FLOOD HAZARD AREAS
BUILDING CODE
Town of Northumberland

ARTICLE I - GENERAL PROVISIONS - For Application in The Flood Hazard Areas
of the Federal Insurance Administration in its Boundary and Floodway
Maps of The Town of Northumberland dated April 18, 1975.

1.1 Title

This ordinance, and the building regulations it contains, shall be known and may be cited as "The Building Code of Northumberland, New Hampshire".

1.2 Purpose

The purpose of this Building Code is to provide for safety, health and public welfare through structural strength and stability, means of the protection of life and property from fire and hazards incident to the design, construction, alteration, removal or demolition of buildings and structures. It is also the purpose of this Building Code to prescribe regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

1.3 Scope

The scope of this Building Code provides for matters concerning, affecting or relating to the design, construction, maintenance, repair, alteration, removal, demolition, equipment, occupancy, safety and/or condition of buildings or alterations after the date of enactment of this ordinance, or structures erected, or to be erected, within the Town of Northumberland, New Hampshire, excepting insofar as such matters are otherwise provided for in other statutes or ordinances, or in the rules promulgated under the provisions of this Building Code.

1.4 Buildings and Structures Affected

The provisions of this Building Code shall apply to buildings or structures, modular or mobile homes on land or over water and to constructions such as swimming pools, vaults, areas of street encroachments, however placed, whether separate from or appurtenant to such buildings or structures. Such provisions shall apply with equal force to municipal, county or state buildings as they do to private buildings, except as may be specifically provided for by other town or state statutes or ordinances. The provisions of this Building Code, based on occupancy, also apply to conversions of existing buildings and structures or portions thereof from one occupancy classification to another.
1.5 New and Existing Buildings and Structures

No building or structure shall hereafter be constructed, altered, repaired or removed, except in conformity with the provisions of this Building Code. No building shall be altered, maintained, occupied, used or changed in use in any manner which would be in violation of the provisions of this Building Code, or of any authorized ruling of the Building Inspector made and issued hereunder.

1.6 Validity and Other Laws

Nothing in this Building Code shall be construed to prevent the enforcement of other portions of this Building Code or State law which prescribe more restrictive limitations. The invalidity of any provision in any section of this Building Code shall not have the effect of making void any other parts or provisions which may or shall be determined to be legal.

1.7 Materials and Methods of Construction

Nothing in this Building Code shall be construed to prevent the use of any material or method of construction whether or not specifically provided for in these building regulations if, upon presentation of plans, methods of analysis, test data, or other necessary information to the Building Inspector by the interested person or persons, the construction complies with specific provisions or conforms to the intent of this Building Code.

1.8 Amendments

This ordinance may be amended, changed, altered, added to or rescinded from time to time as deemed necessary or advisable in accordance with the methods set forth in the applicable State Statutes.

ARTICLE II - DEFINITIONS

2.1 Unless specifically defined below, words or phrases used in this document shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this document its most reasonable application.

"Base Flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Development" means any man-made change to improved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
"Flood" means general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood plain" or "flood prone area" means any land area susceptible to being inundated by water from any source (see definition of "flood").

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".

"Mobile home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required facilities. It does not include recreational vehicles or travel trailers. The term includes but is not limited to, the definition of "mobile home" as set forth in regulations governing the "Mobile Home Safety and Construction Standards Program (24 CFR 3282.7 (a))

"Person" includes any individual or group or individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Structure" means, for flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a mobile home.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alterations of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external
dimensions of the structure. The terms does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Variance" means a grant of relief by a community from the terms of a flood plain management regulation.

ARTICLE III - BUILDING INSPECTOR

3.1 Appointments

The Selectmen shall appoint a Building Inspector. This person shall be capable of making the necessary examinations and inspections. The Building Inspector shall not have any interest whatever, directly, or indirectly, in providing goods or services to the building permit applicant, and in the event he does have an interest, he shall disqualify himself, and the Selectmen shall handle all processing of such application thereafter and shall act with all the same powers, duties and authorities.

Where the town finds itself not capable of acquiring said Building Inspector, the Selectmen's Office will assume such responsibilities. In such case, the town may hire a qualified individual or firm which could competently perform the Inspector's duties at periods deemed necessary for assistance or representation.

3.2 Duties

The Building Inspector shall administer all provisions of this Building Code, together with the Zoning Ordinance of the Town of Northumberland, New Hampshire, and except as otherwise provided, he shall enforce all provisions of this Building Code, the Zoning Ordinance and all statutes and regulations of the State of New Hampshire relating to the construction, equipment, maintenance, alteration, fire damage and condition of the buildings, including sewage disposal and other utility systems, within the corporate limits of the Town of Northumberland.

