



Building Code Adopting Ordinance

**Adopted January 22, 1973
Amended through September 18, 2006**

ORDINANCE #15

TOWN OF HANOVER

ORDINANCE OF THE BOARD OF SELECTMEN

The Board of Selectmen of Hanover, New Hampshire, ordain as follows:

BUILDING CODE ADOPTING ORDINANCE

Be it ordained by the Board of Selectmen of the Town of Hanover:

Declaration 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 Hanover. This Code is not intended, nor shall it be construed, to create a duty on the part of the Town of Hanover 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.

Section 1. Adoption of Codes by Reference: The Board of Selectmen of the Town of Hanover hereby adopts the following building codes and amendments thereto. These codes shall be known as the Hanover Building Code and are adopted to establish rules and regulations for the construction of buildings within the corporate limits of the Town of Hanover. Where any provision of this Building Code Ordinance conflicts with State law, State law will supercede, unless provided for within this Ordinance or the provisions of the Adopted Codes.

- a. NFPA 101 - Life Safety Code – 2003 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- b. NFPA 70 - National Electric Code - 2005 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- c. NFPA 211 - Chimneys, Fire Places, Vents & Solid Fuel Burning Appliances - 2003 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- d. International Building Code (ICC) – 2000 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- e. International Plumbing Code (ICC) – 2000 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire)

- f. International Mechanical Code (ICC) – 2000 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- g. International Residential Code for One and Two Family Dwellings (ICC) – 2000 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- h. International Energy Conservation Code – 2000 Edition (or per the latest edition and Amendments as adopted by the State of New Hampshire)
- i. New Hampshire Architectural Barrier Free Design Code – 1998 standards (or per the latest edition and Amendments adopted by the State of New Hampshire)

The Town of Hanover's amendments to these Codes are attached. A copy of each of the Codes with the amendments is on file in the Town Clerk's Office and the Planning & Zoning Department. The State of New Hampshire's amendments to these Codes may be found at <http://Webster.state.nh.us/safety/boardsandcommissions/bldgcode/laws.html>

Section 2. Applicability of Building Code: "Name of jurisdiction" shall mean "Town of Hanover". The Building Code shall apply in its entirety to all buildings and structures, except for detached one- and two-family dwellings and their accessory structures. The building code shall apply to detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with a separate means of egress and their accessory structures). The Town of Hanover also requires hard-wired heat detectors (spaced per manufacturer's instructions) interconnected to a smoke detector system for garages attached to, or within 5 feet of a habitable space.

Section 3. Legal Status: The adoption of this ordinance shall not affect any suit or proceeding now pending in any court, nor shall it affect any legal decision reached prior to its adoption.

Section 4. Inconsistent Ordinances Repealed: Any ordinance or code in force at the time that this ordinance shall take effect and inconsistent herewith is hereby repealed.

Section 5. 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.

Section 6. Applicable Local Ordinance and State Laws Supersede Code Provisions: Matters included in the Code but regulated by other applicable local ordinances or State laws will not be enforced by the Planning & Zoning Department unless such ordinance or State law requires such enforcement.

Section 7. Building Permits: 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 Planning & Zoning Department in accordance with the applicable building code. Upon approval by the Planning & 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 two years, a written request for a one-time extension of the time of completion shall be submitted to the Building Inspector for approval.

If the project is not completed by the extension date a new permit must be obtained for the outstanding work.

Section 8. 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 a single blanket permit, filed monthly, for the following types of work:

- a. **Electrical**: Any work not involving more than ten (10) device or outlet changes in concealed wiring.
- b. **Plumbing**: Any work not involving more than six (6) 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.

Section 9. Amendments to Building Permits: Any amendment to a Building Permit shall be submitted in writing to the 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 the determination of the Planning and Zoning Staff whether the proposed changes merit an amendment to the existing approved permit or require a new application submission.

Section 10. Work That May be Done Without a Building Permit on Existing Buildings or Structures: Work consistent with Section 102.6 of the adopted International Building Code, or Section R105.2 of the adopted International Residential Code for One and Two Family Dwellings, 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.

Section 11. 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 1, until the Certificate of Occupancy/Completion shall have been issued by the Planning & Zoning Department, unless approved in writing. No Certificate of Occupancy shall be issued by the Planning & Zoning Department, unless approved in writing. No Certificate of Occupancy/Completion 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 676:13, I. All provisions contained in any of the national codes adopted under Section 1 relating to Certificates of Occupancy/Completion shall be enforced by the Planning & Zoning Department. A Partial/Temporary Certificate of Occupancy/Completion, as provided for in the International Building Code, may be issued for a period not to exceed thirty (30) days which may be extended at the discretion of the Planning & Zoning Department 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.

Section 12. Enforcement and Penalties: This ordinance shall be enforced by the Planning & Zoning Department. In addition to any other 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 \$275.00 (\$550.00 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.)

