



RYE BUILDING CODE

Revised March 2012



*Rye Town Hall
10 Central Road, Rye NH 03870*

TABLE OF CONTENTS

SECTION 1	
TITLE, PURPOSE, SCOPE	2
SECTION 2	
BUILDING OFFICIALS AND ADMINISTRATION	3
SECTION 3	
PERMITS	5
SECTION 4	
ENFORCEMENT AND VIOLATIONS	7
SECTION 5	
PENALTIES	9
SECTION 6	
PROVISION FOR APPEALS	9
SECTION 7	
BUILDING REGULATIONS	9
SECTION 8	
HAZARDOUS AND DILAPIDATED BUILDINGS.....	18
SECTION 9	
DEFINITIONS	18
APPENDIX	
RECORD OF AMENDMENTS.....	19

RYE BUILDING CODE

PREAMBLE - AUTHORITY

Pursuant to the authority vested in towns by Chapter 674:5 1, as amended, and all other enabling statutes and laws, and to provide for safety, health, and public welfare in the Town of Rye, the following Ordinance is hereby enacted by the voters of the Town of Rye, New Hampshire, in the official town meeting convened on March 14, 2000. The Building Code was amended during March 2001 and March 2005.

This Building Code replaces in its entirety the Building Code enacted on March 11, 1969 and the several amendments thereto.

SECTION 1 - TITLE, PURPOSE, SCOPE

- 1.1 Title and Construction: This Ordinance, and the building regulations it contains shall be known and may be cited as “The Building Code of Rye, New Hampshire” and for short form may be referred to as the “Code” and shall be construed to secure the beneficial interest thereof, which are public safety, health and welfare insofar as they are dependent upon the design, construction, maintenance, repair, alterations, removal or demolition of buildings and structures and their attendant sites.
- 1.2 Purpose of the Building Code: The purposes of this Code are: to provide for safety, health and public welfare through structural strength and to protect life and property from fire hazards incident to the design, construction, maintenance, repair, alteration, removal or demolition of buildings and structures; and to assure that all construction of buildings and structures and development attendant to such work are performed in a manner compatible with both the Rye Zoning Ordinance and all other applicable regulations and approved plans.
- 1.3 Scope: This Code provides for matters concerning, affecting, or relating to the design, construction, maintenance, repair, alteration, removal, demolition, equipment, use and occupancy, location and condition of buildings or structures erected, or to be erected within the Town of Rye, New Hampshire, excepting insofar as such matters are otherwise provided for in the Town and in the Rye Beach District Zoning Ordinances, The Rye Planning Board Land Development Regulations, and in other statutes or ordinances, or in rules promulgated under the provisions of this Code. Wherever the word “town” is used in this Code, it shall be held to mean the Town of Rye, New Hampshire.
 - 1.3.1 Buildings and Structures Affected: The provisions of this Code shall apply to buildings or structures, as defined by the Rye Zoning Ordinance, on land or over water, however placed, whether separate from or appurtenant to such buildings or structures and to their attendant sites. 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 statute or ordinance. The provisions of this Code, based on occupancy, also apply to conversions of existing buildings and structures or portions thereof from one occupancy classification to another.

1.3.2 Activities Covered: No building or structure shall hereafter be constructed, altered, repaired, or removed except in conformity with the provisions of this Code. No building shall be altered, maintained occupied or used in any manner which would be in violation of the provisions of this Code, or of any authorized rule or approval of the Building Inspector made and issued thereunder.

1.3.3 Flood Hazard Districts: If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall comply with the "Floodplain Development and Building Ordinance". This ordinance and the map showing the Flood Hazard District are available in the Building Inspector's office.

1.3.4 Alteration of Water Courses: If any party proposes to alter or relocate a water course, the Applicant shall obtain the necessary state and local permits and approvals. The regulatory bodies include but are not limited to: the N. H. Department of Environmental Resources, the N.H. Wetlands Bureau, the U.S. Army Corps of Engineers and the Administrator of the Federal Flood Insurance Administration.

1.4 Validity of Other Laws: Nothing in this Code shall be construed to prevent the enforcement of other portions of these ordinances of state law which prescribe more restrictive limitations. The invalidity of any section or provision of this ordinance or these building regulations hereby adopted shall not invalidate other sections or provisions thereof.

1.5 Materials and Methods of Construction: Nothing in this 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 or referenced Codes if, upon presentation of plans, methods of analysis, test data, or other necessary information, stamped by a licensed architect or engineer to the Building Inspector, the construction complies with specific provisions of or conforms to the intent of this article.

