

BUILDING ORDINANCE

Town of Orange, New Hampshire

Approved at Town Meeting

March 14, 2000

Amended at Selectman's Hearing July 09, 2009

Orange Planning Board

ORANGE BUILDING ORDINANCE

SECTION I Title and declaration of purpose

These regulations shall be known and cited as the Building Ordinance of the Town of Orange, New Hampshire and shall be designed to insure the public safety and health insofar as they are dependent on building construction, and to assure that such construction will conform to a reasonable standard of quality and appearance. 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 Orange. This Code is not intended, nor shall it be construed, to create a duty on the part of the Town of Orange 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 II Authority

RSA 47:17

SECTION III Minimum Requirements

The provisions of this Ordinance shall be held to be the minimum requirements for the protection of life, health, property, and environment of the inhabitants of Orange, and shall be controlling as to all buildings and structures subject to this Ordinance, except where more stringent requirements are provided under the statutes of the State of New Hampshire.

SECTION IV Compliance With Other Town Regulations

No provisions of the Orange Zoning Ordinance or the Orange Subdivision Regulations or any other legal statute pertaining to the location, use, or construction of buildings or structures shall be nullified by the provisions of this Ordinance. The selectmen and/or the Building Inspector will try to confirm that any proposed application conforms to the zoning and subdivision regulations prior to issuance of a building permit. No permit or certificate of occupancy issued pursuant to this building code shall be valid that does not comply with the zoning ordinance, the requirements of any subdivision approval, the approved site plan or any other applicable Town Ordinance.

SECTION V Administration

The provisions of this Ordinance and enforcement of its requirements will be administered by the Board of Selectmen, who may appoint a Building Inspector and an Alternate Building Inspector to assist with the administration of this Ordinance. When, in the course of administering the terms of this Ordinance, a question is raised as to detail of construction specifications not completely covered herein, the Selectmen may rule that agreement with the specifications set forth in the “International Building Code”, as issued by the International Code Council, Inc. and in effect at the date of application for a building permit, as well as the New Hampshire Building Code, shall be considered prima facie evidence of conformance with the objectives of this Ordinance.

SECTION VI Permits

A permit issued by the Board of Selectmen shall be required before beginning operations of placement of foundations, alterations, removal, demolition, or placement on a lot of a building or structure, including manufactured housing. A permit issued by the New Hampshire State Highway Department shall be required before beginning any excavation or construction of a driveway or private road to be built off a state highway. A permit issued by the Town of Orange Road Agent shall be required before beginning any excavation or construction of a driveway or private road to be built off a town road. The applicant shall properly install all culverts required by the Town or State to the specifications set forth in the permit.

SECTION VII Plans

Applications for permits shall be accompanied by a complete set of plans and specifications showing the work to be done. All plans when available should bear the seal of an architect or engineer licensed by the State of New Hampshire, except in the case of home construction where no plans are available, in which case the owner or contractor must submit such scale drawings of floor plans, sections, elevations, structural details and plot plans as may be required by the selectmen, and/or Building Inspector. All roof truss plans, including an architects or engineers stamp, must be submitted to the town to verify loads requirements. Plans not required to be sealed by a licensed architect or engineer shall be verified by the signature of either the owner of the premises or the contractor in charge of the construction.

SECTION VIII Schedule for Processing Permit Applications

Upon submission of a complete application, the selectmen and/or Building Inspector shall act to approve or deny a building permit within thirty (30) days.

SECTION IX Performance

All work performed under building permits shall conform to the plans and specifications filed with the application, or any changes accepted with prior approval by the Building Inspector.

SECTION X Limitation of Permit

A permit under which no work is started within twelve 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 months after date of permit. Failure to carry construction beyond first floor framing within twelve months or to complete external structural details as specified in filed plans and specifications within twelve months after start of work will be considered evidence of termination of the project for which the permit was issued. The selectmen may, at their discretion, upon application in writing, grant one or more extensions of the permit period during which the construction may be completed, such periods not to exceed six months each.

SECTION XI Certificate of Occupancy

No building or structure erected, installed, or altered as specified in a permit issued under the terms of this Ordinance shall be occupied or used, as a whole or in part, until a Certificate of Occupancy,

or a Certificate of Use has been issued by the Building Inspector or the Selectmen as provided in Section R110 of the International Residential Code

SECTION XII Building Code Board of Appeals

There is hereby established a Building Code Board of Appeals, and the Zoning Board of Adjustment is designated to act as that Board of Appeals, as provided in RSA 673:1. The Building Code Board of Appeals shall have the power, upon an appeal filed with it by any person aggrieved by a decision of the Code Official dealing with this Building Code to any particular case when, in it's opinion, the enforcement of the Building Code would do manifest injustice and is contrary to the spirit and purpose of the Building Code and the public interest. These powers are from RSA 674:34 and it is intended that the Orange Board of Appeals shall have such powers as conferred by law. Any person aggrieved by a decision of the Building Code Board of Appeals may appeal the decision to the Grafton County Superior Court as provided in RSA 677:16.

