

SECTION H

Town of Amherst BUILDING CODE/BUILDING ORDINANCE (Enacted March 1983)

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SECTION H

AMHERST BUILDING CODE/BUILDING ORDINANCE

Adopted March 8, 1983

ARTICLE I -- TITLE

Section 1.1 Title.

These regulations shall be known and cited as the Building Ordinance of the Town of Amherst, New Hampshire, and shall be construed to ensure public safety and health insofar as they are dependent upon building construction.

ARTICLE II -- MINIMUM REQUIREMENTS

Section 2.1 Minimum Requirements.

The provisions of this Ordinance shall be held to be the minimum requirements for the preservation of life and health and safety of the inhabitants of the Town of Amherst and shall be controlling as to all buildings and structures subject to this Ordinance, except where more stringent requirements are provided under the statutes of the State of New Hampshire.

ARTICLE III -- OTHER TOWN REGULATIONS

Section 3.1 Other Town Regulations.

No provisions of the Town Zoning Ordinance or any other legal statute pertaining to the location, use, or construction of buildings shall be nullified by the provisions of this Ordinance.

ARTICLE IV -- ADMINISTRATION

Section 4.1 Administration.

The provisions of this Ordinance and enforcement of its requirements will be by the Board of Selectmen and/or the Building Official. When, in the course of administering the terms of this Ordinance, a question is raised as to detail not completely covered herein, reference to and conformance with all Building and Life Safety codes adopted by the State of New Hampshire in effect at the time of application for a building permit, shall be considered prima facie evidence of conformance with the objectives of this Ordinance. In the absence of a Building Official, the Board of Selectmen shall perform his duties. (3-11-14)

ARTICLE V -- PERMITS

Section 5.1 Permits.

A permit issued by the Building Official shall be required before beginning operations of placement of foundations, alterations, repair, or placement on a lot of a building or structure greater than 32 square feet in size. A permit is required for the addition or expansion of any existing structure that results in a structure that exceeds 32 square feet in size. Temporary structures do not require a building permit. Applications for permits shall be submitted in such form as the Building Official prescribes and shall be signed by the Owner. (3-10-15)

ARTICLE VI -- PLANS

Section 6.1 Plans.

Applications for permits shall be accompanied by plans with sufficient clarity and detail dimensions to show the nature and character of the work to be performed. The Building Official may waive the requirement for filing plans when the work involved is of a minor nature.

ARTICLE VII -- PERFORMANCE AND SITE MAINTENANCE

Section 7.1 Performance.

All work performed under Building Permits shall conform to the plans and specifications filed with the application.

Section 7.2 Site Maintenance.

Prior to the start of any construction on a site, provisions shall be made to properly manage and contain all solid waste and construction debris (i.e. construction, demolition, and miscellaneous trash) to prevent such solid waste or debris from becoming a threat to public health and safety or a nuisance on the site or in the surrounding area. Proper management and containment shall include providing an enclosed area, covered container, or other means proportional to the job being done, to contain the solid waste or debris. Further, all solid waste and debris shall be placed in the enclosed area or container and the entire job site picked-up every day, including any solid waste or debris in the public ways surrounding the job site. All solid waste and debris is to be removed from the site for legal disposal prior to the issuance of a Certificate of Occupancy.

Section 7.3 Temporary Facilities - Deleted (3-14-23)

Section 7.4 Demolition.

Any structure undergoing demolition of any type must first acquire a demolition permit. Site must be posted with appropriate warning signage and properly secured to maintain public safety at all times.

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Location and type of any hazardous materials to be removed must be verified and proof of intent of proper disposal provided. (3-11-14)

ARTICLE VIII -- LIMITATION OF PERMIT

Section 8.1 Limitation of Permit.

All permits expire two (2) years after date of approval.

ARTICLE IX -- CERTIFICATE OF OCCUPANCY

Section 9.1 Certificate of Occupancy.

No building or structure erected or altered as specified in a 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 Official. Upon the request of the holder of a permit, the Building Official may issue a temporary Certificate of Occupancy for a building or structure, or part thereof, before the entire work covered by the permit shall have been completed provided such portion or portions may be occupied safely prior to full completion of the building or structure without endangering life or public welfare.

ARTICLE X -- BOARD OF ADJUSTMENT

Section 10.1 Board of Adjustment.

An applicant for a building permit whose application has been refused by the Building Official, or parties who have been ordered by the Building Official to incur expense in connection with construction, or parties aggrieved by a decision of the Building Official on a matter left by this Ordinance to his approval or discretion, may appeal from such action by filing within fourteen (14) days from date of refusal, order, or decision, a written appeal, signed by the owner of property involved, with the Zoning Board of Adjustment.

If the decision of the Building Official is affirmed by the Board of Adjustment, the ruling of the Building official shall be final. If the action of the Building Official is modified or annulled, the Building Official shall issue a permit or order in accordance with the decision of the Board. The Board of Adjustment shall hold a public hearing on all appeals under the foregoing and shall give notice thereof in the manner required for appeals.

ARTICLE XI -- SAVING CLAUSE

Section 11.1 Saving Clause.

Nothing in this Ordinance as adopted shall be construed to affect any suit or proceeding now in progress, or any rights acquired, or liability incurred, or any cause or causes of actions accrued or existing under any Town Ordinance.

