

ARTICLE 1

1.0 **BUILDING PERMITS:**

No building or addition shall be constructed, demolished, renovated, altered or change the use of a building, in the Town of Weare by any person, agency, firm or corporation unless said person, agency, firm or corporation shall first obtain an approved building permit from the Building Department. The permit shall be visibly displayed by the applicant at the site of said construction.

NOTE: Building Defined: House, shed, garage, chicken coop, pole barn, or any other structure, which must comply with all zoning regulations as well as building codes.

- 1.1 The application shall contain the following information: (Also see application instructions.)
 - 1.1.2 General specification of the proposed building or new construction with detailed construction plans.
 - 1.1.3 A plat drawn to scale showing the actual dimensions of each lot to be built upon, and the size and location of each building. Each plat shall include the Tax Map number for each parcel.
 - 1.1.4 Intended use of building.
 - 1.1.5 Estimated cost of building or new construction.
 - 1.1.6 New Hampshire Water Supply & Pollution Control Approval for construction number must appear on the building permit application. An approval for operation must be issued by NHWSPCC and received by the Building Department before the dwelling can be occupied.
 - 1.1.7 Installation, Repair and Replacement of Existing Septic Systems: Septic systems shall be installed, replaced or repaired only with a State of New Hampshire Department of Environmental Services approved septic system plan.
 - 1.1.8 Waterfront Property Site Assessment Study: Pursuant to Env-Ws 1025.01 and RSA 485-A:39, prior to the execution of a purchase and sale agreement for any developed waterfront property the owner shall have a site assessment study performed, which shall include an on-site inspection. The assessment shall be documented by completion and submission to the Town of Weare, Building Department on a "Site Assessment Form" by a permitted designer.
 - 1.1.9 An application for an NH Energy Code Compliance must be completed.
 - 1.1.10 If property on which a new building is to be located is situated on a Town road, a driveway permit is required.
 - 1.1.11 A building permit shall be required for each dwelling unit, non-residential building, or renovations to same.

NOTE: Dwelling unit defined; a building, mobile or modular structure, or a portion of any, containing normal housekeeping facilities of one family and designed or intended for residential purposes.
- 1.1.12 If the Town of Weare receives any building plans for commercial buildings, the Building Inspector has the authority to have them sent to an outside firm to be reviewed at the applicant or landowner's expense.
- 1.1.13 Such other information as the Building Department may require.
- 1.2 Other permits may be required to complete the construction project such as; Electrical, plumbing, or mechanical. The applicant is responsible to obtain all necessary permits.

- 1.3 A building permit shall be valid for twelve (12) months unless active construction has begun during that period. A building permit may not be transferred or otherwise assigned.
- 1.4 Upon receipt of a completed building permit application by the Building Department, and payment of all required fees, unless the Building Department makes a determination that said building is not in the interest of the general health, safety and welfare of the community, the building permit shall not be issued to the person or persons filing the application.
- 1.5 A building or other structure may be found to be hazardous to the general health, safety, and welfare of the community if it does any of the following: Creates an unreasonable risk of lowering the natural quality of its surroundings, presents an unreasonable susceptibility to fire or explosion, in any way involves the transporting of a potentially dangerous material on public roadways within the Town of Weare, in any way endangers the public health or results in any annoyance or discomfort to the public.

ARTICLE 2

2.0 BUILDING INSPECTOR / CODE ENFORCEMENT

- 2.1 The Board of Selectmen shall appoint a Building Inspector who will be charged with making necessary inspections of all buildings, renovations, alterations, or additions. Building Department personnel shall keep official records of inspections, notices, and orders issued, and issue occupancy permits after construction is completed and approved. The Building Inspector shall function with all the responsibilities and authority as provided in NH RSA 155-1, State Building Code.
- 2.2 The Building Department shall also employ a Code Enforcement Officer to enforce the Town of Weare Building Code, local ordinance and regulations.

ARTICLE 3

3.0 OCCUPANCY PERMITS:

The Building Inspector shall, after completing and approving all necessary inspections to any permit, issue an Occupancy Permit or Certificate of Completion to the owner of record of the structure which will allow the person, persons, agency or firm, or corporation to occupy the building.