SECTION 2- BUILDING OFFICIALS AND ADMINISTRATION

2.1 Building Inspector Qualifications: The Selectmen shall appoint a Building Inspector and may appoint a Deputy Building Inspector, each of whom shall have had experience as a civil or structural engineer, superintendent of building construction, or a building contractor, or be otherwise qualified by experience or training in the field of building or

construction to be qualified to competently perform the Inspector's duties. The Deputy Building Inspector shall act in the absence, disqualification, disability or unavailability of the Building Inspector, with all the same powers, duties and authorities. Wherever the words "Building Inspector" appear in this Code, in his absence, disqualification, disability, or unavailability, the same may be read as "Deputy Building Inspector". The Building Inspector shall be capable of making the necessary examinations and Inspections. Also, 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 such an interest, he shall disqualify himself, and the other building official of the Town, whether the Building Inspector or Deputy Building Inspector, shall handle all processing of such application thereafter.

2.2 Building Inspector Duties: The Building Inspector shall:

2.2.1 Administer all provisions of this Code, together with the Zoning Ordinance, and, except as otherwise provided, shall enforce all provisions of this 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 buildings, structures and their attendant sites including sewage disposal and other utility systems, within the Town of Rye.

2.2.2 Have authority to issue violation notices and all orders reasonably necessary or desirable for the purpose of enforcing or preventing violations of this Code, or enjoining the maintenance of any structure erected contrary thereto.

2.2.3 Have authority to, and shall visit and inspect each and every structure upon which work is being done, where a permit is required, as often as necessary.

2.2.4 Keep on file all applications for permits, and one copy of all plans and specifications submitted. The Building Inspector may consult with Town Counsel and any town department heads, and may consult engineers or other qualified experts for advice on any work or application in question. The fees for any such consultation shall be paid for by the applicants for a permit.

2.2.5 Have authority to enforce all subdivision and site plan review approvals of the Rye Planning Board and all conditions of any such approvals, whether express or implied.

2.3 Administrative Procedure: The general administrative procedure of this Code shall follow that outlined in detail in Article VIII of the Zoning Ordinance of the Town of Rye, and reference being hereby made, that section therefore becomes effective for the administration of this Building Code.

- 2.4 Right of Entry: The Building Inspector shall have the right in the performance of his duties, and at reasonable times, to enter, examine and inspect any premises, land, or building within the Town for the purposes of this Code, the Zoning Ordinance, or the Planning Board Land Development Regulations. Where such entry is refused, the Building Inspector may, for reasonable or probable cause shown, obtain such entry by administrative inspection warrant pursuant to RSA Chapter 595-B, as amended, or order of Court. The Planning Board, its members, officers, and employees, in the performance of its duties and responsibilities, as authorized by this section and RSA 674:1, IV, shall likewise have such right of entry.
- 2.5 Relief from Personal Responsibility: The Building Inspector charged with the enforcement of this Code shall not be personally liable while acting for the Town in the discharge of his official duties. No oversight or neglect on the part of the Building Inspector, however, shall legalize the erection, construction, alteration, repair or moving of any building or structure in a manner not conforming with the provisions of this Code. These same provisions as to relief from personal responsibility shall apply to the Planning Board, its members, officers and employees, acting in the performance of their functions
- 2.6 Complaint File: The Building inspector shall maintain a file of all complaint forms and violations. This file will be open for public inspection during the Building Inspector's normal office hours. Complainant must complete and sign the approved form. Notice shall be furnished to the person against whom the complaint was made to allow him opportunity for rebuttal.

SECTION 3- PERMITS

- 3.1 Application for permit: Every person or authorized agent of such person intending to erect, construct or move any building or structure, as defined in the Zoning Ordinance, or parts thereof, including swimming pools and tennis courts of all types, within the Town of Rye, and every such person or agent intending to alter or restore any building or structure in any manner, shall before proceeding with the work, obtain the required building permits (electrical, plumbing, and construction) from the Building Inspector. The application forms, furnished by the Building Inspector, require: a description of the building; the site; the location thereof; the work contemplated and every such person or agent intending to otherwise alter or restore any building or structure, including the interior, so as not to increase the floor or base area thereof, to the extent of one thousand five hundred dollars (\$1,500.00) or more in value, including the value of all labor and materials. The fees for permits are listed at the offices of the Building Inspector. A careful record of the original of such application and the supporting plan and any specifications shall be kept in the town offices by the Building Inspector.
- 3.2 Requirements for Permit Applications, Plans: Applications for building permits and instructions for the filing thereof are available at the Building Inspectors office. The

Building Inspector is authorized to establish forms and requirements for plans and other information to be submitted which will accomplish the intent of this ordinance.

