



WILTON, NEW HAMPSHIRE

LAND USE LAWS



2009 Code for Building and Sanitation - Ordinance

***AS AMENDED IN TOWN MEETING,
MARCH
1978, 1989, 1991, 1993, 1996, 1997, 2004, 2005, 2009***



TABLE OF CONTENTS

ARTICLE I. PREAMBLE 1

ARTICLE II. BUILDINGS..... 1

ARTICLE III. FLOOD PLAIN DEVELOPMENT REGULATIONS..... 5

ARTICLE IV. SANITATION..... 7

ARTICLE V. AMENDMENTS 7

ARTICLE VI. PENALTIES 7

ARTICLE VII. BOARD OF APPEALS 8

ARTICLE I. PREAMBLE

The purpose of this code is to provide for the health, safety and welfare of the Town of Wilton, NH residents by ensuring a minimum standard of building construction; to provide reasonable safeguards for sanitation; to protect against the hazards of inadequate, defective or unsafe mechanical and/or electrical systems and installations; and to safeguard against the hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings.

This Building Code is adopted pursuant to and in accordance with the authority granted by NH RSA 674:51 and RSA 155-A:7 and governs the construction, remodeling and maintenance of all buildings and structures in the Town of Wilton. (*Amended March, 2009*)

ARTICLE II. BUILDINGS

New building construction, the moving or major structural alterations to the outside of an existing building, or any part thereof, or any different use from which an existing building is now used; the placement of a trailer or mobile home, or placement of an accessory building over 100 square feet, will require a permit from the Building Inspector. (*Amended March 12, 1996.*)

A permit shall not be required for repairing any existing building where the purpose for which the building is used is not changed. A permit shall not be required for the construction of small camps for logging, hunting, maple sugar, fishing and like purposes which may not by their nature and use, conform to the requirements of this Ordinance.

To protect the rights of all town property owners the Building Inspector reserves the right to deny a building permit for the erection of any building or group of buildings or the placement of trailers or mobile homes which in his opinion, would be detrimental to, or lower the valuation of existing adjoining properties. This Ordinance shall not at this time affect any existing buildings built or placed previous to this Ordinance except that at such time as any new additions or structural changes thereto shall take place, a permit will be required.

A building, trailer, or mobile home under five hundred (500) square feet in area will not be erected or emplaced or remodeled for the primary purpose of a permanent abode.

A building of any size will not be erected for the purpose of a permanent living abode without fulfilling the following requirements:

- A. Proper siding (no tarpaper exposed).
- B. Electric wiring shall conform to the applicable Code(s) referenced in Article II, Section E, below. (*Amended March, 2009*)
- C. Chimney Construction. No chimney shall be built, erected, or altered below the roof unless containing a tile or brick lining and with iron clean-out door at or near its base, and shall extend

at least three feet above the roof. No chimney shall be built, erected or altered below the roof having wood or other combustible materials within one (1) inch of the chimney and no chimney shall have its base resting upon any floor or beam of combustible material.

- D. Smoke Pipes. No smoke pipes shall be installed or erected so as to be within twelve (12) inches of any combustible floor or ceiling, unless amply protected with non-combustible material. No smoke pipes shall be installed or erected which passes into or through partitions or walls of combustible material, except when guarded with a double collar of metal with air space of at least five (5) inches of brick or other non-combustible material between the pipe and the combustible material.
- E. For the erection of any new building or major structural alteration to any existing building working drawings of the elevation with dimensions, plus a drawing of the floor plan with dimensions shall be submitted to the Building Inspector as a part of the requirement for a building permit.

In the erection of new buildings or major structural alteration to existing buildings, the following Codes must be met as a minimum standard: (*Amended March, 1991; Amended March, 2009*)

In accordance with RSA 155-A this department will be enforcing the State of New Hampshire Building Code as amended to recognize the following code editions by reference:

- a. **The International Building Code (IBC) 2006 Edition with N.H. Amendments**
- b. **The International Residential Code (IRC) 2006 Edition**
- c. **The International Energy Conservation Code 2006 Edition**
- d. **The International Mechanical Code (IMC) 2006 Edition**
- e. **The International Plumbing Code (IPC) 2006 Edition** with N.H. Amendments.
- f. **The National Electrical Code (NEC) 2008 Edition**

And local adoption of:

- g. **The International Fuel Gas Code 2006 Edition**

Having adopted the above Codes at Town meeting in March 2009, these codes can be revised or updated in the following manner: (*Adopted March, 1993.*) (*Amended March, 2009*)

- a. The Building Inspector shall prepare an amendment for any portion of the local building code that refers to, or that makes insertions in, deletions from or exceptions to the national codes. No amendments to the local building code, except as may be necessary to effect the substitution of revised national codes or code provisions for codes or provisions previously adopted, shall be adopted using the simplified procedure of this paragraph.