ARTICLE 4

ARTICLE 4 (to be revised with 2015 codes)

4.0 ADOPTION OF CERTAIN BUILDING AND LIFE SAFETY CODES BY REFERENCE, PURSUANT TO RSA 674:52.

4.1 ADOPTION OF THE BOCA NATIONAL BUILDING CODE 1993

That a certain document, three (3) copies of which are on file in the office of the Town Clerk, in the office of the Board of Selectmen, and in the office of the Building Inspector of the Town of Weare, being marked and designated as “The BOCA National Building Code 12th Edition, 1993” as published by the Building Officials and Code Administrators International be and is hereby adopted as the Building Code of the Town of Weare in the State of New Hampshire; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Building Code, are hereby referred to, adopted and made a part hereof as it fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in the following sections of this ordinance:

4.1.1 Additions, Insertions and Changes: The following sections are hereby revised as follows:

4.1.2 Section 101.1 insert “Town of Weare”.

4.1.3 Section 112.3.1 insert: (insert here existing fee schedule for the Building and Permit Ordinance, Town of Weare).

ADOPTION OF NFPA 101 LIFE SAFETY CODE

That a certain document, three (3) copies of which are on file in the office of the Town Clerk, in the office of the Board of Selectmen, and in the office of the Building Department of the Town of Weare, being marked and designated as the “NFPA 101 Life Safety Code,” as published and as amended by the National Fire Protection Safety Code of the Town of Weare, and the State of New Hampshire, for the control of life and safety protection in buildings and structures as herein provided; and each and all of the regulations, provisions, conditions, and terms of the (NFPA 101 Life Safety Code), are hereby referred to, adopted and made a part hereof, as fully set out in this ordinance.

4.1.3 ADOPTION OF THE NATIONAL FIRE PREVENTION CODE

That a certain document, three (3) copies of which are on file in the office of the Town Clerk, in the office of the Board of Selectmen, and in the office of the Building Department of the Town of Weare, being marked and designated as Fire Prevention Code of the Town of Weare, in the State of New Hampshire; for the control of buildings, structures and premises as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said National Fire Prevention Code, are hereby referred to, adopted as amended and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any.

4.1.4 ADOPTION OF NFPA 13, 13D, & 13R.

NFPA 13: Installation of Sprinkler Systems; NFPA 13D: Standard for the Installation of Sprinkler Systems in One & Two-Family Dwellings and Manufactured Homes; NFPA 13R: standard for the Installation of Sprinkler Systems in Residential Occupancies up to and including four stories in height. Adopted as amended, by reference pursuant to RSA 674:52.

ARTICLE 5

FEE SCHEDULE

The Building Permit fee for new construction, moving or renovating structures of all or part of structures is based on the total gross floor area at a rate of \$.40 cents per square foot.
The base application fee for all permit types is \$50.00.

Permit fee clarification:

Which means; floor area includes a basement, garage, deck, etc. gross floor area of **all** construction proposed. Calculating the square area shall be the sum of the gross horizontal areas of all floors of the building and including cellars, basements, useable parts of areas. (Horizontal dimensions shall be taken from the exterior face of the walls.)

The square footage amount of .40 cents, also will include permits for a garage, deck, shed, etc. With the limit of under 200 square feet – which will be an application base rate fee of \$50.00.

Renovations or adding bathroom, finish a basement, demolition, septic, electrical, plumbing, etc. = the base rate application of \$50.00 (and each application required to complete the project).

Pool – is an application rate of 50.00 - PLUS the application for electrical of \$50.00. Total would = \$100.00. (plus other permit applications if applicable.)

Replacement of mobile homes of the same footprint will be an application fee of \$50.00, plus an additional \$50.00 for electrical, plus an additional \$50.00 for mechanical, totaling \$150.00.

