

# TOWN OF ASHLAND, NEW HAMPSHIRE

## BUILDING REGULATIONS

### ARTICLE 1: APPOINTMENT

It shall be the duty of the Board of Selectmen to appoint an Administrative Officer to enforce the provisions of this Ordinance. The person appointed shall be known as the "Building Inspector".

### ARTICLE 2: DUTIES OF THE BUILDING INSPECTOR

- 2.1 The Building Inspector shall be the Administrative Officer of this Ordinance. He shall:
- Receive applications and fees for the erection and/or alteration of buildings
  - Make available applications in duplicate
  - Keep complete records of his action on all applications, along with the duplicates of said applications
  - Issue or deny permits, based on the compliance of the proposed project with this Ordinance, the Zoning Ordinance of the Town of Ashland, and all other town and State Ordinances and regulations
  - Regularly inspect buildings during the process of erection or alteration
  - Bring to the attention of the Board of Selectmen any violations of this Ordinance and take such action in the enforcement of this Ordinance as maybe directed by the Selectmen
  - Accept and deposit with the Town all fees collected by him under this Ordinance
  - Act in cooperation with the fire authorities in any matter in which their duties as prescribed by law may coincide or conflict
  - Examine and, if necessary, order the repair, vacancy, or demolition of unsafe buildings and structures.
- 2.2 If a site plan or [amended March 13, 2018] subdivision of land is involved, the Ashland Planning Board must approve a developer's plan before a permit may be issued.

### ARTICLE 3: DUTIES OF APPLICANT

- 3.1 Any person, persons, partnership, trust, or corporation intending to construct or erect a new building or to make structural alterations of an estimated material cost or market value, if new [amended March 13, 2018] of more than \$800 shall first make application for a permit on forms obtained from the Building Inspector.
- 3.1a Said application shall be accompanied by a drawing or plan for any proposed building or alteration
- 3.1b Said application shall be accompanied by a signed statement of the intended use of the building upon completion of construction or alteration

- 3.2 The applicant shall display prominently at the site of the construction or alteration a card issued by the Building Inspector evidencing his permit.
- 3.3 The applicant shall make the premises accessible to the Building Inspector and Fire Department Inspectors, at reasonable times, for the performance of their duties. The applicant shall notify the Building Inspector of the start of construction under a building permit at least twenty-four (24) hours in advance, and he shall, if a schedule of inspection is required by the Building Inspector, notify the Building Inspector of the progress of construction at those times specified by the Building Inspector. No electrical or plumbing work shall be covered over unless it has been inspected and approved by the Building Inspector.
- 3.4 The applicant shall not occupy or use the new building or altered space unless the Building Inspector has, after an inspection of the completed work, issued a notice authorizing said occupancy or use.
- 3.5 Permits shall also be obtained from the Building Inspector for all electrical and plumbing work, and for the installation of mobile home, wood burning heating systems, and oil burners prior to the commencement of the work or installation. Inspection of all heating units (wood, oil, kerosene, and propane) must be completed by the fire chief or his representative after installation. (Amended March 10, 2020)

#### **ARTICLE 4: APPLICATION FEES**

Fees are determined by the Board of Selectmen as per Article 15 of these regulations. The fee schedule is attached to the permit application forms and fees are to be submitted with the applications. Fees for approved applications are non-refundable. (Amended March 10, 2020)

#### **ARTICLE 5: ISSUANCE OF PERMITS**

A permit shall become invalid unless operations are commenced within six months from the date of issuance. The owner (or his representative) of any building or structure for which a building permit is granted shall, upon completion of the work authorized, notify the Building Inspector. The Inspector shall inspect the building or structure within a reasonable time. If said work has been completed in accordance with all applicable statutes, ordinances, rules, and regulations, including any grading or features necessary for health and safety of occupancy, the Inspector shall issue a notice to the owner specifying that the building may be occupied for the purpose stated in the permit.

#### **ARTICLE 6: APPROVED BUILDING AND FIRE CODES**

The Town of Ashland adopts and enforces the most recent building and fire codes as adopted by the State of New Hampshire Department of Safety. (Amended March 10, 2020)

#### **ARTICLE 7: BUILDING REQUIREMENTS**

- 7.1 No building or structure shall be erected, altered, rebuilt, remodeled, or substantially repaired, unless in compliance with the Codes adopted in Article 6, the Zoning Ordinance of the Town of Ashland, and the following building requirements.
- 7.2 Minimum Building Area: Every dwelling unit to be used by a single family shall have a minimum floor space of 750 square feet excluding garage, decks and porches.

