

7:30 PM

Meeting is being conducted remotely in accordance with Governor’s Emergency Order #12 pursuant to Executive Order 2020-04

Join Zoom Meeting: <https://us02web.zoom.us/j/82120671668?pwd=Y1NRY0ZTTXJEZFZmUHJLOSjGRlpIUT09>
Meeting ID: 821 2067 1668 Passcode: 223283

Join by phone: 1-929-205-6099 Meeting ID: 821 2067 1668 Passcode: 223283

If anyone has a problem accessing the meeting or Channel 16, please call 603-821-2049 and they will help you connect.

1. PRESIDENT LORI WILSHIRE CALLS ASSEMBLY TO ORDER
2. PRAYER OFFERED BY CITY CLERK SUSAN K. LOVERING
3. PLEDGE TO THE FLAG LED BY ALDERMAN-AT-LARGE MICHAEL B. O'BRIEN, SR.
4. ROLL CALL
5. REMARKS BY THE MAYOR
6. RESPONSE TO REMARKS OF THE MAYOR
7. RECOGNITIONS
8. READING OF MINUTES OF PREVIOUS MEETINGS

Board of Aldermen..... 01/12/2021

9. COMMUNICATIONS REQUIRING ONLY PROCEDURAL ACTIONS AND WRITTEN REPORTS FROM LIAISONS

From: Lisa M. Fauteux, Director of Public Works
Re: Referral from Board of Aldermen – O-20-040

- 9(a). PERIOD FOR PUBLIC COMMENT RELATIVE TO ITEMS EXPECTED TO BE ACTED UPON THIS EVENING
- 9(b). COMMUNICATIONS REQUIRING FINAL APPROVAL

PETITIONS

NOMINATIONS, APPOINTMENTS AND ELECTIONS

Appointments by the Mayor

10. REPORTS OF COMMITTEE

Human Affairs Committee.....	01/11/2021
Substandard Living Conditions Committee.....	01/14/2021
Planning & Economic Development Committee.....	01/19/2021
Finance Committee.....	01/20/2021

11. CONFIRMATION OF BOARD OF ALDERMEN'S APPOINTMENTS

Deputy Treasurer/Deputy Tax Collector

Patricia L. Barry

Term to Expire: Indefinitely

UNFINISHED BUSINESS – RESOLUTIONS

R-20-102

- Endorsers: Mayor Jim Donchess
- Alderman Richard A. Dowd
- Alderman June M. Caron
- Alderman-at-Large David C. Tencza
- Aldermwoman-at-Large Shoshanna Kelly
- Alderman Thomas Lopez
- Alderman Patricia Klee
- Alderman-at-Large Michael B. O'Brien, Sr.
- Alderman Jan Schmidt
- Alderman Linda Harriott-Gathright

RELATIVE TO THE ACCEPTANCE AND APPROPRIATION OF \$35,000 FROM THE STATE OF NEW HAMPSHIRE, DEPARTMENT OF HEALTH AND HUMAN SERVICES INTO PUBLIC HEALTH AND COMMUNITY SERVICES GRANT ACTIVITY "COVID-19 VACCINE GRANT"

- Human Affairs Committee Recommends: Final Passage

UNFINISHED BUSINESS – ORDINANCES

O-20-40

Endorser: Mayor Jim Donchess

INCREASING SEWER USE FEES RATES AND CHARGES

- Personnel/Administrative Affairs Committee Recommends: Final Passage
- Board of Public Works Recommends: Final Passage

