

**BUILDING CODE**  
**HAMPTON FALLS, NEW HAMPSHIRE**

**Adopted June 2, 1952**  
**Revised To March 2017**

# HAMPTON FALLS BUILDING CODE

## RECORD OF AMENDMENTS TO 1995 PRINTED VERSION

All pages of the current version of the Building Code are dated "MARCH, 1995", with the following exceptions, which update the code as indicated:

- Pages 6 & 7 Reprinted: March, 1996 - Amendment to add Section 7, Section 7.133
- Pages 6 & 7 Reprinted: March, 1999 - Amendment to add Section 7.134
- Page 2 Reprinted: March, 2000 - Amendment to Section 3.51
- Page 2 Reprinted: March, 2000 - Amendment to add Section 3.6
- Page 2 Reprinted: March, 2000 - Amendment to delete Section 4
- Page 4 Reprinted: March, 2000 - Amendment to Section 6, paragraph four
- Page 7 Reprinted: March, 2000 - Amendment to add Section 7.18 and 7.18.1
- Page 7 & 8 Reprinted: March, 2000 - Amendment to add Section 7.19, 7.19.1 to 7.19.12
- Page 8 Reprinted: March, 2000 - Amendment to add Section 7.20
- Page 3 Reprinted: March, 2004 - Amendment to Section 6
- Page 5 Reprinted: September, 2006 – Amendment to Section 7.13
- Page 5 Reprinted: March, 2008 – Amendment to Section 7.13.1.1
- Page 1 Reprinted: March, 2011 – Amendment to Sections 2.1.1 and 2.1.5
- Page 2 Reprinted: March 2011 – Amendment to Sections 3.1, 3.4 and 3.5
- Page 4 Reprinted: March 2011 – Amendments to Section 7
- Page 2 Reprinted: March 2011 – Add new Section 4: Historic Review for Demolition
- Page 4 Reprinted: March 2017 – Amendment to Section 6, paragraph 1

## TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
SECTION 1 - BUILDING INSPECTOR .....	1
SECTION 2 - DUTIES OF THE BUILDING INSPECTOR .....	1
SECTION 3 - DUTIES OF THE APPLICANT .....	2
SECTION 4 - HISTORIC REVIEW FOR DEMOLITION.....	2
SECTION 5 - DRIVEWAY PERMIT .....	3
SECTION 6 - BUILDING STANDARDS .....	3
SECTION 7 - STRUCTURAL REQUIREMENTS .....	4
SECTION 8 - VARIANCES .....	8
SECTION 9 - AMENDMENT .....	8
SECTION 10 - ENFORCEMENT .....	8
SECTION 11 - EFFECTIVE DATE OF ORDINANCE .....	8
SECTION 12 - CONFLICTING PROVISIONS .....	8
SECTION 13 - VALIDITY .....	8
SECTION 14 - PREVIOUS BUILDING REGULATIONS .....	8
INDEX .....	9

**BUILDING CODE**  
**Adopted June 2, 1952**

**SECTION 1 - BUILDING INSPECTOR**

Appointment: The Building Inspector shall be appointed annually by the Board of Selectmen. In the event of the death, disability, resignation, or disqualification of the Building Inspector, the Selectmen may at any time and by majority vote take appropriate action, including removal from office and replacement.

