

ORDINANCE

GILFORD, NEW HAMPSHIRE

AN ORDINANCE TO AMEND THE BUILDING CODE FOR THE TOWN OF GILFORD TO ENFORCE THE STATE BUILDING CODE AND ADOPT ADDITIONAL PROVISIONS THERETO, FOR THE CONSTRUCTION, REMODELING, AND MAINTENANCE OF ALL BUILDINGS AND STRUCTURES.

Be it ordained by the Town of Gilford at Town Meeting assembled on March 11, 2003, that the building code for the Town of Gilford as enacted on March 4, 1975 and amended on March 14, 1978, March 10, 1983, March 11, 1986, and March 11, 1991, be further amended by striking it out in its entirety and inserting in place thereof the following:

Town of Gilford Building Code comprising of all codes listed in Sections 1 and 2 and referred to hereafter as "The Code".

Section 1. Enforcement of State Building Code

1.01 The following codes have been adopted by the State of New Hampshire, herein also referred to as the "State Building Code" and are applicable to the construction, remodeling, and maintenance of all structures within the Town of Gilford:

- a) International Building Code 2000
- b) International Plumbing Code 2000
- c) International Mechanical Code 2000
- d) International Energy Conservation Code 2000
- e) National Electrical Code 1999.

1.02 The State Building Code will be administered and enforced by the Town Building Inspector under the Director of Planning and Land Use.

NOTE: For future use, in the event the State of New Hampshire amends, repeals, or adds additional codes, the respective code listed above would be automatically superceded upon the effective date of the amendment or repeal. Any new code adopted by the State would become part of this code.

Section 2. Adoption of additional Regulation

2.01 The following codes are hereby adopted by the Town of Gilford in addition to the State Building Code: International Residential Code 2000 for One and Two Family Dwellings, in that, the International Residential Code 2000, including appendix chapters (A) through (H) and (J) through (L) as published by the International Code Council is hereby adopted by the Town of Gilford as revised below for regulating the

design, construction, quality of materials, erection, installation, repair, location, relocation, replacement, addition to, use, or maintenance of one and two family dwellings and townhouses not more than three stories in height. In addition, providing for the issuance of permits and collection of fees.

Section 3. Revisions

3.01

- a) Section 101.1 of the International Building Code 2000, International Plumbing Code 2000, International Mechanical Code 2000, and International Energy Conservation Code 2000 substitute the word “jurisdiction” with the word “Gilford”.
- b) Section R101.1 of the International Residential Code 2000, substitute the word “jurisdiction” with the word “Gilford”.
- c) Table R301.2(1) of the International Residential Code 2000 to read:
Ground snow load.....80 PSF, Wind.....90 mph, Seismic Design....C,
Weathering.....severe, Frost line....4 feet, Termite....slight to moderate,
Decay...none to slight, Winter Design...-3, Flood Hazard.....FIRM dated May 4,
1992.
- d) Section 917.3 of the International Plumbing Code 2000, after the word “valve” at the end of the first sentence add: “only when conventional venting systems cannot be installed”.

Section 4. Public Access

- 4.01 A copy of the building code for the Town of Gilford shall be placed on file with the Gilford Town Clerk for public inspection(RSA 675:8). Additional copies may be posted at the Department of Planning and Land Use, the Gilford Fire Department, and the Gilford Library.

Section 5. Administration Provisions

- 5.01 Administration. The provisions of this code shall be administered by the Department of Planning and Land Use.
- 5.02 Executive Official. The Director of the Department of Planning and Land Use shall be the Executive Official in charge of the administration and enforcement of all provisions of this code. For the purposes of this section, the Director shall have the duties and responsibilities enumerated under RSA 674:51-III(c) and such other duties as the Board of Selectmen may designate.

- 5.03 Building Official/Inspector. The Board of Selectmen shall appoint a Building Official/Inspector, herein also referred to as the Code Enforcement Officer, and shall determine his compensation. The Code Enforcement Officer shall serve at the will of the Board of Selectmen and shall have the duties and responsibilities prescribed under RSA 674:51-III(c) and such other duties as the Board of Selectmen may designate. The Code Enforcement Officer is assigned to the Department of Planning and Land Use and shall coordinate the discharge of his duties subject to the supervisory authority of the Director.
- 5.04 Gilford Fire Department shall have the authority and responsibility to review all commercial and multi-dwelling applications relative to life-safety, alarm, sprinkler, and any other pertinent fire codes and perform all related inspections. Further, the fire department shall issue all commercial and residential heating system permits and perform all required inspections.
- 5.05 Building Code Board of Appeals. There is hereby established a Building Code Board of Appeals. The Board of Appeals shall consist of 3 or 5 members who shall be appointed by the Selectmen for terms of three years, except that initially one member shall be appointed for a one year term and one member for a two year term. Alternatively, if the Board of Selectmen elects not to appoint a Building Code Board of Appeals, then the Zoning Board of Adjustment shall be the Building Code Board of Appeals pursuant to RSA 673:1,V, 673:3,IV, and 673:5. The Building Code Board of Appeals is granted the powers and authority as delineated under RSA 674:34 and the individual effective codes as adopted by the State of New Hampshire and the Town of Gilford.

Section 6. Fines and Penalties

- 6.01 Penalties. Subject to determination of probable cause by the Board of Selectmen, any violation of this code shall be punishable in accordance with the provisions of RSA 676:17.
- 6.02 Prosecution. Upon a finding of probable cause, the Board of Selectmen or their authorized designee may commence an action in District or Superior court as prescribed under RSA 676:17.
- 6.03 Recovery of costs. In the event that the Town is a prevailing party in any prosecution, all legal fees, inspection fees, expert fees and investigatory expenses may be recovered in accordance with RSA 676:17, II.

Section 7. Fees

- 7.01 The Board of Selectmen may establish fees for the processing and review of building permit applications and for the performance of inspections required by this code. A schedule of such fees shall be published and copies shall be made available at the Department of Planning and Land use.

- 7.02 Subject to the approval of the Board of Selectmen, the Code Enforcement Officer may require the engagement of third party professionals for the purpose of verifying the code compliance of design requiring the practice of a licensed professional. The cost of such service shall be borne by the applicant.

Section 8. Applicability and Saving Clause

- 8.01 In the event there is a conflict between other laws in effect and this code, the more stringent code prevails.
- 8.02 In the event a portion of this code is proven to be unconstitutional, all remaining sections will be considered valid.