O-20-044

Endorser: Alderman Thomas Lopez

RELATIVE TO A BAN ON CERTAIN INDOOR ACTIVITIES FOR CERTAIN BUSINESSES STARTING AT 9:30 PM

- Tabled at Full Board – 12/22/2020

NEW BUSINESS – RESOLUTIONS

R-21-110

Endorser: Mayor Jim Donchess

AUTHORIZING THE MAYOR TO ENTER INTO A FIRST AMENDMENT TO CONCESSION AGREEMENT WITH GRANITE DIAMOND, LLC

R-21-111

Endorser: Mayor Jim Donchess

AUTHORIZING THE CITY OF NASHUA TO ENTER INTO AN AMENDMENT TO THE AGREEMENT WITH FUEL MEDIA HOLDINGS FOR ADVERTISING SERVICES

R-21-112

Endorsers: Mayor Jim Donchess
Alderman-at-Large Shoshanna Kelly

**RELATIVE TO AMENDING THE FY2020 HUD ANNUAL ACTION PLAN TO ACCEPT ROUND 3
CDBG-CV FUNDING UNDER THE 2020 CARES ACT**

R-21-113

Endorsers: Alderman-at-Large Ben Clemons
Alderman Thomas Lopez

**AUTHORIZING THE MAYOR TO ENTER INTO A FIRST AMENDMENT TO THE 14 COURT STREET
LEASE FOR UNIT B WITH LIQUID THERAPY, LLC**

NEW BUSINESS – ORDINANCES

O-21-045

Endorser: Mayor Jim Donchess

**AMENDING THE BUILDING CONSTRUCTION ORDINANCES AND INCREASING THE BUILDING
DEPARTMENT FEES**

PERIOD FOR GENERAL PUBLIC COMMENT

REMARKS BY THE MEMBERS OF THE BOARD OF ALDERMEN

Committee announcements:

ADJOURNMENT




THE CITY OF NASHUA

*Division of Public Works
Administration*

"The Gate City"

Memorandum

To: Board of Aldermen

From: Lisa M. Fauteux, Director of Public Works 

Date: December 18, 2020

RE: Referral from Board of Aldermen – O-20-040

Please be advised that the Board of Public Works met on December 17, 2020 and voted to provide the Board of Aldermen with a positive recommendation concerning proposed ordinance O-20-40.

APPOINTMENTS BY THE MAYOR

JANUARY 26, 2021

Citizens Advisory Commission

Jennifer Bishop-Saucier (reappointment)
359B Main Street
Nashua, NH 03060

Term to Expire: October 1, 2023

Conservation Commission

Carol Sarno (alternate to member)
15 Rocky Hill Road
Nashua, NH 03062

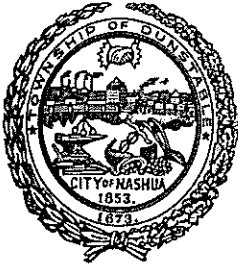
Term to Expire: December 31, 2023

Jedidiah Crook (new appointment alternate)
52 King Street
Nashua, NH 03060

Term to Expire: December 31, 2023

I respectfully request that this appointment be confirmed.

Jim Donchess, Mayor



RESOLUTION

**AUTHORIZING THE MAYOR TO ENTER INTO A FIRST AMENDMENT TO
CONCESSION AGREEMENT WITH GRANITE DIAMOND, LLC**

CITY OF NASHUA

In the Year Two Thousand and Twenty-One

RESOLVED by the Board of Aldermen of the City of Nashua that the Mayor is authorized to enter into a First Amendment to Concession Agreement in substantially the same form as the attached. This amendment extends the Concession Agreement for a term of one year beginning on January 1, 2021 and ending on December 31, 2021.

LEGISLATIVE YEAR 2021

RESOLUTION: R-21-110

PURPOSE: Authorizing the Mayor to enter into a First Amendment to Concession Agreement with Granite Diamond, LLC

ENDORSERS: Mayor Jim Donchess

**COMMITTEE
ASSIGNMENT:** Finance Committee

FISCAL NOTE: This First Amendment to Concession Agreement will generate a maximum of \$28,000 in game fees for the use of Holman Stadium per baseball season. The City will also receive 40% of net profits of concession sales from City non-league games and sponsored events. Having this Concession Agreement does require an increased cost for utilities, grounds maintenance and overtime.

