

BUILDING CODE ORDINANCE

TOWN OF LANCASTER NEW HAMPSHIRE

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ARTICLE I – PURPOSES AND AUTHORITY

In accordance with New Hampshire Revised Annotated, Chapter 156-A, as amended, the Town of Lancaster hereby adopts the following regulations as the Building Code, for the purposes of preserving the public health, safety, welfare, and convenience and insuring that any proposed building site is reasonably safe from flood hazard.

ARTICLE II – DEFINITIONS

Applicant – means any individual, group of individuals, corporation, partnership, association, or any other organization of persons including State and local governments and agencies thereof desiring to construct, assemble, or erect any structure (including prefabricated or mobile homes) for residential, commercial, agricultural, religious or other purpose, anywhere within the Town of Lancaster.

Building Inspector – shall be an officer appointed by the Selectmen to fulfill the duties as outlined herein, including inspection of buildings and building sites and issuance of building permits subject to final approval of the Planning Board.

Flood or Flooding – means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, or other inland water.

Flood Insurance Rate Map (FIRM) and Study of the Town – means an official map or plat of a community, issued or approved by the Federal Insurance Administrator, dated April 1, 1982, on which the boundaries of the flood plain and/or mudslide areas having special hazards have been drawn.

Flood Plain or Flood-prone Area – means a land area adjoining a river, stream, watercourse, ocean, bay, or lake, which is likely to be flooded.

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Flood Plain Management – means the operation of an overall program of corrective and preventative measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood works, and land use and control measures.

Floodproofing – means any combination of structural and nonstructural additions, changes or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

Land Use and Control Measures – means zoning ordinances, subdivision regulations, building codes, health regulations, and other applications and extensions of the normal police power, to provide standards and effective enforcement provisions for the prudent use and occupancy of flood-prone and mudslide areas.

Mudslide – means a general and temporary movement down a slope of a mass of rock or soil, artificial fill, or a combination of these materials, caused or precipitated by the accumulation of water on or under the ground.

100-Year Flood – means the highest level of flooding that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year).

Recreational Vehicle – means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction – means the first placement of permanent construction on a site, such as the pouring of slabs or footings, excavation for basement, footings, piers, or foundations; erection of temporary forms; the installation of piling under proposed subsurface footing; installation of sewer, gas and water pipes, or electric or other service lines from the street; or existence on the property of accessory buildings, such as garages, or sheds not occupied as dwelling units or not a part of the main structure, or garages, or sheds not occupied as dwelling units or not apart of the main structure, or any work beyond the stage of excavation. For a structure without a basement or poured footings, the start of construction includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundation, or the affixing of any prefabricated structure or mobile home to its permanent site. Permanent construction does not include land preparation, land clearing, grading, or filling.

Structure – means a building, which is used for residential, business, agricultural, or religious purposes, or which, is occupied by a private nonprofit organization, or which is owned by a State or local government or an agency thereof. The term includes a building which in the course of construction, alteration, or repair, unless such material or supplies are within a enclosed building on the premises.

Substantial Improvement – means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 25 percent of the actual cash value of the structure either (a) before the improvement is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.

ARTICLE III – GENERAL BUILDING REGISTRATION & PERMIT APPLICATION PROCEDURE

Upon passage of this Code, it shall be unlawful to start any construction in the Town of Lancaster without first obtaining from the Building Inspector either a Building Permit or a Flood Hazard Area Building Permit, according to the following procedure:

1. Applicant supplies Building Inspector with the location of building site, type of construction contemplated, and with proposed starting date.
2. Applicant is informed within two weeks if his proposed site is located in the Flood Hazard Area or not.
3. If proposed building site is not within the Flood Hazard Area, the Building Inspector will proceed with the normal application/permitting process upon receipt of the completed application and the required fee.

If proposed Building site is located within a Flood Hazard Area, the Building Inspector will furnish the applicant with a copy of the provisions of this Building Code and await completion of a full Flood Hazard Area Building Permit Application (see Article IV).

ARTICLE IV – GENERAL PROVISIONS FOR FLOOD HAZARD AREA BUILDING PERMIT

No building permit shall be issued by the Building Inspector for any new construction or substantial improvement (including prefabricated and mobile homes) on any proposed building site which lies within the area delineated on the “Flood Insurance Rate Map” (FIRM) of the Town of Lancaster, unless such construction or substantial improvement:

1. is designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure;
2. uses construction material and utility equipment which are resistant to flood damage; and
3. uses construction methods and practices which will minimize flood damage

In addition, these General Provisions for Flood Hazard Area Buildings shall:

1. Require new construction or substantial improvements of residential structures within the area of special flood hazards to have the lowest floor (including basement) elevated to or above the level of the 100-year flood;
2. Require new construction or substantial improvements of non-residential structures within the area of special flood hazards to have the lowest floor (including basement) elevated to or above the level of the 100-year flood or, together with attendant utility and sanitary facilities to be floodproofed up to the level of the 100-year flood; and

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3. In riverine situations, provide that until a floodway has been designated, no use, including land fill, may be permitted within the flood plain area having special flood hazards unless the applicant for the land use has demonstrated that the proposed use, when combined with all other existing and anticipated uses, will not increase the water surface elevation of the 100-year flood more than 1 ft. at any point.
4. Recreational Vehicles placed on sites within Zones A1-30, AH and AE shall be either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet all standards of Section 60.3 (b) (i) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for “manufactured homes” in paragraph (c) (6) of Section 60.3.

