

## Chapter 4

### BUILDINGS AND BUILDING REGULATIONS\*

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\* **Editors Note:** Art. 13:100 of an ordinance adopted Oct. 1, 1990, repealed former §§ 4-1--4-12 and enacted similar new provisions as herein set out. Formerly, such provisions derived from §§ 13:101.4, 13:102--13:102.4, 13:103, 13:104.1, 13:104.2, 13:105--13:109 of the city's 1977 Code.

**Cross References:** Animals, Ch. 3; building inspection department creation, § 2-266 et seq.; fire department, § 2-301 et seq.; fire prevention and protection, Ch. 6; health, Ch. 7; housing, Ch. 8; housing code adopted, § 8-16 et seq.; license and regulation of occupations and businesses, Ch. 9; mobile homes and manufactured housing and mobile home parks, Ch. 10; solid waste, Ch. 12; streets, sidewalks and other public places, Ch. 13; subdivisions, Ch. 14; utilities, Ch. 16; zoning and land use, Ch. 17; flood prevention and protection, § 17-101 et seq.

**State Law References:** Authority to adopt building codes, RSA 47:22; construction and inspection of buildings, RSA 155-A:1 et seq.

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#### Sec. 4-1. Declaration of purpose.

The city council hereby adopts the State Building Code to establish uniform rules and regulations for the construction of buildings within the city pursuant to RSA 155-A, as amended. Further, that the city council hereby adopts as an amendment to the State Building Code, the International Existing Building Code, 2009 Edition.

(Ord. of 10-1-90; 6/7/10; 12/19/10)

#### Sec. 4-2. Ordinary Repairs.

(a) No permit is required for ordinary repairs, as defined in the State Building Code, . The use and occupancy of any structure on the date of the adoption of the building code or for which it has been previously approved shall be permitted to continue without change, except as may be mandated by any of the national code requirements.

(Ord. of 10-1-90 & 6/7/10)

**Cross References:** Housing, Ch. 8; mobile homes and mobile home parks, Ch. 10.

#### Sec. 4-3. Application for permit.

(a) Application for building permits shall be made to the building inspector and shall be accompanied by plans and specifications which shall to the satisfaction of the building inspector adequately show the work to be done. Such plans and specifications shall be verified by the signature of either the owner of the premises or the contractor in charge of the construction work. All plans shall bear the seal of a registered architect or engineer, except for the following: single- or two-family dwellings or any structure which does not have as its principal structural members reinforced concrete or

structural steel or is two (2) stories or less and four thousand (4,000) square feet or less and is not a building of public assembly.

(b) A completed application shall contain all necessary information as required by any applicable provision of any of the national codes containing the construction requirements (Ord. of 10-1-90 & 6/7/10))

**Sec. 4-4. Action on application.**

(a) Upon submission of a completed application, the building inspector shall examine such document to determine if the proposed construction or alteration complies with the requirements set forth by the building, plumbing, electrical and life safety codes.

(b) The fire department shall review all permit applications and requests for certificates of occupancy to determine compliance with the fire prevention and life safety codes and shall file its report with the building inspector.

(c) Upon approval, a building permit shall be issued for construction, which is to begin within thirty (30) days from date of issue.  
(Ord. of 10-1-90 & 6/7/10)

**Sec. 4-5. Compliance with other ordinances and regulations and certificate of occupancy.**

No permit or certificate of occupancy issued pursuant to this building code shall be valid unless it complies with the provisions of the zoning ordinance, subdivision regulations, if applicable, and any and all pertinent regulations of the city. No new structure shall be occupied for use until a Certificate of Occupancy has been granted by the code official. The Code Official shall issue a Certificate of Occupancy for new structures only at such time that that official is satisfied that the structure is substantially complete and safe for occupancy and that applicable codes have been met. (IBC language)  
(Ord. of 10-1-90 & 6/7/10))

**Sec. 4-6. Inspections.**

The code official shall make or cause to be made such inspections as deemed necessary to enforce this building code and to conduct tests or examinations of materials and methods used for the purpose of compliance with the code.  
(Ord. of 10-1-90)

**Sec. 4-7. Fees.**

The minimum fees for building, electrical, plumbing, mechanical, demolition and other permits issued by the building inspector shall be as follows:

