

CHAPTER 2

BUILDING/CONSTRUCTION

ARTICLE 2-1 BUILDING DEPARTMENT

§2-1-1 PURPOSE

To establish a local building department and associated inspection services to provide verification all construction related services meet the minimum requirements for building safety as allowed under RSA 675:2, 674:51 and 673:1V. Voted to approve the following article for the purpose of promoting the health, safety, morals, prosperity, convenience, or general welfare, as well as to provide efficiency and economy in the process of development of the Town of Bedford, building permits shall be required for the new construction of buildings and activities as outlined under the adopted building codes.

§2-1-2 BUILDING INSPECTOR

As authorized and required under RSA 673:1 –V and RSA 674:51 –III(c) the Town of Bedford creates the position of Building Code Official. The position qualifications shall be established by the Town of Bedford personnel policy and final approval of the position shall be by the town manager. The Building Official shall report directly to the Bedford Fire Chief

§ 2-1-3 DEPARTMENT POLICIES AND PROCEDURES

The Code Official shall establish a written policy governing the operation of the building department. This policy will cover all aspects of the operation of the building department including, but not limited to: application procedures, fee collections and refunds, permit-processing guidelines, documentation requirements and other policies or guidelines as deemed necessary for the efficient operation of the staff. The Town Council shall approve these policies and procedures. Town of Bedford Ordinances shall supersede the Department Policy. The Town manager is authorized by the Town Council to approve editorial changes to the department handbook. The handbook shall be reviewed and approved by council no less than every three (3) years.

Definitions - Where terms are not specifically defined in this ordinance; their meaning shall be derived from adopted codes. Where the terms are not defined under any adopted code their meaning shall be their ordinarily accepted meanings within the context they are used.

Actively pursued – shall mean that no more than 180 calendar days have passed without inspection. The 180 days shall be based upon the permit issuance date or the date the last field inspection was performed and approved.

§ 2-1-4 APPEAL PROCEDURE

BUILDING CODE BOARD OF APPEALS

As outlined in RSA 673:1 the Bedford Zoning Board of Adjustment shall act as the Building Code Board of appeals until such time as the legislative body creates a separate and distinctive Building Code Board of Appeals.

(a) If an owner or builder feels aggrieved by a decision of the Building Official, he or she can appeal such decision to the Bedford Building Code Board of Appeals. Thereafter, any person aggrieved by the decision of the Board of Appeals may appeal to the Superior Court of Hillsborough County.

§2-1-5 PERMITS REQUIRED

1. Authority

Permits are required as authorized under RSA 676:11-13. Property owners or their agents are required to secure the appropriate permits prior to the start of work.

2. Types of permits Required

- **Building** permits are required for activities as outlined in the adopted residential and non-residential building code.
- **Electrical** permits are required for work as defined in RSA 319-C:2 III. A NH licensed electrician as outlined in RSA 319-C must perform all electrical installations unless excepted as noted in RSA 319-C:3 and property owners performing electrical installations within their existing primary dwelling. An electrical permit will only be issued to the license holder themselves unless otherwise approved by the building department.
- **Plumbing** permits are required for work as defined in RSA 329-A:2 IV. A NH licensed plumber must perform all plumbing installations unless as excepted in RSA 329-A:13. The Town of Bedford limits the scope of homeowners to minor¹ installations within their primary dwelling² only. A plumbing permit will only be issued to the license holder themselves unless otherwise approved by the building department.
- **Mechanical** permits are required for activities as outlined in the adopted mechanical and fuel gas codes.
- **Septic System** Permits are required for the installation of new septic systems and for the repair of existing septic systems.

Additional Permits

The Town of Bedford reserves the right to require other permits than those listed in this ordinance upon request from the building department to the Town Council. Should the council approve additional permits they shall be noted in the department handbook, along with the appropriate fee schedule, and a supplement added to this ordinance.

3. Issuance of Building Permits

The Building Official, or his designee, shall not issue building permits under the following conditions³:

¹ Minor installations are those that entail relocating or replacing existing plumbing fixtures.

² Primary dwelling is deemed to be location where the individual currently resides.

³ RSA 676:12 requires permits to be withheld in certain cases. See full text of statute.

- a. If issuance of the permit would constitute a violation of an existing zoning ordinance or would result in violation of an approved site plan.
- b. If issuance of the permit would constitute a violation of a proposed zoning ordinance change once they have been duly noticed under the conditions as outlined in RSA 675:7.
- c. If issuance of a building permit is in direct conflict with the provisions of RSA 674:41 Erection of Buildings on Streets; Appeals.

Applicants are required to allow the issuing agency adequate time, as outlined in RSA 676:13, to review the proposed work when reviews are required by any of the enforced/adopted codes as referenced in section §2-2-1 if this ordinance.

FEES

The Building Official shall review and submit to the Town Council, at their request, a report evaluating the Bedford Permit Fee⁴ schedule. This evaluation shall be a comparison of fees charged in surrounding communities of similar size and activity. The report shall also examine the needs of the building department and evaluate cost of operating the department as it relates to permit fees.

