

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

**Adopted June 2, 1952**  
**Revised To March 2008**

# 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

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**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:
- 2.11 Receive applications and fees for the erection and/or alterations of buildings and electrical wiring as provided in this Ordinance.
  - 2.12 Make applications available in triplicate.
  - 2.13 Keep complete records of his action on all applications along with duplicates of said applications.
  - 2.14 Promptly inspect sites of proposed buildings or buildings to be altered, and study proposed uses of said buildings.
  - 2.15 Issue or deny residential permits within fifteen (15) days of receipt of application. **(Amended March 1987)**
  - 2.16 Inspect buildings during the process of erection or alterations.
  - 2.17 Report violations of this Ordinance immediately to the Board of Selectmen.
  - 2.18 Take such action in the enforcement of this Ordinance as may be directed by the Selectmen.
  - 2.19 Accept and deposit with the Town Treasurer all fees collected by him under this Ordinance.
  - 2.110 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. A building permit shall become void unless operations are commenced within one year from the date of approval, unless such time is extended by the Building Inspector.
- 3.11 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.
- 3.12 Said application shall be accompanied by a signed statement of the Building Inspector upon completion of construction or alteration.
- 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 5 of this code as may be applicable.
- 3.5 Application Fees
- 3.51 A minimum fee of \$20.00 shall be charged for the first \$5,000.00 of construction costs with respect to all permits issued, with an additional fee of \$5.00 (**Amended March 2000**) for each \$1,000.00 of construction costs above \$5,000.00.
- 3.52 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 1994**)
- 3.53 The fee shall be based on the cost of the completed structure and received in its entirety before a building permit is issued. (**Amended March 1991**)
- 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 - PAYMENT OF THE BUILDING INSPECTOR BY THE TOWN (DELETED MARCH 2000)**

**SECTION 5 - DRIVEWAY PERMIT**

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 and 4 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.

**SECTION 6 - BUILDING STANDARDS**

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 2000 International Code Council (ICC) and as amended. **(Amended March 2004)**

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 Any building construction for commercial, or public use, or any building to be reconstructed in excess of 50 percent and intended for any of the said uses, shall provide for noncombustible walls and partitions between its component parts.
- 7.2 Any building of wood or other combustible material shall provide, when reconstructed, remodeled, or altered, for fire stops in every combustible wall or partition, at every floor, and between floor joists at every partition of the part or parts so reconstructed, remodeled or altered.
- 7.3 Any building intended or designed for any public use or congregation of people shall provide, when erected or altered, exists as approved by the office of the State Fire Marshall.
- 7.4 No public garage for the storage of five or more motor vehicles, or no building having automobile service or repair enterprises connected therewith, shall be erected, altered, or enlarged, unless the building is constructed, either in its entirety or to the extent of alteration, enlargement, or addition, of material commonly considered slow burning or noncombustible. The use of approved automatic sprinklers may obviate this requirement.
- 7.5 No roof of any building may be covered, or recovered, in excess of twenty-five percent (25%) unless noncombustible or fire resistant materials are used.
- 7.6 No chimney shall be built, erected, or altered below the roof unless containing a tile or brick lining and with a metallic clean-out door at or near its base, and shall extend at least two feet above the ridgepole of the roof. No internal chimney shall be built, erected, or altered below the roof having wood or other combustible materials within one inch of the chimney, and no chimney shall have its base resting upon any floor or beam of combustible material. Prefabricated chimneys approved by the Board of Fire Underwriters will be allowed.
- 7.7 No wallpaper or other combustible material shall be laid over any thimble or thimble hole in any chimney.
- 7.8 No smoke pipe shall be installed or erected so as to be within twelve inches of any combustible floor or ceiling unless amply protected with noncombustible material. No smoke pipe shall be installed or erected which passes into or through partitions or walls of combustible material, except when guarded by a double collar of metal with air space of at least five inches or by at least five inches of brick or other noncombustible between the pipe and the combustible material.
- 7.9 Electrical wiring installed in any new building, or installed or extended during any reconstruction, alteration, or remodeling of any building, shall conform to and comply with the regulations of the National Board of Fire Underwriters, said regulations known as the National Electric Code.
- 7.10 All structures shall be set on solid foundation of cement, brick, stone or other acceptable masonry; such foundations shall have adequate footings. All concrete footings shall have a minimum two x four (2x4) inch key way as to be centered on the wall or walls to be placed on the footing. All such foundations shall be waterproofed on the outside with two coats of No. 2 asphalt or equivalent

in compliance with ASHO specifications. In special cases where buildings are to be used for accessory use, the Building Inspector may waive the requirements of this section and permit the use of wood, metal or masonry piers. **(Amended March 1992)**

7.11 Every building to be used as a residence shall have a minimum ground floor area of five hundred (500) square feet outside measurement, and a floor area, exclusive of the cellar, of five hundred (500) square feet for each additional dwelling unit.

