
WILTON, NEW HAMPSHIRE
LAND USE LAWS



BUILDING CODE ORDINANCE
SECTION E

***AS AMENDED IN TOWN MEETING,
MARCH 1978, 1989, 1991, 1993, 1996, 1997, 2004, 2005, 2009, 2014, 2015, 2021***

WILTON LAND USE LAWS AND REGULATIONS
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ARTICLE I. PREAMBLE

The purpose of this Ordinance is to provide for the health, safety, and general welfare of the residents and property owners of the Town of Wilton by (1) ensuring at least minimum standards of design and construction for development in Wilton, (2) protecting the value of Wilton properties, and (3) protecting against inadequate, defective or unsafe conditions or hazards to life or property in the construction or occupancy of structures or related activities.

This Ordinance is adopted pursuant to, and in accordance with, the authority granted by RSA Sections 674:51 and 155-A:3.

ARTICLE II. APPLICATION; GENERAL

This Ordinance shall apply to the design, construction, demolition, relocation, remodeling, alteration, reconstruction, use, occupancy and maintenance, after the effective date of this Ordinance or any applicable amendment thereto, of all structures in the Town of Wilton, and activities relating thereto, as well as to any other activity or development specified in the Wilton Land Use Laws (including, without limitation, Section A thereof, the Wilton Zoning Ordinance, and any regulations adopted pursuant thereto, the "Land Use Laws") as requiring a building permit.

Whenever any provision of this Ordinance conflicts with any other provision of this Ordinance, the Land Use Laws, or any other local, State or Federal rules, requirements, laws, codes or regulations (collectively, "Applicable Laws"), the most restrictive, or that imposing the highest standard, shall govern.

Terms used, but not defined, in this Ordinance shall have the meanings set forth in Article III of Section A of the Land Use Laws, the Zoning Ordinance (the "Zoning Ordinance"). The term "structure," as used herein, shall include structures not only upon the land, but also in the land, e.g., swimming pools. Terms used, but not defined, in this Ordinance or in Article III of the Zoning Ordinance shall have the meanings set forth in the applicable elements of the NH State Code (defined below). Nothing contained in this Ordinance shall affect the meanings of terms used in the NH State Code, as incorporated into this Ordinance by reference.

ARTICLE III. BUILDING CODE AND PERMITS

A. Building Code

Pursuant to RSA 155-A, New Hampshire has adopted uniform requirements for the design, construction, demolition, relocation, remodeling, alteration, reconstruction, use, occupancy and maintenance of new and existing structures and activities related thereto (together with all amendments thereto from time to time, the "NH State Code"), based in large part on the requirements of specified International Code Council (ICC) editions.

The Town of Wilton, acting through its Building Inspector, appointed as set forth in Section A of Article VIII of this Ordinance and in accordance with RSA 674:51, enforces the NH State Code, including, without limitation, the following ICC and other Codes, versions of which are adopted from time to time by the State, with NH amendments, as part of the NH State Code, and other requirements incorporated by reference in the NH State Code:

- a. The International Building Code (IBC)**
- b. International Existing Building Code (IEBC)**

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- c. International Residential Code (IRC)**
- d. International Energy Conservation Code (IECC)**
- e. International Mechanical Code (IMC)**
- f. International Plumbing Code (IPC)**
- g. Property Management Code**
- h. National Electrical Code (NEC)**
- i. NFPA 1 Fire code as amended by Saf-C-6000 2015**
- j. NFPA 101 Life Safety Code as amended by Saf-C-6000 2015**
- k. International Swimming Pool and Spa Code (ISPSC)**
- l. International Fuel Gas Code (IFGC)**

The design, construction, demolition, relocation, remodeling, alteration, reconstruction, use, occupancy and maintenance of all structures in the Town of Wilton, and activities relating thereto, shall comply with all the requirements of this Ordinance, the Zoning Ordinance, including, without limitation, all site plan review and other requirements, all other Land Use Laws, the NH State Code and all Applicable Laws.