Any appeal to the Board of Appeals shall be taken within fifteen (15) days from the date of decision of the Code Official, except for decisions that a violation exists. With regard to decisions by the Code Official 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 Code Official. The Time, notice and matter of hearing before the Board of Appeals shall conform to the same requirements as the hearing before the Zoning Board of Adjustment, except that no notice will be given to abutters. Any Person aggrieved by a decision of the Board of Appeals may appeal such decision to the Grafton County superior Court.

SECTION XIII Saving Clause

Nothing in this Ordinance as adopted shall be construed to affect any suit or proceeding now in progress, or any rights acquired, or liability incurred, or any cause or causes of actions accrued or existing under any Town Ordinance.

SECTION XIV Validity

The invalidity of any section or provision of this Ordinance, Hereby Adopted, shall not invalidate other sections or provisions thereof.

SECTION XV Fees for Permits

A fee shall be charged for all permits issued under the terms of this Ordinance. The basis and schedule for the fees shall be established by the Board of Selectmen by April 1, 2000, and annually thereafter.

SECTION XVI Enforcement and Fines

Upon any well founded information that this Ordinance is being violated, the Selectmen and/or Code Official shall, on their own initiative, take steps to enforce the provisions of this Ordinance through the remedies, and penalties delineated in NH.RSA 47, 676:15 and 676:17. Whoever violates any of the provisions of these regulations shall be punished on conviction by a fine not exceeding \$275.00 for each day of delay in correcting the violation, after the date on which the violator receives written notice from the town that he is in violation. Each day is to be considered a separate offense as pertaining to these fines.

No action may be brought under this provision unless the alleged offender has had at least seven days notice by certified mail that that a violation exists, Such written notice shall clearly set forth the nature of the violation with reference to specific provisions of the Building Code.

SECTION XVII Effective Date

This Ordinance shall become effective upon its passage and adoption by action of a regular Town Meeting.

SECTION XVIII 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, or by a decision of the Selectmen and the Building Inspector following a public hearing published 7 days in advance as per RSA 41:9-a. Such amendment becoming effective upon approval.

SECTION XIX Exceptions

Minor alterations, repairs, or general upkeep of existing buildings shall be exempt from the provisions of this Ordinance.

SECTION XX 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.

SECTION XXI Repeal

The existing Building Code of March 10, 1987 is hereby repealed. Such repeal shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding pending on or by virtue of the existing Ordinance of 1987 so repealed.

The effective date of this Building Ordinance as adopted herein is as of the date and time of adoption by an Orange Town Meeting.

SECTION XXII Adoption and Application

This Ordinance shall not apply to any Completed Application accepted prior to the date of adoption, nor shall any Building Permit be affected except as allowed by law. The Prior Ordinance of 1987 shall continue to apply to those Completed Applications not subject to this Building Ordinance as hereby adopted.

This Ordinance was adopted by the Town of Orange at a Town Meeting on March 14, 2000, and is hereby in effect as of this date.

SECTION XXIII Building Codes

A. Codes

All Work requiring a permit shall conform to the requirements contained in the most recent edition, in effect at the time of application for a building permit, of the following Codes, adopted by the State of New Hampshire, by reference subject only to any additions, insertions, deletions and changes as

set forth in SECTION XXIII-C below and excluding any penalty clauses contained in any of these Codes.

- International Building Code
- International Mechanical Code
- International Residential Code
- International Plumbing Code
- International Energy Conservation Code

State Codes

The Town of Orange hereby adopts the most recent edition, in effect at the time of application for a building permit, of the following state codes;

NFPA National Electrical Code as adopted and amended from time to time by the State of New Hampshire Electrical Board.

The State Fire Code Saf-C 6000 as adopted and amended from time to time by the State of New Hampshire Fire Marshall. The Town of Orange Building Inspector is hereby designated to act as the administering official to enforce this code within the Town of Orange.

NFPA 101 Life safety Code as adopted and amended from time to time by the State of New Hampshire Fire Marshall. The Town of Orange Building Inspector is hereby designated to act as the administering official to enforce this code within the Town of Orange.

