Town of Peterborough 3-8-77; as amended 3-11-80; 3-10-87; 3-8-88; 5-8-12; and 5-7-13. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

- Code Enforcement Officer -- See Ch. 30, Art. I.
- Sewers -- See Ch. 197, Art. III.
- Fencing of pits -- See Ch. 228.
- Fees -- See Ch. 202
- Subdivision Regulations -- See Ch. 237.
- Zoning -- See Ch. 245.

§ 207-1. Adoption - Title

Pursuant to RSA 674:51, the Town of Peterborough adopts the enforcement of the State Building Code as set forth in RSA Chapter 155-A; continues the appointed position of Building Inspector, hereinafter known as the Code Enforcement Officer to enforce the State Building Code; authorizes the Code Enforcement Officer to review and determine compliance of building plans, issue building permits, inspect the work authorized by the building permits, issue appropriate use occupancy certificates, permit the Board of Selectmen to charge reasonable fees for such service, and exercise other enforcement action as authorized by RSA Chapter 676. These regulations shall be known and cited as the "Building Ordinance of the Town of Peterborough, New Hampshire," and referred to herein as the "Code". The Code shall be construed to provide minimum requirements for health, safety and general welfare insofar as they are dependent upon building construction.

§ 207-2. Declaration of Purpose

The purpose of this Code is to establish uniform rules and regulations for the construction of buildings and structures within the corporate limits of the Town of Peterborough. This Code is not intended, nor shall it be construed, to create a duty on the part of the Town of Peterborough or its officials, employees or agents, to protect 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 any claim for any loss, damage or expense against the Town, its officials, employees or agents.

§ 207-3. Effect on other legislation

No provisions of the Town Zoning Ordinance¹ or any other legal statute pertaining to the location, use or construction of buildings shall be nullified by the provisions of this Code.

§ 207-4. Administration

The provisions of this Code and its requirements will be enforced by the Code Enforcement Officer. In the absence of the Code Enforcement Officer, the Board of Selectmen shall perform his/her duties. The applicant for a permit shall be responsible for meeting the minimum requirements of the State Building Code and the Town of Peterborough shall not be held liable for any failure on part of the Contractor or Applicant to comply with the provisions of the State Building Code as provided for in RSA Chapter 155-A:2.

§ 207-5. Term of Permit

A permit under which no work is started within six (6) months after issuance will expire by limitation. If an excavation has been wholly or partially completed or the foundation walls have been erected and the project is terminated, the parties granted the permit will be required to bring the excavation back to grade within six (6) months after the date of the permit. Failure to carry construction beyond first-floor flooring within six (6) months or to complete exterior structural details as specified in filed plans and specifications within twelve (12) months after the start of work will be considered evidence of termination of the project for which the permit was issued.

¹ Editor's Note: See Ch. 245, Zoning.

A building permit for a new structure or for alterations to an existing structure shall expire two (2) years after the date issued. If any work has not been completed which is covered by the permit, a new permit shall be required unless the Code Enforcement Officer has previously approved a schedule for construction which runs past the expiration date of the permit.

§ 207-6. Standards

It is required by this Code that all buildings and structures, including manufactured homes that are erected, enlarged, altered, rebuilt, repaired substantially, moved, demolished, or change the occupancy of a building or structure shall comply with the following requirements:

- A. **State Building Code;** as set forth in RSA Chapter 155-A.
- B. **Climatic and Geographic Design Criteria Values:**
 - (1) Ground Snow Load: 75 lbs/sq.ft.
 - (2) Wind speed: 90 mph.
 - (3) Seismic Design Class: C
 - (4) Weathering: Severe
 - (5) Frost Line Depth: 48 inches.
 - (6) Termite Probability: Slight to Moderate.
 - (7) Flood Hazard: Flood Insurance Rate Maps.
- C. **Certificate of Occupancy:** The Code Enforcement Officer shall not issue a certificate of occupancy until the applicant has satisfied the Code Enforcement Officer that all of the work has been completed in compliance with the Code, the septic system meets the requirements of the New Hampshire Department of Environmental Services Subsurface Bureau and local regulation, the driveway entrance has been approved by the Public Works Department and the proper representative of the Fire Department has reviewed the work and finds no violations of any state or local laws within the jurisdiction of the Fire Department. If the property is serviced by town water and /or town sewer, then the contractor and/or applicant must also establish to the satisfaction of the Code Enforcement Officer that all work has been completed in compliance with the requirements of the Water Department and/or the Sewer Department.
- D. **Dwelling Unit Area:** Every dwelling unit to be used by a single family shall have a minimum of 600 square feet of living area, except efficiency or one-bedroom units, which shall have 400 square feet. In compliance with RSA 674:31 and 674:32, manufactured housing may have a minimum of 320 square feet.
- E. **Sprinkler Systems**
 - (1) Every new building of more than five thousand (5,000) gross square feet in area or substantial improvement of a non-residential building of more than five thousand (5,000) square feet in floor area, and any addition of more than five thousand (5,000) square feet in floor area shall be protected throughout with an automatic fire sprinkler system in accordance with the applicable provisions of the National Fire Protection Association Sprinkler Standards; provided that in the case of additions, an automatic sprinkler system will be required in the addition only.
 - (a) Agricultural building up to 12,000 gross square feet in area are exempt from this provision.