Section 13. Board of Appeals: The Board of Appeals shall be the Hanover Zoning Board of Adjustment. Any person aggrieved by a decision of the Planning & 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 regard to decisions by the Planning & Zoning Department 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 Planning & Zoning Department. 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 Grafton County.

Section 14. Appendices: The following appendices are attached hereto:

Appendix A - Application for Building Permit

Appendix B - Schedule for Processing Building Permit Applications

Appendix C - Procedures for Handling Non-compliance

Section 15. Amendments: The following amendments are attached hereto:

Amendment A - NFPA 101 – Life Safety Code – 2003 Edition

Amendment B - NFPA 70 – National Electric Code - 2002 Edition

Amendment C – International Building Code (ICC) – 2000 Edition

Amendment D – International Plumbing Code (ICC) – 2000 Edition

Amendment E – International Mechanical Code (ICC) – 2000 Edition

Amendment F – International Residential Code for One and Two Family Dwellings (ICC) –
2000 Edition

Section 16. Effective Date: This Ordinance shall take effect as of September 18, 2006.

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 Planning & 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 as its principal structural members reinforced concrete or structural steel and is 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 applications encompassing more than two (2) dwelling units shall be approved or denied within sixty (60) days.

An application which is incomplete shall be deemed abandoned if no further action is taken by the applicant within six (6) months after the original filing. All material furnished will be returned to the applicant upon written request. If construction is not started within twelve (12) months 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 Planning & 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 Planning & 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.

Amendment A. NFPA 101 – Life Safety Code – 2003 Edition:

Section 24.2.5.1 – Delete. (Replace with the provisions in the International
24.2.5.5 Residential Code for One and Two Family Dwellings, reference
Section 1.g)

Amendment B. NFPA 70 – National Electric Code - 2005 Edition:

Aluminum conductors are not permitted within buildings except as follows: Sub panel feeders, range or dryer circuits, or other single outlet circuits rated 50 amps or more.

Amendment C. International Building Code (ICC) – 2000 Edition:

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

The minimum type of construction permitted in the B and D Zoning Districts in other than fully sprinklered buildings shall be 2B non-combustible.

Section 101.1	Insert the name "Town of Hanover, New Hampshire"
Section 105.2	Replace with Section 10, <u>Work That May be Done Without a</u>

	<u>Building Permit on Existing Buildings or Structures.</u>
Section 112	Replace with Section 13 of this ordinance – <u>Board of Appeals</u>
Chapter 11	Use with the State of New Hampshire Architectural Barrier Free Design Code when required by State law.
Section 1805.2.1	For the purpose of this section, the frost 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 sewage 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 Hanover Zoning Ordinance. In case of conflicts, the Zoning Ordinance shall govern.
Section 3409.2	Reserved.

Amendment D. The International Plumbing Code (ICC) – 2000 Edition:

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

Section 101.1	Insert the name "Town of Hanover, New Hampshire".
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 12 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 12 of this ordinance –" <u>Enforcement and Penalties.</u> "
Section 109	Replace with Section 13 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 to minimum depth below finished grade. Building sewers that connect to public sewers shall be a minimum depth of 4 feet below grade or adequately insulated to afford the same protection whenever a condition arises that the 4 feet cannot be attained."
Section 404	This section shall be used together with the State of New Hampshire Architectural Barrier Free Design Code when required by State law.
Section 603.2	Add the following: Water service pipes, connected to a public water supply, shall be a minimum of Type K copper. Sewer and water trenches shall have a minimum of 10' of

	undisturbed soil between them. If a building sewer or water service line must cross or pass closer than 10' to one another the sewer pipe shall be extra heavy cast iron pipe and the water service shall be Type K copper with no joints. (Reference Ordinance #14)
Section 802.1.4	Replace this paragraph with: Discharge of pool waste water shall not be into the Town sewer, but shall be to an approved location (approved location shall be determined by the Planning & Zoning or Public Works Departments.
Section 109	Insert the number "twelve".

Amendment E. The International Mechanical Code (ICC) - 2000 Edition:

Section 101.1	Insert the name "Town of Hanover, New Hampshire".
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 12 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 12 of the Hanover Building Code Adopting Ordinance - <u>Enforcement and Penalties.</u> "
Section 109	Replace with Section 13 of this ordinance - <u>Board of Appeals.</u>

Amendment F. International Residential Code for One and Two Family Dwellings (ICC) - 2000 Edition:

Aluminum conductors are not permitted within buildings except as follows: Sub panel feeders, range or dryer circuits, or other single outlet circuits rated 50 amps or more.

Adoption History

First adopted by the Board of Selectmen - January 22, 1973

Amended April 25, 1977
Amended January 21, 1980
Amended June 2, 1986
Amended May 8, 1989
Amended February 26, 1990
Amended June 17, 1991
Amended June 7, 1994

Town Meeting delegate to Board of Selectmen ability to enact and amend – May 8, 2001

Amended September 1, 2001
Amended August 6, 2001
Amended October 17, 2005
Amended September 18, 2006