



ORDINANCE

AMENDING THE BUILDING CONSTRUCTION ORDINANCES TO ADOPT THE 2009 INTERNATIONAL EXISTING BUILDING CODE AS THE EXISTING BUILDING CODE FOR THE CITY OF NASHUA

CITY OF NASHUA

In the Year Two Thousand and Eleven

The City of Nashua ordains that Part II “General Legislation”, Chapter 105 “Building Construction”, Article II “Building Code” of the Nashua Revised Ordinances, as amended, is hereby further amended by adding the following two new sections:

“§ 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” as published by the International Code Council, Inc. Said document and referenced code is on file in the office of the City Clerk 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.

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 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 peer review shall be required. The applicant shall pay all fees and costs related to the performance of a 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 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 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."

This ordinance shall become effective upon date of passage.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

LEGISLATIVE YEAR 2011

ORDINANCE: O-11-64

PURPOSE: Amending the building construction ordinances to adopt the 2009 International Existing Building Code as the existing building code for the City of Nashua

ENDORSERS: Mayor Donnalee Lozeau

**COMMITTEE
ASSIGNMENT:**

FISCAL NOTE: None. This new existing building code requires applicants to obtain the same city permits and pay the same permit fees as they would currently. There would be no impact upon expected building permit fee revenue.

ANALYSIS

The ordinance would adopt, with certain local provisions, the International Existing Building Code, 2009 and other standards incorporated by reference in that code.

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, with at least fifteen (15) days' notice by publication. RSA 47:26.

Approved as to form: Office of Corporation Counsel

By: 

Date: 