



AGENDA ITEM #: 16-16<sup>5</sup>  
COUNCIL MTG OF: January 3, 2017  
FROM: Robert Mackey, Code Enforcement Director  
OFFERED BY: Robert Mackey, Code Enforcement Director  
PREPARED BY: Robert Mackey, Code Enforcement Director  
SUBJECT: Update to Chapter 30 Building Code

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**STAFF REPORT**  
*Public Hearing 1-3-17*

**PURPOSE:** To update Chapter 30, Building Code of the Derry Town Code Book

**TOWN ADMINISTRATOR COMMENTS**

I concur with the proposed changes to Chapter 30.

**BACKGROUND**

The adoption of the Town's Building Code Regulations and construction permit fee schedule are contained in Chapter 30 – Building Code. Currently, there is a need to clarify certain permit fees, penalty language and code requirements.

**DISCUSSION**

There are miscellaneous permit fees that need clarification such as foundation only permits, renewal fees, refunds and penalties for work commenced prior to the issuance of a required permit. In addition, the sections dealing with violations and penalties have been modified to coincide with the language contained in the Town's Zoning Ordinance and RSA 676:17, as amended. Several miscellaneous items have also been added that clarify code requirements including a list of the Building Codes currently in effect. Section H has been deleted as these requirements are now contained in Chapter 50 – Fire Prevention.

**FISCAL IMPACT**

As most of the proposed revisions are for clarification purposes only it is anticipated that there will be a minimal increase in revenues as a result of the adoption of these amendments.

**RECOMMENDED ACTION BY TOWN COUNCIL**

Staff recommends that the Town Council vote to approve the proposed revisions.

**RECOMMENDED MOTION**

**The Derry Town Council moves to approve the proposed revisions to Chapter 30, Building Code with an effective date 30 days after adoption pursuant to Section 6.2 of the Charter.**

## Chapter 30. Building and Property Maintenance Codes

[HISTORY: Adopted by the Town of Derry effective 7-21-2005. Amendments noted where applicable.]

### **GENERAL REFERENCES**

Building and property numbers — See Ch.

32. Fire prevention — See Ch. 50.

Attachment i - Fee Schedule for Building Permits

Attachment 2 - Electrical Fees

Attachment 3 - Plumbing Fees

### **§ 30-1. Statutory authority.**

Pursuant to the authority granted by RSA 674:51, the Town Council will vote to rescind and/or adopt the following codes and amendments as set out below.

### **§ 30-2. Construction Requirements**

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1. The State Building Code as currently adopted by the State of New Hampshire and as adopted by the Town of Derry under Chapter § 30 of the Town of Derry Code and shall include the:

- International Building Code as amended by the Town of Derry under Chapter § 30 of  
the Town of Derry Code and as amended by the State of New Hampshire;

- International Residential Code as amended by the State of New Hampshire;

- International Plumbing Code as amended by the State of New Hampshire;

- International Mechanical Code as amended by the State of New Hampshire;

- International Energy Conservation Code as amended by the State of New Hampshire;

- International Existing Building Code as amended by the State of New Hampshire

- National Electrical Code (NFPA 70) as amended by the State of New Hampshire.

2. In addition to the State Building Code, all codes currently adopted by the State of New Hampshire Fire Marshall's Office and as contained in Chapter SAF-C6000 State Fire Code,

3. The International Property Maintenance Code as amended and adopted by the Town of Derry under Chapter § 30 of the Town of Derry Code.

### § 30-3 Code Official Designation

The officer or other designated authority charged with the administration of this Chapter and the State Building Code, including the Code Enforcement Officer, Building Inspector, Fire Prevention Officers and Health Officer.

### § 30-4 Amendments to state code.

The published International Building Code (IBC), as currently adopted by the State of New Hampshire, is amended as follows:

A. Insert the words "Town of Derry" wherever the words "Name of Jurisdiction" are used.

B. Fees.

[Amended 3-2011]

108.2 New construction building fee schedule shall be based on the "Building Valuation Data Report" issued by the ICC.

108.2.1. For renovations or alterations to existing structures, the building permit fee shall include an application fee of \$35 for residential and \$45 for commercial plus an additional fee of \$5 per \$1,000 of construction cost.

108.1.2 There is a permit fee of \$500 for manufactured homes located in manufactured housing parks. An application fee of \$35 plus \$5 per \$1,000 of construction cost will be charged for manufactured homes on their own land. For temporary mobile homes, a permit fee of \$100.

108.2.2 The fee for electrical permits shall include an application fee of \$35 plus itemized fixtures which shall be established by the Code Enforcement Officer and approved by the Town Council. (See attached schedule.) Electrical permits shall be issued to Master Electricians licensed by the State of New Hampshire except by consideration by the Electrical Inspector to single-family dwelling owners.