- 3.3 Required Approvals: No building permit shall be issued unless all required approvals from state and/or federal agencies have been received, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

The Building Inspector shall review all subdivision plans and all site plans which have been approved by the Rye Planning Board involving or affecting the site to assure that the application is in compliance with all conditions of planning board approval, whether express or implied. No building permit application shall be approved unless it is in compliance with such approvals or conditions.

- 3.4 Approved Plans: One (1) copy of the approved plans and specifications together with a signed permit shall be kept at the site of work until such work is completed. After issuance of a building permit, the approved plans and specifications shall not be changed unless such change is approved by the Building Inspector. Changes must be annotated to both the plan at the site and the plan in the Building Inspector's file and all changes must be initialed by both the contractor listed in the building permit and the Building Inspector. Prior to issuing a Certificate of Occupancy the Building Inspector shall inspect the construction site and certify that the work conforms to the plans filed in the Town Hall. A building permit shall become void unless operations are commenced within twelve (12) months from the date of approval. Such permit shall expire twelve (12) months from the date of approval. A permit may be renewed once upon payment of the required fee for an additional twelve (12) months

- 3.5 Other Town Permits

3.5.1

Fire Department Approval: No permit shall be issued by the Building Inspector respecting any work involving fire hazards such as bulk tanks, places of public assembly, demolition work or otherwise, unless the plan for proposed construction, alteration, repair, installation, or demolition has been approved in writing by the Fire Chief. If a new oil burning heating plant or system is part of the job for which the permit is requested, such permit shall not be issued without required fire department oil burner permit.

3.5.2

Department of Public Works Approval: No permit shall be issued by the Building Inspector respecting any work involving curb cuts in town roads without proof of a valid permit from the DPW.

- 3.6 Permits for Temporary Structures: No temporary structures, including platforms, stands,

observation or circus seats and tents for assembly purposes shall be erected unless Fire Department approval has been obtained and a permit therefore has been issued by the Building Inspector. Such structures may be maintained only for the period of time stated on the permit, and in no case for a longer period than one (1) week unless otherwise specified in this Code or the Zoning Ordinance. There is no fee for a Temporary Structure Permit.

- 3.7 Subdivision Plats: No permits shall be issued for proposed construction within a subdivision plat unless said plat has been given final approval by the Planning Board of the Town of Rye and filed with the Rockingham County Register of Deeds. No permits shall be issued for new construction on an undeveloped lot which does not comply with current zoning regulations or with the conditions of planning board subdivision approval, whether express or implied.
- 3.8 Site Plans: No permits shall be issued for new construction on a lot if site plan approval by the Rye Planning Board, if required, has not been obtained. No building permit shall be issued for construction on a lot which does not comply with the conditions of planning board site plan approval, whether express or implied.
- 3.9
- 3.10 Permits for Special Use Group Buildings: Whenever State statutes require the approval of the special use group buildings, including among others, factories, schools, and multi-family dwellings, the approval of such authorities shall accompany the application for a permit.
- 3.11 Posting of Permit Cards: 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 in the building shall have been approved by the Building Inspector. Inspections will not be performed unless the building permit has been posted at the site.
- 3.12 Fees: The Board of Selectmen is hereby authorized to establish fees to be charged for all permits, inspections and certificates of occupancy required by this ordinance. The schedule of fees shall be available in the Building Inspector's office during normal business hours. The amount accruing from the collection of fees shall be deposited at least weekly with the town Treasurer by the Building Inspector.
- 3.13 Certificates of Occupancy: The provisions of Section 802 of the Rye Zoning Ordinance are hereby incorporated by reference into this code.

SECTION 4- ENFORCEMENT AND VIOLATIONS

- 4.1 Enforcement Authority: It shall be the duty of the Building Inspector to make such orders and decisions, and to take any and all actions, as may be necessary to enforce the

provisions of this Code. The Board of Selectmen shall have concurrent jurisdiction with the Building Inspector as to the enforcement of this Code, so that whenever the words “Building Inspector” appear in respect to enforcement provisions of this Code, the same may also be read, in the alternative, as the “Selectmen”.

