



TOWN OF BROOKLINE, NEW HAMPSHIRE

BUILDING CODE



March 2006



BUILDING CODE

<i>Adopted</i>	<i>March 9, 1971</i>
<i>Amended</i>	<i>March 7, 1972</i>
<i>Amended</i>	<i>March 8, 1977</i>
<i>Amended</i>	<i>March 8, 1983</i>
<i>Amended</i>	<i>March 12, 1985</i>
<i>Amended</i>	<i>March 10, 1987</i>
<i>Amended</i>	<i>March 13, 1990</i>
<i>Amended</i>	<i>March 9, 1993</i>
<i>Amended</i>	<i>March 12, 1996</i>
<i>Amended</i>	<i>March 11, 1997</i>
<i>Amended</i>	<i>March 13, 2001</i>
<i>Amended</i>	<i>March 14, 2006</i>

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100.00 AUTHORITY

Pursuant to the authority granted and subject to the provisions thereof by Chapter 156, Sections 1, 3, 3, 3a, 4b, 4c, and 5, and 156-A of the N.H.R.S.A. as amended this following ordinance is hereby enacted by the voters of the Town of Brookline, New Hampshire in official Town Meeting convened.

200.00 PERMIT REQUIRED

200.01 After passage of this ordinance any person intending to erect or make an alteration to a building shall, before doing so, obtain a permit from the Building Inspector. Repairs, general upkeep, and minor interior alterations of existing buildings shall be exempt from the provisions of this ordinance. Accessory buildings of 100 square feet or less shall not require a building permit but shall be required to meet all setback requirements.

200.02 The Building Inspector shall be appointed by the Board of Selectmen to serve for a term of three years. He shall issue any and all building permits requested within fifteen days after receiving written application for such permit. The application shall be accompanied by a plan of the proposed building or alteration and such plans must be in accordance with the provisions of this ordinance and the Zoning and Land Use Ordinance of the Town. An approved current septic plan for the site or a site septic assessment form provided by the Building Inspector, either of which should clearly demonstrate that the site will support the proposed building alteration, shall be submitted. Such permits shall expire and become invalid if construction, which is deemed to be installation of footing and foundation, has not started within six (6) months from the date of issuance. He shall also inspect the foundation, framing, plumbing and electrical wiring of the building during its construction for compliance with the terms of this ordinance and the Zoning and Land Use Ordinance and report any violation to the Board of Selectmen.

200.03 Building fees, procedures, and Building Inspector's compensation shall be set by the Board of Selectmen after due notice and public hearing.

300.00 SPECIFICATIONS

Buildings and alterations shall comply with the following specifications:

300.01 No permit for a new dwelling shall be issued unless it contains at least 576 square feet of first floor living area. Manufactured housing shall require a minimum of 320 square feet to obtain a permit.

300.02 Foundations. All structures shall be set on solid foundations of concrete, brick, stone or other acceptable masonry except in special cases where buildings are to be used for accessory use, industrial use, warehouse, and the like, the Building Inspector may waive the requirement of this section and permit the use of metal or masonry piers. To protect public health and safety, excavation for building purposes shall be covered over within 90 days of the excavation of the same. If the site is not in compliance within said time period, then the Selectmen may invoke the provisions in RSA 155-B:13 in order to compel compliance.

- a. A Certified Plot Plan for any new additions may be required by the Building Inspector if field inspection cannot determine definitively compliance with setbacks and any other limiting requirements of local land use laws regarding the placement of a structure (E.g. dwelling or other building) on a buildable parcel of land.

300.03 Buildings. Must be framed according to good building practices and outside walls shall be covered with permanent materials customarily used such as wood, fire resistant shingles, siding, cinder block, or other acceptable materials. In determining good building practices, the BOCA National Building Code, as recommended and maintained by the International Building Code, Edition 2000 and International Residential Code, Edition 2006 shall be used as a standard.