108.2.3 The fee for plumbing permits shall include an application fee of \$35 plus itemized fixtures which shall be established by the Code Enforcement Officer and approved by the Town Council, (See attached schedule.) Plumbing permits shall be issued to Master Plumbers licensed by the

State of New Hampshire except by consideration by the Plumbing Inspector to single-family dwelling owners.

108.2.4 Permit fees for wells shall be by the following schedule:

Single-family: \$35

Community wells:

2-25 units: \$70

26-50 units: \$100

Above 50 units: \$150

108.2.5 Permit fees for chimneys shall be \$35 per flue.

108.2.6 Permit fees for new decks or replacement decks shall be \$50 per deck.

Permit fees for a new or replaced farmer's porch shall be \$50 plus \$5 per \$1,000 cost of construction,

180.2.6.1 Permit fees for sheds shall be \$35 up to 150 square feet; and for sheds over 150 square feet shall be an application fee of \$35 plus \$5 per \$1,000 cost of construction.

108.2.7 Permit fees for new or repaired septic systems shall be \$50 and requires a bed bottom inspection of all septic system installations. A full sized plan of septic design be submitted with the septic permit application.

108.2.8 Permit fees for swimming pools shall be:

In-ground: \$100.\*

Aboveground: \$ 50.\*

\*A separate electrical permit is required.

108.2.9 Solar Array – The building permit fee shall be based upon \$5.00/\$1,000 construction costs plus \$35.00 Admin Fee in addition to an Electrical Permit at \$35 Admin Fee. Application must include a copy of the signed Contract to commence work and engineering calculations for roof load and wind uplift.

108.2.10 Permit fees for signs shall be \$35 plus \$0.50 per square foot of sign.

108.2.11 ~~10~~ Moving of buildings. Fees are \$75 for each building to be moved. Prior to the issuance of a permit to move, the applicant shall obtain clearance from utility companies, State Highway Department, Public Works Department, Police Department, and any other permits as may be required.

108.2.12 ~~1~~ Foundation Only Permits shall be \$35.00 for Residential and \$45.00 for Commercial.

108.2.13 Demolition. Permit fees for the demolition of buildings shall be \$50 per structure. Prior to the issuance of a permit to demolish, the applicant shall provide the Building Inspector's office with approvals from utilities.

108.2.14 ~~2~~ Permit renewal: \$35.00 for Residential / \$45.00 Commercial – If construction is commenced within the first year but not completed the permit may be renewed for \$35 Residential or \$45 Commercial. If construction is not commenced within the first year and the fee permit has not been renewed prior to the expiration date, the permit is void and the applicant must reapply for a new

permit. If no construction activity is begun within two (2) years, the permit is void and the applicant must reapply for a permit.

108.2.15~~3~~ Reinspection fee: \$35 residential/ \$45 commercial.

108.2.16 Penalty for work commenced prior to the issuance of proper permits as provided in the International Residential Code (IRC) Section R-108.6

Permit Fees \$ 0 to \$ 100 – 200%

\$ 101 to \$ 500 – 175%

\$ 501 - \$ 2,500 – 150%

\$2,501 – or greater – 125%

108.2.17 Refunds – Refunds of permit fees for cancelled work will be granted for a period of sixty (60) days from the date of issuance of the permit subject to a \$50.00 Administration Fee. Beyond sixty (60) days, all requests are subject to Town Council Approval.

c. Board of Appeals.

**SECTION 112**

**BOARD OF APPEALS.**

**112.1 Board of Appeals.** The Zoning Board of Adjustment for the Town of Derry shall act as the Board of Appeals according to the regulations and procedures as set forth in the Zoning Ordinance of the Town of Derry.

**112.2 Appeals.** Applications for appeals to the Board of Adjustment shall be filed in duplicate with the Building Inspector, who shall promptly forward one copy to the Board of Adjustment. The appeal will clearly state the grounds for such appeal as enumerated in Subsection 121.1 and shall be accompanied by a check or money order in the amount of \$100, plus abutter notifications, made

payable to the Town of Derry, N.H., which the Building Official will deposit in the general fund. **112.3 Qualifications.** The Board of Appeals shall consist of

members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.

- d. **113.4, Violation Penalties.** Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or direction of the Building Inspector, or of a permit or certificate issued under the provisions of this code shall be guilty of a violation, punishable by a fine of not more than \$275. Each day that the violation continues shall be deemed a separate offense.

E. **114.3, Unlawful Continuance.** Any person who shall continue any work in or about the building after having been served with a stop order, except such work as he is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100 or not more than \$275 per day.

