

SPECIAL BOARD OF ALDERMEN

MARCH 1, 2021

7:00 PM

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PRESIDENT LORI WILSHIRE CALLS ASSEMBLY TO ORDER

PRAYER OFFERED BY CITY CLERK SUSAN K. LOVERING

PLEDGE TO THE FLAG LED BY ALDERMAN-AT-LARGE DAVID C. TENCZA

ROLL CALL

PUBLIC HEARING

O-21-045

AMENDING THE BUILDING CONSTRUCTION ORDINANCES AND INCREASING THE BUILDING DEPARTMENT FEES

Testimony in Favor

Testimony in Opposition

Testimony in Favor

Testimony in Opposition

ADJOURNMENT



ORDINANCE

AMENDING THE BUILDING CONSTRUCTION ORDINANCES AND INCREASING THE BUILDING DEPARTMENT FEES

CITY OF NASHUA

In the Year Two Thousand and Twenty-One

The City of Nashua ordains that Part II “General Legislation”, Chapter 105 “Building Construction” of the Nashua Revised Ordinances, as amended, be hereby further amended by deleting the struck-through language and adding the new underlined language as follows:

“ARTICLE I General Provisions

...

§ 105.6. Violations and penalties.

Any person who violates a provision of this chapter or the codes adopted thereby or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this chapter or the codes adopted thereby, shall be subject to the provisions of NRO Chapter 74 and RSA 676:15-17-b, without limitation of any remedy available to the City at law or in equity.

ARTICLE II Building Code

§ 105-7. Short title.

This article shall be known as and may cited as the “Building Code of the City of Nashua, New Hampshire.”

§ 105-8. Adoption of Commercial Building Code.

A certain document and referenced code on file in the ~~office of the City Clerk~~ Department of Building Safety of the City of Nashua, New Hampshire, being marked and designated as the “International Building Code, First Edition, 2000,” adopted as per the New Hampshire State Building Code per RSA 155-A as published by the

International Code Council, Inc., and any amendments adopted thereto is hereby adopted as the Commercial Building Code of the City of Nashua, in the State of New Hampshire, for the control of buildings and structures. The regulations, provisions, conditions and terms of said code are hereby referred to, adopted and made part hereof as if fully set out in this chapter, with any amendments prescribed in this article.

§ 105-9. Amendments.

- A. Insert in the space provided in Section 101.1 for the “name of jurisdiction”: the City of Nashua.
- B. Amend Section ~~106.3~~ 107.3 by ~~replacing it with~~ inserting the following paragraph:

~~106.3~~107.3. **Examination of documents.** The Building Official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances. The Building Official is authorized to require third party peer review where applications for unusual designs or magnitude of construction are filed, such as high-rise structures, elaborate framing systems, extensive retaining walls and complicated foundation designs. It shall be the Building Official's responsibility to determine when a third party peer review shall be required. The applicant shall pay all fees and costs related to the performance of a third party peer review.

- C. ~~Amend Section 106.3.4 by inserting the following new subsection:~~

~~106.3.4.3. **Architect/Engineer responsibilities during construction.** When the laws of the State of New Hampshire require that construction documents be prepared by registered architects or engineers, the registered architects or engineers who have prepared plans, computations and specifications or the registered architects or registered engineers who have been retained to perform construction phase services shall perform the following tasks for the portion of the work for which they are directly responsible:~~

- ~~(1) — Review, for conformance to the design concept, shop drawings, samples and other submittals which are submitted by the contractor in accordance with the requirements of the construction documents.~~
- ~~(2) — Review and approve the quality control procedures for all code required controlled materials, structural tests and special inspections.~~
- ~~(3) — Be present at intervals appropriate to the stage of construction to become generally familiar with the progress and quality of the work and to determine, in general, if the work is being performed in a manner consistent with the construction documents and accepted engineering practice standards.~~

~~(4) — Such tasks are in addition to requirements for structural observation or other duties specified in Section 1704, Section 1709 or elsewhere in the adopted International Building Code.~~

DC. Amend Section 901.1, Scope, to read: The provisions of this chapter shall specify where fire-protection systems are required and shall apply to the design, installation, and operation of fire-protection systems. The Chief of the Fire Department or the Chief's designee shall have full authority to enforce and administer, in the capacity of Building Official, the provisions of Chapter 9, Fire Protection Systems, except in regard to detached one- and two-family dwellings ~~and multiple single family dwellings (townhouses)~~, not more than three stories high with separate means of egress, and their accessory structures.

ED. Amend Section 1612.3 by inserting in the spaces provided for the "name of the jurisdiction" and "date of issuance": the City of Nashua; June 15, 1979.

~~F. — Amend Section 3409.2 by inserting in the space provided for a date: August 13, 1973.~~

~~G. — The New Hampshire Energy Code shall control such matters as provided for by Chapter 13 and elsewhere regarding energy efficiency as long as said energy code is in effect.~~

§ 105-9.1. Existing Building Code.

Repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, shall comply with the International Existing Building Code, 2009 adopted as a component of the New Hampshire State Building Code per RSA 155-A as published by the International Code Council, Inc. and any amendments adopted thereto. Said document and referenced code is on file in the ~~office of the City Clerk~~ Department of Building Safety of the City of Nashua, New Hampshire. Said code is hereby adopted as part of the Building Code of the City of Nashua in the State of New Hampshire for the control of existing buildings and structures within the scope of said code. The regulations, provisions, conditions and terms of said code are hereby referred to, and adopted and made part hereof as if fully set out in this chapter, with any amendments prescribed in this chapter.

§ 105-9.2. Amendments to Existing Building Code.

A. Amend Section 101.1 by inserting "The City of Nashua."

B. Amend Section 106.3 by replacing with the following paragraph:

106.3. Examination of documents. The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances. The building official is authorized to require third party peer review where applications for unusual design or magnitude of construction are filed, such

as high-rise structures, elaborate framing systems, extensive retaining walls and complicated foundation designs. It shall be the Building Official's responsibility to determine when a third party peer review shall be required. The applicant shall pay all fees and costs related to the performance of a third party peer review.

- C. Amend Section 106.6 by inserting the following new subsection:

106.6.1. Architect/Engineer responsibilities during construction. When the laws of the State of New Hampshire require that construction documents be prepared by registered architects or engineers, the registered architects or engineers who have prepared plans, computations and specifications or the registered architects or registered engineers who have been retained to perform construction phase services, shall perform the following tasks for the portion of the work for which they are directly responsible:

1. Review, for the conformance to the design concept, shop drawings, samples, and other submittals, which are submitted by the contractor in accordance with the requirements of the construction documents.
2. Review and approve of the quality control procedures for all code-required controlled materials, structural tests and special inspections.
3. Be present at intervals appropriate to the stage of construction to become generally familiar with the progress and quality of the work and to determine, in general, if the work is being performed in a manner consistent with the construction documents and accepted engineering practice standards.
4. Such tasks are in addition to requirements for structural observations or other duties specified in the adopted International Existing Building Code.

- D. ~~The New Hampshire Energy Code~~ International Energy Conservation Code as adopted per the State of New Hampshire and all amendments adopted thereto shall control such matters as provided for by Chapters 3, 6, 7, 8 and elsewhere regarding energy efficiency as long as said energy code is in effect.

- E. The provisions of ~~chapters 1, 5, 6, 7, 8, 9, 10, 11, 13 and 14~~ the International Existing Building Code as adopted per the State of New Hampshire and all amendments thereto shall specify where fire protection systems are required, and shall apply to the design, installation and operation of fire-protection systems. The Chief of the Fire Department or the Chief's designee shall have full authority to enforce and administer, in the capacity of Building Official, the provisions of fire-protection systems except in regards to detached one- and two-family dwellings ~~and multiple single family dwellings (townhouses)~~, not more than three stories high with separate means of egress and their accessory structures.

§ 105-10. Adoption of Residential Code.

Detached one- and two-family dwellings and multiple single-family dwellings (townhouses), not more than three stories high with separate means of egress, and their accessory structures shall comply with the International Residential Code, ~~First Edition, 2000, adopted as the New Hampshire State Building Code per RSA 155-A~~ as published by the International Code Council, Inc. and any amendments adopted thereto. Said document and referenced code is on file in the ~~office of the City Clerk~~ Department of Building Safety of the City of Nashua, New Hampshire. Said code is hereby adopted as a part of the Building Code of the City of Nashua, in the State of New Hampshire, for the control of residential buildings and structures within the scope of said code. The regulations, provisions, conditions and terms of said code are hereby referred to, adopted and made part hereof as if fully set out in this chapter, with any amendments prescribed in this chapter.

§ 105-11. Amendments.

A. Amend section R101.1 by inserting: the City of Nashua.

~~B. Amend Section R102.5 by adding: Appendices G, H and K are referenced and adopted as part of this code.~~

~~B.~~ Amend Section R106.2 by replacing it with the following:

R106.2. Site or Plot plans. The construction documents submitted with an application for a permit to build a detached one- or two-family dwelling on an approved or otherwise legal lot of record shall be accompanied by a plot plan. Such plot plan shall be drawn to scale, showing all property lines, easements, drainage facilities, and proposed and existing buildings with respect to location. Sufficiently detailed information shall be provided to clearly show the location and extent of any wetland area(s) located on or immediately adjacent to the subject property. The Building Official reserves the right to require an elevation contour, slope and drainage plan in ten-foot increments or less for lots or sites that may affect abutting properties and stormwater runoff.

~~D.C.~~ ~~Amend~~ Add Section R106.56 by replacing it with inserting the following:

R106.56. Certified plot plans. Upon the completion of the foundation inspection and prior to the frame inspection, a certified plot plan shall be filed with the Planning and Building Department. Said plan shall be certified by a New Hampshire licensed land surveyor or engineer, be drawn to scale, and indicate boundary locations, zoning setbacks, and the dimensions, locations and elevation at the top of constructed foundations. Said plan shall be accompanied by a statement from said surveyor or engineer indicating the foundation complies with the setback requirements of the Nashua Zoning Ordinance and with the approved grading plan, if such has been required. Sufficiently detailed information shall be provided to clearly show the location and extent of any wetland area(s) located on or immediately adjacent to the subject property. If construction deviates in any detail shown on said certified plot plan, the Building Official may require

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submission of a revised certified plot plan prior to the issuance of a certificate of occupancy.