- 4.2 **Legal Proceedings:** It shall be the duty of the Building Inspector to take any appropriate action to prevent any violation of this Code, and it shall be the duty of the Town Counsel, upon complaint of the Building Inspector, and with the approval of the Selectmen, to institute abatement, injunction, or other appropriate proceedings at law or in equity to restrain, prevent, enjoin, abate, correct, or remove such violations; provided, however, that the remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law, including proceedings against any violator of the provisions of this Code under the penalties section of this Code.
- 4.3 **Notices of Violations:** Whenever the Building Inspector is satisfied that a building or structure, or any work in connection therewith, the erection, construction, or alteration execution of which is regulated, permitted, or forbidden by this Code, is being erected, constructed or altered, in violation of the provisions or requirements of this Code, or in violation of a detailed statement or plan submitted and approved thereunder, or of a permit or certificate issued thereunder, the Building Inspector or Town Counsel on his request or behalf shall cause to be served by mail or in hand a written notice of order upon the person responsible directing discontinuance of such illegal action and the remedying of this condition that is in violation of the provisions or requirements of this Code.
- 4.4 **Stopping Work:** Whenever in the opinion of the Building Inspector, by reason of defective or illegal work in violation of a provision or requirement of this Code, the continuance of a building operation is contrary to public welfare, the Building Inspector, or Town Counsel, on his request or behalf shall order, in writing, all further work to be stopped and may require suspension of all work until the condition in violation has been corrected. The Building Inspector or the Selectmen shall suspend or revoke any building permit upon determining that the work or project in process is not in conformity with the permit as granted, or is otherwise in violation of the terms of the Building Code or Zoning Ordinance. In event of such suspension or revocation of a building permit, the work or project concerned shall immediately cease, or legal action to enforce such cessation shall forthwith be taken by the Selectmen.
- 4.5 **Disregard of Violation Notices or Orders:** In case a violation notice or order is not properly complied with, the Building Inspector or Town Counsel on his request or behalf, shall notify the Selectmen of such noncompliance. The Selectmen upon receipt of such notice shall institute an appropriate action.

SECTION 5 - PENALTIES

- 5.1 Noncompliance: A person who shall violate a provision of this Code or who fails to comply therewith or with any violation notice or order issued to enforce the same or with any of the requirements thereof, or who shall erect, construct, maintain, alter, or repair, or have erected, constructed, altered, or repaired a building or structure or portion thereof~ or a site attendant thereto, in violation of a statement or plan submitted and approved thereunder, or of a permit or certificate issued thereunder, shall be subject to the fines and penalties set forth in RSA 676:17, as amended.

SECTION 6 - PROVISION FOR APPEALS

- 6.1 Appeals: For the purposes of this Code, the powers of the Building Code Board of Appeals are vested in the Zoning Board of Adjustment established under the terms of the Zoning Ordinance of the Town of Rye. Any person aggrieved, or any town official, may take an appeal to the Zoning Board of Adjustment from any decision of the Building Inspector as authorized by RSA 674:34 and in accordance with the procedures set forth in Article VII of the Zoning Ordinance, upon payment of such appeal filing fee as therein required.

SECTION 7 - BUILDING REGULATIONS

- 7.1 The New Hampshire Building Code, also called the State Building Code, and the State Fire Code apply to all buildings, building components and structures constructed in New Hampshire. (Revised, 2012)
- 7.2 The State Building Code incorporates by reference the most recent edition of the Life Safety Code, NFPA 101. Also, incorporated into the State Building Code by reference are: (Revised, 2012)
- International Building Code.
 - International Energy Conservation Code.
 - International Mechanical Code.
 - International Plumbing Code.
 - International Residential Code.
 - National Electrical Code.
- 7.3 The above codes are typically updated on a two or three year cycle. Per RSA 155-A:10, V, the State Building Code Board of Review is authorized to adopt updates of the above listed nationally recognized codes for inclusion in the State Building Code. The Rye Building Inspector shall post at the town hall and on the town website the versions of the above codes which are in effect in New Hampshire. (Revised, 2012)

7.4 Sections 105, 108, 202, 304.1, 305.1, 308, 403.1, 404, 502.1, 505.4, 602.3 of the *2009 International Property Maintenance Code* published by the International Code Council are incorporated by reference into the Rye Building Code. Notes: (1) These provisions are adopted only for units which are not owner-occupied. An owner shall not rent or let a dwelling unit, a motel or hotel unit, a tourist camp unit, a rooming or boarding house unit or a dormitory unit to another person unless such unit complies with these provisions. These provisions may be enforced against both owners and occupants of units. (2) Exempted from Section 404 Occupancy Limitations, are units occupied by the same renter(s) for fourteen (14) consecutive days or less. (3) The heat supply requirements of Section 602.3 apply only from September 1 to May 31. A copy of the *2009 International Property Maintenance Code* is available for inspection at the office of the Building Inspector. (Revised, 2012)

