

Introduced: 10/18/99
Second Read: 11/01/99
Public Hearing: 11/01/99
Adopted: 11/01/99

ORDINANCE 99-17

AN AMENDMENT TO THE ZONING ORDINANCE RELATING TO THE BOCA NATIONAL BUILDING CODE

WHEREAS the Londonderry Planning Board has voted to amend the Zoning Ordinance, particularly, that section related to the Building Code of the Town of Londonderry; and

WHEREAS the Londonderry Town Council is vested with the power to effect such changes to the Zoning Ordinance; and,

WHEREAS the Town Council recognizes that such code changes would be in keeping with maintaining an updated code for enforcement purposes in the Town of Londonderry by the Town's inspectors;

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Londonderry that the Zoning Ordinance is hereby amended by changing the Londonderry Building Code to adopt and reflect said changes to the BOCA National Building Code as presented herein.

Daniel J. Vecchione
Chairman - Londonderry Town Council

A TRUE COPY ATTEST:
11/01/99

Joan M. Savina
Town Clerk

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The BOCA National Building Code/ *Fourteenth Edition* as *recommended and maintained by the voting membership* by Building Officials & Code Administrators International, Inc., with the following deletions and insertions:

1. **Section 100.1** Delete Section 100.1 and insert in place thereof the following:
“100.1 Title: These regulations shall be known as the Building Code of the Town of Londonderry, New Hampshire hereinafter referred to as “this code.”
2. **Section 103.4** Delete Section 103.4 and insert in place thereof the following:
“103.4 Rehabilitation: Buildings existing prior to March 10, 1992, 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 of the provisions of Articles 2 through 31.”
3. **Section 104.1 - Delete Section 104.1 and insert in place thereof the following:** “**104.1 Code Official:** *The department of Inspector of Buildings is hereby created and the executive official in charge should be known as the Code Official or Building Inspector where the context so admits or requires.*
4. **Section 104.2 - Delete Section 104.2 and insert in place thereof the following:** “**104.2 Appointment:** *The Building Inspector shall be appointed in accordance with the Charter of the Town of Londonderry, the Building Inspector shall be removed as provided by the Londonderry Town Charter and/or the personnel policies and procedures of the Town.*”
5. **Section 104.3 Delete Section 104.3 and insert in place thereof the following:** “**104.3 Organization:** *The appointing authority as prescribed by the Charter of the Town of Londonderry shall appoint such number of officers, technical assistants, inspectors, and other employees as shall be necessary for the administration of this code*”.
6. **Section 105.6 Add the following language before the text of said section as follows:** “**105.6 - Rule making Authority:** *Subject to the provisions of the New Hampshire Laws and statutes and the Londonderry Town Charter which shall be controlling.*”
7. **Section 107.6.1 - Delete the last sentence thereof, and insert in place thereof the following:**
“*All technical data and soil data required by the current State of NH Environmental - WS Subdivision and Individual Sewage Disposal System Design rules and the Town of Londonderry Health Ordinance, Chapter XX shall be submitted with the site plan.*”
8. **Section 107.6.2-Add the following section:** “**107.6.2 - Driveway Plan:** *The driveway plan shall indicate the location and profile of the driveway(s) in order to preclude unnecessary roadway and/or traffic hazards or future road maintenance problems.*”
9. **Section 109.1** Delete Section 109.1 and insert in place thereof the following: “109.1 Code Official: The department of inspector of buildings is hereby created and the executive official in charge should be know as the code official or building inspector where the context so admits or requires.