**SECTION 2 - DUTIES OF THE BUILDING INSPECTOR**

- 2.1 The Building Inspector shall be the administrative officer of this Ordinance. He shall:
- 2.1.1 Receive applications and fees for the erection and/or alterations of buildings and electrical wiring, gas, mechanical, or plumbing systems as provided in this Ordinance. **(Amended March 2011)**
  - 2.1.2 Make applications available in triplicate.
  - 2.1.3 Keep complete records of his action on all applications along with duplicates of said applications.
  - 2.1.4 Promptly inspect sites of proposed buildings or buildings to be altered, and study proposed uses of said buildings.
  - 2.1.5 Issue or deny residential permits within thirty (30) days of receipt of application. **(Amended March 1987 and 2011)**
  - 2.1.6 Inspect buildings during the process of erection or alterations.
  - 2.1.7 Report violations of this Ordinance immediately to the Board of Selectmen.
  - 2.1.8 Take such action in the enforcement of this Ordinance as may be directed by the Selectmen.
  - 2.1.9 Accept and deposit with the Town Treasurer all fees collected by him under this Ordinance.
  - 2.1.10 Act in cooperation with fire authorities in any matter in which their duties as prescribed by law may coincide or conflict.
- 2.2 Certificate of Occupancy Permit:

A Certificate of Occupancy shall be required for any new building or structure intended for use or occupancy by any person(s) and no occupancy or use of any such building or structure shall occur until the Building Inspector shall have issued that certificate.

Any new home or any house that has had extensive electrical or plumbing revisions must obtain a Certificate of Occupancy from the Building Inspector.

**SECTION 3 - DUTIES OF THE APPLICANT**

- 3.1 Any person, persons, partnership, or corporation intending to construct a new building or to make structural alterations shall first make application for a permit on forms obtained from the Building Inspector. Said application shall be accompanied by a sketch or plans of the proposed building or alterations. Such plans, sketch or other materials shall be in a form satisfactory to the Building Inspector of the Town of Hampton Falls. A building permit issued shall become invalid if the authorized work is not commenced within one year after issuance of the permit, or if the authorized work is suspended or abandoned for a period of one year after the time of commencing the work, unless such time is extended by the Building Inspector. **(Amended March 2011)**
- 3.2 The applicant shall display prominently at the site of the construction or alteration a card issued by the Building Inspector evidencing his permit.
- 3.3 The applicant shall make the premises accessible to the Building Inspector at reasonable times for the performance of his duties.
- 3.4 The applicant shall also conform with the requirements of Section 4, 5 and 6 of this code as may be applicable. **(Amended March 2011)**
- 3.5 Application Fees  
  
See application fee schedule as amended. **(Amended March 2011)**
- 3.6 Electrical work shall conform to the National Electrical Code. Plumbing work shall conform to the State of New Hampshire Plumbing Code. **(Added March 2000)**

**SECTION 4 –HISTORIC REVIEW FOR DEMOLITION (ADDED MARCH 2011)**

For buildings assumed to have been constructed more than seventy-five (75) years before the application for a demolition permit, the Heritage Commission shall review the application prior to the issuance of a permit to demolish such structure.

4.1 Definitions: As used in this section, the following words or phrases shall have the meanings set forth below, except when the context in which they are used requires a different meaning.

Building: Building is defined as any structure used or intended for supporting or sheltering any use or occupancy.

Demolition Review Committee: A subcommittee of the Hampton Falls Heritage Commission comprised of at least three (3) members of the Commission. Any conflict of interest by a member shall be determined as set forth in NH RSA 673:14.

Demolition: The act of pulling down, destroying, removing, or razing a building or commencing the work of total or substantial destruction with the intent of completing the same.

4.2 Criteria

Any building or part of a building in the Town of Hampton Falls will fall under the terms of this article where:

- 4.2.1 The building is assumed to have been constructed more than seventy-five (75) years before the application for a demolition permit; and
- 4.2.2 The building is visible from the adjacent public right-of-way or public lands or is listed or is eligible for listing in the National Register of Historic Placed or State or local historic registers.