The Building Inspector shall not issue any building or occupancy permit for any proposed construction, remodeling, or maintenance which will not comply with any or all zoning ordinances, building codes, or planning board regulations which are in effect.
The Building Inspector shall have authority to issue violation notices and all orders reasonably necessary or desirable for the purpose of enforcing or preventing violations of this Building Code, or enjoining the maintenance of any structure erected contrary thereto. He shall have authority to, and he shall visit and inspect every structure upon which work is being done, where a permit is required as often as he deems necessary. He shall keep on file all applications for permits, and one copy of all plans and specifications submitted. The Building Inspector may consult any town department head, and may, with the approval of the Selectmen, consult with Town Counsel, engineers, or other qualified experts for advice on any work or application in question.

3.3 Absence or Disability

In case of temporary absence or disability of the Building Inspector, the Selectmen may designate a qualified person to act in the capacity of the Building Inspector in matters that require official attention.

3.4 Cooperation of Other Officials

The Building Inspector in the discharge of his official duties, may request and shall receive so far as may be necessary the assistance and cooperation of the other officials of the Town.

3.5 Right of Entry

The Building Inspector shall have the right in the performance of his duties, and at reasonable times, and with prior notification to the owner to enter, examine and inspect any premises or building within the Town for the purposes of this Building Code. Where such entry is refused, the Building Inspector may, for reasonable or probable cause shown, obtain such entry by search warrant on order of Court.

3.6 Relief from Personal Responsibility

The Building Inspector shall not be personally liable while acting out the duties in performance of his functions set forth by this Building Code. No oversight or neglect of duty, however, on the part of the Building Inspector or other officials acting in part of this Building Code, shall legalize any construction, erection, alteration, repair or removal of any building or structure failing to conform with the provisions of this Building Code nor relieve the applicant therefrom.
ARTICLE IV - PERMIT

4.1 Requirements of Permit

It shall be unlawful to construct, erect, alter, repair, remove or demolish, occupy, use or change in use any building or structure for which provision is made in this Building Code without first obtaining the required permit, except if involved in matters provided in "exceptions" herein contained.

4.2 Application for Permit

Application for the permit shall be made by the owner or lessee of the building or structure, or agent of either or by the licensed engineer or architect employed in connection with the proposed work.

An Affidavit Form must be filed with the Building Inspector when anyone other than the owner files for a building permit. This is to verify that the owner has authorized this individual to obtain the required permits for work to be performed on his property.

4.3 Plans and Specifications

At the discretion of the Building Inspector, the application for the permit shall be accompanied by not less than two (2) copies of specifications and plans drawn to scale, with sufficient clarity, and detail dimensions to show the nature and character of the work to be performed. When quality of materials is essential for conformity to this Building Code, specific information shall be given to establish such quality; and this Building Code shall not be cited, or the term "legal" or its equivalent be used, as a substitute for specific information.

4.4 Expiration of Permit

An application for a permit for any proposed work shall be deemed to have expired twelve months after date of issuance if construction has not commenced at that time or unless provisions have been made, where extension can be granted by the Building Inspector.

4.5 Fees

No fees will be charged.
4.6 Posting of Permit

The permit issued by the Building Inspector shall be displayed in a conspicuous place on the premises and shall not be removed until all work is completed on the building and has been approved by the Building Inspector.

4.7 Certificate of Occupancy

No building or structure shall be occupied or used, in whole or in part, until a certificate of occupancy shall have been issued by the Building Inspector and, except for dwelling, posted on the premises stating the purpose for which the building may be used in its several parts, and all special stipulations of the permit, if any.

ARTICLE V - FLOOD AREAS

5.1 Flood Hazard and Floodproofing

Where a structure is located within a flood plain as determined by the Building Inspector or the governmental body having jurisdiction, such a structure must be designed to resist or overcome the anticipated flood conditions. Any proposed building must include in design prevention for flotation, collapse, movement of the structure and any construction method and practice that will minimize flood damage.

This Building Code also includes the requirements set forth by the National Flood Insurance Program adopted by the Town of Northumberland, New Hampshire, as follows:

5.2 Floodplain Development Regulations

The following regulations shall apply to all land designated as flood hazard areas by the Federal Insurance Administration in its Boundary and Floodway Maps of the Town of Northumberland and dated April 18, 1975 which are declared to be part of this Ordinance.

A. Scope

i. No person shall erect, construct, enlarge, alter, repair, improve, move or demolish any building or structure without first obtaining a separate permit for each building or structure from the Building Inspector.

ii. No man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations shall be commenced until a separate permit has been obtained from the Building Inspector.
iii. No mobile home shall be placed on improved or unimproved real estate without first obtaining a separate permit for each mobile home from the Building Inspector.