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10. **Section 109.2** Delete Section 109.2 and insert in place thereof the following:
“109.2 Appointment: The building inspector shall be appointed in accordance with the Charter of the Town of Londonderry; the building inspector shall be removed as provided by the Londonderry Town Charter and/or the personnel policies and procedures of the Town.”
11. **Section 109.3** Delete Section 109.3 and insert in place thereof the following:
“109.3 Organization: The appointing authority as prescribed by the Charter of the Town of Londonderry shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this code.”
12. **Section 110.6** Add the following language before the text of said section as follows:
“110.6 Rule-making Authority: Subject to the provisions of the New Hampshire laws and statutes and the Londonderry Town Charter which shall be controlling
13. **Section 111.6.1** Delete the last sentence thereof, and insert in place thereof the following:
“All technical data and soil data required by the current State of N.H. Env-WS Subdivision and Individual Sewage Disposal System Design rules and the Town of Londonderry Health Ordinance: Chapter XX shall be submitted with the site plan.
14. **Section 111.6.2** Add the following new section:
“111.6.2. Driveway Plan: The driveway plan shall indicate the location and profile of the driveway(s) in order to preclude unnecessary roadway and/or traffic hazards or future road maintenance problems.
15. **Section 112.3.1** - *Delete Section 112.3.1 and insert in place thereof the following: “112.3.1 Fee Schedule: A fee for each plan examination, building permit, inspection and certificate of occupancy shall be required as determined by the Town Council.”*
16. **Section 113.2.3** - *Add the following paragraph: “113.2.3 Certified Foundation Footing Plan - Upon completion of foundation footings, a certified plot plan prepared and signed by a surveyor licensed by the State of NH indicating that the improvements shown on said plan are in compliance with the building setback requirements of the Town of Londonderry, and a notation of the elevation of the top of the foundation footing shall be submitted to the Building Inspector prior to erecting the foundation walls. This requirement may be waived by the Building Inspector in case of accessory structures and additions to existing structures.”*
17. **Section 114.3.1** Delete Section 114.3.1. and insert in place, thereof the following:
“114.3.1 Fee Schedule: A fee for each plan examination, building permit, inspection and certificate of occupancy shall be required as determined by the Board of Selectmen.”
18. **Section 116.4** - *Delete Section 116.4 and insert in place thereof the following: “116.4 Violation Penalties: Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof, or who shall erect, construct and repair a building or structure in violation of approved plan, or directive of the code official, or a permit or certificate issued under the provisions of this code, shall be subject to enforcement all as set forth in RSA 676:15-17.”*

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19. *Section 117.2 - Delete Section 117.2, and insert in place thereof the following: “117.2 - Unlawful Continuance: Any person who shall continue any work in or about the structure after having been served with a stop work order, and except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to enforcement all as set forth in RSA 676:15 - 17.”*
20. *Section 118.1.1 - “All commercial, industrial, residential and other structures and occupancies requiring a certificate of occupancy as mandated in Section 118.0 of the BOCA National Building Code, 1999 Edition, will require the following signature: An authorized Building Department representative; an authorized Fire Department representative; an authorized Engineering Department representative. EXCEPTION: Structures such as swimming pools, retaining walls, fences, small sheds and the like; requiring no action by the Fire or Engineering Departments will require only an authorized Building Department representative signature.”*
21. *Section 121.2 - Delete Section 121.2 in its entirety, (ie: 121.2, 121.2.1 through 121.2.6) and insert in place thereof the following: “121.2 Membership Board: The Board of Appeals shall be the Londonderry Zoning Board of Adjustment”.*
22. *Section 121.7 - Delete Section 121.7 and insert in place thereof the following: “121.7 - Court Review: Any person aggrieved by the Board of appeals decision may appeal the decision to the Superior Court in accordance with RSA 677:16”.*
23. *Chapter 13 - Delete Article 13 and insert in place thereof the following: “Chapter 13 - Energy Conservation: The design and construction of all structures and buildings shall conform to the provisions of the New Hampshire code for energy conservation in new building construction dated August 1979, Revised May, 1980, (second edition), revised June 1986 (third edition) revised February 1999, MEC 1995.”*
24. *Section 123.3 - Compensation of Board of Survey: this section has been eliminated, because the Board of Survey has been eliminated.*
25. *Section 1404.3 - Delete words following “energy code” of the last sentence of the first paragraph and insert in place thereof the following: “The New Hampshire code for energy conservation in new building construction dated August 1979, Revised May, 1980, (second edition), revised June 1986 (third edition) revised February 1999, MEC 1995.”*
26. *Section 1806.1 - Add the following language after text of section 1806.1: “The frost line has been determined to be 42" below finished grade.”*
27. *Section 2905.3 - Delete Section 2905.3 and insert in place thereof the following: “2905.3 - Private Water Supply: where public mains are not available and a private source of water supply is used, a report of water test shall be submitted to the Health Officer for every new private water supply.”*

