

TOWN OF SALISBURY

BUILDING CODE

(As amended through March 11, 2008)

ARTICLE I. PURPOSE: AUTHORITY.

- A. The purpose of this Building Code is to provide for safety, health, and public welfare through the establishment of minimum construction specifications and the fire safety regulations consistent with nationally recognized good building practices and applicable State Law.
- B. This code is adopted pursuant to the laws of the State of New Hampshire, RSA 674:51-52.

ARTICLE II. INTERPRETATION AND APPLICABILITY.

- A. The provisions of this Code shall be the minimum regulation applicable to construction in the Town of Salisbury. If any provision of this Code conflicts with any other provision hereof, or with any Ordinance or regulation adopted by the Town, or with any applicable State or Federal law or regulation, the most restrictive provision or that which imposes the highest standard shall take precedence.
- B. The provisions of this Code shall apply to all new construction and to any addition to or alteration, relocation, demolition, or change in use of existing structures.
- C. This Code does not in any way affect structures, buildings, dwellings, or commercial buildings, which are legally in existence at the time of its passage, except that after its passage, any addition to or alteration, relocation, demolition, or change in use of existing structures shall be done in accordance with the provisions of this Code as far as applicable.
 - 1. State law requires the installation of automatic fire warning and smoke detection devices in all multi-family buildings and in single-family dwellings built or substantially rehabilitated after January 1, 1982.

- D. Nothing in this Code shall be construed to prevent the use of any material or method of construction whether or not specifically provided for in this Code if, upon presentation of necessary information to the Building Inspector, the construction complies with accepted design criteria and with the intent of this Code.
- E. Unless otherwise stated, or unless otherwise required by the context, any reference to a statute, law, regulation, ordinance, or code in this Code shall be deemed to include any future amendments to such statute, law, regulation, ordinance, or code.

ARTICLE III. DEFINITIONS

In this Code, the following terms shall have the following meanings:

ACCESSORY BUILDING -- A detached, subordinate building located on the same lot as the major building, the use of which is incidental and subordinate to the main building or use of land.

BUILDING -- Any structure having a roof and intended for the shelter, housing, or enclosure of persons, animals, or personal property.

BUILDING INSPECTOR -- The person appointed by the Board of Selectmen to be the administrator of this Code and to carry out all duties prescribed herein and by applicable State law.

COMMERICAL BUILDING -- Any building designed for or used to manufacture, buy, sell, exchange, or store commodities or to house personnel providing services.

DWELLING -- Any building including manufactured housing and presite built housing designed for use as the place of residence for one or more families. (Amended March 11, 1986).

DWELLING UNIT -- A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

FLOOD HAZARD AREA -- An area so designated on the Flood Hazard Boundary Map distributed by the Department of Housing and Urban Development, Federal Insurance Administration, 1976, as revised.

MANUFACTURED HOUSING -- As defined by RSA 674:31, is: “Any structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width and 40 body feet or more in length, or when erected on site is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities which include plumbing, heating, and electrical systems contained therein.”

Manufactured housing does not include presite built housing. (Amended March 11, 1986).

PRESITE BUILT HOUSING -- As defined by RSA 674:31-a is: “Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with the United States Department of Housing and Urban Development minimum property standards and local building codes, for installation or assembly and installation, on the building site.” Presite built housing does not include manufactured housing. (Amended March 11, 1986).

RECREATIONAL VEHICLE -- A travel trailer, pickup camper on or off the truck, wheel camper, motor home, van or bus conversion, or any other vehicle designed or modified for use for temporary residential occupancy for travel, recreation, vacation or other purpose.

STRUCTURE -- Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

TRAVEL TRAILER -- A vehicle designed as a temporary dwelling unit for travel, recreation, and vacation use which (a) is identified by the manufacturer of the unit as a travel trailer and (b) which is not over 8 feet in width or 30 feet in length.