B. Structures

i. The Building Inspector shall review all building permit applications for new construction or substantial improvements (meaning any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (a) before the improvement or repairs started, or (b) if the structure has been damaged, and is being restored, before the damage occurred) to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (i) be designed (or modified) and anchored to prevent floatation, collapse, or lateral movement of the structure, (ii) use construction materials and utility equipment that are resistant to flood damage, and (iii) use construction methods and practices that will minimize flood damage.

ii. The Building Inspector shall obtain, and reasonably utilize any base flood elevation data available from a Federal, State, or other source, until such other data has been provided by the Federal Flood Insurance Administrator, as criteria for requiring that (i) all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the base flood level and (ii) all new construction and substantial improvements of nonresidential structures have the lowest floor (including basement) elevated or floodproofed to or above the base flood level;

iii. For the purpose of the determination of applicable flood insurance risk premium rates within Zone A on a community's Flood Hazard Boundary Map, the Building Inspector shall (i) obtain, or require the applicant to furnish, the elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures; and whether or not such structures contain a basement, (ii) obtain, or require the applicant to furnish, if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed, and (iii) maintain a record of all such information.
iv. The Building Inspector shall require that all mobile homes to be placed within Zone A on the community's Flood Hazard Boundary Map shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that (i) over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations and mobile homes less than 50 feet long requiring one additional tie per side; (ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points and mobile homes less than 50 feet long requiring four additional ties per side; (iii) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and (iv) any additions to the mobile home be similarly anchored.

C. Water and Wastewater Systems

Where new and replacement water and sewer systems (including on-site systems) are proposed, the applicant shall provide the Building Inspector with assurance that the systems are located, designed and will be constructed to minimize infiltration and avoid impairment by flood waters.

D. Other Permits

The Building Inspector shall review proposed developments to assure that all necessary permits have been applied for and/or received from those governmental agencies from which approval is required by Federal and State law, including Amendments of 1972, 33 U.S.C.1334. It shall be the responsibility of the applicant to certify these assurances to the Building Inspector.

F. Watercourse Alterations

In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the N.H. Office of State Planning and submit copies of such notification to the Building Inspector and the Federal Insurance Administration. Further, the applicant shall be required to submit copies of said notification to those adjacent communities, as determined by the Building Inspector.
Within the altered or relocated portion of any watercourse, the applicant shall submit to the Building Inspector, certification provided by a registered professional engineer or architect assuring that the flood carrying capacity of the watercourse has been maintained.

ARTICLE VI - APPEALS

6.1 Provisions for Appeals

The owner of a building or structure or any other person may appeal from a decision of the Building Inspector refusing to grant a modification to the provisions of this Building Code covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure to the Building Code Board of Appeals. Application for appeal may be made when it is claimed that the true intent of this Building Code or the rules legally adopted hereunder have been incorrectly interpreted; the provisions of this Building Code do not fully apply, or an equally good or better form of construction can be used.

6.2 Building Code Board of Appeals

The five (5) member Zoning Board of Adjustment shall serve as the Building Code Board of Appeals. Members shall not include any persons involved with the issuance of permits. Each member of the Board shall be a resident of the Town of Northumberland.

6.3 Procedure

Upon a written request by the appellant to the Building Code Board of Appeals, the Board shall convene a meeting within thirty (30) days to hear appellant. If the Board does not convene a meeting within thirty (30) days after receipt of appellant's letter, then the Board is deemed to have approved the appellant's request for modification of this Building Code for the project at issue.

Upon such a meeting the Board then shall have an additional forty-five (45) days to reach a decision.

6.4 Guidelines for Decisions

A. The Building Code Board of Appeals shall have the power, upon an appeal filed with it by any person aggrieved by a decision of the Building Inspector dealing with the Building Code, to vary the application of any provision of the Building Code to any particular case when, in
its opinion, 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.

B. Should the Building Code Board of Appeals consider a petition for a variance from the regulations set forth in the Floodplain Development Regulations of this Building Code, the following procedures will be adhered to:

1. The Building Code Board of Appeals shall only issue a variance upon:
   a. a showing of good and sufficient cause, and
   b. a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
   c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing local laws; and
   d. a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

2. Variances may be issued for structures to be erected on a lot if otherwise permitted by law, contiguous to and surrounded by lots with existing structures constructed below the base flood level.

3. A variance shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

4. If a variance is granted, the Building Code Board of Appeals shall notify the applicant in writing over their signature that:
   a. the issuance of such a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance, and
   b. such construction below the base flood level increases risks to life and property.
The Building Code Board of Appeals will maintain a record of all variance actions, including justification for their issuance and report such variances issued through the Annual Report submitted to the Federal Emergency Management Agency.

Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed in the National Register of Historic Places or on State Inventory of Historic Places, without regard to the procedures set forth above.

ARTICLE VII - EXCEPTIONS

Ordinary repairs to structures may be made without application or notice to the Building Inspector if costs or labor and materials are estimated to be no more than $500. Such repairs, alterations, and additions shall not include the removal or cutting of any structural beam or bearing support nor shall they include replacement or relocation of any water supply, sewer, drainage, gas, waste piping, electrical wiring or mechanical or other work affecting health and safety.

ARTICLE VIII - EFFECTIVE DATE

This ordinance and the building regulations it contains shall take effect upon its passage.

Adopted by Town Meeting this 13th day of March, 1984.