



Town of Lyndeborough BUILDING CODE

Purpose:

This ordinance is established and governed by the laws of the State of New Hampshire, specifically the applicable sections of Chapters 673 through 677, New Hampshire Revised Statutes Annotated, 2003, and as amended by future laws of New Hampshire.

On September 14, 2002, The State of New Hampshire enacted a state building code consisting of the following current construction codes and standards that currently exist in this state:

- The International Building Code 2003
- The International Residential Code 2003
- The International Plumbing Code 2003
- The International Mechanical Code 2003
- The International Energy Conservation Code 2003
- The National Electric Code 2002
- The State of New Hampshire Fire Code

These recognized construction codes whose uniform adoption as the state building code pursuant will insure that the state has a uniform, modern construction code that will protect the public health, safety, and welfare.

It is the intent and purpose of the State of New Hampshire Building Code and the Lyndeborough, NH Building Code to:

- Provide requirements for construction consistent with nationally recognized standards
- Permit to the fullest extent feasible the use of modern technical methods, devices and improvements, consistent with reasonable requirements for the health, safety, and welfare of occupants or users of buildings and structures; and
- Insure adequate protection of the public health, safety, and welfare.

674: 51 Powers to Amend State Building Code and Establish Enforcement Procedure:

- I. The local legislative body may enact as an ordinance or adopt, pursuant to the procedures of RSA 675:2-4, additional provisions of the state building code for the construction, remodeling, and maintenance of all buildings and structures in the municipality, provided that such additional regulations are not less stringent than the requirements of the state building code. The local legislative body may also enact a process for the enforcement of the state building code and any additional regulations thereto, and the provisions of a nationally recognized code that are not included in and are not inconsistent with the state building code.
- II. Any such ordinance adopted under paragraph I by a local legislative body shall be submitted to the state building code review board for informational purposes.

- III. The local ordinance or amendment adopted according to the provisions of paragraph I shall include, at a minimum, the following provisions: The date of first enactment of any building code regulations in the municipality and of each subsequent amendment thereto.
- a. Provision for the establishment of a building code board of appeals as provided in RSA 673:1, V; 673:3, IV; and 673:5.
 - b. Provision for the establishment of the position of building inspector as provided in RSA 673:1, V. The building inspector shall have the authority to issue building permits as provided in RSA 676:11-13 and any certificates of occupancy as enacted pursuant to paragraph III, and to perform inspections as may be necessary to assure compliance with the local building code.
 - c. A schedule of fees, or a provision authorizing the governing body to establish fees, to be charged for building permits, inspections, and for any certificate of occupancy enacted pursuant to paragraph III.
- IV. The regulations adopted pursuant to paragraph I may include a requirement for a certificate of occupancy to be issued prior to the use or occupancy of any building or structure that is erected or remodeled, or undergoes a change or expansion of use, subsequent to the effective date of such requirement.

Local Adoption of The Lyndeborough Building Codes:

Residential Building Codes:

The town of Lyndeborough, NH recognizes **The State of New Hampshire Building Code** along with **The International Residential Code 2003**, a nationally accepted model code by the International Code Conference and adopts this code by reference for residential construction, replacing the 1995 CABO One & Two Family Dwelling Code.

The Town of Lyndeborough, NH adopts the **International Residential Code 2003** as the **Lyndeborough Residential Building Code** for regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two- family dwellings in Lyndeborough. With the adoption of the **Lyndeborough Residential Building Code**, the existing 1995 CABO One & Two Family Dwelling Code of the town of Lyndeborough will be repealed along with all other building codes and parts of the ordinances in conflict therewith. The following codes shall apply to all residential construction in the town of Lyndeborough:

- The International Residential Code 2003
- The International Plumbing Code 2003
- The International Energy Conservation Code 2003
- The National Electric Code 2002
- The State of New Hampshire Fire Code

Commercial Building Codes:

The town of Lyndeborough, NH recognizes **The State of New Hampshire Building Code** along with **The International Building Code 2003**, a nationally accepted model code by the International Code Conference and adopts this code by reference for public, commercial, and industrial construction in Lyndeborough, replacing any other commercial building codes in the town of Lyndeborough to date.

The Town of Lyndeborough, NH adopts the **International Building Code 2003** as the **Lyndeborough Commercial Building Code** for regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of all commercial, industrial, and public buildings in Lyndeborough. With the adoption of the **Lyndeborough Commercial Building Code**, any existing commercial building codes of the town of Lyndeborough will be repealed along with all parts of the ordinances in conflict therewith. The following codes shall apply to all commercial, industrial, and public construction in the town of Lyndeborough:

- The International Building Code 2003
- The International Plumbing Code 2003
- The International Mechanical Code 2003
- The International Energy Conservation Code 2003
- The National Electric Code 2002
- The State of New Hampshire Fire Code

Building Permits Required:

All structures requiring a Building Permit shall comply with the setback requirements for that zoning district. Fences shall observe the provisions of Section 410 of the Zoning Ordinance. Building Permits are required for the following:

1. The construction or placement of a dwelling unit of any type (conventional construction, modular, manufactured homes and trailers)
2. The construction or placement of a commercial, industrial, or public building
3. An addition of any size to a dwelling unit of any type (conventional construction, modular, manufactured homes and trailers)
4. An addition of any size to a commercial, industrial, or public building
5. The construction or placement of any building that exceeds 100 square feet in area, including but not limited to garages, barns, sheds, carports, tents, porches, decks, animal shelters and storage units, whether permanent or temporary (more than 6 months), fixed or movable. Structures greater than 200 square feet must have foundation supports that extend below the frost line, typically 48-inches.
6. An addition to a structure, as noted in number 3 & 5 above, that once completed will exceed 100 square feet in area
7. The renovation of any dwelling or building that involves altering structural members, plumbing, or electrical wiring
8. The construction of swimming pools, whether in-ground or above ground, and any fence greater than six feet in height
9. Outdoor sports courts or fields
10. The construction of parking lots or private roads. Agricultural and forestry earth disturbance activities shall be exempt from this section provided they are undertaken in compliance with the latest "Best Management Practices" adopted by the relevant State agencies.
11. The replacement of a septic system

