

## CHAPTER 88

### BUILDING CONSTRUCTION

**88-1. Legislative intent.** This article is adopted pursuant to 674:51 and RSA 674:52 for the purposes of better regulating and promoting the general health and welfare of the public and of the occupants and users of the buildings and other structures in the Town of Conway, New Hampshire, as well as better ordering the public's prudential affairs.

**88-2. Adoption of building code.**

1. The BOCA National Building Code (1996 edition) is hereby adopted as the building code for the Town of Conway for the control of buildings and structures that are within BOCA Use Groups A, B, E, F, H, I, M, R1, R2 and multiple (more than two) single family dwellings section of Use Group R3. Each and all of the regulations, provisions, penalties, conditions and terms of said BOCA National Building Code are hereby referred to, adopted and made part hereof as if fully set out in this ordinance, with the additions, insertion, deletions and changes, if any, prescribed in Section 88-2 of this ordinance.
2. **Additions, insertions and changes.** The following BOCA Code sections are hereby revised:

**Section 101.1 Title** These regulations shall be known as the Building Code of the Town of Conway hereinafter referred to as "this code."

**Section 112.3.1 Fee schedule.** A fee for each plan examination, building permit and inspection shall be paid in accordance with Section 88-7 of this Chapter.

**Section 116.4 Violation penalties.** Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall be guilty of a misdemeanor by a fine in accordance with Section 88-11 of this chapter, or imprisonment not exceeding fourteen (14) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offence.

**Section 117.2 Unlawful continuance.** Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition shall be liable to a fine in accordance with 88-11 of this chapter.

**Section 2701.1 Scope.** The provisions of this chapter shall control the design and construction of all new installations of electrical conductors, equipment and systems in buildings or structures; and all alterations to existing wiring systems therein to ensure safety. All such installations shall conform to the edition of the NFPA 70,

“National Electrical Code” that is currently being enforced by the State of New Hampshire, Electricians Licensing Board.

**Section 2901.1 Scope.** The design and installation of plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplies and storm water and sewage disposal in buildings, shall comply with the requirements of the BOCA National Building Code currently being enforced by the State of New Hampshire, Licensing Board.

**Section 3408.2 Applicability.** Structures existing prior to March 11, 1986, in which there is work involving additions, alterations or changes of occupancy, shall be made to conform to the requirements of this section or the provisions of Sections 3403.0 through 3407.0.

The provisions in Sections 3408.2.1 through 3408.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Use Groups A, B, E, F, M, R, and S. These provisions shall not apply to buildings with occupancies in Use Group H or I.

**88-3. Establishment of Building Code Board of Appeals.** Pursuant to RSA 673:1.V the Conway Board of Selectmen is hereby authorized to establish a building code board of appeals, rules of procedure governing said board and appoint members. Until such time as the Board of Selectmen establish a building code board of appeals the Zoning Board of Adjustment shall act as the building code board of appeals.

**88-4. Building permit required; certificate of occupancy.**

1. No building or other structure shall be constructed, altered or moved until a written building permit has been issued by the Selectmen or their agent when the construction or alteration to take place is of the following types:
  1. **Structural.** All structural changes, additions and/or alterations to a building or other structure shall require a building permit. Furthermore, all changes, additions and/or alterations that may affect the structural capacity of an existing building or other structure shall require a building permit.
  2. **Footprint expansion.** All expansions of the existing footprint (as defined in Chapter 147.15) of a building shall require a building permit.
  3. **Assessor’s use.**
    1. All residential home improvements to a building or other structure costing in excess of one thousand five hundred dollars (\$1500) per structure per year shall require a building permit. If labor is to be done by the owner, then the value of the improvement shall be determined by doubling the value of the materials used.

2. All improvements to a commercial structure, regardless of what value, shall require a building permit.
4. **Moving Buildings.** Whenever a structure is to be moved, a building permit shall be required. Compliance with Chapter 142 of the Code of the Town of Conway is required to move a structure.
2. A certificate of occupancy/compliance is required by the Town of Conway after completion of work under all commercial non-residential or multifamily building permits. A certificate of occupancy/compliance may be issued by the Town of Conway as requested after completion of work under a one or two family residential building permit.

