

Building Ordinance

Town of Stratham, N.H.



Adopted March 1983

As amended to March 12th, 2002

Building Ordinance

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STRATHAM BUILDING ORDINANCE

Declaration of Purpose:

The purpose of this ordinance is to promote the health, safety, convenience, and general welfare of the community by regulating the construction of buildings. Furthermore, the purpose of this ordinance is to establish uniform rules and regulations for the construction of buildings and structures within the Town of Stratham. This ordinance is not intended, nor shall it be construed, to create a duty on the part of the Town of Stratham or its officials, employees or agents, to protect the health, safety or economic interests of any person or entity, and no person or entity shall have the right to rely on this Ordinance, or any action taken or not taken hereunder, including the issuance of any building permit or occupancy permit, as a basis to assert any claim for any loss, damage or expense against the Town, its officials, employees or agents. (Rev. 3/95)

The following ordinance is hereby enacted by the voters of the Town of Stratham, N.H. in annual town meeting convened:

ARTICLE I: RESTRICTIONS

Title and Construction:

This ordinance and building regulations it contains shall be known and may be cited as "The Building Code of Stratham, New Hampshire" and for the short form be referred to as the "Code."

All land shall be subject to the following regulations, restrictions, and conditions:

Section: No building or structure shall be erected or demolished; no mobile or modular home shall be placed on a lot or foundation, and no building shall be structurally altered, maintenance and interior repair excluded, without a building permit from the Building Inspector, to whom adequate plans and specifications of the proposed building or alterations shall be submitted. (Rev. 3/95) The Board of Selectmen shall, from time to time and after a public hearing, set a schedule of building permit fees to cover the processing and administration of building permits. (Rev. 3/91)

Section 2: In accordance with RSA 674:52 the town of Stratham hereby adopts the following national building codes: International Building Code (publication date of June 2001 with an ISBN #1-892395-26-6; International Residential Code (publication date of May 2001 with an ISBN #1-892395-17-7); International Plumbing Code (publication date of January 2000 with an ISBN #1-892395-25-8); International Mechanical Code (publication date of January 2001 with an ISBN #1-892395-33-9); and International Electrical Code (publication date of April 2001 with an ISBN #1-892395-22-3) (Rev. 3/02)

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Pursuant to the provision of NH RSA 674:52 (VI), the town of Stratham Building Code may be updated or amended after a public hearing held by the Planning Board. Following a public hearing, said updates or amendments shall become final upon approval by the Board of Selectmen and recording by the Town Clerk. (Rev. 3/02)

ARTICLE II: EXCEPTIONS

Section 1: Validity of Other Laws Nothing in this Code shall be construed to prevent the enforcement of other portions of this Code or state law which prescribe more restrictive limitations. The invalidity of any section or provision of this Code or these building regulations hereby adopted shall not invalidate other sections or provisions thereof.

Section 2: Materials and Methods of Construction Nothing in this Code shall be construed to prevent the use of any material or method of construction whether or not specifically provided for in these building regulations if upon presentation of plans, methods or analysis, test data, or other necessary information to the Building Inspector by the interested person or persons the construction complies with specific provisions of or conforms to the intent of this Code.

ARTICLE III: BUILDING INSPECTOR/CODE ENFORCEMENT

Section 1: For the purpose of this Ordinance the Board of Selectmen shall annually appoint a Town Building Inspector and Code Enforcement Officer who shall perform the duties pertaining to their offices as designated in the provisions of this Ordinance and the Zoning Ordinance. (Rev. 3/94)

Section 2: The Building Inspector shall make known his decision within ten days from the date he receives the application and he shall make inspections of all buildings in a process of construction and report in writing any or all violations to the Board of Selectmen.