300.04 Building Permit & Certificate of Occupancy. No building or structure erected or altered as specified in a Building 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. Any change or substantial alteration of use shall require the issuance of a new Certificate of Occupancy. A temporary Certificate of Occupancy may be issued for a building or structure or any part thereof before the entire work covered by the permit shall have been completed provided the Building Inspector deems life or public welfare shall not be endangered by the occupancy.

- a. To insure compliance with current health and safety requirements, a code and safety inspection shall be conducted to insure that current code, fire and safety requirements are met. This includes, but is not limited to; number of occupants; restroom facilities; fire safety; fire alarms; means of egress; exit signs; fire extinguishers; flammable and/or regulated materials; storage; and ADA requirements, as set forth in the Americans with Disabilities Act Handbook as published by the Equal Employment Opportunity Commission and the U.S. Department of Justice. All deficiencies shall be corrected and a re-inspection required prior to a final Certificate of Occupancy being issued.
- b. Applications for building permits (if required). Planning Board approval may be required for a change of use, alteration, or expansion of use. See the Town of Brookline Land Use Laws.
 1. Building permit applications must be submitted to the Town of Brookline Building Department. A Certified Plot Plan may also be required, including:
 - Four (4) copies of complete certified drawings;
 - One (1) for the Building Department;
 - One (1) for the Fire Department;
 - Two (2) to be returned to the Contractor/Builder with any corrections and/or deletions;
 2. Two (2) new copies of revised certified drawings shall be returned, one (1) each, to the Building Department and Fire Department for verification of changes, with signatures by the engineer and contractor at the design review conference before permits can be issued.

400.00 AMENDMENTS

400.01 This ordinance may be amended by a majority vote of any legal Town Meeting when such amendment is included in the official Town Warrant.

500.00 ENFORCEMENT

500.01 Enforcement shall be the duty of the Board of Selectmen and/or Code Enforcement Officer. They are hereby, or as otherwise authorized by law, given power and authority to enforce the provisions of this ordinance.

600.00 EXCULPATORY CLAUSE

600.01 The building inspector shall not in any case be liable for any damage resulting from construction done under his permit whether or not such construction is in conformity with the provisions of the ordinance.

700.00 SEPARABILITY CLAUSE

700.01 The invalidity of any provisions of this ordinance shall not affect the validity of any other provisions.

800.00 PENALTY

800.01 Every person, persons, firm, or corporation violating any of the provisions of this ordinance shall be fined not more than ten dollars upon conviction for each day such violation may exist.

900.00 BOARD OF APPEALS

900.01 Any person aggrieved by a decision of the building inspector may appeal to the Board of adjustment as set up in the Brookline Zoning and Land Use Ordinance, Section 2000, said Board shall have the power by a vote of the majority of its members, upon an appeal to vary the application of any provisions of the Building Code to any particular case, when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of such building regulations or public interest.

1000.00 WHEN EFFECTIVE

1000.01 This ordinance shall take effect upon its passage.

APPENDIX A: TABLE OF AMENDMENTS

D, 1 **1997:** Add a separate minimum square footage requirement for manufactured housing to qualify for building permits.

300.02 **2001:** Amend *Section 300.02 Foundations*, by adding new language to define the length of time a foundation can remain open.

2006: Amend Section 300.02, Foundations; to require a certified plot plan when the Building Inspector cannot determine compliance with setbacks and other limiting requirements in the land use laws during a field inspection.

Amend Section 300.03, Buildings; to provide for the adoption of the "2006 International Residential Code" in addition to the New Hampshire State Building Code as promulgated in RSA 155-A.

Amend Section 300.04, Building Permit & Certificate of Occupancy; to add title and to clarify when a certificate of occupancy is required. In addition, to specify requirement of a building code, fire/safety inspection is required before a certificate can be issued. When a building permit is required, a Certified Plot Plan may be required by the Building Inspector.

Amend 500.01, Enforcement; to specify that in addition to the Selectmen, the Code Enforcement Officer has the authority to enforce Brookline Land Use Laws (Ordinance) as provided in state statutes.

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