ARTICLE IV. BUILDING INSPECTOR

- A. A Building Inspector shall be appointed annually by the Board of Selectmen to be the administrator of this Code and to carry out all duties prescribed herein and by applicable State Law.
- B. A Deputy Building Inspector may be appointed annually by the Board of Selectmen to assist the Building Inspector in the performance of specific duties.
- C. The Board of Selectmen may, for just cause and by majority vote, remove the Building Inspector at any time.
- D. The Building Inspector shall:
 - 1. Receive applications and fees for building permits required by this Code;

2. Issue or deny permits within ten days of receiving completed applications;
 3. Inspect work as required by this Code and make any additional inspections as may be required by the scope of the work;
 4. Report violations of this Code to the Board of Selectmen and take such action in the enforcement of this Code as may be directed by the Board of Selectmen in accordance with applicable State Law;
 5. Issue written Certificates of Occupancy for all new dwelling construction and for additions to and alterations, relocations, or changes of use of existing buildings upon satisfactory completion of work in compliance with this Code;
 6. Issue Camping Permits in accordance with Article VIII; and
 7. Perform any other duties necessary to carry out the provisions of this Code and applicable State Law.
- E. The Building Inspector and Deputy shall be compensated by the fees received for permits or in such other manner as may be determined by vote of Town Meeting.

ARTICLE V. PERMIT REQUIREMENTS

- A. General Provisions
1. Any person who intends to construct, alter, enlarge, move, demolish, or change the use of any building or structure shall discuss the project with the Building Inspector and obtain a permit, if required, prior to the commencement of the planned project.
 - a. Normal repairs and maintenance which do not alter the size or use of a building shall not require the issuance of permit;
 - b. Normal repairs and maintenance do not include;
 1. the cutting away of any wall, partition, or portion thereof;
 2. the removal or cutting away of any structural beam or bearing support;
 3. the removal or change of any required means of egress; or
 4. the addition to, or major alternation, replacement or relocation of any plumbing, electrical, or mechanical piping or wiring system. (Amended March 10, 1987.)
 2. Any change in the use or in the nature or type of occupancy shall require approval by the Building Inspector that the change meets the provisions of this Code and other applicable regulations governing the new use or occupancy. For the purpose of this section, conversion of a seasonal dwelling to year-round occupancy, conversion of an existing single-family dwelling to multiple dwelling units, and conversation to rental property regardless of number of dwelling units contained shall all constitute changes in use. (Amended March 10, 1987).

3. The Building Inspector shall not issue a permit for any proposed work or approve any change in use which will not comply with all regulations, codes, ordinances, or laws which may be in effect at the time of application.
4. Subdivision approval and/or Site Plan Review for non-residential development or multi-family development, as applicable, shall have been received from the Planning Board prior to application for a building permit.
5. After issuance of a building permit, construction must commence within six months, and the building permit shall be valid for one (1) year. The Building Inspector may extend the time upon written request from the applicant.

B. Application Procedure

1. Building permit applications shall be submitted by the owner of record of the property, or an agent authorized in writing, and shall contain the following information:
 - a. Septic system design approval number from the State of New Hampshire Water Supply and Pollution Control Commission, as applicable;
 - b. Completed Energy Code Audit
 - c. Statement of intended use;
 - d. Plot Plan showing location of proposed construction and existing buildings and lot lines with appropriate dimensional information;
 - e. Plans for proposed construction showing framing dimensions and proposed materials;
 - f. Plans and specifications for heating systems or wood stoves;
 - g. Driveway Permit, and
 - h. Other information as may be requested by the Building Inspector to carry out the purposes of this Code.
2. Building permits shall not be transferable.

C. Fees. (Amended March 14, 2006)

1. Fees for permits shall be based upon categories of construction as follows:
 - a. Detached or attached accessory buildings or structures under 200 square feet in area with no heating system or wiring -- \$25.00.
 - b. All other detached or attached accessory buildings or structures -- \$50.00
 - c. Living space additions -- \$60.00 [per room]
 - d. Single-family dwelling -- \$200.00
 - e. Multiple dwelling units, commercial, or institutional -- \$400.00
 - f. Work not included above -- \$25.00 minimum and an additional \$25.00 per inspection required.
2. Fees shall be made payable to the Town of Salisbury and shall accompany the application.