A larger footprint of the mobile home to be charged \$0.40 per square foot. *(amended 8/31/2020 by BOS public hearing)*

- 5.1.2 Construction work exempt from permit is in accordance with IRC Section R105.
- 5.1.3 **Fee for Non-Permitted Work:**
Any person who is found to have demolished, constructed, altered, removed, or changed the use of a building or structure without the benefit of an approved permit, upon issuance of said permit(s), be assessed a permit fee of twice (2x) the normal permit fee rate, or one hundred fifty dollars (\$150.00), whichever is greater on first time offense only. Other offense and/or violations shall be in accordance with Section 7.1 of this policy and RSA 676:17.
- 5.1.4 **CERTAIN FEES:**
Fees for fire protection; offsite improvements and impact fees as specified in other ordinances shall be collected at the time when the building permit fee is collected.
- 5.1.5 The Building Department may make amendments to the fee schedule, and such new schedule shall become a part of this ordinance. Not less than thirty (30) days prior to the implementation of any fee schedule or any subsequent amendment under this section, the Building Department shall publish notice of same and conduct a public hearing.

ARTICLE 6

INSPECTIONS

- 6.1 All inspections must be completed within seventy-two (72) hours after the Building Inspector is notified of the need of an inspection of work completed. (See attached Inspection Points.)
- 6.2 A Certified Plot Plan (by NHRLS) will be required for all new buildings and additions to existing buildings within the Town of Weare. The plot plan must show to scale the size and location of all new construction, all existing structures on the site and distances from lot lines drawn in accordance with an accurate boundary line survey. The Certified Plot Plan must be received prior to construction of foundation walls or framing atop concrete piers. No construction will be allowed after the footings are poured until a Certified Plot Plan is submitted to the Weare Building Department.

ARTICLE 7

VIOLATION PENALTIES:

- 7.1 Any person who violates any provision of this code, or who shall fail to comply with any of the requirements or structure in violation of an approved plan or directive of the building department official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person and shall be subject to a civil penalty not to exceed Two Hundred and Seventy Five Dollars (\$275.00) for each day that such violation is found to continue after the conviction date or after the date on which the violator, whichever is the earlier, all pursuant to New Hampshire RSA 676:17.
- 7.2 Any person who shall continue any work in or about the structure after having been served with Stop Work Order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than the amounts prescribed in Section 7.1

ARTICLE 8

MEANS OF APPEAL:

- 8.1 Pursuant to New Hampshire RSA 673:1 (V) the Zoning Board of Adjustment shall serve as the Building Code Board of Appeals according to such regulations and procedures as the Zoning Board of Adjustment may adopt and establish in accordance with New Hampshire RSA 674:34 and RSA 676:1.

ARTICLE 9

STREET NUMBERING ORDINANCE

9.1 **Preamble**

Acting upon the authority granted pursuant to the provisions of New Hampshire RSA 231:133-a, the Town of Weare, New Hampshire, Board of Selectmen, hereinafter referred to as the Board, adopted the following Ordinance, establishing a procedure for administration and enforcement or uniform addressing system for residential, multi-family, and commercial structures within the Town of Weare, New Hampshire.

9.2 **Purpose**

The standards set forth in this Ordinance are made for the purpose of promoting the public health, safety and general welfare by providing the means for permanent identification of residential, multi-family, and commercial structures within the Town.

9.3 **Objectives**

9.3.1 To provide a means for expedient emergency response by fire, police, rescue and other emergency services.

9.3.2 To establish a property location that will serve as a mail delivery address.

9.3.3 To assist in the proper delivery of utility and other delivery services.

9.3.4 To provide property owners with a convenient and systematic means of identifying property.

9.4 **Numbering systems**

9.4.1 The Board shall, under the provisions of RSA 231:133-a, assign all residential, multi-family, and commercial structures existing as of the time of adoption of this Ordinance, a street number and furthermore, shall assign to vacant properties, numbers to be held in reserve for future use. Streets built subsequent to the adoption of this Ordinance will be assigned numbers by the Assessing Department at the time of approval. Prior to the actual assignation or alteration of numbers along any way or portion of any way, the governing body shall hold a public hearing for which ten (10) days' notice has been given, by posting in two (2) public places in the municipality and by first class mail to all owner(s) of property being numbered or renumbered, as indicated by Town records.