ED. Amend Table R301.2(1) by inserting the following design criteria into the space provided:

Roof <u>Ground</u> snow load	Shall be as required by the International <u>Building Residential Code</u> and base elevations determined by <u>Case Study document ERDC/CRREL TR-02-6, February, 2002</u>
Wind speed	400 <u>115</u> miles per hour <u>Ultimate</u> — See Figure 301.2(4) <u>A</u>
Seismic design category	<u>C (33%-50% g)</u> <u>B (17%-33%)</u>
Weathering	Severe
Frost-line depth	Minimum of 48 inches
Termite	Slight to moderate
Decay	Slight to moderate
Winter design temperature	0°
<u>Ice Barrier Underlayment</u>	<u>Yes</u>
Flood hazards	Flood Insurance Rate Maps of June 15, 1979, as updated April 13, 1999, and thereafter (<u>September 25, 2009</u>)
<u>Air Freeze Index</u>	<u>No</u>
<u>Mean Annual Temp</u>	<u>No</u>

~~F. — The New Hampshire Energy Code shall control such matters as provided for by Chapter 13 and elsewhere regarding energy efficiency as long as said Energy Code is in effect.~~

ARTICLE III Mechanical Code

§ 105-12. Short title.

This article shall be known as and may be cited as the “Mechanical Code of the City of Nashua, New Hampshire.”

§ 105-13. Adoption of Mechanical Code.

A certain document and referenced code on file in the ~~office of the City Clerk~~ Department of Building Safety of the City of Nashua, New Hampshire, being marked and designated as the "International Mechanical Code, ~~Third Edition, 2000,~~" adopted as per

the New Hampshire State Building Code per RSA 155-A and as published by the International Code Council, Inc., including the technical provisions of the International Fuel Gas Code, 2000, NFPA 54 and NFPA 58 as adopted per the State of New Hampshire, and any amendments adopted thereto, is hereby adopted as the Mechanical Code of the City of Nashua, in the State of New Hampshire, for the control of buildings and building systems; and the regulations, provisions, penalties, conditions and terms of said code are hereby referred to, adopted and made part hereof as if fully set out in this chapter, with any amendments prescribed in this article.

§ 105-14. Amendments.

- A. Amend Section 101.1 by inserting: the City of Nashua.
- B. Amend Section 106.5.2 by changing it to read:

106.5.2. Fee schedule. The fees for mechanical work shall be as provided for by this chapter.

- C. Delete Section 106.5.3.
- D. Amend Sections 108.4 and 108.5 by adding the following statement:

In place of the insertions in the model code text, it shall be clearly understood that all violations of the adopted codes of the City of Nashua shall be subject to the provisions of NRO Chapter 74 and RSA 676:15-17-b, without limitation of any remedy available to the City of Nashua at law or equity.

- ~~E. Apply the New Hampshire Energy Code in place of Section 301.2 and any other provision pertaining to energy efficiency as long as said energy code is in effect.~~

ARTICLE IV Plumbing Code

§ 105-15. Short title.

This article shall be known as and may be cited as the "Plumbing Code of the City of Nashua, New Hampshire."

§ 105-16. Adoption of Plumbing Code.

A certain document and referenced code on file in the ~~office of the City Clerk~~ Department of Building Safety of the City of Nashua, New Hampshire, being marked and designated as the "International Plumbing Code, 2000 Edition," adopted as per the New Hampshire State Building Code per RSA 155-A and as published by the International Code Council, Inc., and any amendments adopted thereto, is hereby adopted as the Plumbing Code of the City of Nashua, in the State of New Hampshire, for the control of buildings and building systems; and the regulations, provisions, penalties, conditions and terms of said code are hereby referred to, adopted and made part hereof as if fully set out in this chapter, with any amendments prescribed in this article.

§ 105-17. Amendments.

A. Amend Section 101.1 by inserting: the City of Nashua.

B. Amend Section 106.6.2 by changing it to read:

106.6.2. Fee schedule. The fees for plumbing work shall be as provided for by this chapter.

C. Delete Section 106.6.3.

D. Amend Sections 108.4 and 108.5 by adding the following statement:

In place of the insertions in the model code text, it shall be clearly understood that all violations of the adopted codes of the City of Nashua shall be subject to the provisions of NRO Chapter 74 and RSA 676:15-17-b, without limitation of any remedy available to the City of Nashua at law or equity.

E. Amend Section ~~305.6.1~~ 305.4.1 by inserting in the places provided, in the order of appearance, the following:

36 inches (914.4 mm) Pertains to building sewers serving septic systems

48 inches (1,219.2mm) Pertains to other building sewers

F. Also amend Section ~~305.6.1~~ 305.4.1 at the end of the section by adding the following:

Where insulated, the Code Official may accept lesser depths of building sewer placement.