#### 4.3 Procedure

When an application for a demolition permit, or a building permit involving demolition, or a site plan review involving demolition is made, or a formal written application is submitted to the Building Inspector or Code Enforcement Officer for a determination under this article, the Code Enforcement Officer will determine if the building, or section of the building, meets the above criteria. If it does, the Code Enforcement Officer shall:

- 4.3.1 Forward a copy of the application to the Heritage Demolition Review Committee within five (5) business days.
- 4.3.2 Within five (5) business days of its receipt of a copy of the application, the Committee shall issue a preliminary recommendation regarding the granting of a demolition permit. If the Committee issues a recommendation in favor of the granting of such a permit, a demolition shall be issued. If the Committee issues a recommendation in opposition to the granting of a permit for demolition, no permit shall be issued until a more thorough investigation is undertaken and a final written recommendation is provided by the Committee to the Code Enforcement Officer. Investigation and recommendation shall be completed within a maximum of thirty (30) business days following the Committee's preliminary recommendation.
- 4.3.3 During the review period, the Committee shall meet with the property owner and conduct such public hearing(s) and investigation(s) as it may deem necessary in the formulation of its written recommendation regarding the granting of such permit. The Committee shall consider the following criteria in its deliberation:
  - 4.3.3.1 The building or structure is of such interest or quality that it would meet national, state or local criteria for designation as a historic, cultural, or architectural landmark.
  - 4.3.3.2 The building or structure is of such unusual or uncommon design, texture, or materials that it could not be reproduced or could be reproduced only with great difficulty and expense.
  - 4.3.3.3 The building or structure is of such architectural or historic interest that its removal would be detrimental to the public interest.
  - 4.3.3.4 Retention of the building or structure would help preserve and protect a historic place or area of historic interest in the Town.

#### 4.4 Demolition Review Committee Responsibilities

- 4.4.1 Make a decision within five (5) business days of receipt of the demolition application as to whether the building might be significant and preferably preserved within the standards and specifications provided above. If no decision is made within five (5) business days, the application will be deemed to be approved and the permit may be issued.
- 4.4.2 Hold a public hearing to discuss alternatives to demolition if the Committee determines the building is significant and its loss potentially detrimental to the community.

## 4.5 Demolition

- 4.5.1 If no alternatives to demolition have been identified and agreed to by the applicant after the meeting provided for in the preceding section, the applicant is free to proceed with demolition provided a permit is issued. (The Code Enforcement Officer/Building Inspector shall issue a permit if all other typical application requirements have been met.) Prior to demolition, the Demolition Review Committee shall photographically document the exterior, and if permitted, the interior of the building. The Committee shall also encourage the applicant to salvage significant architectural features.
- 4.5.2 Nothing in this article shall be construed to prevent immediate demolition where the public safety is at stake and the building has been determined by the Code Enforcement Officer to be a public hazard and demolition is the only viable recourse.

<b>SECTION 5 - DRIVEWAY PERMIT</b>
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As a condition precedent to the issuance of a building permit for construction on property fronting on any road or street or other approved way, or any road or street or way to be offered or dedicated to the Town, except as hereinafter qualified, for which access to such road, street or way shall be required, the Applicant shall:

- 5.1 Make application for a Driveway Permit on form available at the Office of the Town Clerk and pay to the Town the fee specified;
- 5.2 Upon receipt of a Driveway Permit, cause the driveway or other access to be constructed in accordance with specifications of Manual, Policy and Procedure for Driveways and Other Accesses to the State Highway System (1972) Edition as may be amended, as these may be applicable and required by the Selectmen and the Road Agent who shall be the permit grantors and who shall determine when the specifications have been met; and
- 5.3 File the Driveway Permit with confirmation of compliance with the application for building permit with respect to the same lot, all in accordance with Sections 3 above.

A separate Driveway Permit is required for each access to be constructed and with respect to each building permit application, except if prior approval has been granted for a single access to serve two contiguous building lots.

The Building Inspector shall not issue a building permit, nor shall any construction or other site improvement, except for access, be started until all requirements of this Section are met.

Nothing in this Section shall operate to restrict the issuance of building permits with respect to building lots which front on Class I and state-maintained portions of Class II highways and for which Driveway Permits are issued by the State of New Hampshire Department of Public Works and Highways, except the Building Inspector shall not issue a building permit with respect to any such building lot until it is confirmed to him that an appropriate Driveway Permit has been issued by that body and remains valid and in force.