ANALYSIS

This resolution authorizes the Mayor to enter into a First Amendment to Concession Agreement with Granite Diamond, LLC. This First Amendment extends the Concession Agreement for an additional year, through December 31, 2021, continuing all the other terms of the Concession Agreement.

Approved as to form: Office of Corporation Counsel

By: Dorothy Clarke

Date: 20 January 2021

FIRST AMENDMENT TO CONCESSION AGREEMENT

This First Amendment to the Concession Agreement (hereinafter “Agreement”), dated as of the latter of the signatures below, is by and between the City of Nashua, a municipality incorporated in the State of New Hampshire, having a mailing address of 229 Main Street, Nashua, County of Hillsborough, New Hampshire 03061 (hereinafter “City”) and Granite Diamond, LLC, a New Hampshire limited liability company with an address of 67 Amherst Street, Nashua, County of Hillsborough, New Hampshire 03064 (hereinafter “Franchisor”).

WHEREAS, the City and Franchisor entered into a Concession Agreement dated May 14, 2019, whereby the City granted to the Franchisor certain rights in regard to the City’s Holman Stadium facilities (hereinafter “Premises”);

WHEREAS, the Term of the Concession Agreement was for 2 years, beginning January 1, 2019 and ending December 31, 2020;

WHEREAS, the Concession Agreement also provides for up to 5 additional one-year options to extend the agreement pursuant to terms to be agreed upon; and

WHEREAS, the Parties wish to extend the Concession Agreement to cover the first additional option year.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt of which is hereby acknowledged, the City and Franchisor agree as follows:

1. **IV. TERM.**

The term of the Concession Agreement shall be extended from December 31, 2020 to December 31, 2021.

2. **OTHER TERMS AND CONDITIONS REMAIN.**

In the event of any inconsistencies in the Concession Agreement and this First Amendment, the terms of this Amendment shall control. Except as expressly set forth in this First Amendment, the Concession Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Concession Agreement to itself shall be deemed also to refer to this First Amendment.

3. **CAPITALIZED TERMS.**

All capitalized terms used but not defined herein shall have the same meaning as defined in the Concession Agreement.

IN WITNESS WHEREFORE, the parties have caused their authorized representatives to execute and seal this First Amendment on the date set forth below.

CITY OF NASHUA

Date: _____, 2021

By: _____
James W. Donchess, Mayor
DULY AUTHORIZED

GRANITE DIAMOND, LLC

Date: _____, 2021

By: _____
John W.S. Creedon, Jr., President and LLC Manager
DULY AUTHORIZED

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

On this ___ day of _____, 2021, personally appeared the above-named, James W. Donchess, Mayor of City of Nashua, known to me (or satisfactorily proven) to be the person whose name is subscribed herein and acknowledged that he/she executed the foregoing instrument for the purposes contained therein.

Notary Public/Justice of the Peace
Print Name:
My Commission Expires:

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

On this ___ day of _____, 2021, personally appeared the above-named, John W.S. Creedon, Jr., President and LLC Manager of Granite Diamond, LLC, known to me (or satisfactorily proven) to be the person whose name is subscribed herein and acknowledged that he/she executed the foregoing instrument for the purposes contained therein.

Notary Public/Justice of the Peace
Print Name:
My Commission Expires:



RESOLUTION

**AUTHORIZING THE CITY OF NASHUA TO ENTER INTO AN AMENDMENT TO
THE AGREEMENT WITH FUEL MEDIA HOLDINGS FOR ADVERTISING
SERVICES**

CITY OF NASHUA

In the Year Two Thousand and Twenty- One

RESOLVED by the Board of Aldermen of the City of Nashua that the City is authorized to enter into a second amendment to the current agreement for advertising services, substantially in the attached form, with Fuel Media Holdings.