The provisions of this Ordinance or statutory requirements shall control over any inconsistent provisions of any of the international or national codes adopted herein.

B. Modifications

When there are practical difficulties involved in carrying out the provisions of any of the adopted International or National Codes the Code Official may vary or modify such provision upon application of the owner or his representative, provided that the spirit and intent of the law shall be observed and public welfare and safety be assured. The Code Official cannot vary or modify any International or National Code provision adopted by any State agency except as may be specifically provided in such State Code.

It is required by this Ordinance that all buildings and structures, including manufactured homes, erected, altered, repaired substantially or rebuilt shall comply and that portion of the building or structure being worked on be brought up to code. I.e. structural, electrical or plumbing changes must be to code.

All existing buildings, except single-family residences, shall be made to comply, with the requirements for existing buildings in NFPA 101 and the State Fire Code.

C. Additions, Insertions, Deletions and Changes

International Building Code

| | |
|---------------|--|
| Section 101.1 | Insert the name "Town of Orange, New Hampshire" |
| Section 112 | Replace with Section XII 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 Orange Zoning Ordinance. In case of conflicts, the Zoning Ordinance Shall govern. |
| Section 3409.2 | Reserved |

International Mechanical Code

| | |
|-----------------|--|
| Section 101.1 | Insert the name “Town of Orange, 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 XVI of this Ordinance – <u>Enforcement and Fines</u> |
| Section 108.5 | Insert at end of paragraph “...shall be liable to penalties in accordance with Section XVI of the Orange Building Ordinance - <u>Enforcement and Fines</u> |
| Section 109 | Replace with Section XII of this ordinance- <u>Board of Appeals</u> |

International Residential Code for One and Two Family Dwellings

Add definition of attic: the unfinished space between the ceiling joists of the top story and the roof rafters.

Section 114.1 Add the following to Section 114.1: “A Stop Work Order may also be issued in the discretion of the Code Official if notice is sent for any violation of the Zoning Ordinance, the approved Subdivision Plan, approved Site Plan or other applicable Town Ordinance.”

Table R301.2 (1) Climatic and Geographic Design Criteria

| | |
|-----------|---|
| Column 1 | Ground Snow Load – Use 90 psf ground snow load. |
| Column 2 | Wind Speed – Use 110 mph wind speed. |
| Column 3 | Seismic Design Category – Use category 3 |
| Column 4 | Weathering – Use severe |
| Column 5 | Frost Line Depth - Use 60 inches |
| Column 6 | Termite – Use slight to none |
| Column 7 | Winter Design Temperature – Use –3 Fahrenheit |
| Column 8 | Ice Barrier Underlayment Required – Use yes |
| Column 9 | Flood Hazards – Use Flood Map |
| Column 10 | Air Freezing Index – Use 2033 |
| Column 11 | Mean Annual Temp – Use 42 Fahrenheit |

International Plumbing Code

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 Orange, 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 XVI of this Ordinance – <u>Enforcement and Fines</u> |
| Section 108.5 | Insert at end of paragraph “...shall be liable to penalties in accordance with Section XVI of the Orange Building Ordinance - <u>Enforcement and Fines</u> |
| Section 109 | Replace with Section XII 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. |
| Section 404 | This section shall be used together with the State of New Hampshire Architectural Barrier Free Design Code when required by State law. |

NFPA National Electrical Code

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

NFPA 101-Life Safety Code

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

D. Town of Orange requirements

a. Residential Occupancy

Every dwelling unit to be used by a single family shall have a minimum of 750 square feet of living area, excluding garages, decks, porches, and unfinished cellars.

b. Commercial Occupancy

Buildings intended, designed, or used for industrial or commercial operations involving fire risks related to highly combustible materials shall be provided with non-combustible walls or partitions between component sections.

c. Garages

Residential garages which are built attached to the dwelling unit must be separated from the residence and its attic area by means of 5/8-inch gypsum board or equivalent applied to the garage side, and openings between the garage and residence shall be equipped with either solid wood doors not less than 1 3/8 inch in thickness or 20-minute fire-rated doors, or equivalent as required by the International Residential Code for One and Two Family Dwellings.

Residential garages built on a floating slab shall be constructed on a minimum 4” thick concrete slab supported around the perimeter by a minimum 12” x 12” footing with appropriate anchors embedded into the concrete per acceptable standards.