- b. The Planning Board shall hold a public hearing on the proposed update or revision, with notice as provided in RSA 675:7. The notice shall include information stating where the proposed local building code amendment and the new or amended national codes or code provisions are available for public inspection.
- c. Following the public hearing, the update or revision shall become final upon approval by the Selectmen and recording with the Town Clerk.
- F. For agricultural building construction there shall be a minimum charge of twenty-five (\$25.00) dollars for the issuance of any building permits where the valuation of improvements is less than five-thousand (\$5,000.00) dollars; where the value of improvements to be made is between five-thousand (\$5,000.00) and ten thousand (\$10,000.00) dollars inclusive, the charge shall be fifty (\$50.00) dollars; and where the value of improvements exceeds ten-thousand (\$10,000.00) dollars, the charge shall be fifty (\$50.00) dollars plus one-quarter of one (0.25) percent of the total value of the improvements to be made over ten-thousand (\$10,000.00) dollars.

Valuation shall be determined by the Board of Selectmen in accordance with the method currently used by the Board for determining the value of existing structures or improvements for State property tax purposes.

Note: *Building Permit Fees* reside in *Appendix VII*. (March 2004)

- G. At least fifteen (15) days prior to actual intent to locate a trailer or mobile home, or construct or add to or alter a building, a permit application will be filed with the Building Inspector, who will make public such application by publication and posting within ten (10) days of receipt of the application, such posting to indicate the nature of the application, specific location, type structure, etc.
- H. Certificate of Occupancy. No building or structure erected or altered as specified in a permit issued under the terms of this Ordinance shall be occupied or used, as a whole or in part, until a Certificate of Occupancy has been issued by the Building Inspector. The Building Inspector shall not issue a Certificate of Occupancy until the applicant has satisfied the Building Inspector that all of the work has been completed in compliance with the Building Ordinance, the septic system meets the requirements of the New Hampshire Water Supply and Pollution Control Commission and local regulations, the driveway entrance has been approved by the Board of Selectmen, and the proper representative of the Fire Department has reviewed the work and finds no violations of any State or local laws within the jurisdiction of the Fire Department; and if the property is on Town water, that the requirements of the Water Department have been met; and if building and/or use meets the Zoning Ordinances as well as the proper filing and approval of all necessary permits. Upon the request of the holder of a permit, the Building Inspector may issue a temporary Certificate of Occupancy for a building or structure, or part thereof, before the entire work covered by the permit shall have been completed, provided such portion or portions may be occupied safely prior to full completion of the building or structure without endangering life or public welfare.
- I. For all residential and non-residential construction, fees shall be payable as set forth in the Building Permit Fees schedule for the issuance of a building permit ((s) and their required inspection(s)). The Building Permit Fees schedule is separate from this ordinance and is reviewed and/or amended periodically as required by the Planning Board, after consultation with the Building Inspector and in a properly noticed public hearing. The Building Permit

**WILTON LAND USE LAWS AND REGULATIONS
CODE FOR BUILDING AND SANITATION**

Fees schedule, located in Appendix VII shall become effective upon approval and certification by the Town Clerk. (March 2004)

ARTICLE III. FLOOD PLAIN DEVELOPMENT REGULATIONS

- A. The following regulations shall apply to all development and construction within A and A1-9 as identified on Flood Insurance Rate Maps, Town of Wilton, NH, Hillsborough County, 1-6 which are declared to be part of this Code, and Section 10 of Wilton's zoning ordinance, Floodplain Conservation District, as amended. If conflicting, the more strict provisions apply.
1. All proposed development in any special flood hazard area shall require a permit. The term "development" is defined to mean "any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations."
 2. Where new and replacement water and sewer systems (including on-site systems) are proposed, the applicant shall provide the Building Inspector with assurance that the systems are located, designed and will be constructed to minimize infiltration and avoid impairment by flood waters.
 3. The Building Inspector shall review all building permit applications for new construction or substantial improvements (meaning any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred) to determine whether proposed building sites will be reasonably safe from flooding. If a pro-posed 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 flotation, 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.
 4. The Building Inspector shall maintain for public inspection and furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having flood hazards identified on a Flood Insurance Rate Map, any certification of flood-proofing and information on the elevation (in relation to mean sea level) or the level of the lowest floor (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed. This information must be furnished by the applicant.
 5. The Building Inspector shall review proposed developments to assure that all necessary permits have been applied for and/or received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334. It shall be the responsibility of the applicant to certify these assurances to the Building Inspector.
 6. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Office of Comprehensive Planning and submit copies of such notification to the Building Inspector and the Federal Insurance Administration.

Further, the applicant shall be required to submit copies of said notification to those adjacent communities, as determined by the Building Inspector.

Within the altered or relocated portion of any watercourse, the applicant shall submit to the Building Inspector, certification provided by a registered professional engineer or architect assuring that the flood carrying capacity of the watercourse has been maintained.