REFUNDS

Refunds will be issued for non-active permits upon receipt of formal request from permit fee payee. The refunds will be reduced at the rate of 16.6% per month (based upon issue date) for every month the permit has been issued, minus administrative costs.

ARTICLE 2-2 BUILDING CODES

§ 2-2-1 Building Codes

The Town of Bedford as authorized under RSA 674:51-a and 674:51 shall enforce, adopt and amend the following codes to be used as the minimum requirements for construction enforced by the Town of Bedford to provide for the general welfare and safety.

(a) Providing for the issuance of permits and collections of fees vote to enforce the current edition of the International Building Code referenced in NH RSA 155-A, as amended by the State Building Code Review Board, for the purpose of regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, and use of all structures not covered by the International Residential Building Code with the following amendments:

Amend the IBC section outlining Architect/Engineer responsibilities during construction by adding the following responsibilities:

⁴ Complete fee schedule is available from the Bedford Building Department.

When the laws of the State of New Hampshire require that construction documents be prepared by registered architects or engineers or the plans do not meet the prescriptive requirements of the code, the registered architects or engineers who have prepared plans, computations and specifications or the registered architects or registered engineers who have been retained to perform construction phase services, shall perform the following tasks for the portion of the work for which they are directly responsible:

1. Review, for conformance to the design concept, shop drawings, samples and other submittals, which are submitted by the contractor in accordance with the requirements of the construction documents.
2. Review and approval of the quality control procedures for all code-required controlled materials, structural tests and special inspections.
3. Be present at intervals appropriate to the stage of construction to become generally familiar with the progress and quality of the work and to determine, in general, if the work is being performed in a manner consistent with the construction documents and accepted engineering practice standards.
4. The design professional shall submit to the building department documentation verifying compliance with the above requirements at regular intervals, which shall be noted at the time of permit issuance.
5. The tasks listed in this section are in addition to requirements for structural observation or other duties specified in Section 1704, Section 1709 or elsewhere in the adopted International Building Code.

Add a new section regarding Architect/Engineer qualifications:

When the requirements of codes dictate there shall be design professionals preparing plans; those professionals shall have their license based upon the discipline required for the plans being prepared. Any design professional wishing to stamp plans for a discipline other than the one his or her license is based upon may be required to submit additional documentation validating his or her competency in the additional area of design.

(b) Projects controlled by the International Building Code shall comply with the Architectural Barrier-Free Design Code for New Hampshire (ABFDC-NH) and the Americans With Disability Act Accessibility Guidelines (ADAAG), as adopted by the ABFDC-NH, where required by state law and by code section. The design professional of record shall be required to verify compliance.

(c) Adopt the current edition of the International Mechanical code as referenced in NH RSA 155-A as amended by the State Building Code Review Board.

(d) Adopt the current edition of the International Plumbing Code as referenced in NH RSA 155-A, as amended by the State Building Code Review Board with the following amendments:

Add Section governing maximum hot water temperature:

Hot water temperatures supplying fixtures for domestic or personal hygiene use shall be limited to a maximum of 130⁰ F (55⁰ C). A tempering device conforming to ASSE 1017

shall be installed to control water temperature. This provision shall not supersede the requirements for protective shower valves as noted in the code or the hot water temperature limitations required for nonresidential occupancies.

(e) Enforce the current energy requirements of the adopted and amended state residential and nonresidential building codes. Verification of these requirements must be through the submission of ComCheck software for nonresidential projects and through ResCheck software or PUC approved energy compliance packages.

(f) Providing for the issuance of permits and collection of fees vote to enforce the current edition of the International Residential Building Code referenced in NH RSA 155-A as amended by the State Building Code Review Board.

Insert the following values for **Climatic and Geographic Design Criteria**:

Wind speed: 90 mph, Ground Snow load: 70 lbs/sq.ft., Weathering: severe, Frost line Depth: 48 inches, Termite probability: Slight to moderate, Winter Design Temp: 0°, Flood Hazard: Flood Insurance Rate Maps, Seismic Design Class: C

Modify the section controlling stairway light activation to read: Where lighting outlets are installed in interior stairways, there shall be a wall switch at each floor level to control the lighting outlet where the stairway has six or more risers. The control for activation of the required interior stairway lighting shall be accessible at the top and bottom of each stairway without traversing any step of the stairway. The required control shall be illuminated in the off position. The illumination of exterior stairs shall be controlled from inside the dwelling.

Modify garage separation specifications. Substitute 5/8" Type X gypsum board for all references to 1/2 gypsum board

(g) Adopt the appendices for each of the codes, referenced in RSA 155:a. Where any appendix conflicts with any local ordinance or other state code the more stringent requirement shall take precedence unless state statute or local ordinance prohibits the use of the specific requirements.

(h) Providing for the establishment the minimum regulations governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; by adopting the current edition of the International Property Maintenance Code.

(1) This property maintenance code shall not apply to those single residential dwelling units that are owner occupied.