B. Building Permits

No work to demolish, erect, construct, reconstruct, alter, remodel, relocate or repair any structure, including, but not limited to the following, or any portion or system thereof, may begin until the Building Inspector issues a building permit:

- a. Dwelling units of any type (conventional construction, modular, manufactured homes or trailers), unless the reconstruction does not involve alteration of structural members, plumbing or electrical systems;
- b. Commercial, industrial, agricultural or public buildings;
- c. Any structure, not a dwelling unit, that exceeds 100 square feet in area including, but not limited to, garages, barns, sheds, carports, tents, porches, decks, animal shelters and storage units, whether temporary (in place less than 30 days) or permanent, fixed or movable;
- d. An addition of any size to any structure of any type (conventional construction, modular, manufactured homes, trailers);
- e. Any type of swimming pool or man-made pond;
- f. Fencing, over six feet in height;
- g. Outdoor sports courts or fields;
- h. Parking lots or private roads; and

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- i. Septic and other sanitation systems approved by the State.

In addition, the Land Use Laws may require a building permit before other development or activity may begin. Certain activity described in this Ordinance will also require additional permits, including, without limitation, chimney, fireplace, furnace and oil tank permits issued by the Wilton Fire Chief.

Notwithstanding the above, no building permit is required for activity in connection with any structure owned by the State.

Emergency repairs may be permitted by an after-the-fact building permit. Applications for emergency after-the-fact permits shall be submitted to the Building Inspector by the next business day following the emergency.

C. Design Criteria

Structural design shall be based on the following climatic and geographic criteria:

- Wind speed: 115-120 mph
- Ground snow load: 70 pounds per square foot (at 900' elevation)
- Weathering: severe
- Frost line depth: 48 inches
- Termite probability: slight to moderate
- Winter design temperature: 0°F
- Air Freezing Index 2000
- Mean Annual Temperature 46.4°F
- Flood hazard based on Flood Insurance Rate Maps
- Seismic design class B

D. Applications for Permits

The owner (or his, her or its authorized agent) of a property on which activity subject to this Ordinance is proposed to take place shall first file a written application for a building permit on the form from time to time adopted by the Building Inspector.

All applications for building permits shall be accompanied by construction documents showing in sufficient clarity and detail the location, nature and extent of the work proposed and that it will comply with this Ordinance, the Land Use Laws, the NH State Code and all Applicable Laws, as determined by the Building Inspector. The application shall include approval of the construction of any proposed individual sewage disposal system by the New Hampshire Department of Environmental Services, Subsurface Bureau. If site plan review was required by the Zoning Ordinance, a copy of the site plan,

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approved by the Planning Board, shall also accompany the application. When required by the Building Inspector, the applicant shall also include a list of required third-party inspections and the agencies performing them.

The Building Inspector is authorized to collect for the Town the permit and associated fees set forth in the Fee Schedule in Appendix VII, as it may be updated from time to time. In addition, applicable impact fees shall be imposed as set forth in Chapter 25 of the Zoning Ordinance in the assessed amounts appearing in Appendix VIII. The applicant shall be responsible for any additional expense incurred, including fees and penalties in connection with any deviation from the plans based on which a building permit was issued.

Within one business day following receipt of a complete application for a permit to increase the footprint or square footage of a structure, construct a new structure or conduct work that is not otherwise wholly inside an existing structure, the Building Inspector shall give public notice of the application both electronically on the Town website and by posting hard copy at the Town Hall and at least one other public location. The public shall have a period of seven days following publication to give any comments or objections to the Building Inspector, who may request further information from the applicant in response thereto.

E. Issuance of Building Permits

The Building Inspector shall issue or deny a building permit for work in connection with (a) a residence, within twenty (20) days, and (b) any other use, within 60 days, in each case after receipt of a complete application, as determined by the Building Inspector, provided that the proposed structure(s) and use(s) for which any permit is issued shall comply with this Ordinance, the Land Use Laws, the NH State Code, and Applicable Laws. The Building Inspector shall process applications in the order they are received.

The Building Inspector shall maintain a record of all applications and any conditions upon which they are granted. Where the Building Inspector denies an application for a permit, the specific reasons for the denial shall be delivered in writing to the applicant.