D. Inspections.

1. The applicant shall notify the Building Inspector and make the premises accessible at reasonable times for the following inspections:
 - a. During the application procedure, as necessary,
 - b. Upon completion of the foundation, prior to backfilling;
 - c. Upon completion of the rough framing, fire stopping, wiring, and plumbing, prior to insulating and covering interior walls,
 - d. Upon completion of Insulation; and
 - e. Upon substantial completion, when ready for a Certificate for Occupancy.
2. The applicant shall notify the Fire Chief or his agent and make the premises accessible at reasonable times for inspection of the heating system prior to operation. (Amended March 10, 1987.)
3. Notification of readiness for inspections shall be made at least three days in advance. (Amended March 10, 1987.)
4. Compliance with this Code and the Zoning Ordinance is the responsibility of the applicant. Non-inspection for any reason shall not prevent the Town from subsequent enforcement.

5. The Building Inspector may waive any of the inspections for construction of accessory buildings.
 6. The Building Inspector shall inspect all demolition work.
- E. Certificate for Occupancy.
1. No building or structure hereinafter erected, enlarged, extended, or altered to change from one use to another, shall be used in whole or in part until a Certificate of Occupancy is issued.
 2. A certificate of occupancy shall be granted by the Building Inspector only when the requirements of this Code have been met, and the building is considered to be substantially complete and not in violation of any regulation, code, ordinance, or State law.
 3. A building may be certified for temporary occupancy following completion of adequate disposal facilities complying with the State of New Hampshire Water Supply and Pollution Control Commission regulations, completion, inspection, and approval of the heating system and chimneys by the Fire Chief or his agent, and only if the Building Inspector deems that there will be no significant danger to the health or safety of the occupants or the general public.
 - a. A Temporary Certificate for Occupancy may be issued for a period not to exceed twelve months.
 - b. Such certificate shall have no effect on the requirement for the completion of the exterior, and continuing work shall be a requirement for any extension of the temporary certificate.

ARTICLE VI. CONSTRUCTION REQUIREMENTS; FIRE SAFETY REQUIREMENTS.

- A. Construction Requirements.
1. All dwellings and proposed living space additions thereto shall be set on footings extending to 4'0" below finished grade and on a permanent enclosed foundation of brick, stone, concrete, or concrete block. (Amended March 11, 1986.)
 2. All dwelling units shall have a minimum of 600 square feet of living space on at least one level. (Amended March 10, 1987).
 3. Dwellings and commercial buildings shall be framed in accordance with generally accepted good building practices. Outside walls shall be covered with permanent materials customarily used. Materials customarily painted shall be painted or otherwise finished.

4. All dwellings and commercial buildings, and each dwelling unit within any building, shall have a minimum of two easily accessible, reasonably separated exits, windows excluded. (Amended March 11, 1986).
5. All dwellings and all public and commercial buildings shall be equipped with adequate septic disposal facilities complying with the State of New Hampshire Water Supply and Pollution Control Commission regulations and local health and sanitation regulations. (Amended March 10, 1987).
6. New construction shall comply with the requirements of the New Hampshire Energy Code, as amended, that is in effect at the time the building permit is issued.
7. New construction or substantial renovation of publicly funded buildings shall comply with the requirements of the Architectural Barrier Free Design Code for the State of New Hampshire, as amended, that is in effect at the time the building permit is issued.
8. All plumbing and electrical installations shall comply with the New Hampshire State Plumbing and Electrical Codes, as amended, that are in effect at the time the required permits are issued.
9. All new construction shall comply with the NH State Building Code, as amended, that is in effect at the time the required permits are issued.

B. Fire Safety Requirements.

1. Solid fuel burning equipment of any type shall not be placed in operation in any building, existing or under construction, until such time as the chimney and installation have been approved in writing the Fire Chief or his agent. (Amended March 10, 1987).
2. Gas or oil burning installations shall not be placed in operation in any building until such time as the installation has been approved in writing by the Fire Chief or his agent.
3. Permits for or involving fire-hazard oriented work, such as, but not limited to, installation of bulk tanks, reconstruction of places of public assembly, or demolition work, shall not be issued by the Building Inspector until the plans for the proposed construction, alteration, repair, installation, or demolition have been approved in writing by the Fire Chief or his agent.
4. Automatic fire warning and smoke detection devices shall be installed as required by State law.