LEGISLATIVE YEAR 2021

RESOLUTION: R-21-111

PURPOSE: Authorizing the City of Nashua to enter into an amendment to the agreement with Fuel Media Holdings for advertising services.

SPONSOR(S): Mayor Jim Donchess

**COMMITTEE
ASSIGNMENT:** Budget Review Committee

FISCAL NOTE: Agreement provides for payments to the City

ANALYSIS

This resolution authorizes the City of Nashua to enter into a second amendment to the agreement with Fuel Media Holdings for the placement and maintenance of advertising materials on the exterior and interior of NTS vehicles, bike racks, bus shelters and at the Nashua Transit Center. This a revenue contract for the City, which revenue is being reduced by the amendment.

The contract needs to be amended (reduced) due to the unprecedented economic impacts of COVID. The current Fuel contract requires 65% of the revenue from all advertising contracts Fuel sells to be paid to the City, with a guaranteed minimum of \$120 k for FY21 ("Year 2"). The amendment removes the guaranteed minimum for Year 2 of the contract due to the negative impacts of COVID on the advertising industry. Advertisement revenue is significantly down nationally, regionally and in Nashua.

Approved as to form: Office of Corporation Counsel

By: /s/ Celia K. Leonard

Date: January 21, 2021

SECOND AMENDMENT
TO TRANSIT ADVERTISEMENT PROGRAM MANAGEMENT
AGREEMENT

This SECOND AMENDMENT is made as of February _____, 2021 by and between the **City of Nashua**, New Hampshire with an address of 229 Main Street, Nashua, New Hampshire ("City") and **Fuel Media Holdings**, located at 101 Marketside Ave., Suite 404-177, Ponte Vedra, FL 32081 ("Contractor").

WHEREAS, the City and Contractor entered into a Transit Advertisement Program Management Agreement approved by the Board of Aldermen by R-19-192 on December 23, 2019, for the placement and maintenance of advertising materials on the exterior and interior of Nashua Transit Services vehicles, bike racks, bus shelters and at the Nashua Transit Center, and said agreement was amended by the "Amendment to Memorandum of Understanding By and Between City of Nashua, NH and Fuel Media Holdings" (as amended, the "Agreement");

WHEREAS, Section 5 C of the Agreement states that the "Contractor agrees to pay the City as follows: A sum equal to (65%) of the next space billings with Minimum Guaranteed Payments, whichever is higher, will be paid as shown below:

Year 1 – 2020 \$90,000
Year 2 – 2021 \$120,000
Year 3 – 2022 \$120,000;"

WHEREAS, Section 7 P of the Agreement allows for amendment by written amendment executed by City and Contractor; and

WHEREAS, COVID has negatively impacted the advertising market nationally, regionally and in Nashua.

NOW, therefore, in consideration of the mutual covenants contained herein, the parties hereby mutually agree as follows:

1. That Section 5 C of the Agreement shall be amended by deleting the struck through language and inserting the underlined language as follows,

Contractor agrees to pay the City as follows: A sum equal to (65%) of the next space billings with Minimum Guaranteed Payments, whichever is higher, will be paid as shown below:

Year 1 – 2020 \$90,000
~~Year 2 – 2021 \$120,000~~ no Minimum Guaranteed Payments for Year 2 - 2021
Year 3 – 2022 \$120,000;"

2. All other terms of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have, by their duly authorized representatives placed their hands as of the date first above written.