F. **Section 2903, Drain tie-ins.**

2903.1 No cellar floor drain, footing drain, roof drain, or other type of drain not presently authorized to tie into the Derry sanitary sewer lines shall do so.

G. **Section 3107.1, General.** Signs shall be designed, constructed and maintained in accordance with this code and in conjunction with the current Town of Derry Zoning Ordinance, as amended.

H. ~~CHAPTER 36, MISCELLANEOUS REQUIREMENTS.~~

~~{Amended 3-1-2007}~~

~~**3601.1 Scope.** The following section is effective March 1, 2007. It shall apply to any new construction of apartments and multiple family dwellings with three or more but fewer than six dwelling units. All new structures or a building having substantial (greater than 50% of the appraised value of the building) renovations and updates shall comply with the following:~~

~~Smoke alarms: All enclosed public corridors and access stairways and all attic spaces used for storage and with general access to the living spaces (access other than by scuttle), shall be equipped with smoke alarms in accordance with the most recently adopted edition of the National Fire Protection Association Life Safety Code 101 (hereinafter NFPA LSC 101).~~

~~Heat detectors: Heat detectors, whether rate of rise or fixed, shall be placed in the above-described areas at the discretion of, and guidance as to a location, prescribed by the Fire Chief or his designee.~~

~~Each building shall have a manual fire alarm system with pull stations on each floor at exits and stairways. Horn strobes shall be interconnected to ring throughout the building. All heat and smoke detectors shall be connected to a fire alarm system.~~

~~**3601.2** The following section is effective March 1, 2007. It shall apply to any new multifamily buildings consisting of six or more dwelling units. All new structures or a building having substantial (greater than 50% of the appraised value of the building) renovations and updates shall comply with the following:~~

~~**3601.2.1** Occupancies shall have approved single station smoke alarms that shall be located outside every sleeping area in the vicinity of~~

bedrooms. Smoke alarms shall also be located at each level of the dwelling unit and in each sleeping area.

~~3601.2.2~~ Single station smoke alarms without a secondary power source shall not be permitted in the areas set forth in Section 3601.2.

~~3601.2.3~~ All enclosed common corridors, access and egress stairways shall be provided with approved smoke alarms that shall be interconnected to annunciate in all common areas. The general evacuation alarm signal shall operate throughout the entire building.

~~3601.2.4~~ Locations of smoke alarms shall be approved by the Fire Chief or his designee.

~~3601.2.5~~ Heat detectors, rate of rise or fixed types, shall be provided and located in those areas where, in the opinion of the Fire Chief or his designee, the use of a smoke alarm is deemed inappropriate.

~~3601.2.6~~ Each building shall have an approved alarm system, as per the most recently adopted edition of the NFPA LSC 101, which is activated upon operation of the automatic fire detection system in addition to any manual activation means.

~~3601.2.7~~ Each building shall have a manual fire alarm system with pull stations located at each exit on each floor of the building. This alarm system shall be

~~interconnected with the common area smoke alarms as per Section 3601.2 and shall operate a general evacuation alarm signal in all common areas throughout the entire building. Location of pull stations shall be approved by the Fire Chief or his designee. 3601.2.8 All heat and smoke detectors located in enclosed common corridors, access and egress stairways shall be connected to the alarm system.~~

~~3601.2.9 The annunciator panel shall be connected to the required fire alarm system. Its location shall be approved by the Fire Chief or his designee.~~

~~3601.2.10 The building fire alarm system shall be connected to the municipal fire alarm system.~~

**3602.1** ~~The following applies to all existing multifamily buildings consisting of three or more but fewer than six dwelling units:~~

~~3602.1.1 Occupancies shall have approved single station smoke alarms that shall be located outside every sleeping area in the vicinity of bedrooms. Single station smoke alarms shall also be located at each level of the dwelling unit.~~

~~3602.2.2 Single station smoke alarms without a secondary power source shall be permitted in these areas.~~

~~3602.2.3 All enclosed common corridors, access and egress stairways shall be provided with approved smoke alarms that shall be interconnected and shall~~

~~§66-iar4<sup>2</sup>4E1i5IOiiligATEXCIIIMQsalEil?fingeilit04<sup>1</sup>1WW@clbyr<sup>1</sup>014giVistfli,ecf 1-Nr?n\_g,qiegekput the entire building.~~

~~3602.2.5 Heat detectors, rate of rise or fixed types, shall be provided and allocated in those areas where, in the opinion of the Fire Chief or his designee, the use of a smoke alarm is deemed inappropriate.~~

~~3602.2.6 Each building shall have a manual fire alarm system with pull stations located at the lowest exiting point for that building. This alarm system may be interconnected with the common area smoke and heat alarms or may be a secondary system and shall operate a general evacuation alarm signal in all common areas throughout the entire building.~~

