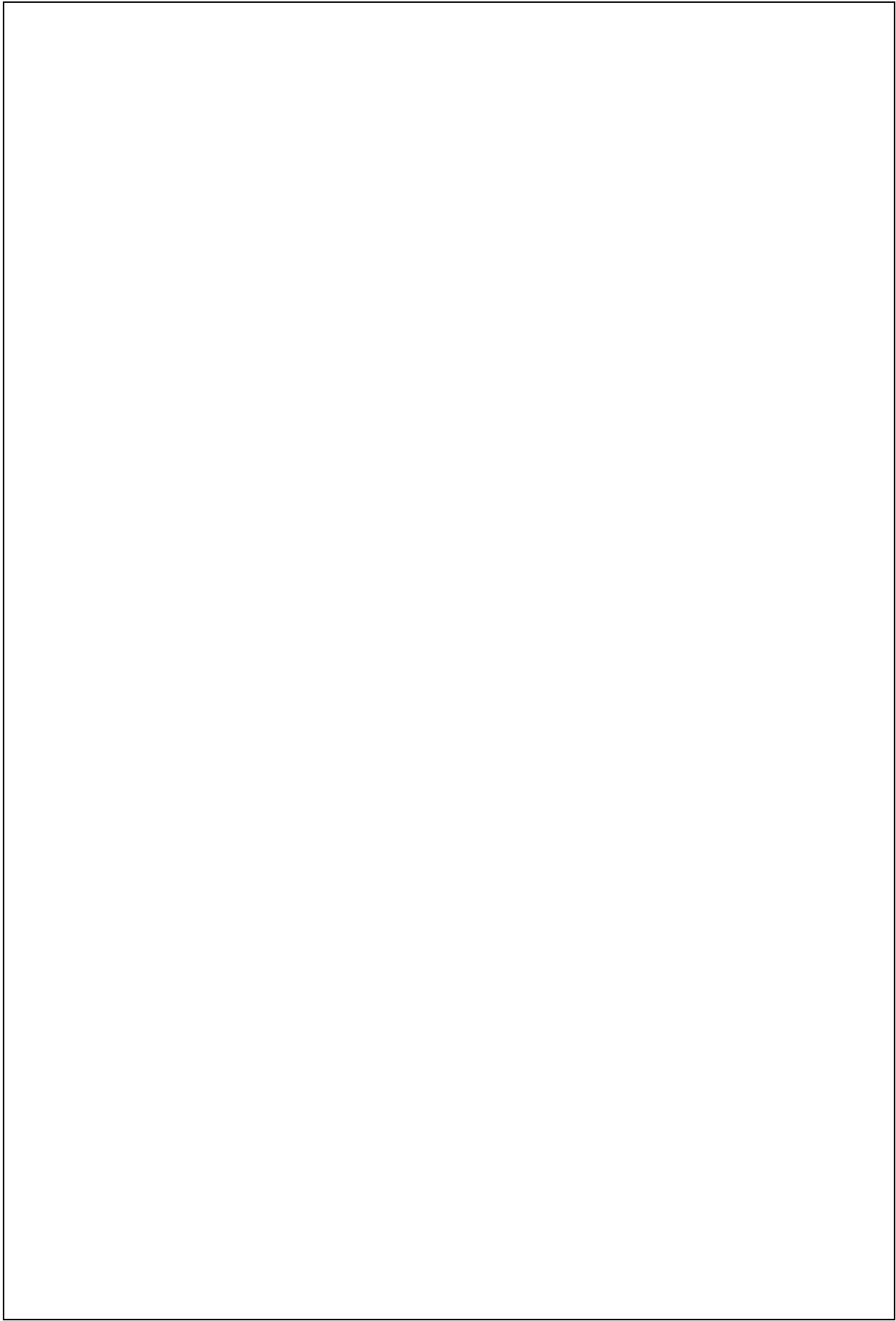


# **BUILDING CODE ORDINANCE**

**Town of New Castle, NH**

**May 2023**



**BUILDING CODE  
TOWN OF NEW CASTLE, NEW HAMPSHIRE**

**TABLE OF CONTENTS**

<b>SECTION</b>	<b>PAGE</b>
Section 1. <a href="#"><u>Code Adoption</u></a> .....	Bldg - 1
Section 2. <a href="#"><u>Establishment of Office of Building Official</u></a> .....	Bldg - 1
Section 3. <a href="#"><u>Duties of Building Official</u></a> .....	Bldg - 2
Section 4. <a href="#"><u>Liability of Building Official</u></a> .....	Bldg - 2
Section 5. <a href="#"><u>Right of Entry</u></a> .....	Bldg - 3
Section 6. <a href="#"><u>Definitions</u></a> .....	Bldg - 3
Section 7. <a href="#"><u>Fire Limits</u></a> .....	Bldg - 3
Section 8. <a href="#"><u>Fees</u></a> .....	Bldg - 3
Section 9. <a href="#"><u>Saving Clause</u></a> .....	Bldg - 4
Section 10. <a href="#"><u>Validity</u></a> .....	Bldg - 4
Section 11. <a href="#"><u>Inconsistent Ordinances Repealed</u></a> .....	Bldg - 4
Section 12. <a href="#"><u>Amendments Made in Said Code</u></a> .....	Bldg - 4
Section 13. <a href="#"><u>Permits</u></a> .....	Bldg - 4
Section 14. <a href="#"><u>Conflicts</u></a> .....	Bldg - 4
Section 15. <a href="#"><u>Appeal Procedure</u></a> .....	Bldg - 5
Section 16. <a href="#"><u>Date of Effect</u></a> .....	Bldg - 5