(i) The enforcement of the above referenced State of NH adopted codes (with state and local amendments) and the International Property Maintenance Code does not preempt the enforcement of the regulations adopted by the State of New Hampshire regulatory agencies responsible for those professions requiring licensing under state law, nor does it preempt the enforcement of current

regulations recognized by the New Hampshire Fire Marshal's office. In those situations where code requirements are different the Town of Bedford reserves the right to enforce those requirements that are more stringent.

(j) Town enforcement of updated code editions shall be the effective date of adoption by the state. The conditions outlined in section 2-2-1 (k) shall govern those permits to be controlled by the updated codes. The Building department shall post notices as determined by the Town Council to warn of impending code changes warranted by this section.

(k) Code changes will become effective for those complete permit applications received the first day after the effective date referenced in section 2-1-2 (j). Approved permits not having been actively pursued within 180 days of issuance of the permit.

ARTICLE 2-3 CERTIFICATE OF OCCUPANCY

§ 2-3-1 CERTIFICATE OF OCCUPANCY

1. In addition to a building permit, a certificate of occupancy shall be required prior to the use of any new or modified area or structure for which a permit is required.
2. No person shall use or permit the use of any building, structure, or premises or part thereof hereafter erected, relocated, altered, repaired, converted or extended until a Certificate of Occupancy is issued by the Building Official or his designee.
3. The Certificate of Occupancy is required to insure compliance with the approved site plans by the Planning Board and the requirements of the Town of Bedford Zoning, Subdivision Regulations, and Building Code.

ARTICLE 2-4

POSTING OF RESIDENTIAL, COMMERCIAL AND INDUSTRIAL STREET NUMBERS

§ 2-4-1 REQUIREMENT FOR ALL PROPERTIES

Every dwelling, building, or structure, whether it is residential, commercial or industrial, (whether existing on the date of this Ordinance, or which may exist in the future) located in the Town of Bedford shall be required to have a number(s) posted upon such dwelling, building, or structure or upon the property which is under construction of such improvements exist, so as to be plainly visible from the street which abuts the main entrance to such property.

§ 2-4-2 Posting of Additional numbers

Whereas such posting of a number(s) is not readily visible from the street year round, an additional number shall be posted at the main driveway entering onto the property from a public road. Such posted number(s) shall be at such a height level and in an area where the number(s) will not be obstructed by trees, brush, snow banks, parked vehicles, or any other material.

§ 2-4-3 Signage

This number, which represents the legal address as assigned by the Town of Bedford, shall be a minimum of 4" in height and shall be Arabic numerals or block style letters.

§ 2-4-4 Multiple Units

Every dwelling, building, or structure that houses more than one (1) living unit or business section shall also post appropriate unit number(s) or letter(s) for each separate living unit or business section, so as to be plainly visible in the main entrance to such unit or section of the main dwelling, building, or structure.

§ 2-4-5 Certificate of Occupancy

No dwelling, building, or structure shall be issued a Certificate of Occupancy until the assigned number(s) have been posted in accordance with this ordinance.

§ 2-4-6 Penalty for Violations

The owner of any dwelling, building, or structure who shall fail to post such number(s) within thirty (30) days after notice from the town manager, or its duly authorized agent, shall be fined not more than twenty-five dollars (\$25) for each day that the number(s) is not posted.

[Public Hearing: 6/20/90. Adopted: Town Council – 7/11/90.]

ARTICLE 2-5 FINES

§ 2-5-1 Fines

1. **WORK IN PROGRESS:** Penalty for starting work prior to issuance of the required permit shall be a minimum surcharge of \$100 or twice the calculated permit fees for the project whichever is greater.
2. **COMPLETED WORK:** The penalty for completing work and using said building, space, structure or premises without benefit of a permit and a Certificate of Occupancy shall be no less than \$150 per year for each year it is determined said violation exists⁵. In addition to the fine the owner and the owner's heirs, successors and assigns agree to waive any claim against the Town of Bedford and to indemnify the Town of Bedford with respect to any claim arising out of the use or occupancy of that portion (s) of the property for which no permits were secured. Such indemnification shall be recorded at the registry of deeds for the property in question.

⁵ The most recent town wide property evaluation will be used to determine what improvements have been made to the property.

- a. In lieu of fines the property owner may elect to secure the required permits from the building department and be subject to all requirements associated with the building permit process.

§ 2-5-2 Appeals

1. WORK IN PROGRESS: Appeals for this fine shall be brought to the Building Code Board of Appeals.
2. COMPLETED WORK: Appeals for this fine shall be brought to the Town Manager. Thereafter, any person aggrieved by the decision of the Town Manager may appeal to the Bedford Town Council.

ARTICLE 2-6 SEVERABILITY

§2-6-1 SEVERABILITY

If any section, provision, or part of this Ordinance should be held invalid for any reason whatsoever, such decision shall not affect the remaining portions, which shall remain in full force and effect; and, to this end, the provisions of this Ordinance are severable.

Effective Date

This ordinance shall become effective upon passage.

[Public Hearing: 9/19/07. Adopted: Town Council –10/10/07.]