G. Delete Section 501.6 and replace with the following:

501.6. Water temperature control in piping from tankless water heaters. The temperature of water from tankless water heaters intended for domestic or personal hygiene use shall be a maximum of 130° F. (55° C.). A tempering device conforming to ASSE 1017 shall be installed to control the water temperature. This provision shall not supersede the requirements for protective shower valves in accordance with Section 424.4.

H. Amend Section 501.8 by adding the following sentence to the end of the section:

Water temperatures supplying faucets for domestic or personal hygiene use shall be limited to a maximum of 130° F. (55° C.).

I. Amend Section 501 by inserting the following new subsection:

501.9 Minimum water heater temperatures. Water heaters and indirect-fired hot-water storage tanks shall be maintained at a minimum temperature of 140° F.

(60° C.) and shall be equipped with a temperature-controlling device conforming to ASSE 1017 to provide for maximum hot-water temperatures to faucets in accordance with Section 501.8.

J. Amend Section 904.1 by inserting in the place provided: ~~42~~ 18 inches; 305 mm.

~~K. Amend Section 1003.3.1 by adding the following sentence to the end of the section:~~

~~Exclusive use of a grease interceptor shall be permitted where only a minimal amount of piping is installed within the building.~~

ARTICLE V Electrical Code

§ 105-18. Short title.

This article shall be known as and may be cited as the "Electrical Code of the City of Nashua, New Hampshire."

§ 105-19. Adoption of Electrical Code.

~~A certain document and referenced code on file in the office of the City Clerk Department of Building Safety of the City of Nashua, New Hampshire, being marked and designated as the "NFPA 70, The National Electrical Code, 1999 Edition," adopted as per the New Hampshire State Building Code per RSA 155-A and as published by the National Fire Protection Association, Inc.; and the "2000 Edition of the ICC Electrical Code — Administrative Provisions" and any amendments adopted thereto, are hereby adopted as the Electrical Code of the City of Nashua, in the State of New Hampshire, for the control of buildings and building systems. The regulations, provisions, penalties, conditions and terms of said code are hereby referred to and adopted and made part hereof as if fully set out in this chapter, with any amendments prescribed in this article.~~

§ 105-20. Amendments.

~~Delete Section 518-4 (b) — Non-rated Construction.~~

ARTICLE VI Energy Conservation Code

§ 105-21. Short title.

This article shall be known as and may be cited as the "Energy Conservation Code of the City of Nashua, New Hampshire."

§ 105-22. Adoption of Energy Conservation Code.

A certain document and referenced code on file in the Department of Building Safety of the City of Nashua, New Hampshire, being marked and designated as the "International Energy Conservation Code" adopted as per the New Hampshire State Building Code per RSA 155-A and as published by the International Code Council, Inc., and any

amendments adopted thereto, is hereby adopted as the Energy Conservation Code of the City of Nashua, in the State of New Hampshire, for the control of buildings and building systems; and the regulations, provisions, penalties, conditions and terms of said code are hereby referred to, adopted and made part hereof as if fully set out in this chapter, with any amendments prescribed in this article.

§ 105-23. Amendments.

- A. Amend Section C101.1 by inserting: “the City of Nashua.”
- B. Delete Section C107.1
- C. Delete Section C107.2
- D. Delete Section C107.5

ARTICLE VII Swimming Pool and Spa Code

§ 105-24. Short title.

This article shall be known as and may be cited as the “Swimming Pool and Spa Code of the City of Nashua, New Hampshire.”

§ 105-25. Adoption of Swimming Pool and Spa Code.

A certain document and referenced code on file in the Department of Building Safety of the City of Nashua, New Hampshire, being marked and designated as the “International Swimming Pool and Spa Code” adopted as per the New Hampshire State Building Code per RSA 155-A and as published by the International Code Council, Inc., and any amendments adopted thereto, is hereby adopted as the Residential Swimming Pool and Spa Code of the City of Nashua, in the State of New Hampshire, for the control of residential swimming pools and spas and systems; and the regulations, provisions, penalties, conditions and terms and said code are hereby referred to, adopted and made part hereof as if fully set out in this chapter, with any amendments prescribed in this article.

§ 105-26. Amendments.

- A. Amend Section 101.1 by inserting: the City of Nashua.
- B. Amend Section 101.1 by inserting 101.1.1 Public Swimming Pools and Spas shall also be regulated by NH DES Public Pool and Spa Program in accordance with RSA 485-A:26 and Env-Wq 1100 Public Bathing Place.
- C. Amend Section 105.6.2 by changing it to read:

106.5.2 Fee schedule. The fees for Residential Swimming Pool and Spa work shall be as provided for by this chapter.

- D. Delete Section 105.6.3
- E. Amend Section 107.4 by adding the following statement:

In place of the insertions in the model code text, it shall be clearly understood that all violations of the adopted codes of the City of Nashua shall be subject to the provisions of NRO Chapter 74 and NH RSA 676:15-17-b, without limitation of any remedy available to the City of Nashua at law or equity.

