

BUILDING CODE FOR CANAAN

ARTICLE I - PURPOSES AND AUTHORITY

In accordance with New Hampshire RSA 674:51 the town of Canaan hereby adopts the following regulations as the Building Code, for the purposes of preserving the public health, safety, welfare and convenience and ensuring 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 Canaan.

Building Inspector - shall be an officer appointed by the Select Board to fulfill the duties as outlined herein, including inspection of buildings and building sites and issuance of building permits subject to final approval of 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 Hazard Boundary Map or Flood Hazard Area Map - means an official map or plat of a community, issued or approved by the Federal Insurance Administrator 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.

Flood Plain Management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including- but not limited to - emergency preparedness plans, flood control 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 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 1 percent chance of occurring each year).

Start of Construction - means the first placement of permanent construction on a site, such as the pouring of slabs or footings 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, filling, excavation for basement, footings, piers, or foundations: erection of temporary forms; the installation of piling under proposed subsurface footings; 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.

Structure - means a building which is used for residential, business, agricultural, or religious purposes, or which is occupied by a private non-profit organization, or which is owned by a State or local government or an agency thereof. The term includes a building while in the course of construction, alteration, or repair, unless such material or supplies are within an 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 AND PERMIT APPLICATION PROCEDURE

An occupancy permit shall be required for any dwelling with a new sewage disposal system. Such permit to be issued upon receipt by the Town of a certificate of Operation Approval issued by NH Department of Environmental Services.

Building permits shall expire one year after issuance.

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

1. Applicant supplies Building Inspector with location of building site, type of construction contemplated, and proposed starting date.
2. Applicant is informed within two weeks if his proposed site is located in the Flood Hazard Area or not.
3. A. If proposed building site is not within the Flood Hazard Area, the Building Inspector will issue a Building Registration immediately upon receipt of a fee.

- B. 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 - FLOOD HAZARD AREA BUILDING PERMIT AND APPLICATION

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 Hazard Boundary Map" of the Town of Canaan, 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 materials and utility equipment which are resistant to flood damage; and (3) uses construction: methods and practices which will minimize flood damages 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 improvement to any structure within the Flood Hazard Areas

4.10 Existing Site Information

1. A plan bearing the seal of an engineer or surveyor registered with the State of New Hampshire which delineates the boundaries of the tract of land on which the building is to be placed and which: accurately locates the proposed building site with respect to the Flood Hazard Area Map.
2. Contours, elevations, or profiles which show the proposed building site and the corresponding elevation 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,

4.20. Construction Plans

1. A plan showing the finished grades and elevations of the proposed building site, as well as the location, levels and elevations of 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.
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.

4.30 Decision

The Building Inspector shall, within 30 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, in writing, 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.

4.40 Resubmission

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

4.50 Fee

A fee shall accompany all submissions and resubmissions to the Building Inspector. The Select Board is authorized to set fees consistent with RSA 674:51. Fees shall be posted as required by RSA 673:16, III.

ARTICLE V - FLOODPROOFING MEASURES

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

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 into the systems and discharges from the systems into 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.
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, if known.
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 to flood waters.

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 VI - ADMINISTRATION

6.05 Building Inspector

A building inspector shall be appointed by the Select Board annually and shall be the Administrative Officer of the Building Code. The inspector shall receive applications and fees for the construction, location, or improvement to buildings; shall keep permanent records of all applications and action on the applications; and shall have the right to inspect the property for the purpose of carrying out the provisions of this building code.

6.10 Responsibility

The building inspector shall not issue Flood Hazard Area Building Permits without the approval of the Planning Board.

6.20 Enforcement

This ordinance shall be enforced by the Building Inspector and Select Board. In addition to any other remedies available to the Town in RSA 676, any violation of this Ordinance:

- a. Shall constitute a misdemeanor if an individual, or constitute a felony if another entity.
- b. Shall be subject to a civil penalty not to exceed \$275.00 per day, or \$550.00 per day for each subsequent violation.

6.30 Amendments

This code may be amended at any Town Meeting as specified by RSA 675.

6.40 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.

6.50 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.

6.60 Board of Appeal

The selectmen shall appoint five persons to serve without compensation as a board of appeal which shall have the power, by vote of a majority of its members, upon an appeal filed with it by any person aggrieved by any decision of the building inspector, to vary the application of any provision of the building regulations to any particular case, when in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of such building regulations or public interest.

6.70 Appeal

Any person aggrieved by a decision of said board of appeal may appeal to the superior court for the county and said court shall make such orders as justice may require. Where applicable, appeals may be made to the NH Housing Appeals Board.

ARTICLE VII - EFFECTIVE DATE

This Code shall take effect upon its passage.

APPENDIX A

In 2002, the New Hampshire legislature adopted the state building code, comprising various model codes. See RSA 155-A:1, IV. The state building code applies to all construction in New Hampshire (RSA 155-A:2; 674:51). Every Canaan property must adhere to these or later revisions as they are adopted by the state.

- IBC - [International Building Code 2018](#)
- IEBC - [International Existing Building Code 2018](#)
- IECC - [International Energy Conservation Code 2018](#)
- IMC - [International Mechanical Code 2018](#)
- IPC - [International Plumbing Code 2018](#)
- IRC - [International Residential Code 2018](#)
- NEC - [National Electrical Code 2020](#)
- ISPSC - [International Swimming Pool and Spa Code 2018](#)

<https://www.nh.gov/safety/boardsandcommissions/bldgcode/nhstatebldgcode.html>

Adoption history

First adopted by town meeting March 1974 article 15

Amended March 1975 article 2, 11 and 12

Amended March 1984 article 6 and 7

Amended March 1989 article 15

Amended March 2002 article 8

Amended March 2023 article 3 and 4