- 7.3 Sewage Disposal: The Board of Selectmen is authorized to grant waivers to the statutory requirement under RSA 147:8 that properties within 100' of a public sewer line must be connected to that sewer line. Such waivers shall only be granted upon a showing that the existing septic system is adequate for the current use of the property, was built in compliance with state and local regulations, was designed by a licensed New Hampshire septic system designer and was approved for construction by NHDES after January 1, 1985. **[Amended by Official Ballot vote – Article 47 – March 16, 2017]**

When the public sewer system is not available, a suitable sewage disposal system, consisting of a septic tank and drainage field, shall be provided. The type, size and construction of all septic tanks and drainage field shall conform to New Hampshire Laws and Regulations. All private sewage disposal systems which discharge effluent into the ground shall be in compliance with Article 2.3b of the Ashland Zoning Ordinance. **[Amended by Official Ballot vote – Article 15 – March 12, 2013]**

- 7.4 Completion of Buildings: All buildings, new or additions shall be completed as to outside appearance within eighteen months from the date of issuance of permit. In case of hardship, as determined by the Board of Selectmen, a six-month extension may be granted for completion of the building.
- 7.5 Chimneys shall be constructed of stone, brick, or concrete to the ground footing. No chimney shall have its base resting upon any floor or beam of combustible material. No chimney shall be built, erected, or altered below the roof unless containing a tile, cinder block, or brick lining, equipped with an iron cleanout door at or near its base, and extending at least three feet above the roof. No chimney shall be built, erected, or altered below the roof having wood or other combustible materials within one inch of the chimney.
- 7.6 Thimbles: No wallpaper or other combustible material shall be laid over any thimble or any thimble hole in the chimney.
- 7.7 No smoke pipe shall be installed or erected as to be within twelve inches of any combustible floor or ceiling unless amply protected with non-combustible materials. 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 of brick or other non-combustible material between the pipe and the combustible material.
- 7.8 Foundations: All structures shall be set on solid wall-type foundations of concrete, brick, stone, or other acceptable masonry, except that in special cases where buildings are to be used for accessory use or camps, the Building Inspector may waive the requirements of this section and permit the use of wood, metal or masonry piers.
- 7.9 All buildings and structures shall conform to all applicable laws, rules, and regulations for fire protection and safety, including but not limited to those governing smoke detectors, means of egress, sprinkler systems, and flammable and explosive materials.
- 7.10 In a residential building with more than one dwelling unit, lighting for the means of egress (halls and stairs) outside the dwelling units shall be wired in a separately metered, independent circuit.

**ARTICLE 8: EXCEPTIONS**

The construction of small necessary buildings of an estimated material cost of not more than \$800 not used for living purposes, together with minor alterations repairs, and general upkeep of existing buildings shall be exempt from the provisions of this Ordinance.

**ARTICLE 9: APPEALS**

Any person aggrieved by a decision of the Building Inspector, may appeal to the Zoning Board of Adjustment, which shall serve as the Building Code of Appeals. The Board of Appeals may vary the application of any provision of the Building Code in any case when the enforcement of the Building Code would do manifest injustice and would be contrary to the spirit and purpose of the Building Code and the public interest.

**ARTICLE 10: AMENDMENTS**

Amendments to these regulations [other than adjustment of fees] are to be voted on at the annual Town Meeting. [Amended March 13, 2018]

**ARTICLE 11: ENFORCEMENT**

Upon any well-founded information that this Ordinance is being violated, the Selectmen shall take immediate steps to enforce the provisions of this Ordinance by seeking an injunction in the Superior Court or by any other appropriate legal action. Whoever violates any of the above regulations shall be subject to the fines and penalties set forth in New Hampshire RSA 676:17 and shall be liable for all legal costs incurred by the Town in enforcing the regulations.

**ARTICLE 12: TAKES EFFECT**

This Ordinance shall take effect upon passage.

**ARTICLE 13: CONFLICTING PROVISIONS**

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

**ARTICLE 14: VALIDITY**

If any section, clause, provision, portion, 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, provision, portion, or phrase of this Ordinance.

**ARTICLE 15: FEES**

In accordance with RSA 674:51, III [d] the Board of Selectmen have the authority to set Building permit fees provided that the Board of Selectmen first hold a public hearing on any proposed change in compliance with RSA 41:9-a, IV [as amended March 13, 2018]

Adopted: April 4, 1956  
Amended: April 22, 1970                      March 16, 1985                      March 8, 1988  
                  March 2, 1976                      March 11, 1986                      March 13, 1990  
                  March 13, 1980                      November 4, 1986                      March 11, 1995  
                  March 13, 1984                      March 10, 1987                      March 10, 1999  
                  March 14, 2000                      March 12, 2001                      March 08, 2005  
Per Article 15 - Fees revised 2/7/01  
Per Article 15 - Fees revised 7/5/06  
Corrected for grammatical and typos: April 2006  
March 1, 2007 - Fee Revision  
March 13, 2007 (amended Article 6 Town Meeting vote)  
March 10, 2009 (amended Article 6 Town Meeting vote)  
March 12, 2013 [amended Section 7.3; 6.1; 6.1a; 6.1b; 6.1c]  
March 16, 2017 [amended by Official Ballot 7.3]  
March 13, 2018 [amended by Official Ballot Art 15, Art 10, Art 3.1, Art 2.2, Art 1  
May 6, 2019 - Fees adopted by BOS  
March 10, 2020 [amended by Official Ballot Art 3.5, Art 6, Art 4, Art 6]