ARTICLE XII -- VALIDITY

Section 12.1 Validity.

The invalidity of any section or provision of this Ordinance, hereby adopted, shall not invalidate other sections or provisions thereof.

ARTICLE XIII -- FEES FOR PERMITS

Section 13.1 Fees For Permits.

A fee shall be charged for all permits issued under the terms of this Ordinance as determined by the Board of Selectmen.

ARTICLE XIV -- ENFORCEMENT

Section 14.1 Enforcement.

Upon any well founded information that this Ordinance is being violated, the Board of Selectmen shall, on their own initiative, take 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 provisions of this Ordinance shall be punished on conviction by a fine not exceeding \$50.00 for each day of delay in correcting the violation.

ARTICLE XV -- EFFECTIVE DATE

Section 15.1 Effective Date.

This Ordinance as amended shall become effective upon its passage and adoption by action of a regular Town Meeting.

ARTICLE XVI – BUILDING CODE (03-12-96, 3-11-14, 3-14-23)

Section 16.1 Building Code.

Declaration of Purpose. The purpose of this Code is to establish uniform rules and regulations for the construction of buildings within the limits of the Town of Amherst in accordance with RSA 155-A, as amended. This Code is not intended, nor shall it be construed, to create a duty on the part of the Town of Amherst 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 Code or any action taken or not taken hereunder, as a basis to assert any claim for any loss, damage, or expense against the Town, its officials, employees, or agents. (3-11-14)

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Adoption of Codes by Reference. The Town of Amherst hereby adopts the following building codes and amendments thereto pursuant to RSA 155-A and 674:51, as amended. These codes shall be known as the Building Code and are adopted to establish rules and regulations for the construction of buildings within the limits of the Town of Amherst. Where any provision of the Building Code conflicts with State or federal law, the code creating the greater degree of life safety shall take precedence. (3-11-14, 3-14-23)

1. The definition of potable water in Section R202 of the 2018 International Residential Code is replaced with:

POTABLE WATER. Water free from impurities present in amounts sufficient to cause disease or harmful physiological effects and conforming to the Drinking Water Maximum Contaminant Level standards established by the more stringent of the New Hampshire Department of Environmental Services or the U.S. Environmental Protection Agency for Arsenic, Bacteria, Copper, Fluoride, Lead, Nitrate, Nitrite, Uranium, Manganese, and those Per- and Polyfluoroalkyl Substances (PFAS) Contaminants for which standards have been set, including but not limited to:

Perfluorohexane sulfonic acid (PFHxS), total of all isomers
Perfluorononanoic acid (PFNA), total of all isomers
Perfluorooctane sulfonic acid (PFOS), total of all isomers
Perfluorooctanoic Acid (PFOA), total of all isomers

2. The existing text of the 2018 International Residential Code, Section P2602 Individual Water Supply and Sewage Disposal, Subsection P2602.1, General, is supplemented by the addition of the following:

Water Quality Test. Water from an individual water supply shall be approved as potable by the authority having jurisdiction prior to issuance of a certificate of occupancy. A report from a laboratory accredited under the New Hampshire Environmental Laboratory Accreditation Program or another state program under the National Environmental Laboratory Accreditation Program shall be submitted to the code/building official. When water treatment is necessary, treated water shall be tested for the contaminants listed within the “potable water” definition.

Well Capacity Test. An individual water supply system based on an individual well shall provide at least 960 gallons of water over a four-hour period in accordance with the following requirements:

1. Upon completion of the drilling and development of the well, the well must be pumped with a submersible pump located at the likely depth the permanent well pump would be set and at least 25 feet above the bottom of the well.
2. The determination of the usable well yield must be performed by completing a pump test a minimum of four hours in duration unless the criteria in No. 4 below is met.
3. During the pump test, the water level in the well must always be at least 20 feet above the pump intake, and if not, the pumping rate must be reduced to maintain the minimum 20 feet of water above the pump intake.

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4. The pump test can be terminated in less than four hours if the water level drawdown rate is measured as less than 1 inch per minute over a 30-minute period and the pumping rate being maintained is a minimum of 4 gallons per minute.
5. Upon completion of the pump test, the water level must recover within 24 hours to at least 85 percent of the static water level measured prior to commencement of the pump test.
6. The well must have a minimum aquifer yield of no less than 2 gallons per minute.
7. The pump test must be overseen and documented by a licensed water well contractor, licensed pump installer, or a licensed geologist, with appropriate qualifications.
8. The well construction details and pump test results must be documented and provided to the municipality and the homeowner.
9. If a well fails to meet the required pumping rate and performance standards, additional water volume may be met by adding a water storage tank to the domestic water system or another approved alternative method.
10. If the sanitary exclusion zone (as defined in NH Department of Environmental Services regulations) of one or more additional wells overlaps the sanitary exclusion zone of the subject well, then all such wells with overlapping sanitary exclusion zones must be tested and meet the capacity requirements simultaneously. The early termination provision of paragraph 4 shall not apply unless each well being tested simultaneously meets the criteria of paragraph 4.

ARTICLE XVII – PLUMBING – Deleted (3-11-14)

ARTICLE XVIII – ELECTRICAL – Deleted (3-11-14)