All building permits shall expire 180 days after the date of issue if work has not begun and continues thereafter, as contemplated by the NH State Code. Expired permits may be renewed in the discretion of the Building Inspector upon submission of a new application and payment of the applicable renewal fee (see Appendix VII). The Building Inspector may suspend or revoke a permit if issued in error, or on the basis of incorrect, inaccurate or incomplete information, or if it violates this Ordinance, the Land Use Laws, the NH State Code or Applicable Law, as determined by the Building Inspector.

No building permit for a new dwelling that contains less than five hundred (500) square feet of living space shall be issued.

The work authorized by a building permit shall adhere strictly to the plans submitted as part of the permit application. Any changes to be made during construction, or other work that will deviate from the approved documents shall first be submitted for approval in an amended set of construction documents.

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F. Additional Requirements for General Commercial Building Permits

In addition to the requirements set forth in Section D above, the following shall be required to complete applications for building permits for commercial structures, which, for purposes of this Ordinance, includes structures for agricultural or industrial use:

- a. Two (2) complete sets of drawings stamped by State-licensed design professionals, drawn to a standard architectural scale; at least one set of full-size plans, and submission electronically as well as hard copy;
- b. As applicable, identification of:
 1. Use and occupancy classifications;
 2. Specific areas of use in mixed use buildings;
 3. Type of construction, per the IBC;
 4. Occupant load;
 5. Level of hazard;
 6. Any special uses, per Chapter 4 of the IBC;
 7. Type of renovation, per the IEBC, for existing buildings; and
 8. Structural, architectural, plumbing, mechanical, and electrical plans, with permits from each subcontractor; and
- c. Fire Department approval of proposed fire alarms, sprinkler systems, and/or other approvals as required by the Fire Chief.

ARTICLE IV. CERTIFICATES OF OCCUPANCY

Before any new, reconstructed, altered, relocated, or repaired, structure may be occupied or used as contemplated by a building permit, a Certificate of Occupancy must be issued. The Building Inspector shall issue a Certificate of Occupancy only upon satisfaction of the following, as determined by the Building Inspector, together with any other reasonable requirements imposed by the Building Inspector:

- A. All construction and related work have been completed in accordance with the permit, all approved plans, this Ordinance, the Zoning Ordinance, the NH State Code, and Applicable Laws, as determined by the Building Inspector, based on inspections conducted during the project and an approved final inspection by the Building Inspector;
- B. All construction debris, soil piles, job signs, and temporary utilities incidental to construction have been removed from the site;
- C. Receipt of New Hampshire Department of Environmental Services, Subsurface Bureau, Inspection Approval for any installed individual sewage disposal system, or Town Sewer connection approved by the Wilton Sewer Commission;
- D. Final approval of driveway(s) (meeting the requirements of Section G of the Zoning Ordinance) by either the New Hampshire Department of Transportation or the Wilton Department of Public Works, including means to control the flow of water, by installation of a culvert or as otherwise required;

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- E. Receipt of reports from third-party inspectors/professionals, in each case as required by, and reasonably acceptable to, the Building Inspector;
- F. Confirmation of Town water hook-up or receipt of private well documentation with satisfactory water test results;
- G. Landscaping shall be finished (as weather permits), although the Certificate of Occupancy may be issued contingent upon completion;
- H. Final approval of fire protection systems, including any cistern, by the Wilton Fire Chief, as required by Applicable Law;
- I. Payment of all fees, including, without limitation, impact fees; and
- J. Receipt of all other required permits and approvals of local, State and/or Federal authorities with jurisdiction over any aspect of the work.

In addition, all new dwellings shall be at least ninety percent (90%) complete, as determined by the Building Inspector, before they may be occupied.

ARTICLE V. FLOODPLAIN BUILDING

Any structure or work requiring a permit under this Ordinance proposed to take place in the Floodplain Conservation District shall be subject to the additional requirements of Chapter 10 of the Zoning Ordinance.