- F. Replace Sections 108.2 through 108.7 with: “Appeals to the decision of the Building Official shall be in accordance with the processes established in NRO Section 105-5.”

ARTICLE VI VIII Fees

§ 105-2127. Permits and fees.

- A. A permit shall not be valid until the prescribed fees have been paid and the permit issued. No permit to begin work for new construction, alteration, removal, demolition or other building operation shall be issued until the fees prescribed in this section have been paid to the Department of Building Safety, nor shall an amendment to a permit necessitating an additional fee because of an increase in the estimated cost or scope of work involved be approved until the additional fee has been paid.
- (1) Where a permit has either been revoked or a project discontinued or abandoned within six months of the issuance of such permit, such permit may be returned to the Building Official for cancellation. One-half of the permit fee shall be refunded by the City Treasurer on certificate of the Building Official, except all penalties that may have been imposed on the permit held under the requirements of this chapter shall first be collected. If a project is abandoned without notice being made to the Code Official before a six-month interval has elapsed since the date such permit was issued, no refund shall be made. Residential or nonresidential use shall be in accordance with the intent of the Building Code of the City of Nashua, New Hampshire.
- (2) The fees for permits shall be charged as follows: The total amount of the permit shall be rounded to the nearest dollar (drop the total amount due under \$0.50 and increase the total amount due from \$0.50 to \$0.99 to the next whole dollar).
- B. The Board of Aldermen may, at its option, waive or reimburse, as the case may be, payment of fees payable under this section, in whole or in part, to the extent of the value of municipal public improvements and/or land dedication which an applicant obligates itself to make over and above impact fees and the applicant's fair share of off-site improvements imposed as a condition of site plan or subdivision approval.

§ 105-2228. Fee Schedule.

A. Building permit fee schedule.

- (1) A nonrefundable application processing and review fee shall be paid at the time of filing of any application:
 - (a) Building permit: ~~\$35~~ \$50
- (2) New buildings, additions, alterations, mobile homes, in-ground swimming pools, basements, connecting structures, future expansion areas and areas capable of being used as living or occupiable space shall be included to calculate aggregate floor area:
 - (a) Residential – 1 & 2 Family and Townhouses (per square foot of area affected): ~~\$0.15~~ \$0.18.
 - (b) Commercial – including Multi-Family (per square foot of area affected): ~~\$0.25~~ \$0.28.
- (3) Structures designed and certified to LEED standards shall be eligible for the following reduction in their building permit fee:
 - (a) LEED standard certification: 5%.
 - (b) LEED silver certification: 10%.
 - (c) LEED gold certification: 15%.
 - (d) LEED platinum certification: 20%.
- (4) Alterations, repairs, fire damage:
 - (a) Residential (per square foot of area affected): ~~\$0.10~~ \$0.13.
 - (b) Commercial (per square foot of area affected): ~~\$0.15~~ \$0.18.
- (5) Additional plan review for minor modifications of previously approved drawings, including commercial tenant fit-up:
 - (a) Residential (per square foot of area affected): ~~\$0.05~~ \$0.10.
 - (b) Commercial (per square foot of area affected): ~~\$0.10~~ \$0.15.
 - (c) ~~When, in the Building Official's opinion, the nature of the work is not related to floor area, the permit fee may be based on a construction cost of \$0.60 per \$100.~~
- (6) Moving a building from lot to lot: ~~\$180~~ \$200.
- (7) Demolition, the total removal and disposal of a structure:
 - (a) Up to 1,000 square feet: ~~\$30~~ \$40.
 - (b) Excess beyond 1,000 square feet (fee for each additional 100 square feet or part thereof of aggregate floor area): ~~\$3~~ \$3.15.

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- (8) Certificate of Occupancy, existing space/owner change: \$50.
 - (9) ~~Special-construction~~ When, in the Building Official's opinion, the nature of the work is not related to floor area, not including excluding signs, but including and not limited to membrane structures, temporary structures, canopies and awnings, pedestrian walkways, radio and television towers, radio and television antennas, elevators, commercial solar energy systems, commercial wind energy systems and commercial (other than asphalt roofing shingles) re-roofing:
 - (a) Fee shall be based on a construction or installation cost of ~~\$0.60~~ \$0.65 per \$100.
 - (10) Retaining walls over four feet in height above ~~grade~~ base of footing:
 - (a) Residential: minimum \$25 or ~~\$0.10~~ \$0.15 per linear foot (whichever is greater).
 - (b) Commercial: minimum \$50 or ~~\$0.25~~ \$0.30 per linear foot (whichever is greater).
 - (11) Minimum fee for miscellaneous equipment (each), excluding the application fee, where not otherwise provided for by this section [for example: residential antennas, small sheds (less than 200 square feet), or construction trailers] or as deemed appropriate by the Building Official or his or her designee:
 - (a) Residential: ~~\$20.~~ \$30.
 - (b) Commercial: ~~\$45.~~ \$50.
 - (12) Reinspection of the same work due to the failure to pass an initial inspection or the unavailability of the premises at the time of initial inspection: \$75.
 - (13) Phased construction (foundation permits, interior demolition permits or shell permits): Phased construction shall be charged a 25% surcharge on the original permit fee for each upgrade phase.
 - (14) Surcharge for permits issued after construction started without a permit: 100% of applicable fee, but not to exceed ~~\$275 Residential / \$500~~ \$750 Commercial.
 - (15) Expedite-service fee for special processing and after-hours service: ~~\$75~~ \$80 per hour per staff member, with a minimum of ~~\$200~~ \$250 for weekends or time not contiguous with normal work hours.
- B. Mechanical permit fee schedule.
- (1) Residential mechanical (one- & two-family and townhouses).
 - (a) Nonrefundable application processing and review fee: ~~\$30.~~ \$50
 - (b) Delivery system:

