

# **TOWN OF BARNSTEAD**

## **CODE OF BUILDING REGULATIONS**

*As Amended 8 March 2005*

**BARNSTEAD CODE OF BUILDING REGULATIONS  
AS AMENDED 3/8/2005**

**ARTICLE 1: PREAMBLE**

**Section 1-1: Authority**

This Code of Building Regulations has been prepared pursuant to the authority vested in the Barnstead Planning Board by the voters of the Town of Barnstead by a vote of the Town Meeting on March 6, 1973, and in accordance with the provisions of the New Hampshire Planning & Land Use Regulations, RSA Chapter 674:51, as amended.

**Section 1-1: Purpose**

The purpose of this Ordinance is to establish minimum standards to insure public safety, health and welfare as affected by building construction and to secure safety to life from all hazards incident to the occupancy of buildings structures or premises; and further to;

- 1) Establish standards as the criteria for evaluation of minimum safe practices;
- 2) To determine the performance of materials and systems of construction;
- 3) To promote the erection of structures that are consistent with the character of the neighborhood and maintain their property values;
- 4) To promote the reasonable appearance of buildings and structures.

**ARTICLE 2: GENERAL REGULATIONS**

**Section 2-1: Building Regulations**

**Section 2-1.03:** All buildings, structures, or premises constructed in the Town of Barnstead, except those exempt through Section 2-2.03 of the Code of Building Regulations, shall conform to established building regulations adopted by the Town, pursuant to RSA Chapter 674:51.

**Section 2-1.04: International Construction Code (as amended 3.9.2004)**

The Town of Barnstead has adopted by reference the International One and Two Family Dwelling Code as published by the International Code Council Current Edition for residential construction standards

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**Section 2-1.05: State of New Hampshire Building Code**

The State of New Hampshire Building Code became effective in Barnstead beginning September 14, 2003, as provided by RSA: 155-A. *(As amended 3.9.2004)*

**Section 2-1.06: Interpretation of Codes**

Adoption of the nationally recognized code shall be deemed to include such provisions of any other codes or standards as may be necessary for interpretation of and conformance to the adopted codes.

**Section 2-1.07: Limitation of Other Codes**

These codes shall not limit the authority of the local fire department to enforce provisions of the Fire Protection Code for Large Buildings and any codes adopted by the New Hampshire Fire Marshall's Office.

**Section 2-2: Exclusions to Building Regulations**

**Section 2-2.03: (Deleted 3.9.2004)**

**Section 2-2.04: (Deleted 3.9.2004)**

**Section 2-2.05: Small Structures Exemption**

Notwithstanding any other provisions of this Code or the Barnstead Zoning Ordinance, or any other Codes adopted by reference to the contrary, small structures such as sheds, gazebos, etc. not attached to a dwelling unit, not used as a dwelling unit, having no plumbing facilities whatsoever and not exceeding two hundred and fifty (250) square feet square feet of floor space shall be exempt from the provisions of this Code or the Barnstead Zoning Ordinance.

**Section 2-3: Local Inclusions to Building Regulations**

**Section 2-3.03: Building Construction Requirements**

**2-3.03.1: Minimum Size**

Every dwelling to be used by a single family shall have a minimum ground floor area of five hundred (500) square feet.

**2-3.03.2: Exteriors**

The exterior of every new building or addition to an existing building shall be completed as soon as practicable, but in no case shall this period exceed two (2) years from the date of construction start.

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**2-3.03.3: Foundations** *(Adopted 3/8/2005)*

Applicants for new houses or other permanent structures built on non-conforming lots shall present a plat prepared and certified by a New Hampshire licensed surveyor locating and monumenting all corners of the lot.

**2-3.03.4: Roofed Over Foundations**

Roofed over foundations may be used as living quarters only while the building is being erected, but in no case shall this period exceed five (5) years from the date of construction start. Roofed over foundations shall comply with all sanitary and fire regulations adopted by the Town.

**2-3.03.5:** *(Deleted 3.9.2004)*

**Section 2-3.04: Commercial Building Requirements**

**2-3.04.1: Commercial Buildings**

No building intended or designed to be used for industrial, commercial, or other public use shall be erected, altered, or used for any purpose which does not provide non-combustible walls and partitions between its component parts.

**Section 2-3.05: Damaged Building Renovation Requirements**

**2-3.05.1: Nonrepairable Buildings**

Any structure that has been damaged by fire or wind, or has deteriorated to be considered a hazard to safety or health and cannot be repaired, shall be demolished and removed by the owner within six (6) months after notice from the Selectmen, otherwise, the owner must pay the cost of cleanup as ordered by the Board of Selectmen.

**2-3.05.2: Repairable Buildings**

Any structure that has been damaged by fire or wind and has deteriorated to a point of being a safety or health hazard and is repairable shall be repaired by the owner within one (1) year after notice from the Board of Selectmen.

**2-3.05.3: Hazard Mitigation**

If damage or defacement to any structure has caused a safety hazard, the owner shall, within ten (10) days make the structure secure (or eliminate the hazard), or pay these costs as directed by the Board of Selectmen.