~~3602.2.7 Reasonable alternatives to the requirements of this section: The Fire Chief or his designee may grant reasonable alternatives to the requirements of this section to the extent that such action will provide a degree of safety substantially equivalent to the requirement for which the alternative is being sought. Any request for an alternative shall be in writing and specify the specific provision for which an alternative is being requested. The Fire Chief or his designee may require additional information, including detailed architectural or engineering plans to assist in acting on the request. Any approved alternative shall be issued in writing and made a part of the permanent file.~~

**3603.1** ~~Additional requirements in certain occupancies. All of the following occupied structures are required to provide a direct connection from the approved alarm system to the appropriate fire station by the way of a radio transmission system or by direct connection to the municipal fire alarm system:~~

- ~~a. \_\_\_\_\_ Places of assembly as defined in NFPA 101.~~
- ~~b. \_\_\_\_\_ Class A and B mercantile as defined in NFPA 101.~~
- ~~c. \_\_\_\_\_ Educational structures as defined in NFPA 101.~~
- ~~d. \_\_\_\_\_ Industrial structures as defined in NFPA 101.~~
- ~~e. \_\_\_\_\_ Storage structures as defined in NFPA 101.~~



f. ~~Business two or more stories or 100 or more occupants as provided in NFPA 101.~~

~~**3604.1 Residential sprinkler systems.** All townhouse type construction of three units or more in which the individual living units have their own separate access and egress and are separated by~~

~~fire-rated walls between both units and do not share such common areas as entries, corridors, exits, and alarm systems shall provide residential sprinkler systems as required by NFPA 13D. **3605.1 Basement exits.** All basement spaces shall be provided with a minimum of one direct means of egress to the exterior of the building.~~

~~**3606.1 (Reserved)**~~

~~**3607.1 Key lock box.** All new buildings equipped with a fire control panel shall have at least one key lock box affixed to the exterior of the structure in the areas designated by the Fire Chief or his designee.~~

~~**3608.1 (Reserved)**~~

~~**3609.1 Oil and gas fired heating equipment.** A one hour fire separation shall be attached to the ceiling area over the heating equipment and must extend a minimum of four feet in all directions from the center of the burner and have the joints taped and finished.~~

~~Exception: At the discretion of the Fire Chief or his designee, a domestic sprinkler head, connected into the domestic water system, may be installed over the area of the burner in lieu of the one hour fire separation in cases where installation of a one hour fire separation is not practicable. **3610.1 Safety controls: oil and gas fired equipment.** An automatic safety switch (firematic) shall be installed over the burner area of all oil and gas fired heating equipment. Manual switches, identified by a red switch plate indicating the type of fuel, shall be installed at all oil and gas fired appliances and at a remote location (separated by a door) from the appliance.~~

~~**3611.1 Oil storage tank vents.** In addition to conforming to the requirements of NFPA 31, all oil tank vent terminations required at the exterior of the building must have a 90° elbow, a minimum of a six inch nipple, and a vent cap installed.~~

~~**3612.1 Permit to install gas operated heating equipment.** All installations of gas fired heating equipment in the Town of Derry require a permit to be obtained from the Fire Department. Upon completion of the installation, a final inspection by the Fire Department is required.~~

~~**3613 Fire Department Fee Schedule:**~~

~~**3613.1 Permit, inspection and**~~

| <del>incident report fees. Permit</del> | <del>Fee</del> |
|---|----------------|
| Assembly                                | \$50           |
| Gas burner                              | \$50           |
| Oil burner                              | \$50           |
| Gas pipe inspection — commercial        | \$50           |
| Gas pipe inspection — residential       | \$30           |
| Fire place insert/gas logs              | \$35           |
| Day care facilities                     |                |
| Families                                | \$25           |
| Group                                   | \$50           |

|                                  |      |
|----------------------------------|------|
| Center                           | \$75 |
| Blasting permit                  | \$75 |
| Reinspection                     | \$75 |
| Third or additional reinspection | \$50 |
| Incident reports                 |      |
| Fire/EMS—less than one year      | \$20 |
| Fire/EMS—more than one year      | \$25 |

**~~3614 Master/Radio box application for installation.~~**

~~[Added effective 7-1-2009]~~

~~3614.1 An application fee shall be paid at the time of application for the master or radio box number to cover the cost of the basic connection or programming. All costs of the connection are the responsibility of the property owner. The basic connection~~

charge is incorporated in the application fee and is due at time of application for number assignment.

**3614.2** The Town shall determine if there will be any additional extensions of the existing municipal fire alarm (700 milliamp) system.