Section 3: Right of Entry The Building Inspector and/or Code Enforcement Officer shall have the right in the performance of their duties, and at reasonable time, to enter, examine and inspect any premises or building within the town for the purpose of this or of the Zoning Ordinance. Where such entry is refused the Building Inspector and/or Code Enforcement Officer may, for reasonable or probable cause shown, obtain such entry by search warrant on order of the Court. The Planning Board, its members, officers, and employees, or in the performance of its functions pursuant to this Code or of the Zoning Ordinance shall likewise have such right of entry to the extent, and for all purposes set forth by RSA Chapter 36, Section 10, as amended. (Rev. 3/94)

Section 4: Relief from Personal Responsibility The Building Inspector and Code Enforcement Officer charged with the enforcement of this Code shall not be personally liable while acting for the town in the discharge of their official duties. No oversight or neglect of duty on the part of the Building Inspector and Code Enforcement Officer, however, shall legalize the erection, construction, alteration, repair or moving of any

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building or structure in a manner not conforming with the provisions of this Code. These same provisions as to relief from personal responsibility shall apply to the Planning Board, its members, officers, and employees, acting in the performance of their functions, as set forth in Section 3 of this Code. (Rev. 3/94)

ARTICLE IV: ADMINISTRATION

Section 1: Applications and Permits

- a. It shall be the duty of the Board of Selectmen, and the Board is hereby given the power and authority to enforce the provisions of this Ordinance.
- b. The Board of Selectmen shall require that the application for a building permit include a plot plan and contain all necessary information to enable the Building Inspector and/or Code Enforcement Officer to ascertain whether the proposed building or structure and its intended use comply with the provisions of this Ordinance. (3/94)
- c. No building permit shall be issued until the Building Inspector has certified that the proposed building and its intended use comply with the provisions of this Ordinance.
- d. It shall be unlawful for any person to commence work for erection of any building or structure until a permit has been duly granted for such erection or alteration by the Building Inspector and posted on the premises.
- e. A building permit shall become void unless construction/removal is commenced within six months after permit was issued and permit holder must show continuous progress to completion. Construction or renovation as applied for must be completed within 12 months of issuance of the permit from the Building Inspector. (Rev. 3/92) If after this period, construction or renovation is not completed, a new permit may be applied for with payment of the regular permit fee.
- f. No building permit shall be issued for a building or structure unless the applicant has submitted to the Building Inspector an adequate plot plan showing the location of wells, the location and details of the sewage disposal system conforming to Section XX of the Stratham Zoning Ordinance. (Rev. 3/95, 3/99)
- g. Before issuance of a Building Permit, the Building Inspector may require that property lines be properly established, in accordance with the Town's Subdivision Regulations, by a registered surveyor. (Rev. 3/90)
- h. A permit for the temporary placement (not to exceed twelve months) of a mobile home in Stratham may not be issued by the Building Inspector unless the following conditions are satisfied: (Rev. 3/92)

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1. Approved financing for the permanent house is presented in a form satisfactory to the Town Counsel.
 2. A complete foundation for the permanent house has been constructed and is approved by the Building Inspector.
- i. No building permit shall be issued for a second residence on any parcel of land until that parcel has been subdivided, even if the subdivision is for recording purposes only. (Rev. 3/84)

ARTICLE V: FENCING OF SWIMMING POOLS

Purpose: To insure the health and safety of the people of the Town of Stratham, more particularly to help prevent accidental drownings in swimming pools.

Section 1: All outdoor artificial pools which have a maximum depth of more than three feet when filled to capacity with water shall be surrounded by a substantial wall, fence or other enclosure having a minimum height of 42 inches. In the event an artificial pool has elevated sides higher than 42 inches and it is so constructed that a child cannot easily climb the pool sides or otherwise gain access to the pool, no fencing is required.

Section 2: The wall, fence, or other enclosure shall be constructed so that a child will be unable to crawl under or through, or easily climb over it so that, in fact, the only easy access to the pool is a gate or door. All such gates or doors shall be closed when the pool is not attended.

Section 3: All pools hereafter constructed must comply with this Ordinance, and all existing pools must comply by July 1, 1983.