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**ARTICLE 3: BUILDING  
INSPECTOR AND BUILDING PERMITS**

**Section 3-1: Office of the Building Inspector**

**Section 3-1.01: Appointment**

A Building Inspector shall be appointed annually by the Board of Selectmen and shall be the administrative officer of the Code of Building Regulations of the Town of Barnstead.

**Section 3-1.02: Authority**

The Building Inspector shall have the authority to issue or deny building permits for the construction of new buildings or the addition to existing buildings.

**Section 3-2: Building Regulations**

**Section 3-2.01: Building Permit**

A building permit is required for each new residential, recreational, commercial, or industrial building. A building permit is also required for any addition to an existing building, which exceeds \$1,500 in cost.

**Section 3-2.02: Permit Application**

The owner proposing building construction shall submit a building permit application as prescribed by the Building Inspector.

**Section 3-2.03: Application Review**

The Building Inspector shall review such building permit application to determine conformance with the Code of Building Regulations.

**Section 3-2.04: Conformance Determination**

The Building Inspector may request any additional information or conduct a public hearing as necessary to determine conformance.

**Section 3-2.05: Review Schedule**

The Building Inspector shall issue or deny a building permit within seven (7) days after all information required to determine conformance has been submitted.

**Section 3-2.06: Permit Denial for Cause (as amended 3.9.2004)**

A building permit shall be issued if the application conforms to the Code of Building Regulations, the Barnstead Zoning Ordinance, and all other applicable local, state, and federal requirements.

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**Section 3-2.07: Permit Denial Exemption**

These conditions shall be exempt if the structure presents a reasonable appearance consistent with the neighborhood and painted on the outside if constructed with wood or any other material customarily painted.

**Section 3-3: Building Permit Appeals**

**Section 3-3.01: Submission of Appeal** *(as amended 3.9.2004)*

Any person aggrieved by a decision of the Building Inspector may appeal the decision to the Zoning Board of Adjustment in a manner prescribed by RSA 677:1-3 as contained in Section 9-5.01 of the Zoning Ordinance within the time limit set by the Zoning Board of Adjustment. The cost of advertising and cost of mailing and the notices of a hearing shall be paid by the person making the appeal.

**Section 3-3.02: Action by Zoning Board of Adjustment**

The Zoning Board of Adjustment shall conduct the appeal consistent with the procedures established in Section 9-5.02 of the Zoning Ordinance.

**Section 3-3.03: Revocation of Building Permit**

A building permit will be automatically revoked and a new application required if no construction has occurred within six (6) months of issuance of the building permit. Reapplication shall conform with the current Code of Building Regulations.

**ARTICLE 4: AMENDMENTS**

**Section 4-1: Standard Adoption Procedures**

Adoption of new provisions or revisions to the Code of Building Regulations that are not contained in the national codes adopted by reference or the enactment of a new local code shall be adopted through the procedures contained in RSA Chapter 675:3.

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**ARTICLE 5: EXCEPTIONS**

**Section 5-1: Conflicting Provisions**

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

**ARTICLE 6: VALIDITY**

**Section 6-1: Savings Clause**

If any section, clause, provision, portion, or phrase of this ordinance shall be held to be invalid or unconstitutional by any court or competent authority, such holding shall not affect, impair or invalidate any other section, clause, provision, portion, or phrase of this ordinance.

**ARTICLE 7: CERTIFICATE OF OCCUPANCY**

**Section 7-1: Certificate of Occupancy Required**

**Section 7-1.01: Temporary Occupancy Permit**

The Building Inspector may issue a temporary Certificate of Occupancy, if conditions warrant, but not to exceed thirty (30) days. An extension may be approved at the discretion of the Building Inspector, but in no case shall a temporary certificate circumvent the requirement of a final Certificate of Occupancy.

**Section 7-1.02: Certificate of Occupancy**

The Town of Barnstead requires a Certificate of Occupancy form to be completed and signed by the Building Inspector prior to the final occupancy of any new building in the Town of Barnstead.

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**CERTIFICATION OF ADOPTION AND FILING**

In accordance with New Hampshire RSA 675:3, Method of Enactment in Certain Towns and Village Districts, one question regarding the Town of Barnstead Code of Building Regulations appeared on the Official Ballot for the election held on March 8, 2005. The question passed with a majority vote in the affirmative. The Planning Board hereby certifies this revised Code of Building Regulations to be correct.

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David F. Murley, Chairman

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William Haynes

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William Evans, Vice-Chairman

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John Starkey

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Gordon Preston, Selectman-Representative

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Maureen Dellaire, Alternate

\_\_\_\_\_  
David Allen, Secretary

\_\_\_\_\_  
James Fougere, Alternate

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David Kerr

I do hereby certify that on April 8, 2005 the Barnstead Code of Building Regulations with original signatures was filed with the Town Clerk, Town Hall, Barnstead, New Hampshire.

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Cynthia L. Treadwell, Town Clerk