- (2) Sprinkler systems shall not be required in open air parking structures, defined as; buildings, structures, or portions thereof, used for parking motor vehicles and having not less than twenty-five (25) percent of the total wall area open to atmosphere at each level, utilizing at least two sides of the structure.
 - (3) For purposes of this section, the gross square foot area of a building or addition shall include the sum total of the floor area for all the floor levels and basements, measured from outside walls irrespective of the existence of interior fire resistive walls, floors, and ceilings.
 - (4) Working sprinkler plans and documentation shall be prepared and signed by a design professional. Such design professional, at a minimum, shall be currently certified by the National Institute of Certifying Engineering Technicians (NICET). Such certification shall be a minimum of NICET Level III for sprinkler systems complying with NFPA 13 or 13 R, and NICET Level II for sprinkler systems complying with NFPA 13D.
 - (5) Two sets of sprinkler working plans shall be submitted to the Fire Department for approval. One set of working plans is to be retained by the Fire Department; the other set, after approvals are obtained, shall be submitted to the Code Enforcement Office, prior to installation.
- F. **Double Door Safety.** – Pursuant to RSA 155:2-a, in addition to any bylaws or regulations adopted pursuant to this chapter, no double door in any building open to the public, where two doors are in one doorway, shall be locked, bolted or otherwise fastened so that both doors cannot be opened from the inside by the use of the ordinary door knob or by pressure on the door or on a panic release device.
- F. The applicant must be able to demonstrate to the satisfaction of the Code Enforcement Officer that the proposed construction meets all applicable setbacks; otherwise a delineation of the applicable boundary lines, prepared by a NH Licensed surveyor, will be required prior to approval of the proposed construction.

§ 207-7. Building Board of Appeals

- A. As outlined in RSA 673:1, the Peterborough Zoning Board of Adjustment shall act as the Building Code Board of Appeals until such time as the legislative body creates a separate and distinctive Building Code Board of Appeals.
- B. If an applicant feels aggrieved by a decision of the Building Official, he or she can appeal such decision to the Peterborough Building Code Board of Appeals. Thereafter, any person aggrieved by the decision of the Board of Appeals may appeal that decision to the Superior Court of Hillsborough County.

§ 207-8. Demolition Review

- A. **Definitions.** As used in this section, the following words or phrases shall have the meanings set forth below.
 - a. Building – An independent structure, or part thereof, having a roof with structural supports.

- b. Code Enforcement Officer – The Town staff person assigned or authorized to interpret and administer the building codes, zoning ordinances, and other regulations.
 - c. Demolition – The act of pulling down, destroying, removing, or razing a building or structure or commencing the work of total or substantial destruction with the intent of completing the same. This does not include interior demolition.
 - d. Demolition Review Committee – A subcommittee of the Heritage Commission comprised of three (3) Heritage Commission members and two (2) alternates appointed by the Chair of the Commission.
- B. **Review Criteria.** Any building or part of any building or structure in the Town of Peterborough that is subject to the terms of the Building Code will be subject to the terms of this section when:
- a. The proposed demolition is greater than 450 square feet of gross floor area; and
 - b. The building or structure was constructed more than 50 years before the date of the application for demolition permit.
- C. **Review Procedure.**
- a. Application for demolition permits are filed on forms provided by the Code Enforcement Officer. The form includes the review criteria and informs the applicant that if all questions are answered in the affirmative, the permit will not be issued until the application has been reviewed by the Demolition Review Committee.
 - b. If the criteria are met, the Office of Community Development will forward the application to each member of the Demolition Review Committee via email or mail within **two (2)** business days.
 - c. Within **seven (7)** business days of receipt of the application, the Committee will determine if the building is potentially architecturally or historically significant and will inform the Code Enforcement Officer of its findings.
 - d. If the building is found to be not architecturally or historically significant, the Code Enforcement Officer may issue the demolition permit as soon as possible.
 - e. If the building is determined to be architecturally or historically significant, the applicant will be informed that a public meeting will be scheduled to review the application. The applicant is encouraged to attend this meeting to hear any concerns or alternatives that may be proposed by the public. At the applicant's discretion, the Committee may begin dialogue about possible alternatives prior to the public meeting.
 - f. The Office of Community Development will schedule a public meeting within **twelve (12) calendar** days to discuss possible alternatives to demolition. The notice of the time, date, place and purpose of the meeting will be mailed to the applicant, and posted in the newspaper, at the Town House, at the Library, and on the Town's website **ten (10)** days prior to the meeting.

- g. **Seven (7)** days prior to the meeting, the Code Enforcement Officer will post a sign in the nearest Town right-of-way in front of the property in question that states that the building is proposed for demolition, and provides information on the scheduled public meeting.
- h. If, following the meeting, the Committee determines that the building's loss would be detrimental to the Town, the Committee has an additional **ten (10)** business days to find any alternatives to demolition that are acceptable to the landowner.

D. Demolition

- a. If no alternatives to demolition have been identified and agreed to by the applicant within the time frame as stated above, the applicant is free to proceed with demolition. Prior to demolition, if the applicant agrees, the Demolition Review Committee will photographically document the building or structure. The Committee shall also encourage the applicant to salvage significant architectural features.
- b. Nothing in this section shall be construed to prevent immediate demolition where public safety is at stake and the Code Enforcement Officer has determined that the building or structure is a public hazard and demolition is the only viable recourse.