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- [1] Gas supply piping (base fee downstream of meter or regulator set; test witnessed) ~~(each): \$0.30 per 1,000 BTUs.~~
 - [a] ~~Zero to 99k BTU: \$25.~~
 - [b] ~~100-199k BTU: \$40.~~
 - [c] ~~200k BTU and above: \$50 plus \$0.22 per 1,000 BTU.~~
- ~~[2] Gas supply outlets (each branch): \$6.50.~~
- ~~[3]~~[2] Installation of fuel oil or propane storage tanks less than 499 gallons, fuel oil (each): ~~\$15.~~ \$30.
- [3] Dormant Gas meter \$45.
- (c) Equipment:
 - [1] Furnace, HRV/ERV, boiler or water heater: \$40. \$45.
 - [2] ~~Water heater: \$15.~~ Generator including gas piping: \$45.
 - [3] Refrigeration system piping, coil, or condensing unit: ~~\$15.~~ Ductless split system: \$40.
 - [4] ~~Boiler, water or steam: \$40.~~ Hot water storage tank: \$20.
 - [5] ~~Boiler, water or steam, with domestic hot water generator: \$45.~~ Air conditioner coil or condenser: \$20.
 - ~~[6] Burner, conversion or replacement, oil or gas: \$15.~~
 - ~~[7] Heater, vented or unvented, floor, wall, room or gas log (each): \$25.~~
 - ~~[8]~~[6] ~~Dryer, e~~Exhaust or ventilation fan (each): \$6. \$12.
 - ~~[9]~~[7] ~~Baseboard loop (each): \$10.~~ Room heater or gas appliance: \$30.
- (d) ~~Wood or Gas or wood~~ factory fireplace, insert, or pellet stove and associated chimney: \$40. \$45.
- ~~(e) Factory built fireplace and associated chimney, gas or solid fuel (each): \$40.~~
- ~~(f)~~(e) Masonry fireplace and associated chimney: \$75.
- ~~(g)~~(f) Manufactured chimney or chimney liner: ~~\$30.~~ \$40.

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- (h)(g) Minimum fee for miscellaneous equipment (each), excluding the application fee, where not otherwise provided for by this section: ~~\$35.~~ \$40.
- (i)(h) Reinspection of the same work due to the failure to pass an initial inspection or the unavailability of the premises at the time of initial inspection: \$75.
- (i)(i) Surcharge for permits issued after construction started without a permit: 100% of applicable fee, but not to exceed \$275.

(2) Commercial mechanical (including multifamily).

(a) Nonrefundable application and review processing fee: ~~\$30.~~ \$50.

(b) Delivery system:

[1] Gas pipe: \$0.35 per 1,000 BTU

[a] ~~Zero to 100k BTU:~~ \$50.

[b] ~~Over 100k BTU:~~ \$50 plus \$0.25 per 1,000 BTU.

[2] ~~Fuel oil pipe (per 1,000 BTU):~~ \$0.25.

[3][2] Installation of fuel oil or propane storage tanks less than 499 gallons, fuel oil (each): ~~\$15.~~ \$20.

[3] Dormant Gas meter: \$45.

(c) Equipment:

[1] Furnace, HRV/ERV, boiler, water heater, unit heater or generator: ~~\$50.~~ \$55.

[2] Water heater-Hot water storage tank: ~~\$20.~~ \$22.

[3] ~~Boiler:~~ \$55.

[4][3] ~~Single package (includes rooftops)~~ Rooftop air handlers: ~~\$25.~~ \$40.

[5][4] Chiller, evaporator, condenser or cooling tower (each): ~~\$25.~~ \$30.

[6][5] Duct work (per 10 square feet of area served): ~~\$0.40 (minimum \$25).~~ \$0.125.

[7][6] Fire and smoke dampers: ~~\$8.~~ \$10.