**3614.3** All extensions of the existing municipal fire alarm (100 milliamp) system cable that are necessary to connect a private master box system to the municipal system, where not immediately adjacent to the property, will be installed by the Town. Such additional labor, parts, and supplies required to extend the municipal circuit to the property boundary is the responsibility of the owner. The Town will provide the applicant with a detailed invoice prior to installation.

**3614.4** Fire Department fee schedule for master/radio box:

| <b>Application or Service</b> | <b>Charge</b> |
|-------------------------------|---------------|
|-------------------------------|---------------|

|  |       |
|--|-------|
| Application for master box number and basic connection | \$150 |
|--|-------|

|  |      |
|--|------|
| Application for radio box number and programming | \$50 |
|--|------|

|  |       |
|--|-------|
| Municipal alarm circuit extension charge (per pole span) | \$100 |
|--|-------|

|   |      |
|---|------|
| Master box disconnect charge service call (temporary disconnection from municipal system) | \$50 |
|---|------|

|  |      |
|--|------|
| Master box reconnect charge service call (required if not on same day as disconnect) | \$50 |
|--|------|

|   |      |
|---|------|
| Master box "short arm" charge service call (per incident) | \$25 |
|---|------|

**3615 Fire alarm technicians/listed agents.**

[Added effective 7-1-2009]

**3615.1** Any fire alarm technician installing, making modifications, or maintaining any fire alarm system in the Town shall hold a valid and current listed agent certificate issued by the Derry Fire Department.

**3615.2** Applicants for annual registration as a listed agent in the Town of Derry shall pay a fee.

**3615.3** Listed agent certificates are issued for a period not to exceed one year from the date of issuance. Certificates issued anytime within the year will expire at the end of the last day of December of each calendar year.

**3615.4** Applicants for listed agent certification for the Town must exhibit proof of competency on 100 milliamp municipal alarm systems. This proof may be submitted in the form of certification by another accepted municipality or by some other form of accepted training, the type to be determined by the Fire Chief and/or his designee. Agent applicants requiring training may have it provided by the Town at an additional one-time cost.

**3615.5** Fire Department fee schedule for fire alarm technicians/listed agent:

| <b>Type</b>                             | <b>Charges</b> |
|---|----------------|
| Application for fire alarm listed agent | \$25           |
| Training fee listed agent               | \$25           |
| Listed agent short arm                  | \$50           |
| Listed agent master box key             | \$10           |

**3616 Open (for future use)**

**3616.2 Monitoring charge for radio box fire alarm systems non-Derry occupancies**

[Added effective 12-1-2009]

~~3616.2.1 Any radio box fire alarm in the Derry catchment area that is connected to the Derry Fire Department by way of radio signal receiver shall pay a monitoring charge to the Town of Derry.~~

~~3616.2.2 All commercial/residential radio fire alarm box owners shall pay an annual monitoring fee for each calendar year (see fee schedule). New systems installed shall be charged a pro rata fee per month or part of a month until December 31 of the installation year after which the annual fee will take effect on January 1.~~

~~Note: Municipal occupancies (i.e., Town offices, schools) in communities with dispatch contracts with the Derry Communications Center will be exempted from monitoring fees.~~

~~3616.2.3 Fees for fire alarm monitoring.  
Effective December 1, 2009:~~

| <del>Monitoring Fees — Non-Derry Occupancies</del>                   | <del>Charges</del> |
|--|--------------------|
| <del>Commercial radio box annual monitoring charge \$25/month</del>  | <del>\$300</del>   |
| <del>Residential radio box annual monitoring charge \$20/month</del> | <del>\$240</del>   |
| <del>Municipal radio box annual monitoring charge n/c</del>          | <del>n/c</del>     |

~~3616.5 Liability limited.  
[Added effective 7-1-2009]~~

~~3616.6 The Town shall take every reasonable precaution to assure that the alarm signals and alarm messages received by the Fire Department are given appropriate attention and are acted upon with dispatch. Nevertheless, the Fire Department shall not be liable for any defects in operation of alarm devices, nor for the failure or neglect of any person in connection with the installation and operation of alarm signals or the receipt or relaying of such signals and messages.~~

~~3616.7 In the event that the Fire Department finds it necessary to disconnect an alarm device, the Fire Department shall incur no liability by such action. The Fire Department does have the responsibility for immediate notification to the registered owner whose fire alarm device has been disconnected.~~

~~3617 False alarm charge.  
[Added effective 7-1-2009]~~

~~3617.1 Any registered owner or lessee of a property having an alarm connected to the municipal alarm system, to an alarm agent, alarm business, or person responding to alarms which causes any signal, message, or alarm to be transmitted to the Derry Fire Department either by direct telephone or other communication and which is proven to be a false alarm shall pay a false alarm charge to the Town.~~