- 7.5 Plans Required - Building plans for all new residential or commercial buildings must be signed and stamped by a licensed design professional (i.e. architect or professional engineer, as applicable).
- 7.6 NH State Energy Code -. All new and modified construction shall comply with the requirements of the N.H. Code for Energy Conservation in New Building Construction Energy (i.e. "Energy Code"), and the building permit application must be accompanied by the completed Energy Code Compliance Worksheet signed by the contractor.
- 7.7 Pilings - Enclosed areas for living space shall not be constructed on pilings of any type, including concrete piles such as those constructed using "SONOTUBES" or equivalent, unless the design is stamped by a design professional.
- 7.8 Furnaces, Stoves, and Heating Equipment: All heating units and installations, including water heating equipment, wood stoves and Outdoor Wood-Fired Hydronic Heaters (OWHH's) shall be inspected and approved by the Fire Department. (Amended 2009)

7.8-A Outdoor Wood-Fired Hydronic Heaters (OWHH) (Adopted, 2009)

7.8-A.1 Definition. Outdoor Wood-Fired Hydronic Heaters (OWHH) are free standing wood burning devices that heat a liquid (water or antifreeze) which in turn is pumped to a residence or other structure to provide heat.

7.8-A.2 Regulations.

1. Emission Levels. Until April 1, 2010 only OWHH's which meet EPA Phase I or Phase II Emission Limits as measured by EPA Method 28 with a "year around rating" are permitted to be installed. After April 1, 2010, only OWHH's certified by the EPA as meeting Phase II emission levels are permitted to be installed. The April 1, 2010 date shall be delayed or indefinitely postponed if the Commissioner of NH DES delays the April 1, 2010 date per RSA 125-R:2, II. Units meeting

Phase I levels are sometimes referred to as “Orange Tag” models, and units meeting Phase II levels are sometimes referred to as “White Tag” models.

2. Permitted Fuels. The only permitted fuel for single fired OWHH’s is clean wood (i.e. cordwood or wood pellets) or any other fuel which may be approved by the Commissioner of NH DES. Fuel that is not “clean wood” as defined by RSA 125-A:1 is prohibited. Dual fired OWHH’s may use home heating oil, propane or natural gas as a starter or alternate fuel.

3. Setbacks. An OWHH shall be setback a minimum of 100 feet from the nearest property line.

4. Stack Height. The stack height of an OWHH shall be at least 2 feet higher than the peak of the roof of any residence or business not served by the OWHH which is within 300 feet of the OWHH.

5. Safety Requirements. A OWHH shall have a suitable enclosure or other means that will assure only authorized access. All stacks shall have a spark arrester or equivalent device. All pipes to the area served shall be buried.

7.8-A.3 Application/Notice. All OWHH’s require a permit from the Building Inspector. The owner/applicant shall provide the Building Inspector with a copy of the Notice to Buyers required by RSA 125-R:8. This notice includes: (1) acknowledgment that the buyer was provided a copy of RSA Chapter 125; (2) a list of approved fuels, and (3) a statement that they are aware that the municipality has ordinances which may limit the use of OWHH’s. The notice must be signed by the buyer and distributor/seller and include: (1) the name and address of the owner; (2) name and model number of the manufacturer; and (3) the date of manufacture.

7.8-A.4 Exemptions. OWHH designed with both metered fuel and air feed, e.g. principals of the “pellet stove,” which are compliant with RSA 125:5 are exempt from these regulations, except for the safety requirements of Section 7-A.2.5.

7.9 Effluent: All dwellings and all commercial, public or industrial buildings shall be provided with adequate and sanitary effluent disposal systems. Wherever, or so long as, a public sewer is not available a private effluent disposal system shall be installed on the lot subject to the following requirements:

7.9.1 Effluent Disposal Systems Permits: No building permit shall be issued by the Building Inspector when the use of an effluent disposal system is proposed until:

7.9.1.1 Pit and percolation tests have been completed in accordance with the standards of Section 7.10.

7.9.1.2 New Hampshire Department of Environmental Services has approved

detailed plans for the effluent disposal system.