5. Fire stopping shall be provided in accordance with the Building and Fire Codes that are in effect at the time the required permits are issued.
6. Chimneys shall be constructed of stone, brick, cement, or cinder block from the ground upward and shall be internally lined with tile. Any other chimney construction approved by the Board of Fire Underwriters shall be permitted.
7. Cleanouts shall be installed at the bases of chimneys.
8. Thimbles or thimble holes in any chimney shall not be covered with wallpaper or other combustible material.
9. All construction, alteration, replacement, and demolition shall comply, as applicable, with the most recent requirements of the New Hampshire State Fire Code that is in effect at the time the required permits are issued.

ARTICLE VII. FLOODPLAIN DEVELOPMENT REGULATIONS (Amended 3/11/2008)

The following regulations shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Merrimack, N.H." dated **April 19, 2010** or as amended, together with the associated Flood Insurance Rate Maps (FIRM) dated **April 19, 2010** or as amended, which are declared to be part of this Ordinance and hereby incorporated by reference.

A. DEFINITIONS.

1. **Area of Special Flood Hazard.** The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. The area is designated as Zone A on the FIRM.
2. **Base Flood.** The flood having a one percent chance of being equaled or exceeded in any given year.
3. **Basement.** Any area of the building having its floor sub grade (below ground level) on all sides.
4. **Building.** See Structure.
5. **Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

6. Flood Elevation Study. An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.
7. Flood Insurance Rate Map (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community.
8. Flood Insurance Study. See Flood Elevation Study.
9. Flood Plain/Flood-Prone Area. Any land area susceptible to being inundated by water from any source.
10. Flood Proofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
11. Floodway. See Regulatory Floodway.
12. Highest Adjacent Grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
13. Historic Structure.
 1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of State of the Interior as meeting the requirements for individual listing on the National Register;
 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or;
 4. Individually listed on a local inventory of historic places in communities with historic preservation programs which have been certified either:
 - a. By an approved State program as determined by the Secretary of the Interior, or;
 - b. Directly by the Secretary of the Interior in States without approved programs.

14. **Lowest Floor.** (The lowest floor of the lowest enclosed area including basement.) An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor: Provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
15. **Mean Sea Level.** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
16. **Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. The term "manufactured homes" does not include a "recreational vehicle". This includes manufactured homes located in a manufactures home park or subdivision.
17. **Manufactured Home Park or Subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
18. **New construction means,** for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For flood plain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by a community and includes any subsequent improvements to such structures.
19. **100 Year Flood.** See Base Flood.
20. **Recreational Vehicle.** A vehicle which is:
 1. built on a single chassis;
 2. 400 square feet or less when measured at the largest horizontal projections;
 3. designed to be self-propelled or permanently towable by a light duty truck; and
 4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

21. Regulatory Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point.
22. Riverine. Related to, formed by, or resembling a river (including tributaries), stream, brook, etc.
23. See Area of Special Flood Hazard.
24. Structure. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
25. Start of Construction. The date the building permit was issued, (including substantial improvement) provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; not does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
26. Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
27. Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvements of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or, (2)

any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

28. Violation. The failure of a structure or other development to be fully compliant with the community’ flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in sections F or J(2) is presumed to be in violation until such time as that documentation is provided.
 29. Water Surface Elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.
- B. All proposed development in any special flood hazard areas shall require a permit.
 - C. The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (1) be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - D. The Building Inspector shall require that recreational vehicles placed on sites within Zone A on the community’s FIRM either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permanent requirements of Section B of this section and the elevation and anchoring requirements for “manufactured homes” in Section J(3) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
 - E. Where new and replacement water and sewer systems (including on-site systems) are proposed in floodprone areas the applicant shall provide the Building Inspector with assurance that new and replacement sanitary sewage systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

- F. The Building Inspector shall maintain for public inspection, and furnish upon request, any certification of flood-proofing and the as-built elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement. If the structure has been floodproofed, the as-built elevation (in relation to mean sea level) to which the structure was floodproofed. This information must be furnished by the applicant.
- G. The Building Inspector shall review proposed developments to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. It shall be the responsibility of the applicant to certify these assurances to the Building Inspector.
- H. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Building Inspector, in addition to the copies required by RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Bureau.