City of Nashua

Fuel Media Holdings

By: James W. Donchess, Mayor

By: _____
Title: _____



RESOLUTION

RELATIVE TO AMENDING THE FY2020 HUD ANNUAL ACTION PLAN TO ACCEPT ROUND 3 CDBG-CV FUNDING UNDER THE 2020 CARES ACT

CITY OF NASHUA

In the Year Two Thousand Twenty One

RESOLVED by the Board of Aldermen of the City of Nashua that

WHEREAS the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) included funding to be distributed pursuant to section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306) to grantees that received allocations pursuant to that same formula in federal fiscal year 2020;

WHEREAS the U.S. Department of Housing and Urban Development (HUD) was to award Community Development Block Grant-Coronavirus (CDBG-CV) funds in three rounds to prevent, prepare for, and respond to coronavirus;

WHEREAS R-20-029, passed by the Board of Aldermen on April 28, 2020, authorized the City to accept Round One CDBG-CV funding in the amount of \$390,913 and created the COVID-19 Impact Fund Program;

WHEREAS HUD has awarded the City an additional \$482,813 under Round Three CDBG-CV funding, requiring the City to further substantially amend its FY2020 HUD Annual Action Plan pursuant to HUD guidance; and

WHEREAS this substantial amendment will follow the CARES Act waiver provisions related to virtual public hearings and reduced comment periods, to allow grantees to utilize expedited procedures to prepare, propose, modify, or amend its statement of activities for grants from amounts made available under CARES Act as well as funding under our FY2020 grant as authorized under R-20-029.

NOW THEREFORE, BE IT RESOLVED by the Board of Aldermen of the City of Nashua that the Round Three CDBG-CV CARES Act funding in the amount of \$482,813 shall be applied to the COVID-19 Impact Fund Program to assist in the stabilization of existing small businesses within the City that have had significant disruption due to the impact of COVID-19, consistent with the guidelines for said new Program; and

BE IT FURTHER RESOLVED that the Mayor be, and hereby is, authorized to execute all understandings, assurances and agreements as required therein.

LEGISLATIVE YEAR 2021

RESOLUTION:

R-21-112

PURPOSE:

Relative to amending the FY2020 HUD annual action plan to accept Round 3 CDBG-CV funding under the 2020 CARES Act

SPONSOR(S):

**Mayor Jim Donchess
Alderman-at-Large Shoshanna Kelly**

**COMMITTEE
ASSIGNMENT:**

Human Affairs Committee

FISCAL NOTE:

This resolution accepts and appropriates \$482,813 in CDBG Cares Act funding into the COVID-19 Impact Fund.

ANALYSIS

This resolution authorizes the City to accept and expend the CARES Act Round 3 CDBG-CV funding for the COVID-19 Impact Program.

**Approved as to account
structure, numbers and
amount:**

Financial Services Division

By: /s/ John Griffin

Approved as to form:

Office of Corporation Counsel

By:

Dorothy Clarke

Date:

21 January 2021



RESOLUTION

**AUTHORIZING THE MAYOR TO ENTER INTO A FIRST AMENDMENT TO THE 14
COURT STREET LEASE FOR UNIT B WITH LIQUID THERAPY, LLC**

CITY OF NASHUA

In the Year Two Thousand and Twenty-One

RESOLVED by the Board of Aldermen of the City of Nashua that the Mayor is authorized to enter into a First Amendment to 14 Court Street Lease for Unit B with Liquid Therapy, LLC in substantially the same form as the attached.

LEGISLATIVE YEAR 2021

RESOLUTION:

R-21-113

PURPOSE:

Authorizing the Mayor to enter into a First Amendment to the 14 Court Street Lease for Unit B with Liquid Therapy, LLC

ENDORSERS:

Alderman-at-Large Ben Clemons
Alderman Thomas Lopez

**COMMITTEE
ASSIGNMENT:**

Finance Committee

FISCAL NOTE:

Starting in 2021, there should be a reduction in utility costs for 14 Court Street.

ANALYSIS

This resolution authorizes the Mayor to enter into a First Amendment to 14 Court Street Lease for Unit B with Liquid Therapy, LLC. The First Amendment amends the language in the Utilities section of the lease.