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- (d) Chimney or chimney liner (masonry or metal): ~~\$75-~~ \$90.
- ~~(e)~~ Vented unit heater: ~~\$40.~~
- ~~(e)~~ Fans: ~~\$25-~~ \$30.
- ~~(g)~~ Kitchen exhaust systems:
 - [1] Hoods and exhaust fans (each): ~~\$75-~~ \$90.
 - ~~[2]~~ Fans associated with hoods, replacement (each): ~~\$10.~~
- ~~(h)~~ Minimum fee for miscellaneous equipment (each), excluding the application and review fee, where not otherwise provided for by this section: ~~\$35-~~ \$45.
- ~~(i)~~ Reinspection of the same work due to the failure to pass an initial inspection or the unavailability of the premises at the time of initial inspection: ~~\$75.~~
- ~~(j)~~ Surcharge for permits issued after construction started without a permit: 100% of applicable fee, but not to exceed ~~\$500-~~ \$750.

C. Electrical permit fee schedule.

- (1) Residential electrical (one- and two-family and townhouses).
 - (a) Nonrefundable application processing and review fee: ~~\$30-~~ \$50.

Note: If the items in Subsection ~~C(2)~~ through (6) are included with any other work listed in those sections, there is no additional fee. (Example: If doing new construction, there is no charge for the house meter.) The higher price will prevail.
 - (b) New construction, additions, renovations (per square feet of habitable area): ~~\$0.075-~~ \$0.080.
 - [1] Service entrance (new dwelling only): ~~\$30-~~ \$35.
 - (c) House meter: ~~\$50-~~ \$55.
 - (d) Service change:
 - [1] Up to two units: ~~\$50-~~ \$55.
 - [2] Each additional unit: ~~\$10-~~ \$20.
 - (e) Adding subpanel(s) (each): ~~\$25-~~ \$30.

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- (f) Adding or relocating meter(s): ~~\$50-~~\$55.
 - (g) Pools (in-ground): ~~\$50-~~\$60.
 - (h) Temporary service (each): ~~\$45-~~\$50.
 - (i) Minimum fee for miscellaneous equipment (each), excluding the application fee, where not otherwise provided for by this section: ~~\$35-~~\$40.
 - (j) Low voltage wiring (per square feet of work area): \$0.080.
 - ~~(j)~~(k) Reinspection of the same work due to the failure to pass an initial inspection or the unavailability of the premises at the time of initial inspection: \$75.
 - ~~(k)~~(l) Surcharge for permits issued after construction started without a permit: 100% of applicable fee, but not to exceed \$275.
- (2) Commercial electrical (including multifamily).
- (a) Nonrefundable application processing and review fee: ~~\$30-~~\$50.
 - (b) Electrical service entrance and service change (per amp): ~~\$0.40-~~\$0.50.
 - (c) Temporary service (each): ~~\$45-~~\$50.
 - (d) Panels and subpanels (each): ~~\$25-~~\$30.
 - (e) Outlets:
 - [1] For switches, receptacles, and fire and smoke detectors (each): ~~\$0.95-~~\$1.
 - [2] For lighting and lighting fixtures, except as otherwise provided (each four feet of continuous fluorescent lighting shall be deemed a separate lighting fixture) (each): ~~\$0.95-~~\$1.
 - [3] For ranges, dryers, and similar heating devices (each): ~~\$8-~~\$15.
 - [4] For high-intensity lighting and fixtures (each) (250 watt and above): ~~\$10-~~\$15.
 - (f) Fixed multi-outlet receptacle assemblies (for each six feet): ~~\$6-~~\$8.

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- (g) Track lighting (each 10 feet): ~~\$6-~~\$8.
- (h) Motor control centers (each), automatic transfer switches (each), wiring of HVAC units (per unit): ~~\$32-~~\$35.
- (i) Water heaters (each): ~~\$12-~~\$15.
- (j) Electric baseboard heat (per unit): ~~\$8-~~\$10.
- (k) Buss ducts (each section): ~~\$10-~~\$15.
- (l) Transformers, generators, motors, x-ray machines (each): ~~\$22-~~\$25
- (m) Paging and sound systems:
 - [1] Per speaker: ~~\$3-~~\$5.
 - [2] Per console: ~~\$22-~~\$25.
- (n) Signs (each): ~~\$32-~~\$35.
- (o) Minimum fee for miscellaneous equipment (each), excluding the application fee, where not otherwise provided for by this section: ~~\$35-~~\$40.
- (p) Reinspection of the same work due to the failure to pass an initial inspection or the unavailability of the premises at the time of initial inspection: \$75.
- (q) Surcharge for permits issued after construction started without a permit: 100% of applicable fee, but not to exceed ~~\$500-~~\$750.
- (r) Annual permit fee: ~~\$250-~~\$300.
 - [1] In lieu of an individual permit for each alteration to an already approved electrical installation, the Code Official shall issue an annual permit, upon application therefor, to any person, firm or corporation regularly employing one or more certified electricians in the building, structure or on the premises owned or operated by the applicant for the permit.
 - [2] Annual records. The person to whom an annual permit is issued shall keep a detailed record of all alterations to an approved electrical installation made under such annual permit, and such records shall be accessible to the Code Official at all times or shall be filed with the Code Official as designated.