7.9.1.3 Such plans and the installation concerned comply with the requirements of the Zoning Ordinance and Building Code.

7.9.2 Effluent Disposal Systems Siting Requirements.

7.9.2.1 Ledge Lots

7.9.2.1.1 Definition - A ledge lot is any lot where one of the following conditions exist:

7.9.2.1.1.1 The existence of ledge within six (6) feet of the surface is indicated on the approved subdivision plan either within the Designated Leachfield Area (DLA) or within 75 feet of it; or

7.9.2.1.1.2 Test pits and/or ledge probes indicate the presence of ledge within six (6) feet of the surface either under or within 75 feet of the proposed effluent disposal area (FDA).

7.9.2.1.2 Requirements for siting effluent disposal systems on ledge lots:

7.9.2.1.2.1 The Building Inspector may require additional test pits and/or ledge probes in order to determine whether a lot is or is not a ledge lot.

7.9.2.1.2.2 Septic systems proposed for ledge lots require special review to determine that the system will properly function. Prior to approval of septic systems located on ledge lots, the town shall have the design reviewed by an independent New Hampshire licensed septic designer or licensed civil engineer, at the applicant's expense, in order to determine that the proposed system will properly function. Additional test pits and/or ledge probes may be required as part of the review of the proposed system. The Building Inspector shall make the final determination as to the

approval of a septic system on a ledge lot.

7.9.2.2 Wetlands - Effluent disposal systems shall be set back a minimum of seventy five (75) feet from the following:

7.9.2.2.1 Contiguous wetland areas of 500 sq. ft. or more including ponded areas and hydric soils. However, effluent disposal systems are prohibited in the protected wetlands and wetlands buffer of Section 301.7 of the Zoning Ordinance.

7.9.2.2.2 Seasonal watercourses.

7.9.2.3 Systems on Different Lots - Septic systems shall be located on the same lot as the building which they service for all new construction, as defined by Section 7.9.6. Replacement septic systems may be located on a different lot provided all of the following criteria are met:

7.9.2.3.1 The effluent disposal system cannot be located on the same lot.

7.9.2.3.2 An easement which runs with the land is granted for the septic system. The easement shall be reviewed and approved by Town Counsel.

7.9.2.3.3 The easement adequately provides for the maintenance, repair and replacement responsibilities for the system.

7.9.2.3.4 It is determined that the septic system will not affect any other septic system on the lot.

7.9.2.3.5 It is determined that the septic system will not constrain future building and development on the lot or, if the system will constrain future building and development the lot, adequate restrictions on such building and development are imposed by the easement.

7.9.2.4 Flooding: All new effluent disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding.

7.9.2.5 Setbacks: Effluent disposal systems shall be set back twenty (20) feet from side and rear lot boundaries and ten (10) feet from the front boundary. Appeals for variance from this requirement shall be accompanied by a survey plan clearly identifying the encroachment.

7.9.3 Design Criteria : Effluent disposal systems shall be designed to meet the following requirements. Fill may be added to meet the standards imposed by this section.

7.9.3.1 The bottom of the proposed effluent disposal area shall be a minimum of six (6) feet above the top of any bedrock or impermeable substratum.

7.9.3.2 The bottom of the proposed effluent disposal area shall be a minimum of four (4) feet above the seasonal high water table.

7.9.4 Prohibited Conditions: The following are considered unsuitable for the disposal of septic and effluent and may not be remediated by the addition of fill, blasting, excavating or other methods.

7.9.4.1 The Wetlands of Section 301.7 of the Zoning Ordinance and all land within 100 feet of these protected wetlands.

7.9.4.2 Soils with a seasonal high water table at or within 24 inches of the surface.

7.9.4.3 Soils where bedrock or impervious substratum is within 36 inches of the surface.

7.9.4.4 Any land having a natural slope of fifteen percent (15%) or greater.

7.9.4.5 Soils with a percolation rate greater than sixty (60) minutes per inch.

7.9.4.6 Exceptions: Existing septic systems in the above described areas may be replaced in accordance with State requirements.

7.9.5 Standards Document: All subsurface effluent disposal systems must be designed and constructed to meet the minimum standards set forth in New Hampshire Admin Rules Env-Ws Chapter 1000.

7.9.6 New Construction Standards: Whenever any of the following circumstances exist, septic application including plans and specifications which meet new construction standards shall be required unless a valid construction and operating approval exists and the total sewage load will not be increased.