## BUILDING CODE

Be it ordained by the Town of New Castle at its Town Meeting held on March 7, 1972, further amended by its Town Meeting held on June 27, 1975, its Town Meeting held on March 2, 1976, its Town Meeting held on April 1, 1978, its Town Meeting held on May 13, 1980, its Town Meeting held on May 11, 1982, its Town Meeting held on May 14, 1985, its Town Meeting held on May 14, 1996, and its Town Meeting held on May 13, 2008, its Town Meeting held on May 13, 2014, and its Town Meeting held on May 9, 2023 pursuant to the provisions of the New Hampshire Revised Statutes Annotated Chapter 156-A as amended that the Town of New Castle has adopted the Building and Fire Codes as amended by the State of New Hampshire.

Appendix C, as amended, reads as follows:

AN ORDINANCE PROVIDING FOR FIRE LIMITS AND REGULATIONS, GOVERNING THE CONSTRUCTION, ALTERATION, REMOVAL AND DEMOLITION, EQUIPMENT, USE AND OCCUPANCY, LOCATION AND MAINTENANCE OF BUILDINGS AND STRUCTURES.

### Section 1 Code Adoption

- (a) The Town of New Castle has adopted the Building and Fire Codes as amended by the State of New Hampshire. (May 2008; May 2014, May 2023)
- (b) Wood roofing shingles are not permitted unless they meet Class B fire rating or higher from the manufacturer. Contractor or owner must obtain approval from the building inspector prior to installation. (May 2022)
- (c) All new buildings and structures, except for residential structures of two dwelling units or less, which have been granted exception to the 35-foot height limit of the Zoning Ordinance, shall be constructed utilizing all the requirements set forth in the Town's Building Code under the Special Use and Occupancy Chapter for HIGH RISE BUILDINGS.

In addition, all said buildings or structures shall be constructed to a Type 1A, 1B 2A or 2B construction type and shall be provided with an automatic fire suppression system with 100% building coverage, based on National Fire Protection Association Code 13 standards.

The construction type and suppression requirements of this section shall take precedence over any alternate provisions which may be part of the high-rise building section in the building code. (May 14, 1991)

### Section 2 Establishment of Office of Building Official

- (a) The office of building official\* is hereby created and the executive official in charge shall be known as the Building Official.

*\* a.s.l. May 14, 1985. All references to Building Official shall also mean Building Inspector.*

- (b) The Building Official shall be appointed by the Selectmen. His appointment shall continue during good behavior and satisfactory service.  
He shall not be removed from office except for cause after full opportunity has been given him to be heard on specific charges. (March 1972)
- (c) During temporary absence or disability of the Building Official, the appointing

authority shall designate an acting building official.

- (d) A deputy building official may be appointed by the Board of Selectmen. (May 9, 2006)

### **Section 3**      **Duties of Building Official**

- (a) It shall be the duty of the Building Official to enforce all laws relating to the construction, alteration, removal and demolition of buildings and structures. The Building Official shall require the bounding of property for all exterior construction. (Amended May 13, 1980 and May 9, 2006)

The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including pre-fabricated 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. (Adopted at Special Town Meeting held June 27, 1975, with no reference to section amended.)

- (b) It shall be the duty of the Building Official to enforce the regulations set forth by the New Hampshire Governor's Council on Energy, Thermal and Lighting Standards.

- 1. The issuance of a building permit shall constitute a "Certificate of Compliance" as applicable. (Amended May 11, 1982)

### **Section 4**      **Liability of Building Official**

The Building Official or any employee charged with the enforcement of this code, acting in good faith and without malice for the Town in the discharge of his duties, shall not thereby render himself liable personally and he is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of his duties. Any suit against the Building Official or employee, because of such act or omission performed by him in the enforcement of any provision of this code, shall be defended by the legal department of the Town until final termination of the proceedings. (Amended April 1, 1978 to change word "city" to "town" in each place it appeared.)