<b>SECTION 6 - BUILDING STANDARDS</b>
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To the extent not in conflict or inconsistent with any part of the Hampton Falls Zoning Ordinance or any other part of this Code or with any standard imposed by the State of New Hampshire, the governing Building Codes shall be those of the 2009 International Code Council (ICC) and as amended. **(Amended March 2004; Amended March 2017)**

A copy of this Code shall at all times be available for inspection and reference with the Building Inspector.

Any new construction or structural alteration shall also conform to the National Fire Protection Association Life Safety Code, 1988 and as amended. **(Amended March 2004)**

The Town shall be permitted to adopt updates or revisions to these codes by the simplified procedure set forth in RSA 155-A. **(Amended March 2004)**

## SECTION 7 - STRUCTURAL REQUIREMENTS

No building or structure shall be placed, erected, altered, rebuilt, remodeled or substantially repaired unless in compliance with the requirements of this Section and the Building Code. The Building Inspector or the Board of Selectmen shall have the authority to apply this Section and the Building Code. Provided, however, that any such manufactured housing, mobile homes or trailers must conform to the United States Department of Housing and Urban Development (HUD) Mobile Home Construction and Safety Standards Code and be so certified. Evidence of such certification shall be presented to the Building Inspector or the Board of Selectmen upon application for a building permit.

7.1 All dwellings and all commercial or public buildings shall be connected to the public sewer system when available. When a public system is not available, a private sewerage disposal system is required. The type, size and construction of all sewerage disposal systems and drainage fields shall be approved by the New Hampshire Department of Environmental Services and the Town Planning Board or the Board's Agent prior to the issuance of any building permit. **(Amended September 2006)**

7.1.1 Except as provided for in Section 7.1.4, any lot, new or expansion of use which requires a septic or sewage disposal system, including but not limited to residential subdivisions, shall, prior to town approval, meet the minimum standards imposed by the State of New Hampshire Department of Environmental Services (NH DES) and the requirements listed below. **(Amended September 2006)**

7.1.1.1 Septic Reserve Area (SRA) – A proven area of 5,000 contiguous square feet, designated as the Septic Reserve Area (SRA), must meet the following criteria:

- a) Natural soil depth of four feet (minimum) to bedrock;
- b) Seasonal High Water Table of 24 inches (minimum);
- c) The bottom of a proposed leaching bed shall be a minimum of 48 inches above any seasonal high water table; **(Adopted March 2008)**
- d) Percolation Rate may not exceed 30 minutes per inch;
- e) The SRA may not have a slope of more than 15 percent;
- f) The SRA may not encroach upon the protective well radius, the wetland setback as defined in Zoning Ordinance Section 8.4, property line setbacks or other required setbacks;
- g) In the instance where a new septic system can not comply with 7.1.1.1 (a) and (c) then the State of New Hampshire's Department of Environmental Services Subsurface Systems Bureau fifty percent (50%) waiver rule for sloping sties shall be considered when applicable. **(Adopted March 2008)**

Further, the SRA shall not be used for buildings or other permanent structures and is reserved for septic system and septic effluent disposal only. If such a SRA is not present, the lot will be disapproved. **(Amended September 2006)**