7.9.6.1 New construction, including demolition/reconstruction of an entire building even if there is no expansion.

- 7.9.6.2 Increase in number of bedrooms, including converting existing rooms to additional bedrooms.
- 7.9.6.3 Seasonal or temporary structure converted to year-round use. Occupancy for more than 6 months in any year is considered year-round use.
- 7.9.6.4 Expansion of the existing dwelling area, excluding decks, open porches and other unenclosed areas.
- 7.9.6.5 Expansion or change of use, conversion of use from residential to commercial use, and conversion from residential use to residential plus commercial use.
- 7.9.6.6 Any and all other modifications, additions to, or replacement of an existing building which would result in a substantial increase in sewage load.
- 7.9.6.7 Whenever an approval for a new design has been obtained pursuant to this section, the new design shall be installed as a condition of issuance of the building permit for construction or change of use unless specifically waived by the Building Inspector and so noted on the construction permit. Waiver by the Building Inspector must be accompanied by a report from a professional of competent authority certifying that the existing system is in good working order and that failure is not anticipated due to the change proposed. The new design shall be installed if the existing system fails or is for any reason to be repaired or replaced.

7.9.7 Existing Effluent Disposal Systems: Effluent Disposal Systems serving existing buildings may be repaired or replaced in accordance with State requirements. In such circumstances the Building Inspector is authorized to waive any requirements of this Building Code which are more strict than state requirements, provided the requirements of Section 7.9.6 do not apply.

7.10 Test Pits and Percolation Tests.

7.10.1 Test pits shall be dug to at least ten (10) feet depth or refusal.

7.10.2 The number of test pits shall be determined by the designer but in no event shall fewer than two (2) test pits be dug at each effluent disposal site. Test pits for replacement effluent disposal systems shall be governed by state requirements.

7.10.3 Test pits shall be located within the proposed effluent disposal area, and the two

test pits shall be spaced at least 30 feet apart. Test pits for replacement effluent disposal systems shall be governed by state requirements.

- 7.10.4 Test pits shall be witnessed by the Building Inspector or an authorized representative.
- 7.10.5 All holes dug to test the soil except for holes dug to determine a wetland boundary shall be considered test pits. All shall be logged and the data submitted to the Building Inspector.
- 7.10.6 All other rules and procedures governing test pits and percolation tests prescribed by the Nil Department of Environmental Services Chapter Env-Ws 1000 for individual effluent disposal systems shall apply.
- 7.11 Mobile homes: All mobile homes within Zone A on The Flood Hazard Boundary Maps 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 (4) corners of the mobile home with two (2) additional ties per side at intermediate locations and mobile homes less than fifty (50) feet long requiring one (1) additional tie per side, (ii) frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and mobile homes less than fifty (50) feet long requiring four (4) 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. See also Floodplain Development and Building Ordinance for any additional requirements.
- 7.12 Swimming Pools: Purpose: To insure the health and safety of the people of the Town of Rye and more particularly to help prevent accidental drowning and electrocutions in swimming pools.
 - 7.12.1 All outdoor artificial pools which have a maximum depth of more than three (3) feet when filled to capacity with water shall be surrounded by a substantial wall, fence, or other enclosure having a minimum height of five (5) feet. In the event an artificial pool has elevated sides higher than five (5) feet and it is so constructed that a child cannot easily climb the pool sides or otherwise gain access to the pool, no fencing is required.
 - 7.12.2 The wall, fence or other enclosure shall be constructed so that a child will be unable to crawl under or through, or easily climb over it so that in fact, the only easy access to the pool is a gate or door. All such gates or doors shall be secured when the pool is not attended. All gates and doors shall be self-closing.
 - 7.12.3 These requirements shall not apply to natural bodies of water such as ponds and

streams, nor shall it apply to ponds constructed primarily for agricultural or industrial purposes.

7.12.4 All such installations shall comply with National Electrical Code.

7.13 Fences. All fences, walls, and similar enclosures, except trees, shrubs and natural vegetation, are subject to the restrictions of this section. All fences or enclosures surrounding an outdoor swimming pool shall also comply with Sections 7.12.1 and 7.12.2 of the Building Code. (Added March 2001)

7.13.1 Fence Permits. No fence shall be erected or replaced prior to obtaining a permit from the Building Inspector, except wire or rail fencing for agricultural use, which is exempt from the permit requirement.

7.13.2 Common Boundary Line Fence Permits. Common Boundary Line Fences are those placed along the common boundary line of properties. A Common Boundary Line Fence permit application shall be signed by all property owners of the land involved. The permit shall hold the town harmless from any disputes which may arise concerning such fences.