## **Section 5**      **Right of Entry**

The Building Official, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

## **Section 6**      **Definitions**

- (a)      Wherever the word “Municipality” is used in the building code, it shall be held to mean the Town of New Castle.
- (b)      Wherever the term “Corporation Counsel” is used in the building code, it shall be held to mean the Attorney for the Town of New Castle.
- (c)      The word “structure” in the Zoning Regulations shall not include fences. (May 11, 1982)

## **Section 7**      **Fire Limits**      Deleted by Town Meeting March 7, 1972

## **Section 8**      **Fees**

- (a)      No permit as required by the Building Code shall be issued until the fee prescribed in this ordinance shall have been paid. Nor shall any amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, shall have been paid.
- (b)      A permit for the construction, installation or alteration of a building or structure, the fee shall be at the rate of seven dollars (\$7.00) per one thousand dollars (\$1,000) of estimated construction value. A minimum fee of fifty (\$50.00) will be charged. (May 12, 1998 and Amended May 9, 2006; May 11, 2010)
- (c)      A permit for the relocation of a building or structure from one lot to another or to a new location within the same lot, the fee shall be at the rate of seven dollars (\$7.00) per thousand dollars (\$1,000) of the estimated cost of moving, including new foundations and work necessary to put the building or structure in useable condition in its new location. (May 9, 2006; May 11, 2010)
- (d)      A permit for the demolition of a building or structure shall be required. A fee of \$50 will be charged. (March 2, 1976; May 11, 2010; May 13, 2014)
- (e)      The term “estimated construction value” as used in this section means the reasonable construction value of all services, labor, materials and use of scaffolding and other appliances or devices entering into and necessary to the prosecution and completion of the work ready for occupancy; provided that the cost of excavation or grading; and of painting, decorating or other work that is merely for embellishment or not necessary for the safe and lawful use of the building or structure, is not deemed a part of such estimated cost.
- (f)      At his discretion, the building inspector may use the most current R.S. Means construction data to verify construction value. (May 14, 1991; May 11, 2010)
- (g)      A Certificate of Occupancy is required before the habitation of any structure. A Certificate of Occupancy will not be issued until all relevant permits are secured and inspections are completed. The building owner may be subject to a civil

penalty not to exceed \$275.00 for each day that a violation of Section 8(g) has taken place. (May 9, 2006)

## **Section 9**      **Saving Clause**

Nothing in this ordinance or in the building code hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy or any character be lost, impaired or affected by this ordinance.

## **Section 10**      **Validity**

The invalidity of any section or provision of this ordinance or of the building code hereby adopted shall not invalidate other sections or provisions thereof.

## **Section 11**      **Inconsistent Ordinances Repealed**

Deleted by Town Meeting, March 7, 1972. (The method to be used is prescribed by the New Hampshire Revised Statutes.)

## **Section 12**      **Amendments Made in Said Code**

Deleted by Town Meeting, March 7, 1972. (The method to be used is prescribed by the New Hampshire Revised Statutes.)

## **Section 13**      **Permits**

- (a) A permit will not be required for normal maintenance and repairs for work below \$2,000 including materials and labor. Painting shall not require a permit from the Building Inspector. (March 2, 1976, May 2023)
- (b) A building permit is required for the installation of vinyl or aluminum siding unless it is to replace existing vinyl or aluminum siding. (May 11, 1982)
- (c) A copy of a building permit must be posted by the applicant at the work site prior to start of work. (May 2021)
- (d) Building permits are valid for a period of twelve months after issuance. An extension of six months may be granted at the discretion of the Building Inspector after a request is made in writing prior to the permit's expiration date. If the project is not completed after 18 months, a new building permit application must be submitted and issued under the code of the original permit. The fee shall be at the rate of three dollars and fifty cents (\$3.50) per one thousand dollars (\$1,000) of the estimated remaining construction value. A minimum fee of fifty dollars (\$50.00) will be charged. (May 2003, May 2022)
- (e) Any person, including any contractor or property owner, found to have demolished, constructed, altered, removed or changed the use of a building or structure without the benefit of a building, electrical, plumbing, or mechanical permit shall be subject to an additional fee added to each permit in the amount of 100 percent of the permit fee (i.e., a double fee) and may also be subject to a penalty of \$275 a day for each day that the violation continues, as well as be subject to an injunction, payment of the Town's costs and attorney's fees expended in pursuing legal action, and all other remedies available to the Town under RSA 676:15 and RSA 676:17.



**Section 14**      [Conflicts](#)

In any areas of conflict between the Building Code and the Town Zoning Ordinance, the more restrictive Code or Ordinance shall govern. (May 2011)

**Section 15**      [Appeal Procedure](#)

If the applicant for a permit under this code is dissatisfied with any decision rendered by the Building Official the permit applicant may appeal in writing, stating the points in contention to the ZBA. The ZBA shall meet with the permit applicant and the Building Official to discuss the matter and shall render a decision within a reasonable period of time not to exceed thirty (30) days. (May 2021)

**Section 16**      [Date of Effect](#)

This ordinance shall take effect 60 days after its approval as required by law.