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28. *Section 2906.1 Delete this sentence thereof and insert in place thereof the following:*
“Private sewage disposal systems shall conform to the current State of NH Env. - WS Subdivision and Individual Sewage Disposal System Design rules and Town of Londonderry Health Ordinance, Chapter XX.”
29. *Section 2906.1 - Delete Section 2906.1 and insert in place thereof the following: “2906.1 - General: A private sewage disposal system shall conform to the Town of Londonderry Health Ordinance, Chapter XX and State of NH Env. - WS Subdivision and Individual Sewage Disposal System Design (FD90-184).”*
30. *Section 3408.2 - Delete Section 3408.2 and insert in place thereof the following: “3408.2 - Rehabilitation: Structures existing prior to (DATE?) In which there is work involving addition, alterations or changes of occupancy, shall be made to conform to the requirements of this Section or the provisions of Sections 3403.0 through 3407.0.”*
31. **Section 115.2.3** add the following paragraph:
“115.2.3 Certified Foundation Footing Plan: Upon completion of foundation footings, a certified plot plan prepared and signed by a surveyor licensed by the State of New Hampshire indicating that the improvements shown on said plan are in compliance with the setback and side yard requirements of the Town of Londonderry, and a notation of the elevation of the top of the foundation footing shall be submitted to the Building Inspector prior to erecting the foundation walls. This requirement may be waived by the Building Inspector in case of accessory structures and additions to existing structures.”
32. **Section 115.4** Delete Section 115.4 and insert in place thereof the following:
“115.4. Right of Entry: In the discharge of duties, the code official or authorized representative shall have the authority to enter at any reasonable hour any building, structure or premises in the jurisdiction to enforce the provisions of this code, except that in the case of one and two-family structures articulable cause that a substantial violation of this code must be demonstrated to the town administrator. This provision shall not be used to deprive an occupant of their rights under the Fourth Amendment of the U.S. Constitution. (Prohibition of warrantless searches or seizures.) Written approval of the town administrator is required except in the event of an emergency; such as fire, collapse, or other condition which would as negatively impact the safety and health of the occupants. When the structure is covered by an open building permit, the building inspector shall have the right to enter upon the premises for the purpose of conducting code compliance inspections.
33. **Section 115.5** Delete the last sentence in this section, and insert in place thereof the following:
“Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some administrative law, ordinance, or code not within the inspector s authority to enforce, the inspector shall report the violation to the code official having jurisdiction.”

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34. **Section 118.2** - Delete Section 118.2 and insert in place thereof the following:
“118.2 Unlawful Continuance: Any person who shall continue any work in or about the structure after having been served with a stop work order, and except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to enforcement all as set forth in RSA 676:15-17.”
35. **Section 123.3** - Delete paragraph 123.3 and insert in place thereof the following:
“123.3 Compensation of Board of the Survey: The third member of the board shall receive for services a fee of \$100.00 hour to be paid by the applicant, in advance.”
36. **Section 124.2** - Delete Section 124.2 in its entirety., (i.e. Sections 124.2 124.2.1 through 124.2.6).and insert in place thereof the following: “124.2 Membership of the Board: The Board Of Appeals shall be the Londonderry Zoning Board Of Adjustment.”
37. **Section 124.7** - Delete Section 124.7 and insert in place thereof the following:
“124.7 Court Review. Any person aggrieved by the Board of Appeals decision may appeal the decision to the Superior Court in accordance with RSA 677:16.”
38. **Section 1205.1** - Delete Section 1205.1 in its entirety and insert in place thereof the following:
“1205.1 Frost Protection: Except when erected upon, solid rock or otherwise protected from frost; foundation walls, piers, and, other permanent supports of all buildings and structures larger than 144 square feet in area or 10 feet in height shall extend 42 inches below the finished grade or, to bedrock, and spread footings of adequate size, shall be provided where necessary to distribute properly the load within the allowable bearing value of the soil. Alternatively, such structures shall be supported on piles when solid earth or rock is not available. Footings shall not bear on frozen soils unless such frozen condition is of a permanent character.”
39. **Section 2804.3-** Delete section 2804.3 and insert in place thereof the following:
“2804.3 Private Water Supply: Where Public mains are not available and a private source of water supply is used, a report of water test shall be submitted to the Health Officer for every new private water supply.”
40. **Section 2807.1** - Delete section 2807.1 and insert in place thereof the following:
“2807.1 General: A private sewage disposal system shall conform to the Town of Londonderry health ordinance, Chapter XX and State of N.H.. Env-Ws subdivision and Individual Sewage Disposal System Design (FD90- 184).”

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41. **Article 31** - Delete Article 31 and insert in place thereof the following:
“Article 31 Energy Conservation ”: The design and construction of all structures and buildings shall conform to the provisions of the New Hampshire code for energy conservation in new building construction dated August 1979, Revised May 1980 (2nd Edition), Revised June 1986 (3rd Edition).”
Additionally, the provisions of RSA 674:52 VI relative to the simplified adoption of updates and revisions to the BOCA National Building Code/1990 Eleventh Edition are hereby adopted.
Information required by RSA 674:51,II is as follows:
(a)
(b)See Section 124.2
(c)
(d)See Section 114.3.1