~~3617.2 False alarm means the activation of an alarm system through mechanical failure, accidental tripping, misoperation, malfunction, misuse, or the neglect of the owner or lessee of an alarm system, or of his employees or agents. Upon failure of the Fire Department to find any evidence of legitimate cause for the alarm activation, a conclusive presumption of false alarm will be made. False alarms shall not include alarms caused by earthquakes, violent winds, or external causes beyond the control of the owner or lessee of the alarm system.~~

~~3617.3 This charge shall be based on the number of false alarms received from the same alarm system during a calendar year. The false alarm limits shall be based on the number of alarm-initiating devices connected to the fire alarm system. The false alarm charge shall be:~~

| <del>Number of False Alarms</del>                             | <del>Charges</del>                    |
|---|---------------------------------------|
| <del>First five false alarms in excess of the limit</del>     | <del>\$50 per alarm</del>             |
| <del>All false alarms in excess of five above the limit</del> | <del>\$100 per alarm</del>            |
| <del>Number of Devices Connected to System</del>              | <del>False Alarm Limit Per Year</del> |
| <del>1-125</del>  | <del>3</del>                          |

| <del>Number of Devices Connected to System</del> | <del>False Alarm Limit Per Year</del> |
|--|---------------------------------------|
| <del>126 - 250</del>                             | <del>5</del>                          |
| <del>251 - 375</del>                             | <del>10</del>                         |
| <del>376 or more</del>                           | <del>15</del>                         |

**~~3617.4 Notification:~~**

~~3617.4.1 Registered alarm users will be notified by the Derry Fire Department in writing of all false alarm responses over the limit. 3617.4.2 All false alarm service charges will be submitted to the alarm user in writing monthly by the Derry Fire Department.~~

~~3617.4.3 A copy of the Derry Fire response report shall be provided to the registered owner or lessee. This shall be deemed sufficient notification to the alarm user of such response.~~

~~3617.4.5 An alarm user may appeal false alarm service charges in writing to the Fire Chief within 10 days after receipt of the notice of penalty. 3617.5 Payment of false alarm service charge:~~

~~3617.5.1 Payment of the alarm service charge shall be billed to the registered alarm user and paid to the Town of Derry office of the Tax Collector.~~

~~3617.5.2 Payments shall be due within 30 days of receipt of notification. 3617.5.3 Failure to make payment for alarm service charges within 30 days of receipt of notification shall result in a ten dollar penalty charge added to the alarm service charge. Penalty charges will be assessed for each thirty day period, not to exceed 90 days that the alarm service charge remains unpaid.~~

~~3617.5.4 No penalty shall be assessed to an alarm user while the alarm service charge is being considered under appeal by the Fire Chief.~~

§ 30-~~53~~. Effect on existing rights and liabilities.

Adoption of these amendments shall not affect any suit now pending in court, nor shall it affect any rights acquired or liability incurred prior to the adoption of this chapter.

§ 30-~~64~~. When effective.

This will take effect immediately upon adoption.

§ 30-~~75~~. Conflicting provisions.

[Amended 1-16-2015]

Whenever the regulations under the authority hereof differ from those prescribed by any statute, ordinance or other regulation, the provision which imposes the greater fee or stricter regulation shall apply. In all cases, restrictions of the highest standard shall govern.

## § 30-86. Adoption of International Property Maintenance Code.

A. The Town of Derry hereby adopts by reference the International Property Maintenance Code, and any subsequent amendments thereto, so as to regulate and govern the conditions of all property, buildings, and structures existing within its jurisdiction.

B. The following sections of the 2009 International Property Maintenance Code shall be amended, deleted, or added as shown.

**101.1 Title.** These regulations shall be known as the "International Property Maintenance Code of the Town of Derry," hereinafter referred to as "this code."

**103.1 General.** The Building Department and Code Enforcement Director shall be the executive officials charged with all oversight of this code and shall be known as the "code officials" in charge of property maintenance in the Town of Derry.

**103.2 Appointment.** The Derry Town Charter, § 8.6, and Derry Administrative Code set out the appointing authority for the Town's employees and department heads.

**103.3 Deputies.** The Derry Town Charter, § 8.6, and Derry Administrative Code set out the appointing authority for the Town's employees and department heads.

**103.5 Fees.** The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as adopted per Chapter 30 of the Town Code.

**103.6** The Town Council, pursuant to § 4.7 of the Derry Town Charter, shall appoint a Property Maintenance Committee consisting of the Code Enforcement Officer/Chief Building Inspector, Director of the Department of Public Works, Fire Chief, Police Chief, Planning Director, Tax Collector, and any other Town staff as deemed appropriate and to include three (3) members from the public. The Property Maintenance Committee shall be an advisory committee and shall convene in regularly scheduled meetings. The various Committee members shall attend each session.