ARTICLE V – APPLICATION PROCEDURE

The following information, as well as any other information the Building Inspector may require, shall be submitted with the application for a building permit, prior to any new construction or substantial improvements to any structure within the Flood Hazard Area:

A. Existing Site Information

1. A plan bearing the seal of an engineer or surveyor registered with State of New Hampshire, which accurately locates the proposed building site with respect to the Flood Insurance Rate Map (FIRM).
2. Contours, elevations, or profiles, which show the proposed building site and the corresponding elevations of the 100-year flood elevation for that particular area.
3. Location of existing structures, streets, utility lines, fill areas, drainage ways and other pertinent data.

B. Construction Plans

1. A plan showing the finished grades and elevations of the proposed building site, as well as the location, levels, and elevations or the lowest floor of any building including basement and any proposed fill areas. If the lowest floor is below grade on one or more sides, the elevation above mean sea level of the floor immediately above must also be recorded on the plans.
2. Plans showing the location and elevation of proposed streets or driveways, utility lines, drainage ways, water supply, and sewage disposal facilities, and
3. Specifications for building construction and site improvement including: materials, landscaping, proposed method of water supply and sewage disposal, and floodproofing measures.

C. Decision

The Building Inspector shall, within 45 days of receipt of a completed Flood Hazard Area Building Permit Application, with the consultation of the Planning Board, review such application and either issue or refuse to issue a Building Permit to the applicant. In the case of refusal to issue a permit, the Building Inspector shall return reasons for such refusal and may include suggestions for future compliance with provisions of this Code.

D. Resubmission

Applicants may resubmit refused applications, which have been revised to conform to this Code's provisions.

E. Fee

A fee of ten (\$10) dollars shall accompany all submissions and resubmissions to the Building Inspector of applications for Flood Hazard Area Building Permits.

ARTICLE VI – FLOODPROOFING MEASURES (or Town can adopt Floodproofing requirements contained in Army Corps of Engineers Report by reference).

The following floodproofing measures may be required of all new construction or substantial modification on any building site within the Flood Hazard Area:

Floodproofing measures:

1. Structures shall have the first floor or basement floor constructed at or above the 100-year flood level, if known.
2. Structures will be situated on the building site to offer the minimum obstruction to flood waters.
3. Structures will be firmly anchored to resist flotation and lateral movement.
4. Reinforcement of walls to resist water pressures and use of paints, membranes or mortars to reduce seepage of water through walls.
5. Require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.
6. Installation of pumps to lower water levels in structures and to relieve external foundation wall flood pressures.
7. Installation of valves or controls on sanitary drains to prevent backup into structure.
8. Location of all electrical equipment, circuits, and installed electrical appliances in a manner, which will assure they are not subject to flooding.

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9. Location of any structural storage facilities for chemicals, flammable liquids, buoyant materials or other toxic materials, which could be hazardous to public health, safety and welfare at or above the 100-year flood level.
10. Fills shall be the minimum amount necessary and shall not be less than one (1) foot below the 100-year flood level, if known.
11. Fill shall be located so as to offer the minimum obstruction of floodwaters.
12. Fill shall be protected against erosion by rip-rap, vegetative cover, or other suitable method of erosion control.
13. That all building proposals are consistent with the need to minimize flood damage; that all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage; and, adequate drainage is provided so as to reduce exposure to flood hazards.

ARTICLE VII – ADMINISTRATION

A. Responsibility

The Building Inspector shall not issue Flood Hazard Area Building Permits without the review of the Planning Board.

B. Penalty and Enforcement

The Board of Selectmen is hereby given power and authority to enforce the provision of this Ordinance. There shall be an inspector of Buildings who shall administer the provisions of the Ordinance. He/she shall be appointed and removed by the Board of Selectmen, and shall receive such compensation as fixed by said Board. The Building Inspector shall issue any and all building permits requested when such permit is in accordance with the provisions of this Ordinance. Permits must be posted on site and be easily visible.

It shall be unlawful to erect any building or substantially alter the bulk of any building or relocate any building in any district without first obtaining a building permit from the Building Inspector. No permit shall be required for remodeling or repairing where the total cost of such work as follows:

1. All interior and exterior building improvements for building located in a flood hazard area or with a change in outside building dimensions or a new building erection, with a fair market value of \$1,000 or greater shall obtain a building Permit.
2. Buildings not located in a flood hazard area or with no change in exterior building dimensions shall obtain a building permit for all interior and exterior improvements, with a fair market value greater than \$2,500.

Upon any well-founded information that this Ordinance is being violated, the Selectmen shall take immediate steps to enforce the provisions of this Ordinance, by seeking an injunction in the Superior Court or by any other legal action.

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be fined not more than one hundred dollars (\$100) upon conviction, for each day such violation may exist.

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C. Amendments

This code may be amended in accordance with the provisions of Chapter 156, New Hampshire Revised Statutes Annotated.

D. Validity

If any article, section, sub-section, sentence, clause or phrase of this Code is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Code.

E. Conflict with Other Regulations

Whenever the requirements of this Code conflict with any other duly adopted rules, regulations, or ordinances, the more restrictive shall govern.

F. Appeal

Any person aggrieved by a decision of the Building Inspector may appeal such decision to the Board of Adjustment, as provided in the Town's Zoning Ordinance and prescribed by New Hampshire Revised Statutes Annotated Chapter 36, sections 31-34.

ARTICLE VIII – EFFECTIVE DATE

This Code shall take effect upon its passage.

Effective:	April 28, 1976
Amended:	March 9, 1993
	March 8, 1994
	March 14, 1995