

TOWN OF SALISBURY

BUILDING CODE

(As amended through March 10, 2020)

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 conversion 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 12, 2024)

1. Fees for permits shall be based upon categories of construction as follows:

Category	Inspection Fee	Administrative Fee	Total
Single family dwelling	\$200	\$1,000	\$1,200
Multiple dwelling units, commercial or institutional	\$400	\$1,000	\$1,400
All detached or attached accessory buildings or structures	\$50	\$50	\$100
Living space additions (per room)	\$60	\$60	\$120 min.
Work not included above (per inspection)	\$25	n/a	\$25 min.

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 International Code Council's International Building Code, and the most recently published version of the International Residential 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. 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 VIII. 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.
- C. Floodplain Development Regulations removed 3/10/2020
- D. Recreational Vehicle Regulations: Camping Permits moved to the Zoning Ordinance 3/12/2024

ARTICLE IX. 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 X. SAVING CLAUSE

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

ARTICLE XI. EFFECTIVE DATE.

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