

## **Chapter 97 – Building Construction**

### **Chapter 97**

#### **Building Construction and Permits**

(Adopted by ATM on 03-05-1978 by Art. 22; Amended by ATM on 03-10-2026 by Art. 9)

#### **97-1. Adoption**

Pursuant to RSA 155-A:3, the Town of Fitzwilliam adopts the enforcement of the State Building Code as set forth in RSA Chapter 155-A; creates the position of Building Inspector, hereinafter known as the Code Enforcement Officer to enforce the State Building Code; authorizes the Code Enforcement Officer to review and determine compliance of building plans, issue building permits, inspect the work authorized by the building permits, issue appropriate use occupancy certificates, permit the Board of Selectmen to charge reasonable fees for such service, and exercise other enforcement action as authorized by RSA Chapter 676. These regulations shall be known and cited as the “Building Ordinance of the Town of Fitzwilliam, New Hampshire,” and referred to for health, safety and general welfare insofar as they are dependent upon building construction.

#### **97-2. Declaration of Purpose**

The purpose of this ordinance is to establish uniform rules and regulations for the construction of buildings and structures within the corporate limits of the Town of Fitzwilliam. This ordinance is not intended, nor shall it be construed, to create a duty on the part of the Town of Fitzwilliam 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 ordinance, 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.

#### **97-3. Effect on other legislation**

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

#### **97-4. Administration**

The provisions of this ordinance and its requirements will be enforced by the Code Enforcement Officer. In the absence of the Code Enforcement Officer, the Board of Selectmen shall perform his/her duties. The applicant for a permit shall be responsible for meeting the minimum requirements of the State Building Code and the Town of Fitzwilliam shall not be held liable for any failure on part of the Contractor or Applicant to comply with the provisions of the State Building Code as provided in RSA Chapter 155-A:2.

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### **97-5. Term of Permit**

A permit under which no work is started within one year after issuance will expire by limitation. If an excavation has been wholly or partially completed or the foundation walls have been erected and the project is terminated, the parties granted the permit will be required to bring the excavation back to grade within (6) months after the date of the permit. Failure to carry construction beyond first-floor flooring within six (6) months or to complete exterior structural details as specified in filed plans and specifications within twelve (12) months after the start of work will be considered evidence of termination of the project for which the permit was issued.

A building permit for a new structure or for alterations to an existing structure shall expire two (2) years after the date issue. If any work has not been completed which is covered by the permit, a new permit shall be required unless the Code Enforcement Officer has previously approved a schedule for construction which runs past the expiration date of the permit.

### **97-6. Standards**

It is required by this ordinance that all permitted buildings and structures, including manufactured homes that are erected, rebuilt, repaired substantially, moved, demolished, or change the occupancy of a building or structure shall comply with the following requirements. Any addition and alteration to an existing permitted structure shall also comply with the following requirements.

#### **State Building Code; as set forth in RSA Chapter 155-A**

##### **Climatic and Geographic Design Criteria Values:**

- 1) Ground Snow Load: 75lbs/sq.ft.
- 2) Wind speed: 90 mph
- 3) Seismic Design Class: C
- 4) Weathering: Severe
- 5) Frost Line Depth: 48 inches
- 6) Termite Probability: Slight to Moderate
- 7) Flood Hazard: Flood Insurance Rate Maps

**Certificate of Occupancy:** The Code Enforcement Officer shall not issue a certificate of occupancy until the applicant has satisfied to the Code Enforcement Officer that all of the work has been completed in compliance with the Code, the septic system meets the requirements of the New Hampshire Department of Environmental Services Subsurface bureau and local regulation, the driveway entrance has been approved by the Road Agent on town roads and the proper representative of the Fire Department has reviewed the work and finds no violations of any state or local laws within the jurisdiction of the Fire Department.

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### **97-7. Building Board of Appeals**

- A. As outlined in RSA 673:1, the Fitzwilliam Zoning Board of Adjustment shall act as the Building Code Board of Appeals until such time as the legislative body creates a separate and distinctive Building Code Board of Appeals.
- B. If an applicant feels aggrieved by a decision of the building official, he or she can appeal such decision to the Fitzwilliam Zoning Board of Adjustment. Thereafter, any person aggrieved by the decision of the Zoning Board of Adjustment may appeal to Superior Court of Cheshire County.

### **97-8. Fees – Building Permits**

Fees shall be charges for all permits issued under the terms of Chapter 97 (Building Code)

Fee Calculation: Building permit fees for new construction, both residential and commercial, are based on the sum of all the gross floor areas of all floors of the building; this includes basements and garages. Attic floors are not included in this calculation unless they are designed for habitable rooms at a future date. Fees also include electrical, fuel gas, mechanical, and plumbing inspections.