

SECTION XVI BUILDING ORDINANCE

1. APPOINTMENT AND DUTIES OF BUILDING INSPECTOR

The building ordinance of the Town of Goshen, New Hampshire was adopted by the voters of Goshen in 1968 and was amended by the voters of Goshen in 1989, 2002, and 2003.

The Inspector of Buildings shall be appointed by the Selectman annually and shall be the administrative officer of this ordinance. He shall receive applications for all new buildings and the fees as provided in this ordinance; shall deposit with the Town Clerk a record of all applications and his action thereon; and may issue permits for erection if, in his opinion, the proposal complies with the law of the State, this ordinance and other town ordinances and bylaws; shall act in coordination with the fire laws; shall act in coordination with the fire warden and/or health officer in any matter in which their duties as prescribed by law may coincide or conflict; and shall take such action in the enforcement of this ordinance as may be directed by the Selectman.

2. REQUIREMENT OF PERMITS FOR ALL BUILDINGS

No building shall be erected until a permit thereof has been issued under the terms of this ordinance. Remodeling into habitable dwellings of existent structures not now being so used or conversion into apartment units of existent homes, attached ells and/or accessory buildings shall place them within the scope of this ordinance. Any additions to existing

buildings for the creation of living space shall also require a permit.

3. BUILDING PERMIT AND FEES

No application for a permit required by this ordinance shall receive action by the Building Inspector unless made in writing.

All applications for a permit to build or reconstruct such a class of building shall be accompanied by a sketch or plan of the proposed building including a wiring diagram. The description and plan of the project shall contain detail that is sufficient to enable the Building Inspector to assess its compliance with all provisions of the Town's Building Ordinance as well as current state and federal regulations. A building permit shall become void unless operations are commenced within six (6) months from date of approval, unless such time is extended by the Building Inspector in writing.

a. Occupancy Permit

No building may be occupied permanently until a certificate of occupancy has been issued by the Building Inspector (see section B2 of Zoning Ordinance).

b. Fees

Fees for building permits and for certificates of occupancy shall be set by the Board of Selectman under the provisions of RSA 41:9-a, at amounts reasonably calculated to cover the Town's actual regulatory, administrative, and enforcement costs in connection with this Ordinance. Prior to setting any such fees, the Selectman shall hold a public hearing as set forth in RSA 41:9-a, IV.

If a building permit is denied, all but \$5 of the fee will be refunded.

4. ACTION ON BUILDING PERMITS

Upon receiving such application the Building Inspector shall promptly take such action as may be indicated in the way of investigation to acquaint himself with the merits of the application. If he finds the proposed building to conform with the law and this ordinance, including the State Fire and State Building Code, he may at once issue the permit in writing over his signature. If he finds the proposal in any conflict with the law or this ordinance, he shall fix whatever restrictions or conditions on the proposed construction as may be, in his best judgment, right and proper, or for reasonable cause he may refuse the permit. As set forth in RSA 155-A:2, VIII, responsibility for compliance with the State Building Code, State Fire Code, this Ordinance, or any other applicable law shall remain the full responsibility of the land owner and contractor. Neither the issuance of a permit nor any inspection shall be construed as a representation or guarantee of code compliance.

5. CONSTRUCTION REQUIREMENTS

No building or structure shall be erected or rebuilt for habitation unless in compliance with the following:

a. Roofs

No roof of any building shall be covered or recovered in whole or in part save with any non-combustible or fire-resistant roofing materials.

b. Chimney Construction

Chimneys shall extend at least 3 feet above the highest point where they pass through the roof of a building and at least 2 feet higher than any portion of the building within 10 feet. No chimney shall be built having wood or other combustible materials within one inch of the chimney and no chimney shall have its base resting upon any floor or beam of combustible material. Factory-built chimneys that are approved as a result of tests and listing by a nationally recognized testing laboratory shall be installed in accordance with the conditions of the approval.

