

CHAPTER 22 BUILDING AND HOUSING CODE**2201 Building Code**

BOCA Building Code 1987 Edition, as approved by Town Meeting of March, 1988, is adopted by reference as Section 1700.1 of this ordinance book.

2002 Permit Fees

The following schedule of fees shall be used for applications for building permits:

Application Fee \$10

Building Permit \$ 5 per \$1,000 - for "construction value" of \$1,500 or more

The application fee of \$10 will be charged for all building permit applications upon submission to the Building Inspector's office. The "construction value" is to include the estimated cost of materials and labor. (effective 3/08/93)

2205 Exeter Housing Code Adopted by Town Meeting 1981**ADMINISTRATION:**

2205.1.1 A public agency to be known as the Housing Code board is hereby created, pursuant to RSA 48A, composed of the Health Officer, the Fire chief, and the Planning Director.

2205.1.2 The position of Housing Code Enforcement Officer is hereby created, appointment to be made by the Board of Selectmen.

2205.1.3 The Housing Code Enforcement Officer, upon receiving notice of a suspected violation of this code, is hereby authorized to take such steps as appropriate under RSA 48A, 1-13, to enforce the provisions of this code.

2205.1.4 In order that he may perform his statutory duty of safeguarding the health and safety of the occupants of the dwelling and general public, the Housing Code Enforcement Office or his authorized representative is hereby empowered and directed upon complaint to make inspections to determine the conditions of dwellings and premises located within the Town, and to that end, to enter, examine and survey at reasonable times any such dwellings and premises within the Town.

The officer shall notify the owner so as to arrange an inspection of the premises in the company of the owner. The Code Enforcement Officer may obtain an order from a court of competent jurisdiction in the event entry is denied or restricted.

Upon examination, the Housing Code Enforcement Officer shall notify the property owner in writing of any violation of this code. The Enforcement

Officer shall communicate with the Housing Code Board the nature of the violation and disposition of the owner toward remedying within a reasonable period of time such violations. If the Enforcement Officer determines there are no violations of this code, no further action will be taken unless a petition is submitted in accordance with Section 2205.1.5.

2205.1.5 Whenever a petition is filed with the Housing Code Board by at least 10 residents of the municipality charging that any dwelling is unfit for human habitation, or, whenever it appears to the Housing Code Board by inspection that any dwelling is unfit for human habitation, it shall, if preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner, every mortgagee or record and all parties in interest in such dwelling (including persons in possession) a complaint stating the charges in that respect. If the person to be served resides outside the state, service may be made upon him by registered mail, and if there are any unascertained persons having an interest in said dwelling, notice may be given them in publication in a newspaper having general circulation

2205.1.6 If, after such notice and hearing, the Housing Code Board determines according to the standards of the code that the dwelling under consideration is unfit for human habitation, it shall state in writing its findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order which, if the repair, alteration or improvement of the said dwelling can be made at a reasonable cost in relation to the value of the dwelling and the ability of the owner to assume such cost, requires the owner, within the time specified in the order to remove or demolish such dwelling.

2205.1.7 If an owner is aggrieved by an order of the Housing Code Board made pursuant to Section 1.6 hereof, he may appeal to the Board of Selectmen. Said Board of Selectmen shall hold a public hearing upon said appeal, due notice of said hearing having first been given to the Housing Code Board and to the owner. The Board of Selectmen may affirm or revoke the order of the Housing Code Board, or they may modify the same in accordance with their findings. If they shall affirm or modify such order, the Housing Code Board shall proceed to enforce said order as affirmed or so modified. If the Board of Selectmen shall revoke said order, the proceedings shall be terminated.

2205.1.8 Nothing under this ordinance shall be construed to restrict rights of landlords or tenants as defined under NH RSA 540-A.

2205.2 Sub-Standard Conditions Defined

2205.2.1 The following sub-standard conditions, as specified by RSA 48-A: 14 (and as amended) for rental units, shall not occur in any dwelling unit within the Town of Exeter:

- A. The premises are infested by insects and/or rodents, for which infestation the

- landlord is not conducting a periodic inspection and eradication program;
- B. There is defective internal plumbing or a back-up of sewage caused by a faulty septic or sewage system;
 - C. There are exposed wires, improper connectors, defective switches or outlets or other conditions which create a danger of electrical shock or fire.
 - D. The roof or walls leak consistently;
 - E. The floors, walls or ceilings contain substantial holes that seriously reduce their function or render them dangerous to the inhabitants;
 - F. The porches, stairs or railings are not structurally sound;
 - G. There is an accumulation of garbage or rubbish in common areas resulting from the failure of the landlord to remove or provide a sufficient number of receptacles for storage prior to removal unless the tenant has agreed to be responsible for removal under the rental agreement and the landlord has removed all garbage at the beginning of the tenancy;
 - H. There is an inadequate supply of water, or whatever equipment that is available to heat water is not properly operating;
 - I. There are leaks in any gas lines or leaks or defective pilot lights in any appliance furnished by the landlord; or
 - J. There are heating facilities that are improperly installed, unsafely maintained or in poor working condition, or are incapable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein, at a temperature of at least an average of 65 degrees F., or, when the landlord supplies heat in consideration for the rent, the premises are not actually maintained at a minimum average room temperature of 65 degrees F., in all habitable rooms.* (*RSA revised for the sake of clarity.)