Within the altered or relocated portion of any watercourse, the applicant shall submit to the Building Inspector, certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse can and will be maintained.

In Zone A the Building Inspector shall obtain, review, and reasonably utilize any floodway data available from a Federal, State, or other source as criteria for requiring that development meet the following floodway requirements:

No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the designated Regulatory Floodway that would result in any increased in flood levels within the community during the base flood discharge.

- I. In special flood hazard areas the Building Inspector shall determine the 100 year flood elevation in the following manner:

In Zone A, the Building Inspector shall obtain, review, and reasonably utilize the 100 year flood elevation data available from Federal, State, or other source including data submitted for development proposals to the community (example: sub-divisions, site approvals, etc.)

- J. The Building Inspector's 100 year flood elevation determination will be used as criteria for requiring in Zone A that:
1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level).
 2. That all new construction and substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the 100 year flood level; or together with attendant utility and sanitary facilities, shall:
 - a. be floodproofed so that below the 100 year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this action.
 3. All manufactured homes be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 4. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided the enclosed areas meet the following requirements: (1) the enclosed area is unfinished or flood resistant, usable solely for parking of vehicles, building access or storage; (2) the area is not a basement; (3) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

K. VARIANCES AND APPEALS

1. Any order, requirement, decision or determination of the Building Inspector made under this code may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
2. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I(b), the applicant shall have the burden of showing in addition to the usual variance standards under state law that:
 - a. the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense:
 - b. if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result: and
 - c. the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. The Zoning Board of Adjustment shall notify the applicant in writing that:
 - a. the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage: and
 - b. such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with a record of all variance actions.

4. The community shall:
 - a. maintain a record of all variance actions, including their justification for their issuance: and
 - b. report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

ARTICLE VIII. RECREATIONAL VEHICLE REGULATIONS : CAMPING PERMITS

- A. Temporary use of recreational vehicles and tents for dwelling purposes for a continuous period in excess of one week shall require the issuance of a permit to the owner of record of the property.
- B. Issuance of the permit is subject to sanitary provisions approved by the Town Health Officer.

- C. The fee for a permit shall be \$5.00.
- D. The permit shall be issued for a period not to exceed 60 days and is renewable only once within a calendar year. A 180 day lapse shall occur before the issuance of a new permit.
- E. The permit does not supercede requirements by the Fire Warden for burning permits for campfires or cooking equipment.

ARTICLE IX. BUILDING CODE BOARD OF APPEALS.

- A. Pursuant to RSA 673:1.V, the Zoning Board of Adjustment is designated to act as the Building Code Board of Appeals.
- B. The Building Code Board of Appeals shall have the power, upon appeal, to vary the application of any provision of this Code to any particular case when, in its opinion, the enforcement of the Code would do manifest injustice and would be contrary to the spirit and purpose of the Building Code and the public interest, pursuant to RSA 674:34, as amended.
- C. Any person aggrieved by a decision of the Building Inspector made pursuant to this Code may appeal to the Building Code Board of Appeals in accordance with procedures set forth in applicable State Law.

ARTICLE X. AMENDMENTS

- A. This Code may be amended in accordance with procedures set forth in RSA 675:3,:4, as amended.
- B. Upon petition of 25 or more registered voters to the Board of Selectmen, for an amendment to this Code; the procedures set forth in RSA 674:4 shall be followed. Petitions shall be received during the period of time from 120 to 90 days prior to the annual Town Meeting.

ARTICLE XI. PENALTY

Any person, persons, firm, or corporation violating any of the provisions of this Code shall be subject to penalties and remedies as defined and established under RSA 676:15, :17, as amended.

ARTICLE XII. SAVING CLAUSE

The invalidity of any provisions of this Code shall not affect the validity of any other provisions.

ARTICLE XIII. EFFECTIVE DATE.

This Code shall take effect immediately upon its passage (Effective March 12, 1985).