Residential 1&2 Family	Fee

Additions & Alterations	\$10.00
Garage/Carports	\$10.00
Siding	\$5.00
Storage Bldg	\$5.00
Fence	\$5.00
Sign	\$5.00
New Home	\$25.00
Elect/upgrade	\$10.00
Elect/new system	\$25.00
Plumbing/upgrade	\$10.00
Plumbing/new system	\$25.00
<b>Multi-Family</b>	
Additions & Alterations	\$25.00
New Building	\$100.00
Elect/upgrade	\$25.00
Elect/new system	\$50.00
Plumbing/upgrade	\$25.00
Plumbing/new system	\$50.00
<b>Com/Ind/Ins</b>	
Additions & Alterations	\$50.00
New Building	\$100.00
Elect/upgrade	\$50.00
Elect/new system	\$100.00
Plumbing/upgrade	\$50.00
Plumbing/new system	\$100.00
<b>Other</b>	
Manufactured home	\$25.00
Demolition Permit	\$5.00

(Ord of 6/7/10)

#### **Sec. 4-9. Modifications.**

When there are practical difficulties involved in carrying out the provisions of any adopted national code, the building inspector may vary or modify such provisions, provided the spirit and intent of the law are observed and public welfare and safety are assured.

(Ord. of 10-1-90 )

**State Law References:** Public hearing requirements, RSA 47:22.

#### **Sec. 4-10. Additions, insertions, deletions and changes.**

The following changes are made in the following codes:

(1) State Building Code (International Building Code, latest edition adopted by the State.)

- a. *Section 100.1 Title.* These regulations shall be known as the building code of the city, hereinafter referred to as this code.
- b. *Section 103.4 Rehabilitation.* Buildings existing before January 1, 1991, in which there is work involving repairs, alterations, additions or changes of use shall be made to conform to the code by applying the requirements of Article 32 or the provisions of Articles 2 through 31.
- c. *Section 109.1 Code official.* The code official as referred to in these codes shall mean the health officer, building inspector or their designees.
- d. *Section 109.2 Appointing authority.* The code official shall be appointed by the city manager. The code official shall not be removed from office, except for cause and after full opportunity to be heard on specific charges by and before the appointing authority. (Ord of 6/7/10; 12/19/10)

(2) International Existing Building Code, 2009 Edition

- a. *Section 101.1 Title.* These regulations shall be known as the Existing Building Code of the City of Berlin hereinafter referred to as "this code."
- b. *Section 1301.2. Applicability.* Structures existing prior to January 1, 1991, in which there is work involving the *additions, alterations or changes of occupancy* shall be made to conform to the requirements of this chapter or the provisions of Chapters 4 through 12. The provisions of Sections 1301.2.1 through 1301.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, and S. These provisions shall not apply to building with occupancies in Group H or I. (Ord. or 12/19/10)

#### **Sec. 4-11. Building Code Board of Appeals.**

(a) There is hereby established a Building Code Board of Appeals which shall be made up of five (5) members appointed for staggered terms of three years each by the Mayor and Council. In the initial appointment, one member will be appointed for a one year term, two members will be appointed for a two year term and two members will be appointed for three year terms. Thereafter, all members will be appointed for three years terms continued on a staggered basis so that no more than two appointments occur in any year except to fill a vacancy. . Members of the Building Code Board of Appeals must be residents of the City of Berlin. The Building Code Board of Appeals shall have the power, upon appeal filed with it by any person aggrieved by a decision of the Building Inspector dealing with this building code, to overrule a decision of the Building Inspector where it feels that the interpretation of the Building Inspector of the Codes is incorrect. In addition, the Building Code Board of Appeals may waive a requirement of the Building Code where it deems that enforcement of the requirement would do manifest injustice and would be contrary to the spirit and purpose of the building code and the public interest or where it deems that another approach proposed will achieve the equivalent result. It is intended that the Board of Appeals shall have such powers as conferred by law. Any person aggrieved by a decision of the Board of Appeals may appeal the decision to the Coos County Superior Court as provided in RSA677:16.

(b) Any appeal to the Board of Appeals shall be taken within fifteen (15) days from the date of the decision of the Building Inspector. The time, notice and manner of hearing before the Board of Appeals shall conform to the same requirements as the hearing before the Zoning Board of Adjustment, except that no notice will be given to abutters.  
(Ord. of 10-1-90 & 6/7/10)

#### **Sec. 4-12. Fines and penalties.**

Any person who violates or fails to comply with the provisions of this chapter and referenced codes herein adopted shall have up to thirty (30) days upon notification to comply. After a maximum of thirty (30) days, anyone found in violation of this chapter or the referenced codes shall be deemed guilty of a violation and shall be fined the amount of no less than one hundred dollars (\$100.00) per day per violation. Each day the violations exist shall be considered a separate offense. Absence of any required permits or lack of compliance with any referenced codes shall be prima facie evidence of a violation.  
(Ord. of 10-1-90 & 6/7/10)