**88-5. Registration of contractors.**

1. All contractors shall be registered prior to working on any project in the Town of Conway. A registration may be applied for at the town offices and will be issued by the Selectmen or their duly appointed agent. There shall be no fee for this registration.
2. Upon obtaining a registration from the Town of Conway, the contractor accepts the responsibility for obtaining and keeping current all building permits required by the town. Should a contractor violate this section of the Code of the Town of Conway, the penalties shall be as follows:
  1. First offense: one hundred dollars (\$100).
  2. Second offense: five hundred dollars (\$500).
  3. Further offenses: The contractor is prohibited from obtaining building permits directly or as an agent or owner for a period of six (6) months and shall pay a fine of one thousand dollars (\$1000).
3. Any person who violates this section and wishes to appeal the penalties may do so by appearing before the Board of Selectmen.

**88-6. Compliance with Town Codes.** Prior to issuing a building permit, applications shall be reviewed by the Selectmen or their agent to ensure compliance with applicable codes. All applications shall be reviewed by the Selectmen or their agent to determine whether Planning Board approval is necessary. If Planning Board approval is not necessary, a separate zoning permit is required. If Planning Board approval is required, a separate zoning permit shall not be required and the applicant shall proceed to the Planning Board for the necessary approvals.

**88-7. Fees.**

1. A nonrefundable fee shall be paid to the town with each application for a building permit as follows:

1. One or two family residential structures: ~~twenty-five~~ forty dollars (\$~~25~~40) plus ~~five~~ ten cents per square foot.
2. All other construction: Fifty dollars (\$50) plus ~~six~~ eight dollars (\$~~6~~8) per thousand for each thousand over fifteen thousand dollars (\$15,000).
2. Words and phrases hereunder shall be deemed to have the same meaning and definitions as set forth in the BOCA Code adopted in this chapter. Dollars per square foot (\$/SF) are to be based on current mean construction cost data, and repairs and remodeling \$/SF shall be based on general estimated practice.
3. In all cases estimates shall at least meet valuations represented in the latest edition of the Marshall Valuation Service (Marshall and Swift, LP.) on file in the Assessor's office.
4. Notwithstanding any other enforcement action available to the Town, an applicant filing an application late may be required to pay an additional penalty fee of ten dollars (\$10) for each day between the date construction began and the date the application was filed.
5. A nonrefundable fee of fifteen (15) dollars shall be paid to the Town with each application for a zoning permit.

**88-8. Application for permits.**

1. Each application for a building permit and application for a zoning permit or change of use shall be in writing, signed by the owner of the property to be built upon, on forms to be supplied by the Town. These forms shall be filled out in sufficient detail to show conformance with this Article and all applicable state and Town of Conway rules, regulations and ordinances. Copies of the original forms to be used hereunder have been filed by the Selectmen with the Town Clerk of Conway with a copy of this Article prior to its adoption.
2. In addition to the application forms, all applicants for a building permit for a commercial or multifamily (three or more unit buildings) project shall be required to submit architectural/structural plans conforming to the BOCA Code as part of their submission. The applicant shall submit one copy of these plans to the Town's Building Inspector and one copy to the Fire Chief having jurisdiction.

**88-9. Expiration of permits.** Any building permit shall expire upon completion of the proposed project as may be indicated on the form or at the end of one (1) year, whichever time shall arrive earlier. All building permits issued by the town prior to the date of adoption of this Article shall remain valid no longer than one (1) year after the effective date of this Article.

**88-10. Amendment of application forms.** The Selectmen shall be authorized to amend the forms to be used hereunder from time to time, provided that at least two (2) public hearings shall be held, with each hearing having published notices therefore at least two (2) weeks prior to

such hearing; after the second hearing, the Selectmen shall vote to adopt amended forms, record the amended forms with the Town Clerk of Conway, and thereafter the same shall be valid and enforceable. In the notice of the second hearing, the entire proposed amendment shall be published and no substantive changes may be made after the second hearing.

**88-11. Violations and penalties.** Any violation of any provision of this Article or the forms promulgated hereunder shall be punished on conviction by a fine of up to \$100 per day pursuant to RSA 676:17. The Town may also enforce this chapter and the regulations hereunder by injunction, restraining order or other appropriate action.

**88-12. Applicability; when effective.** This chapter shall apply throughout the Town of Conway and shall take effect when adopted at any duly warned town meeting.

**88-13. Inconsistent Ordinances.** In the event that the requirements of this chapter are in conflict with other codes, the more stringent shall apply.

**88-14. Saving clause.** Nothing in this ordinance or in the building code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance hereby repealed, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**88-15. Amendment of chapter.** This chapter may be amended in accordance with RSA 675:3. This shall not be deemed to limit the authority of the Selectmen to adopt and/or amend forms consistent with the powers and procedures hereunder established.