ARTICLE VI. SANITATION

All sewage disposal and other sanitary systems shall be constructed and maintained in accordance with this Ordinance, the Land Use Laws and Applicable Laws, including, without limitation, RSA 485-A "Water Pollution and Waste Disposal;" the International Private Sewage Disposal Code, the New Hampshire Code of Administrative Rules Env-Wq 1000 "Subdivisions: Individual Sewage Disposal Systems" and in addition, standards set and enforced by the New Hampshire State Department of Health and by the New Hampshire Water Pollution Commission.

ARTICLE VII. AMENDMENTS

This Ordinance may be amended only in accordance with the requirements of Chapter 21 of the Zoning Ordinance and otherwise in compliance with RSA 674:51.

ARTICLE VIII. ADMINISTRATION AND ENFORCEMENT

The Select Board shall appoint and replace, as appropriate, a Building Inspector (the "Building Inspector"), whose duty it shall be to administer and enforce the provisions of this Ordinance and the NH State Code in accordance with RSA Chapters 674 and 676. In addition, the Building Inspector shall enforce the provisions of the Zoning Ordinance, as set forth in Chapter 19 thereof.

The Building Inspector shall monitor activity in Wilton that is or may be subject to this Ordinance, or the NH State Code, and shall have authority, pursuant to RSA 674:51, to perform such inspections as may be necessary to determine and assure compliance with those requirements and the requirements of any building permit or Certificate of Occupancy issued. If the Building Inspector determines that activities have begun or are proceeding in violation of this Ordinance or the NH State Code, the Building Inspector

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shall issue a cease and desist order pursuant to RSA 676:17-a and/or notice of violation (either, a “notice”) to the owner of the property on which they are occurring. All activity subject to the notice shall immediately cease, save only for work necessary to bring the activity into compliance or to remove an unsafe condition. If the site is not compliant within 30 days following receipt of a notice, or such shorter period of time deemed appropriate by the Building Inspector, the Building Inspector shall notify the Select Board. The Select Board shall thereafter take immediate steps to enforce compliance by seeking an injunction in the Superior Court, civil fines and attorneys’ fees or by any other appropriate means.

In addition to the remedies identified above, any person violating any of the provisions of this Ordinance or the NH State Code may be subject to fines determined as follows: For each day such violation continues after the issuance of a notice until the violation has been rectified (excluding any time during which administrative appeal is actively being sought), the owner shall pay a penalty of \$275.00 per day. For subsequent offenses, as defined by Applicable Laws, an owner shall be subject to a penalty of up to \$550.00 per day.

ARTICLE IX. BOARD OF APPEALS

A. Creation and Appointment

In accordance with RSA 673:1, V, the Wilton Zoning Board of Adjustment shall act as the Building Code Board of Appeals.

B. Jurisdiction

Pursuant to RSA 674:34, as it may be amended from time to time, the Building Code Board of Appeals shall hear and decide appeals of orders, decisions or determinations by the Building Inspector or the Fire Chief relating to the application and interpretation of the NH State Code or the NH State Fire Code (as defined in RSA 155-A:1). An application for appeal shall be based on a claim that the true intent of either such Code, or rules adopted thereunder, has been incorrectly interpreted, the provisions of the Code do not apply, or that an equally good or better form of construction is proposed. The Building Code Board of Appeals shall have no authority to waive the requirements of either Code.

C. Other Appeals

The Wilton Zoning Board of Adjustment, acting pursuant to authority granted under RSA 674:33I(a) (1), shall hear and decide appeals if it is alleged that there has been an error in any order, requirement decision or determination made by an administrative official, including, without limitation, the Building Inspector, in the enforcement of any element of this Ordinance that does not involve the interpretation or application of the NH State Code or the NH State Fire Code.

D. Procedures

Any appeal pursuant to Section B or C above shall follow the process and procedures required for any appeal to the Zoning Board of Adjustment, including those set forth in the Rules of Procedure adopted from time to time by the Zoning Board of Adjustment. The appeal shall include, without limitation, a copy of the written decision issued by the Building Inspector and an explanation of how the project or activity complies with all requirements.