D. Plumbing permit fee schedule.

- (1) Residential plumbing (one- and two-family and townhouses).
 - (a) Nonrefundable application processing and review fee: ~~\$30.~~ \$50.
 - (b) Per fixture or fixture connection (tub, shower, sink, water closet, lavatory, dishwasher, outside faucet, clothes-washing machine, backflow preventer, etc.): ~~\$7.50.~~ \$9.50.
 - ~~(c)~~ Irrigation system (includes backflow preventer): ~~\$12.~~
 - ~~(d)~~(c) Pumps and ejectors (each): ~~\$15.~~ \$18.
 - ~~(e)~~(d) Electric ~~W~~water heaters (each): ~~\$15.~~ \$18.
 - ~~(f)~~(e) Water pipes (per 100 feet or part thereof): ~~\$15.~~ \$18.
 - ~~(g)~~(f) Sanitary sewer connection or repair: ~~\$15.~~ \$35.
 - ~~(h)~~(g) Drainage, waste and vent pipes: (per 100 feet or part thereof): ~~\$15.~~ \$18.
 - ~~(i)~~(h) Minimum fee for miscellaneous equipment (each), excluding the application fee, where not otherwise provided for by this section: ~~\$35.~~ \$40.
 - ~~(j)~~(i) Reinspection of the same work due to the failure to pass an initial inspection or the unavailability of the premises at the time of initial inspection: \$75.
 - ~~(k)~~(j) Surcharge for permits issued after construction started without a permit: 100% of applicable fee, but not to exceed \$275.
- (2) Commercial plumbing (including multifamily of 3 dwelling units and greater).
 - (a) Nonrefundable application processing and review fee: ~~\$30.~~ \$50.
 - (b) Per fixture (tub, shower, sink, water closet, lavatory, floor drain, drinking fountain, urinal, dishwasher, garbage grinder, outside faucet, clothes-washing machine, washdown station, etc.): ~~\$8.~~ \$12.
 - (c) Pumps and ejectors (each): ~~\$30.~~ \$35.
 - (d) Grease interceptor: ~~\$25.~~ \$30.
 - (e) Electric ~~W~~water heaters (each): ~~\$18.~~ \$25.

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- (f) Irrigation system (includes backflow preventer): ~~\$15-~~\$20.
- (g) Backflow preventer (each):
 - [1] Atmospheric vacuum breakers: ~~\$14-~~\$16.
 - [2] Pressure vacuum breakers: ~~\$14-~~\$16.
 - [3] Dual check valve: ~~\$14-~~\$16.
 - [4] Reduced-pressure principle: ~~\$14-~~\$16.
- (h) Water pipes: (per 100 feet or part thereof): ~~\$15-~~\$18.
- (i) Sanitary sewer and storm drain connection or repair of: ~~\$15-~~\$18.
- (j) Drainage, waste and vent pipes: (per 100 feet or part thereof): ~~\$15-~~\$18.
- ~~(k)~~ Storm (drain) sewer connection: ~~\$15-~~
- ~~(k)~~(k) Roof drain and storm drainage piping: (per 100 feet or part thereof): ~~\$15-~~\$18.
- ~~(m)~~(l) Roof drains inlets (each): ~~\$15-~~\$20.
- ~~(n)~~(m) Minimum fee for miscellaneous equipment (each), excluding the application and review fee, where not otherwise provided for by this section: ~~\$35-~~\$40.
- ~~(o)~~(n) Reinspection of the same work due to the failure to pass an initial inspection or the unavailability of the premises at the time of initial inspection: \$75.
- ~~(p)~~(o) Surcharge for permits issued after construction started without a permit: 100% of applicable fee, but not to exceed ~~\$500-~~\$750."

All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This ordinance shall become effective immediately upon passage.

LEGISLATIVE YEAR 2021

ORDINANCE: O-21-045

PURPOSE: Amending the building construction ordinances and increasing the building department fees

ENDORSER(S): Mayor Jim Donchess

COMMITTEE
ASSIGNMENT: Personnel/Administrative Affairs Committee

FISCAL NOTE: Increased fees will result in additional general fund revenues.

ANALYSIS

This legislation updates NRO Chapter 105 (Building Construction) and increases the fees relative to construction trade permits. The proposed fees are comparable to other communities and will better support the functions of the Department of Building Safety. The last permit fee increases for the department were in 2018.

State law authorizes municipalities to “establish fees to defray the cost of administration, implementation, and enforcement” of the building regulations. (RSA 155-A:9). RSA 47:22 et seq. empowers the City to adopt any nationally recognized building codes. At least thirty (30) days prior to adoption and at all times after adoption, there must be at least three (3) copies of the code available for public examination in the building department and three (3) in the office of the City Clerk. RSA 47:22, 25.

A public hearing must be held by the Board of Aldermen before final passage. “Notice of the time and place of such public hearing shall be published in a newspaper of general circulation in the state at least fifteen (15) days before holding of said hearing.” (RSA 47:26)

Approved as to form: Office of Corporation Counsel

By: *Drewby Clarke*

Date: *20 January 2021*