Section 4: These requirements shall not apply to natural bodies of water such as ponds and streams, nor shall it apply to ponds constructed primarily for agricultural or conservation purposes.

Section 5: In accordance with RSA 676:17, any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be liable to pay a penalty of not more than \$275.00 for each day that the violation is in existence (Rev. 3/02)

ARTICLE VI: BOARD OF ADJUSTMENT

This article was superseded by act of Town Meeting adopting the Zoning Ordinance of the Town of Stratham in March of 1987. (See Section 17 Board of Adjustment.)

ARTICLE VII: AMENDMENTS

The regulations and restrictions, as provided in this Ordinance, may from time to time be amended, supplemented, changed, modified, or repealed by a resolution adopted at a regular or special meeting of the Town, setting forth the proposed amendment. A public hearing shall be held thereon, after notice as required by law, and prior to the Town Meeting at which the amendment is to be proposed. Such amendment shall not become effective except by the favorable vote of the majority of the voting members attending and voting at a regular or special meeting of the Town.

ARTICLE VIII: GENERAL PROVISIONS

Section 1: Validity Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof.

Section 2: Interpretation In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of health, morals, and general welfare of the Town of Stratham and its citizens.

Section 3: Penalties and Remedy for Violations In accordance with RSA 676:17, any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be liable to pay a penalty of not more than \$275.00 a day for each day of the violation (Rev. 3/02)

Section 4: This Ordinance shall take effect immediately upon its passage.

Notes:

Note 1. Any person constructing a driveway onto a public highway must secure a permit in advance of any construction from the Board of Selectmen. (Board of Selectmen 6/18/73)

**General Information on the Board of Adjustment
(See Section 17 of the Zoning Ordinance for details)**

APPENDIX: RECORD OF AMENDMENTS

March 12, 2002 Town Meeting:

- Article 2: Amended Article 1 (Restrictions), Section 2 by adopting respective International Building, Residential, Plumbing, Mechanical, and Electrical Codes in lieu of the BOCA code. Added to Article I (Restrictions) a provision that allows Building Code to be updated following public hearing with the Planning Board.
- Article 3: Amended Article 5 (Swimming Pool Fence Regulations) to increase financial penalty.
- Article Amended Article VIII (General Provisions) by increasing financial penalty for ordinance violation.

March 9, 1999 Town Meeting:

- Article 8: Amended Article IV, Section 1.f. to conform to Section XX of the Stratham Zoning Ordinance.

March 17, 1995 Town Meeting:

- Article 7: Amend Section 1 of Article I:(Restrictions) to replace the word remodeling with the word repair
- Article 8 Replaced the first paragraph with a new declaration of purpose, which contains language regarding limited economic liability of the Town of Stratham.
- Article 9: Amended Article IV (Administration), Sections 1.f to reference state on-site sewage disposal system requirements

March 8, 1994 Town Meeting:

- Article 9: Amended Section 1 of Article III (Building Inspector) to reference the Code Enforcement Officer in the title of the Article and in the text.
- Article 10: Amended Section 3 of Article III (Building Inspector) to grant a right of entry to the Code Enforcement Officer.
- Article 11: Amended Section 4 of Article III (Building Inspector) to grant the Code Enforcement Officer relief from personal responsibility.
- Article 12: Amended Section 1-b of Article IV (Administration) to reference the Code Enforcement Officer.

March 10, 1992 Town Meeting:

- Article 2 Amended Article IV, Section 1-e (Time frame for Building Permit).
- Article 3 Amended Article IV, Section 1-h (Temporary Placement of Mobile Homes).

March 12, 1991 Town Meeting:

- Article 20: Amended Article 1, Section 1 (Permit Fees)

March 13, 1990 Town Meeting:

- Article 3 : Amended Article IV, Section 1.g (Applications and Permits)

March 13, 1984 Town Meeting:

- Article 5: Added Article IV, Section 1.I. The Town of Stratham originally adopted Building Regulations on March 12th, 1957.