Approved as to form:

Office of Corporation Counsel

By: Marilyn Clarke

Date: 21 January 2021

FIRST AMENDMENT TO 14 COURT STREET LEASE FOR UNIT B

This First Amendment to the 14 Court Street Lease for Unit B (hereinafter “Lease”), dated as of the latter of the signatures below, is by and between the City of Nashua, a municipality incorporated in the State of New Hampshire, having a mailing address of 229 Main Street, Nashua, County of Hillsborough, New Hampshire 03061 (hereinafter “Lessor”) and Liquid Therapy, LLC, a New Hampshire limited liability corporation, with a business address of 5 New Haven Drive, #201, Nashua, New Hampshire 03063 (hereinafter “Lessee”).

WHEREAS, Lessor and Lessee entered into a 14 Court Street Lease for Unit B on July 1, 2018 (hereinafter “Lease”), whereby the Lessor granted to the Lessee certain rights in regard to a portion of the property located at 14 Court Street, Nashua, New Hampshire (hereinafter “Lease Area”);

WHEREAS, the Term of the Lease is July 1, 2018 through June 30, 2023; and

WHEREAS, the Parties wish to amend certain terms and conditions in the Lease.

NOW, THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt of which is hereby acknowledged, Lessor and Lessee agree as follows:

1. Delete the existing Section 8 “Utilities”, and replace it with the following new Section 8:

8. UTILITIES

Access to electricity, water, sewer, and gas service on the Lease Area and Associated Outdoor Area are available. The Lessee will have the capacity to connect to these utilities. Electric, water, sewer, and gas use by the Lessee will be tracked by submeters, and the Lessee will pay for its use of these services starting July 1, 2021. The cost for installation of the submeters will be borne by the Lessor. The Lessee is responsible for obtaining telephone, data, and any other telecommunications and internet connections

and services. Any associated costs with providing telecommunication and internet services will be the sole responsibility of the Lessee. The Lessee is also responsible for arranging its own waste management service(s). The City of Nashua will not provide solid waste receptacle or removal services for the Lessee.

2. In the event of any inconsistencies in the Lease and this First Amendment, the terms of this Amendment shall control. Except as expressly set forth in this First Amendment, the Lease otherwise is unmodified and remains in full force and effect. Each reference in the Lease to itself shall be deemed also to refer to this First Amendment.

3. All capitalized terms used but not defined herein shall have the same meaning as defined in the Lease.

IN WITNESS WHEREFORE, the parties have caused their authorized representatives to execute and seal this First Amendment on the date set forth below.

CITY OF NASHUA

Date: _____, 2021

By: _____
James W. Donchess, Mayor
DULY AUTHORIZED

LIQUID THERAPY, LLC

Date: _____, 2021

By: _____
Name: _____

DULY AUTHORIZED

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

On this ___ day of _____, 2021, personally appeared the above-named, James W. Donchess, Mayor of City of Nashua, known to me (or satisfactorily proven) to be the person whose name is subscribed herein and acknowledged that he/she executed the foregoing instrument for the purposes contained therein.

Notary Public/Justice of the Peace
Print Name:
My Commission Expires:

STATE OF NEW HAMPSHIRE
COUNTY OF HILLSBOROUGH

On this ___ day of _____, 2021, personally appeared the above-named, _____, known to me (or satisfactorily proven) to be the person whose name is subscribed herein and acknowledged that he/she executed the foregoing instrument for the purposes contained therein.

Notary Public/Justice of the Peace
Print Name:
My Commission Expires:



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.~~

~~C.~~ 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.~~ ~~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

ORDINANCE

O-21-045

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.

ORDINANCE

O-21-045

- (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:

ORDINANCE

O-21-045

- [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.

ORDINANCE

O-21-045

- (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.

ORDINANCE

O-21-045

- (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.

ORDINANCE

O-21-045

- (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.
- (~~h~~)(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.
- (~~e~~)(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.

ORDINANCE

O-21-045

- (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 Wwater 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 Wwater heaters (each): ~~\$18-~~\$25.

ORDINANCE

O-21-045

- (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*