Public garages for the storage of five or more automobiles, or having any service or repair operations connected therewith, shall be erected, altered or enlarged with slow burning (2 hour fire resistant) or non-combustible materials. Provision of approved protective automatic sprinkler systems may be considered acceptable in lieu of the requirement for fire resistant and non-combustible structural materials.

d. Roofs

The roofs of all buildings shall be covered or recovered, as a whole or in part, with recognized roofing materials properly installed. An ice barrier is required by R905.2.7.1 must consist of at least 2 layers of underlayment cemented together or a self-adhering polymer modified bitumen sheet, shall be used in lieu of normal underlayment and extend from the lowest edges of all roof surfaces to a point at least 24 inches inside the exterior wall line of the building. An exception exists for detached secondary structures that contain no conditioned floor area.

e. Fire Stops

Buildings of wood or other combustible materials shall, when erected, altered, remodeled, or enlarged be constructed with western platform framing, or if balloon framing is used, shall be provided with fire stops in every combustible wall or partition installed or altered, at every floor level.

f. Chimneys

Chimneys shall extend at least three feet above the highest point of passage through the roof and at least two feet above any portion of the building within a range of ten feet from the chimney. Chimneys erected or rebuilt below the building roof must provide a minimum of one-inch separation between the outer surface of the chimney and any combustible structural material. It is required that all masonry chimneys have tile linings and be based on masonry footings at building foundation level. A cleanout opening equipped with a ferrous metal door shall be located near the base of the chimney flue. Prefabricated chimneys approved by nationally recognized testing authorities may be used under conditions recognized by the testing authorities, when installed in accordance with their specifications and when specifically approved by the Building Inspector.

g. Smoke Pipes

Smoke pipes shall be installed with a minimum separation from any combustible surface of eighteen inches, unless such surfaces are amply protected with non-combustible material or an acceptable heat shield. Smoke pipes passing through walls or partitions of combustible material must be guarded by double metal collars providing a separating air space of at least five inches or by an enclosure of at least five inches of brick or similar non-combustible material.

h. Foundations

All residential structures, excluding manufactured housing, shall be set below frost line on solid foundations of cement, brick, stone, or other acceptable masonry.

i. Manufactured Housing

Manufactured Housing shall be set up on piers of cement, brick, stone, cement block or other masonry on top of a minimum 4” thick concrete slab supported around the perimeter by a minimum 12” x 12” concrete footing with appropriate anchors installed within the pad and tie downs installed per HUD or manufacturers specifications for a 110 mph wind, or on an acceptable foundation. Manufactured housing not mounted on a foundation must be properly shirtd.

j. Sewage Disposal

All dwellings and commercial, public or industrial buildings shall be connected to public sewer systems if available. With no public sewer systems available, a private sewage disposable system must be provided. Such disposal systems must conform with the requirements of the laws and regulations of the State of New Hampshire and the Orange Zoning Ordinance, relating to sewage disposal. All private septic systems shall meet the requirements of the New Hampshire Department of Environmental Services, Subsurface Systems Bureau.

k. Electric Wiring

All electric wiring installations shall conform with approved methods and practices for safety of life and property as required by state law. Compliance with the standards specified by the most recent addition, in effect at the time of application for a building permit, of the National Electrical Code, as accepted by the State of New Hampshire, and as published by the National Fire Protective Association shall be prima facie evidence of such conformance.

l. Plumbing Installation

All plumbing installations shall conform with approved methods and practices for safety to life and property as required by state law. Compliance with the standards specified by the most recent addition, in effect at the time of application for a building permit, of The International Plumbing Code as accepted by the State of New Hampshire, and as published by the International Code Council, Inc., shall be prima facie evidence of such conformance.

m. Smoke Detectors

One UL listed, hard wired, smoke detector shall be installed in each sleeping room, outside of each sleeping area in the immediate vicinity of the bedrooms, and on each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. Smoke detectors shall be installed in all newly constructed or reconstructed dwelling units and whenever major remodeling is done. All detectors shall be interconnected such that the actuation of one alarm will actuate all the alarms in the individual unit and shall provide an alarm, which will be audible in all sleeping areas. Smoke detectors shall be installed in accordance with instructions supplied by the manufacturer and in accordance with fire prevention codes. The installation of smoke detectors must comply with all existing state laws.

n. Siding

Siding finishes on all buildings shall be of a recognized, permanent siding, properly and permanently finished and installed. This section shall not exclude log cabin construction.

o. Water system

Each residence shall have an acceptable spring, shallow well, or deep well water system, piped into the residence.

p. Energy Conservation

Each new residence, addition or modification to a residence or commercial structures under 4,000 square feet must conform to the requirements of the most recent edition of the New Hampshire Energy Code in existence at the time of application for a building permit.