2205.3 Minimum Standards

2205.3.1 Sanitary Facilities: Each dwelling unit shall have available a room or rooms which afford privacy and are equipped with a toilet, lavatory basin and bath or shower unit, supplied with hot and cold running water. All such facilities shall be in proper operating condition and connected to water and sewage systems approved by the Health Inspector. Such facilities above described shall not be shared by more than six (6) persons living therein, except members of the same family, in a single-family dwelling unit.

2205.3.2 Food Preparation and Refuse Disposal: When a dwelling or lodging unit contains kitchen and cooking facilities, there shall be suitable space and

equipment to store, prepare and serve foods in a sanitary manner. The unit shall contain a kitchen sink with hot and cold running water. Hookups shall be provided by the owner for cooking stove or range and refrigerator.

2205.3.3 Space and Security: The dwelling unit shall afford the occupants adequate space and security. Exterior doors and windows accessible from outside the unit shall be lockable.

2205.3.5 Structure and Materials: The dwelling shall be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the occupants from the environment. Ceilings, walls, and floors shall not have any serious defects, such as severe bulging or leaning, large holes, severe buckling or noticeable movement under walking stress, missing parts or other serious damage. The roof structure and exterior wall surface shall not have any serious defects, such as serious leaning, buckling, sagging, cracks or holes, loose siding or other serious damage. The condition and equipment of interior and exterior stairways, halls porches, walkways, etc., shall be such as not to present a danger of tripping or falling. Elevators shall be maintained in a safe and operating condition.

2205.3.6 Interior Air Quality: The dwelling shall be free from dangerous levels of air pollution from carbon monoxide, sewer gas, fuel gas, dust and other harmful air pollutants. Air circulation shall be adequate throughout the unit. Bathroom areas shall have at least one openable window or other adequate exhaust ventilation.

2205.3.7 Water Supply: The dwelling shall be served by an approved public or private sanitary water supply, free of contamination.

2205.3.8 Lead-Based Paint: If a dwelling unit presents a hazard from chipping, peeling or loose lead-based paint, all such surfaces shall be cleaned so as to remove all chipping, peeling or loose paint, and the surfaces so cleaned shall be given at least two coats of suitable non-lead paint.

2205.3.9 Entrances and Exits: Every dwelling unit shall have a safe, unobstructed means of exit to a safe and open space at ground level. Entrance and exit to a dwelling unit and passage thereto shall not lead through any other dwelling unit or through a space that might reasonably be locked by anyone who is not a member of the household.

2205.4 Penalty

Any person violating any of the provisions of this ordinance, or failing, or neglecting or refusing to obey any lawful order or direction of a person authorized to investigate and enforce the provisions of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$10 nor more than \$20, and each day's violation shall be a separate offense.

2205.5 Effective Date

This ordinance shall take effect thirty (30) days after its passage.

2205.6.1 **Dwelling** shall mean a room or group of rooms designated or used as a place of occupancy by a person or family for cooking, living and/or sleeping purposes.

2205.6.2 **Dwelling Unit** shall mean a room or group of rooms designated or used as a place of occupancy by a person or family for cooking, living and/or sleeping purposes.

2205.6.3 **Habitable Room** shall mean a room used or intended to be used for living, sleeping, cooking or eating, excluding bathroom, water closet, hall foyer, cellar space or storage space.

2205.6.4 **Lead – Based Paint** shall mean any paint containing more than 5/10th of one percent lead (0.5%) by weight (calculated as lead metal) in the total non-volatile content of the paint or the equivalent measure of lead in the dried film of paint already applied. With respect to paint manufactured after June 22, 1977, lead based paint means paint containing more than 6/100th of one percent (0.06%) by weight (calculated as lead metal) in the total non-volatile content of the paint or the equivalent measure of lead in the dried film of paint already applied.

2205.6.5 **Unfit for Human Habitation:** The Housing Code Board may determine that a dwelling is unfit for human habitation if it finds that conditions exists in such dwellings which are unusually, abnormally or unreasonably dangerous or injurious to the health or safety of the occupants of such dwellings, the occupants of neighboring dwellings or other residents of such municipality. Such conditions may include the following: defects which increase beyond normal the hazards of fire, accident or other calamities, lack of reasonable adequate ventilation, light or sanitary facilities; overcrowding, inadequate entrance and exit; inadequate drainage; or serious violations of other health, fire or safety regulations.

2209 Appeals

Any person who feels they have been denied a permit or subjected to sections of this Chapter improperly, may appeal the decision of the issuing or enforcement official to the Board of Adjustment.

2210 Penalties

Pursuant to RSA 676:17 1(a), any violation of any local ordinance code or regulation adopted by the Town of Exeter pursuant to Title LXIV of the New Hampshire Revised Statutes Annotated shall be made punishable by a civil fine of not more than \$100.00 for each day that such violation is found by a court to continue after the conviction date or after the day on which the violator receives written notice from the municipality that he is in violation of any ordinance or regulation adopted under this title, whichever date is earlier.