- 7.1.1.2 For uses other than single-family residences, the applicant shall demonstrate a SRA of 5,000 square feet or twice the size of the required disposal area, whichever is larger. **(Amended September 2006)**
- 7.1.2 All subsurface sewage disposal systems must be designed and constructed in accordance with the most recent edition of the manual of NH DES "Subdivision and Individual Sewage Disposal System Design Rules" – Env-Ws-1000 except that the minimum area of the leach field shall be 1.25 times the appropriate size recited in the tables of that manual. The observance and approval of all tests, plans and constructions herein named shall be performed at the convenience of the Planning Board's Agent(s). **(Amended September 2006)**
- 7.1.3 Any person, persons, partnership, or corporation intending to construct a new or replacement septic system shall have the leach field basal area inspected by the Town's Agent prior to having it filled. The Town's Agent shall inspect the basal area to insure that vegetation, stumps and topsoil have been removed beneath the entire area to be filled. The system shall not be constructed until the Town's Agent approves the basal area. **(Adopted March 1996 and Amended September 2006)**
- 7.1.4 Where a sewage disposal system for a legally existing use has failed, and where no expansion or change of use is proposed, the requirements of Section 7.13 may be waived as necessary by the concurrence of both the Health Officer and the Planning Board's Agent. **(Amended March 1999 and September 2006)**
- 7.2 Prior to the issuance of any building permit where the development of the property requires a wetlands crossing or fill permit from Town, State or Federal Agency, the following is required. **(Amended March 2011)**
- 7.2.1 Receipt of all Conservation Commission, State Wetland, Planning Board or Zoning Board permits or approvals related to the fill or crossing.
- 7.2.2 Landowner's engineer to provide estimated cost for construction.
- 7.2.3 Review of landowner's engineer's estimated costs by Town engineer and establishment of final costs, which shall include a ten (10%) percent addition for the inflation and administration.
- 7.2.4 Landowner submits proposed form of bond or security for approval by the Town Administrator.
- 7.2.5 Wetlands fill or crossing performance agreement prepared by Town Administrator and signed by the landowner and Selectmen.
- 7.2.6 Bond posted by the landowner.
- 7.2.7 Completion of fill and crossing work.
- 7.2.8 Inspection of the fill and crossing and acceptance by the Selectmen based on recommendation of the Town engineer.
- 7.2.9 Issuance of Driveway Permit.
- 7.2.10 Payment of engineering fees and release of remaining bond.

- 7.2.11 Issuance of building permit.
- 7.2.12 The Selectmen are authorized to adopt such policies deemed appropriate for any administration of the above provisions.

**SECTION 8 - VARIANCES**

The Board of Adjustment, empowered as the Building Code Board of Appeals, and acting under the powers conferred by RSA 674:34, shall have authority to hear appeals from the strict application of any section of this Code and to vary such strict application in any particular case when, in its opinion, the enforcement of these regulations would do manifold injustice and would be contrary to the spirit and purpose of the building code and the public interest.

**SECTION 9 - AMENDMENT**

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.

**SECTION 10 - ENFORCEMENT**

Any person, persons, firm or corporations violating any of the provisions of this Ordinance shall be subject to a fine not exceeding one hundred (\$100) dollars (Amended March, 1987) for each violation. Each day that any violation is allowed to continue constitutes a separate offense. The Board of Selectmen may institute in the name of the Town any appropriate action or proceedings to prevent, restrain, correct or abate violations of this Ordinance.

**SECTION 11 - EFFECTIVE DATE OF ORDINANCE**

This Ordinance shall take effect upon its passage.

**SECTION 12 - CONFLICTING PROVISIONS**

Wherever the regulations made under the authority hereof differ from those described by any statute, ordinance, or other regulations, that provision which imposes the greater restriction or higher standard shall govern.

**SECTION 13 - VALIDITY**

In any section, clause, provision, portion or phrase of this Ordinance shall be held to be invalid or unconstitutional by any court of competent authority, such holdings shall not effect, impair or invalidate any other section, clause, provision or phrase of this Ordinance.

**SECTION 14 - PREVIOUS BUILDING REGULATIONS**

Any and all previous regulations heretofore enacted by the Town of Hampton Falls are hereby repealed.

INDEX

(ICC) .....3

**B**

Building Code Board of Appeals .....8

**C**

Certificate of Occupancy .....1

**D**

Demolition .....2, 3

Demolition Permit.....2

Demolition Review Committee .....2

Driveway Permit .....3, 7

**E**

Electrical wiring .....4

**H**

Heritage Commission .....2

Historic Register .....3

Historic Review for Demolition .....2

**I**

International Code Council .....3

**L**

Life Safety Code .....3

**N**

National Electrical Code .....2, 7

**P**

Plumbing .....2, 7

**S**

septic.....6