The Property Maintenance Committee shall review any complaints or concerns brought to its attention by the Town staff, or by others, regarding this code and make recommendations to the applicable Town staff. The Committee will review and discuss specific strategies as prescribed by this Code or other regulations in effect, with the Town staff, as is applicable (and may include the Health Officer, Public Works Department, Fire Inspector), and/or the Town Council.

**109.6 Hearing.** Delete.

## **SECTION 111 MEANS OF APPEAL**

Nothing in this section shall be deemed to supersede the existing enforcement and appeals avenue from orders issued by the code officials (whether it is the Code Enforcement Official, Health Officer, Fire Department, etc., as is applicable). Any person ordered to take measures to comply with this code shall comply with such order forthwith.

If the matter includes specific areas of property maintenance that call for interpretation of the international Property Maintenance Code, in nonemergency matters, the affected person and the code official may elect to come before the Property Maintenance Committee to review the matter before any enforcement proceeding is commenced.

## **SECTION 202 GENERAL DEFINITIONS Add:**

**Abandoned Building.** A building or structure which has been unoccupied for a period of 60 days or longer during which the building or a portion thereof is not legally occupied and is beyond the ability of being rehabilitated or repaired in order that it be habitable or useful as designed and constructed.

**Administration/Administrator.** The Town Administrator.

**Legal occupancy.** Occupancy in a building or structure with a valid Building Department-issued occupancy permit, and that is legal by virtue of compliance with state building codes, state firesafety codes, local zoning codes, housing codes, and all other pertinent codes.

**Hazardous building.** Any building which, because of inadequate maintenance, dilapidation, physical damage, or unsanitary condition, constitutes a fire hazard or a hazard to public safety or health.



**Neighborhood.** An area of the Town comprised of all premises or parcels of land, any part of which is within a radius of 600 feet of any part of another parcel or lot within the Town.

**Unit.** Any space within a building that is or can be rented by or to a single person or entity for his or its sole use and is intended to be a single and distinct space.

**Vacant.** A building or structure which has been unoccupied for a period of 60 days or longer during which the building or a portion thereof is not legally occupied and there are no squatters or vagrants. Under the provision of this section, enforcement action may proceed without regard to a period of vacancy whenever any unoccupied building attracts criminal activity, is a health risk because of trash disposal or other condition, is blighted, or otherwise falls under the condition generally described in Section 1, Declaration of Policy.

**Vacant parcel.** A parcel of land with no structures thereon.

**302.4 Weeds.** All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches or what is considered by the code official to be reasonable and acceptable for the immediate neighborhood. All noxious weeds shall be prohibited. "Weeds" shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided that they are not maintained for the purpose of landscaping. This term shall not include cultivated flowers and gardens or areas used for agricultural purposes.

**304.14 Insect screens.** During the period from May to September 30, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 millimeters), and every screen door used for insect control shall have a self-closing device in good working condition.

**APPENDIX A BOARDING STANDARD** Delete and replace with:

#### **SECURING VACANT BUILDINGS**

This section defines security procedures designed to help property owners maintain the value of their properties by preventing damage from theft, burglary, weather, garbage and other problems associated with improperly secured vacant buildings.

The Town shall have the authority to order building owners to fully comply, or otherwise the Town will take whatever measures are necessary to bring said building into full compliance and attach a lien on the value of the parcel to recover all costs.

#### **Requirement for the Security of Vacant Buildings**

**Disconnect all utilities at the street**

i Turn off water at the street and drain the plumbing system at its lowest point.

Open all

faucets and put anti-freeze in all traps containing water.

2. Have the utility company disconnect electricity at the street and remove and cap meters.
3. Shut off gas supply at the street. Disconnect and remove propane tanks and heating oil tanks.

**Remove all flammables and combustibles from inside and outside**

i Remove all upholstered furniture, combustible materials and trash from the building,

including the basement and attic.

2. Remove trash and trash containers and combustible furniture from exterior stairwells, porches, fire escapes and outbuildings.
3. Remove shrubbery and vegetation adjacent to the building that could support or spread a fire.

**Secure the building to prevent entry/vandalism/weather damage/fire.**

i Search the entire building to ensure that it is unoccupied.