7.12 Outside walls shall be constructed of material commonly used for outside construction and materials customarily painted shall be painted.

7.13 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)**

7.13.1 Except as provided for in Section 7.13.4, 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)**

7.1.31.1 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 7.13.1.1 (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)**

7.1.31.2 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)**

- 7.13.2 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 as 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)**
- 7.13.3 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)**
- 7.13.4 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 be the concurrence of both the Health Officer and the Planning Board's Agent. **(Amended March 1999 and September 2006)**
- 7.14 Minor alterations, repairs and general upkeep of existing buildings shall be exempt from the provisions of this Ordinance.
- 7.15 Safety glass, acrylic sheet or other shatter resistant material shall be used on storm doors, sliding doors, shower tub enclosures, and wall glass.
- 7.16 Fencing of wood, metal or other appropriate and effective construction, not less than four (4) feet in height from grade level to top, shall be provided such as to totally enclose any in-ground type swimming pool, whether or not on a residential property, including such pools of this type as may be constructed or installed for demonstration or sales purposes.

Without regard as to type, fence construction shall be such that the lowest one-half (1/2) of the fence shall be of solid or closed design with exterior surfaces smooth, and any portions of the fence of open construction shall be such that the dimensions of openings shall not exceed six (6) inches either horizontally or vertically and twelve (12) inches in the alternative direction; any gates and/or doors therein shall be of construction and design equivalent to that of the fence, and each shall be equipped with a latching or locking device which shall be accessible only from the inner side of such gate and/or door and from a point not less than forty-two (42) inches above the bottom of the fence; further, each gate and/or door shall be equipped with effective self-closing hardware.

As used in this Sub-Section, the term "in-ground type" shall also definitively include any swimming pool the curb of which is less than three (3) feet above surrounding grade measured at the curb line or at a distance of three (3) feet horizontally from the curb line, whichever is the greater and at any point along the perimeter of the pool.

The provisions of this Sub-Section shall not apply to any swimming pool regardless of design or construction which is entirely located within a building of which all walls are of closed construction.

- 7.17 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 location that has a flood hazard, any proposed new construction or substantial improvement including prefabricated and mobile homes must: (i) be designed or modified and anchored to prevent floatation, collapse, or lateral movement of the structure; (ii) use construction materials and utility equipment that are resistant to flood damage; and (iii) use construction methods and practices that will minimize flood damage.

- 7.18 Completion of Conditions to Permits and Approvals **(Added March 2000)**
- 7.18.1 No building permit shall be issued until all Planning Board pre-conditions, Zoning Board of Adjustment conditions, or any state or federal permits shall be completed to the satisfaction of the Building Inspector. The Building Inspector shall be entitled to request such confirmation from any such board of Agency as to the satisfactory completion of any such conditions as the Building Inspector shall deem necessary. The Building Inspector shall be entitled to grant such waivers or exceptions to this provision as the Building Inspector shall deem necessary to avoid any undue or unnecessary hardship.
- 7.19 To clarify the process and procedure to be followed 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. **(Added March 2000)**
- 7.19.1 Receipt of all Conservation Commission, State Wetland, Planning Board or Zoning Board permits or approvals related to the fill or crossing.
- 7.19.2 Landowner's engineer to provide estimated cost for construction.
- 7.19.3 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.
- 7.19.4 Landowner submits proposed form of bond or security for approval by the Town Administrator.
- 7.19.5 Wetlands fill or crossing performance agreement prepared by Town Administrator and signed by the landowner and Selectmen.
- 7.19.6 Bond posted by the landowner.
- 7.19.7 Completion of fill and crossing work.
- 7.19.8 Inspection of the fill and crossing and acceptance by the Selectmen based on recommendation of the Town engineer.
- 7.19.9 Issuance of Driveway Permit.
- 7.19.10 Payment of engineering fees and release of remaining bond.
- 7.19.11 Issuance of building permit.
- 7.19.12 The Selectmen are authorized to adopt such policies deemed appropriate for any administration of the above provisions.
- 7.20 Electrical work shall conform to the National Electrical Code. Plumbing work shall conform to the State of New Hampshire Plumbing Code. **(Amended March 2000)**

**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.

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