c. Thimbles

No wallpaper or other combustible material shall be laid over any thimble or thimble hole in any chimney.

d. Smoke Pipes

No smoke pipes shall be installed or erected so as to be within twelve inches of any combustible floor or ceiling, unless amply protected with non-combustible material. No smoke pipe shall be installed or erected which passes into or through partitions or walls of combustible material except when guarded by a double collar of metal with air space of at least five inches, or by at least five inches of brick or other noncombustible material between the pipe and the combustible material.

e. Electric Wiring

All electrical wiring shall conform with approved and practices for safety to life and property. Compliance with the current version of the National Electrical Code, published by

the National Board of Underwriters, as may be amended from time to time, shall be prima facie evidence of such approved methods and practices.

f. Plumbing

All plumbing shall conform with approved methods and practices for safety to life and property. Compliance with the current version of the International Plumbing Code as published by the International Code Council, as may be amended from time to time, shall be prima facie evidence of such approved methods and practices.

g. Foundations

All structures shall be set on solid foundations or piers of cement, brick, stone, or other acceptable masonry.

h. Living Space

Every dwelling unit to be used by a single family shall have a minimum living space of 800 square feet. Smaller dwelling units may be permitted by special exception, with a limit placed by the Zoning Board of Adjustment on the number of occupants allowed in the unit.

i. Outside Walls

Outside walls shall be constructed of properly finished material commonly used for outside construction. Protective building paper is not acceptable within the scope of this paragraph.

j. Sewerage

When a public system is not available, a private sewerage disposal system is required.

Septic tanks and drainage fields are required with flush bowls and size, type and construction must be approved. All septic tanks and drainage fields shall be in accordance with state law (Chapters 147-8, Revised Statutes Annotated).

k. Setback

All buildings shall have setbacks that conform to setback requirements defined in Sections III.D.1 and III.D.2 (general), Section IV.2 (slaughtering and commercial raising of animals or poultry), Sections V.B.1 and V. B.2 (commercial) or Sections VI.B, VI.C, and VI.D (non-conforming), as applicable.

l. Culverts

In any case where a new driveway or roadway could interfere with drainage on town roads, culvert installation and necessary grading may be required of property owner concerned.

As a condition of the permit, the required culvert (s) will be maintained by the town. The driveway is the responsibility of the property owner and will be kept in good repair at the expense of the property owner.

Replacement of damaged or dysfunctional culvert (s) will be the expense of the property owner. The property owner will be responsible for providing payment in full within 30 calendar days of the completion of the installation. If the property owner fails to pay for the installation within 30 calendar days, the property owner will be assessed the charges thru a lien on their respective property.

If the property owner receives notice that the culvert needs replacing or repair, the property owner has 30 calendar days to respond to the town in writing as to how the issues will be addressed. After 30 calendar days the Goshen Road Agent will begin the replacement/repair work as deemed necessary.

6. MOBILE HOMES

Mobile homes shall come within the scope of these regulations in all respects except the living space area, where the provisions of RSA 674:31 shall apply. Travel units or recreational vehicles shall not be set up on a permanent basis for habitation without conforming with these regulations. School buses and similar vehicles are not approved for habitation.

7. RIGHT OF APPEAL

Any order, requirement, decision, or determination made by an administrative official may be appealed before the Zoning Board of Adjustment, sitting as the Building Ordinance Board of Appeals.

8. AMENDMENT

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.

9. ENFORCEMENT

Upon any well-founded information that this ordinance is being violated, the Selectmen shall on their own initiative take immediate steps to enforce the provisions of the ordinance by seeking an injunction in the Superior Court or by other appropriate legal

action. Whoever violates any of the provisions of the above regulations shall be punished upon conviction by fines and penalties constant with RSA 676:15; 676:17; 676:17-a and 676:17-b.

10. CONFLICTING PROVISIONS

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

11. VALIDITY

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