A Building Permit shall expire one year from its date of issue. If no substantial work has been done, a building permit can be renewed for two additional years without completing a new application. The request must be made in writing to the Lyndeborough Building Inspector and is subject to the following fees:

- First renewal 50% of original fee
- Second renewal 25% of original fee

The permit may remain in force for a period of three years. If work requiring a permit is to continue beyond three years of its original date of issuance, the submission of a new permit application will be required.

Building Permit Fees and Fines:

The Building Permit fees and fines will be set by the Selectmen and reviewed by the Planning Board of the Town of Lyndeborough.

Certificate of Occupancy:

All new residential and commercial construction will require a Certificate of Occupancy prior to occupying the structure. The following will be required for submission prior to the issuance of the Certificate of Occupancy. The submission shall include but are not be limited to:

- Septic system approval for operation by the Lyndeborough Building Inspector and Health Officer
- Planning/Zoning acceptance
- Current basic water test including screening for heavy metals
- Lyndeborough Fire Department acceptance
- Lyndeborough Building Inspector acceptance
- Lyndeborough Road Agent acceptance of driveway cut, grade, location, and sight distance
- All job signs, temporary utilities, construction debris and soil piles incidental to construction shall be removed from the site
- Recorded plot plan

Notice – Effective upon adoption of the revised Lyndeborough Building Codes the burial or burning of construction debris must be in accordance with Federal, State, and Local Regulations.

The **Town of Lyndeborough** by majority vote does ordain as follows

SECTION 1 – Adoption of the Lyndeborough Residential Building Code:

That certain documents, three (3) copies of which are on file: one in the office of the Building Inspector, one at the Town Library, and one at the office of the Town Clerk of the Town of Lyndeborough, NH, being marked and designated as the *International Residential Building Code* and is hereby adopted as the *Lyndeborough Residential Building Code for the Town of Lyndeborough, New Hampshire*; for regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use of one- and two- family dwellings not more than two stories in height in the Town of Lyndeborough; and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Residential Code, 2003 edition, published by the International Code Council on file in the office of the Lyndeborough Town Clerk are hereby referred to, adopted and made part hereof as if fully set out in this ordinance

SECTION 2 – Adoption of the Lyndeborough Commercial Building Code:

That certain documents, three (3) copies of which are on file: one in the office of the Building Inspector, one at the Town Library, and one at the office of the Town Clerk of the Town of Lyndeborough, NH,

being marked and designated as the *International Building Code* and is hereby adopted as the *Lyndeborough Commercial Building Code for the Town of Lyndeborough, New Hampshire*; for regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use of all commercial, industrial, and public construction in the Town of Lyndeborough; and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Building Code, 2003 edition, published by the International Code Council on file in the office of the Lyndeborough Town Clerk are hereby referred to, adopted and made part hereof as if fully set out in this ordinance

SECTION 3 – Inconsistent Ordinances Repealed:

That Building Regulations of the Town of Lyndeborough, NH and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4 – Issuance of Building Permits:

The building Inspector shall issue all building permits, upon acceptance of a completed Building Permit Application, within the Town of Lyndeborough provided the proposed structure(s) and use(s) for which any such permit is issued shall be in conformance within the provisions of the Zoning Ordinance, State and Federal Regulations for environmental protection. An acceptable completed Building Permit Application shall consist of the following documents for all new construction:

- The Town of Lyndeborough Building Permit Application
- Documentation from Lyndeborough Planning Board that the lot is approved for the Zoning use
- Documented compliance with EPA (NPDES) Storm Water Permit
- Current copy of the deed
- Site plan with location of proposed structure(s) showing setbacks, septic and well location, existing structures, and delineation of all wetlands within 75 feet of a proposed structure or septic system. The State septic system permit and design may be used to fulfill this requirement if the design includes all wetlands within 75 feet of proposed buildings and septic systems
- A completed set of drawings for the structure deemed acceptable by the Lyndeborough Building Inspector.
- Approved State of NH DES septic design
- Approved driveway permit
- Completed energy compliance form with calculations
- Payment of permit fee
- Submission of any other documents deemed necessary by the Lyndeborough Building Inspector

The above list is a minimum standard and can be modified depending upon the complexity of the structure by the Lyndeborough Building Inspector with approval from the Lyndeborough Selectmen.

Upon receipt of a completed application for the issuance of a building permit, the Building Inspector shall within five (5) business days take the necessary steps to ensure that notice of said application shall be published in the local paper at the earliest possible date. **Building permits are not issued upon demand.** Building permits must be reviewed for both building and zoning compliance. Permits are processed in the order they are received by the Building Inspector. All applications will be processed as quickly as possible. The building Inspector is allowed up to thirty (30) days to act on residential applications and up to sixty (60) days for commercial applications.

SECTION 5 – Saving Clause:

That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding pending in court, or any right acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 6 – Date of Effect:

That the Town Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law and this Ordinance shall take full force and effect one day after the date of final passage and approval.

The Building Code Ordinance became effective on March 11, 1987. Amended 3/9/99
Replaced by Town Vote March 8, 2005