9.4.2 A uniform street numbering system has been developed for all primary buildings based upon the following process:

9.4.2.1 For purposes of establishing street numbers, a street shall be considered any access way, whether public or private.

9.4.2.2 As much as possible the starting point is the end of the Street nearest the center of Weare.

9.5 All primary buildings on the left side of the street beginning at its starting point will have odd numbers.

9.5.1 All primary buildings on the right side of the street beginning at its starting point will have even numbers.

9.5.2 One odd and one even number will be assigned to approximately fifty (50) foot intervals of frontage on the street as measured from the starting point of each street.

9.5.3 Numbers will be assigned by determining the point at which the main vehicular access (or the main pedestrian access if no vehicular access is provided) to the primary building.

9.6 **Administration and enforcement**

- 9.6.1 The Building Department shall be named as the administrator of this Ordinance and shall be responsible for establishing the use of reserve numbers and shall have full authority to enforce the provisions herein.
- 9.6.2 Owners of residential, multi-family and commercial structures built or expanded subsequent to this Ordinance shall procure their number assignment from the Assessing Department. Number assignment is required as part of the issuance of a Building Permit and shall be displayed during construction and prior to the issuance of a Certificate of Occupancy.

9.7 **Numbering requirements**

- 9.7.1 Parties Affected: All structures, residential, multi-family and commercial shall be required to display the assigned street number in the manner described in this issue.
- 9.7.2 Visibility: Street numbers shall be displayed so as to be conspicuously visible from the street on which the number is assigned.
- 9.7.3 Number Type: All numbers shall be displayed in Arabic form (0,1,2,3,4,5,6,7,8,9) three (3) inches high and two (2) inches wide.

9.8 **Number location**

- 9.8.1 Structures visible from the street: Where the structure is visible from the road and at such a distance that numbers are legible from the road, the number shall be affixed to the structure. Numbers shall be a minimum of three (3) inches high and two (2) inches wide and may be mounted either horizontally or vertically. They shall have contrasting colors.
- 9.8.2 Structures not visible from the street: Where a structure is not visible from the street or is otherwise situated to make number display on the building ineffective, the number shall be displayed at the access entrance. Numbers may be combined with property or business identification signs. Where signs are perpendicular to the street, numbers shall be displayed on both sides of the sign. Numbers shall be a minimum of three (3) inches high and two (2) inches wide and may be mounted either horizontally or vertically. They shall have contrasting colors.
- 9.8.3 Mailboxes: Numbers of a minimum of three (3) inches in height and two (2) inches wide shall be affixed to both sides of the mailbox serving the structure. When the mailbox is clustered with other mailboxes the numbers shall be placed on the front of the mailbox. The size shall be one and one half (1 ½) inches high and one (1) inch wide.
- 9.8.4 Unauthorized building numbers prohibited: No person shall affix or allow to remain upon any building in the Town of Weare, New Hampshire, any different number from the one designated by this Ordinance, with the exception of dates affixed for historical purposes.

9.9 **Penalty**

The owner of any structure existing as of the date of this Ordinance who shall fail to procure and affix street numbers as assigned by the Board, or who shall display an unauthorized number shall be subject to a fine of not more than Two Hundred and Seventy-Five dollars (\$275.00) per RSA 676:17, for each day of non-compliance. Fines shall begin to accrue upon the issuance of a written Notice of Violation to the owner, and end at such time as the violation ceases.

9.10 **Appeals**

Any person aggrieved by this Ordinance shall have the right to file a written petition within twenty (20) days of the receipt of number assignment. Petitions shall be filed with the Board and a hearing shall be held within thirty (30) days of the receipt of such petition.

9.11 **Effective date:**
This Ordinance shall take effect, Town Meeting, March 12, 1996.

9.12 **Amendments:**
This Ordinance may be amended as provided under any and all applicable chapters of the Revised Statutes Annotated of New Hampshire.