7.13.3 Height. Fences and walls shall not exceed six (6) feet in height.

7.13.4 Setback. All fences, except "Common Boundary Line Fences," shall be located at least one (1) foot from the property line. The applicant is responsible for establishing the boundary with a survey by a licensed New Hampshire surveyor.

7.13.5 Finished Side. Any fence within 10 feet of a lot line shall have the finished side face the abutting properties, and the side of a fence containing the posts and other bracing appurtenances shall face inward to the property on which the fence is located. For Common Boundary Line Fences, the finished side(s) shall be as designated by the property owners in the application.

7.13.6 Sight Distance. All fences and walls shall comply with the corner clearance requirements of Article II of the Rye Zoning ordinance.

7.13.7 Town Rights-of-Way. Erection of fences within town rights of way is prohibited. Fences abutting a right of way shall be set back at least one (1) foot from the right-of-way line.

7.13.8 Applicability. This section shall apply to all fences erected or replaced after January 2, 2001.

- 7.14 Sprinklers. Automatic fire sprinklers shall be required in newly constructed or substantially renovated commercial, industrial or business occupancies containing more than 2,500 gross square feet. Sprinklers shall be required in existing buildings where a use change would result in a more hazardous classification as determined by the Rye Fire Department and the Rye Building Department. (Adopted, 2012)

SECTION 8- HAZARDOUS AND DILAPIDATED BUILDINGS

Removal or made safe - When a building or structure or any portion thereof is found to be a fire hazard or a hazard to public safety or health upon inspection by the Building Inspector and/or the Fire Chief, the inspecting official may order such building or structure or any portion thereof to be made safe or to be razed or removed. If such order is not properly complied with, or if the Building Inspector prefers to proceed directly under State Statutes, the Building Inspector shall notify the Selectmen of such noncompliance or of such finding of hazard. If the Selectmen find such hazard exists, they may proceed to order and enforce the correction of such hazardous condition of such building or its razing or removal in accordance with the terms of Chapter 334, Laws of 1967, as now embodied in RSA Chapter 155-B and all amendments or revisions thereof~ and for the purposes of this ordinance, all definitions, terms, and procedure set forth in said Statute are adopted and made a part of this section of this Code by reference. In the alternative, the Selectmen may proceed to institute an appropriate action under Section 5 of this Building Code for imposition of a fine for noncompliance with the provisions of this Section, or take such other action in law or equity as they deem appropriate.

SECTION 9- DEFINITIONS

Except as otherwise specifically provided herein, the definition of terms as set forth in Appendix A of the Zoning Ordinance for the Town of Rye are, for the purposes of this Code, hereby adopted and made a part of this Code. Any and all amendments to or revisions of Appendix A of the Zoning Ordinance as referred to above, that may be made from time to time, are hereby adopted and made a part of this Code.

RYE BUILDING CODE

Record of Amendments

March 2000

Adopted, replacing previous Building Code enacted March 1969.

March 2001

Section 7.13 (7.13.1 through 7.13.8) New Section added to govern the erection and replacement of fences.

March 2005

Section 7; replace “The BOCA National Building Code, Twelfth Edition, 1993, as published by the Building Officials and Code Administrators International, Inc.” with “The International Residential Code 2000, as published by the International Code Council.”

March 2009

- I. Add the following to Section 7.8 **Furnaces, Stoves and Heating Installation:**
7.8-A Outdoor Wood-Fired Hydronic Heaters (OWHH)

- II. Amend Section 7.8 **Furnaces, Stoves and Heating Equipment**, as follows:
All heating units and installations, including water heating equipment, ~~as well as all~~ wood stoves **and Outdoor Wood-Fired Hydronic Heaters (OWHH's)** shall be inspected and approved by the Fire Department.

March 2012

- I. Add a new Section 7.14 Sprinklers. Automatic fire sprinklers shall be required in newly constructed or substantially renovated commercial, industrial or business occupancies containing more than 2,500 gross square feet. Sprinklers shall be required in existing buildings where a use change would result in a more hazardous classification as determined by the Rye Fire Department and the Rye Building Department.

- II. Amend Section 7 Building Regulations of the RYE BUILDING CODE by deleting Subsections 7.1, 7.2, 7.3 and 7.4 in their entirety and replacing them with the following new Subsections 7.1, 7.2, 7.3 and 7.4. Re-index the remaining provisions of Section 7.