The following requirements shall apply in specific zones designated on the Flood Insurance Rate Maps:

7. In unnumbered "A" zones, the Building Inspector shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State or other source, until such other data has been provided by the Administrator, as criteria for requiring that (i) all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood level, and (ii) that all new construction and substantial improvements on non-residential structures have the lowest floor (including basement) elevated or floodproofed to or above the base flood level.
8. In zones "A1 through A9," for new construction and substantial improvements, the Building Inspector shall require that:
 - a. Residential structures have the lowest floor (including basement) elevated to or above the base flood level.
 - b. Non Residential structures have the lowest floor (including basement) elevated to or above the base flood level; or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effect of buoyancy.
9. In zones "A1 through A9", where floodproofing is used in lieu of elevation, a registered professional engineer or architect shall certify to the Building Inspector that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood level.
10. In zones "A1 through A9" for new, substantially improved, or expanded mobile home parks, and for mobile home placement not in existing mobile home parks, the Building Inspector shall require that:
 - a) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;
 - b) Adequate surface drainage and access for a hauler are provided; and,
 - c) In the instance of elevation on pilings:
 - 1) Lots are large enough to permit steps;

- 2) Piling foundations are placed in stable soil and are no more than ten (10) feet apart; and,
 - 3) Reinforcement is provided for pilings that extend more than six (6) feet above the ground level.
11. In unnumbered A zones and zones A1 through A9, mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that (i) over-the-top ties be provided at each of the four (4) corners with two (2) additional ties per side at intermediate locations and mobile homes less than fifty (50) feet long shall require one (1) additional tie per side; (ii) frame ties be provided at each corner with five (5) additional ties per side at intermediate points and mobile homes less than fifty (50) feet long shall require four (4) additional ties per side; (iii) all components of the anchoring system shall be capable of carrying a force of four thousand-eight hundred (4,800) pounds; and (iv) any additions to the mobile home shall be similarly anchored.

ARTICLE IV. SANITATION

- A. Cesspool, septic tank, or sewer disposal area shall hereinafter be constructed or maintained no less than seventy-five (75) feet from the edge of a public water body or from a dwelling other than that to which it is appurtenant, or as required by the State Board of Health.
- B. Except for existing Town and private sewer systems, no waste waters or sewage shall hereinafter be permitted to run free into a public water body or be discharged in any way that may be offensive or detrimental to the health of others. All such waste shall be conveyed away underground through use of an accepted sanitary system or in such a way that it will not be offensive or detrimental to health.
- C. All sanitary systems shall hereinafter be constructed and maintained in accordance with standards set and enforced by the New Hampshire State Department of Health and by the New Hampshire Water Pollution Commission.

ARTICLE V. AMENDMENTS

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, and when such amendment has received a public hearing, which hearing has been advertised and given a legal fifteen (15) day notice.

ARTICLE VI. PENALTIES

Any person violating any provision of this Ordinance or failing or neglecting or refusing to obey any lawful order or direction of a person authorized to investigate and enforce the provisions of this Ordinance, shall be guilty of a misdemeanor and shall be subject to a fine of not more than ten dollars (\$10.00) and each day's violation shall be a separate offense.

ARTICLE VII. BOARD OF APPEALS

(Amended March 2005)

A. Creation and Appointment

The establishment of a Board of Appeals is hereby authorized. In accordance with RSA 673:1, V, the Wilton Zoning Board of Adjustment shall act as the Board of Appeals.

B. Jurisdiction

The Board of Appeals shall have the power, upon an appeal filed with it by any person aggrieved by a decision of the building inspector dealing with the building code, to vary the application of any provision of the building code to any particular case when, in its opinion, the enforcement of the building code would do manifest injustice and would be contrary to the spirit and purpose of the building code and the public interest.

C. Hearings

1. For all appeals from decisions of the Building Inspector for consideration of application for permits authorized by this Code, the Board of Appeals shall hold a hearing as prescribed herein. The Clerk shall cause to be published and posted a notice which shall indicate the property involved, the nature of the appeal, and the time and place of hearing.
2. The Building Inspector, unless prevented by illness or absence from the State, shall attend all hearings and shall present to the Board of Appeals all plans, photographs or other factual material which is appropriate to an understanding of the appeal.

D. Appeal Procedure

Any person or any municipal department aggrieved by a decision of the Building Inspector with regard to the issuance of a building permit may file an appeal in writing with the Board no later than 15 days following the date of the decision. The procedures of the Board following the filing of an appeal shall be the same as those followed by the Zoning Board of Adjustment following the filing of a zoning appeal.

**WILTON LAND USE LAWS AND REGULATIONS
CODE FOR BUILDING AND SANITATION**

CERTIFICATION AND FILING WITH THE TOWN CLERK AND NHOEP

Pursuant to RSA 675:6, 8, and 9

Planning Board Certification - (Signature)

- 1. _____ Date: _____
- 2. _____ Date: _____
- 3. _____ Date: _____
- 4. _____ Date: _____
- 5. _____ Date: _____
- 6. _____ Date: _____
- 7. _____ Date: _____

Town Clerk Certification - (Signature)

_____ Date: _____

NH Office of Energy and Planning

Copy Forwarded

Date: _____

By: _____

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