2. Remove doors and storm windows and place inside.
3. Post the building according with 'No Trespassing' signs.

4. One door to the structure shall be made available for authorized entry and shall be secured and locked.
5. Construct entrance barriers using the following materials and methods:

#### **Materials Needed**

- (a) 1/2" (4-ply) plywood, exterior grade CDX and 2" by 4" by 8' construction-grade lumber.
- (b) 3/8" (course thread) by 12" carriage bolts (rounded head on weather side).
- (c) 3/8" (course thread) construction grade nuts.
- (d) 1/2" (USS standard) flat washers with an inside diameter large enough to bypass the wrench neck inside the carriage bolt head so no lift edge is available beneath an installed carriage bolt head.
- (e) 3/8" (USS standard) diameter flat washers for installation beneath the nut inside the building.
- (f) 15/8" (6d) galvanized or stainless steel ring-shank nails or comparable deck nails.

#### **Security Measures**

Basement openings, first-floor doors and windows and any point of entry accessible from a porch, fire escape or other potential climbing point require additional security measures. These openings should be barricaded with plywood, 2X4 braces, carriage bolt sets and nails. Openings that are at least 10 feet from ground level which are not accessible from a porch, fire escape, roof, or other climbing point can be secured with nails in each brace and every 12 inches around the perimeter. For all openings, the plywood should be fitted so that it rests snugly against the exterior frame, butting up to the siding on wood-frame buildings and up to the brick molding edge on brick buildings. It may be necessary to remove the staff bead so this fit can be flush and tight. If possible, carpenters should plywood and stub brace between the edge of the trimmer studs on each window and door casing and the header board.

#### **Barrier Procedure**

1. Applying barriers is easiest with an inside and outside carpenter with appropriate tools and supplies. The inside carpenter will require a light. Exit is made over a ladder when the last window is boarded.
2. Cut plywood to fit over the window and door openings, flush with the outside of the molding/trimmer stud. Avoid creating or leaving a lift surface if possible.

3. Cut the 2x46 to fit the horizontal dimension of the plywood. You will need two exterior and two interior 2x4 braces for each window and three sets for each door.
4. Drill two three-eighths-inch holes in each brace, approximately 1/3 of the length of the brace from the outside edge of the door and window jams.
5. Prior to installation, stack both 2x4 braces on the plywood, as they will be installed and drilling through all for ease in installation.
6. The two window braces will be placed 1/3 of the distance from the top and the bottom of the window.
7. The three door braces will be placed: one in the center of the doorway and one 1/2 the distance from the center to the top and one 1/2 distance from the center to the bottom of the doorway.
8. Place the plywood over the exterior opening and nail every 12 inches along the perimeter to the window/door frame.
9. Place the 2x4 braces over the interior and exterior of the door or window.
10. Place the large washer over the carriage bolt and slide the bolt through the holes.
11. Place washer and nut inside and tighten securely. Torque the nut so that it slightly compresses the interior 2x4.
12. Paint said barriers the same color as the structure to minimize the appearance.

#### § 30-9 Additional Requirements.

1. Bathroom Venting – All bathrooms shall be mechanically vented to the outdoors.
2. Emergency Escape – Emergency escape and rescue opening from basement living space shall be of one the following types:  
Walkout door/slider  
Properly sized and installed egress window per IRC R310  
Doghouse style bulkhead (standard bulkheads shall not be accepted due to winter snow loads.)
3. Generators – Generators having a signaling/charging circuit in excess of 50 volts shall have a disconnecting means within sight of the generator and shall be permanently and indelibly marked.
4. Parking – Adequate parking shall be provided on site for construction workers.
5. Water Heaters – All new and replacement water heaters shall be maintained at a minimum temperature of 140°F and have a mixing valve installed for tempering.



**ORDINANCE**  
Number 2017-001

Amending Chapter 30 Building Code to Clarify Certain Permit Fees,  
Penalty Language and Code Requirements

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WHEREAS, Section 5.1 of the Town Charter designates the Town Council as the governing and legislative body of the Town, and pursuant to Section 6.1, the Council shall legislate by ordinance; and

WHEREAS, there is a need to clarify certain permit fees, penalty language and code requirements; and

WHEREAS, changes to the Town's Zoning Ordinance and RSA 676:17 require amendments to Chapter 30 to maintain consistency across town regulations;

NOW, THEREFORE, THE TOWN OF DERRY ORDAINS that Chapters 30 of the Town Code is hereby amended as published in the proposed revisions dated December 8, 2016 and attached to this Ordinance;

\* \* \* \* \*

AND FURTHER, that the Town Clerk is instructed to incorporate the amendments hereby approved into the Town Code and to publish the Code anew as amended on the date that this Ordinance takes effect.

This Ordinance shall take effect on the thirty-first day after its adoption.

Adopted: January 3, 2017.

Attest:

X \_\_\_\_\_  
Brian Chirichiello, Council Chair  
Date: \_\_\_\_\_

X \_\_\_\_\_  
Daniel Healey, Town Clerk  
Date: \_\_\_\_\_