

ARTICLE IV
Building Code
[Adopted as amended 4-11-2006⁵]

§ 23-12. Establishment of Building Code Board of Appeals.⁶

Pursuant to RSA 673:1, V, the Conway Board of Selectmen is hereby authorized to establish a Building Code Board of Appeals, rules of procedure governing said board and appoint members. Until such time as the Board of Selectmen establish a Building Code Board of Appeals, the Zoning Board of Adjustment shall act as the Building Code Board of Appeals.

§ 23-13. Building permit required; certificates of occupancy.

A. No building or other structure shall be constructed, altered or moved until a written building permit has been issued by the Selectmen or their agent when the construction or alteration to take place is of the following types:

- (1) Structural. All structural changes, additions and/or alterations to a building or other structure shall require a building permit. Furthermore, all changes, additions and/or alterations that may affect the structural capacity of an existing building or other structure shall require a building permit.
- (2) Footprint expansion. All expansions of the existing footprint (as defined in Chapter 190, Zoning, § 190-32) of a building shall require a building permit.
- (3) Assessor's use.
 - (a) All residential home improvements to a building or other structure costing in excess of \$1,500 per structure per year shall require a building permit. If labor is to be done by the owner, then the value of the improvement shall be determined by doubling the value of the materials used.
 - (b) All improvements to a commercial structure, regardless of value, shall require a building permit.
- (4) Moving buildings. Whenever a structure is to be moved, a building permit shall be required. Compliance with Chapter 160, Vehicle Height and Width Limits, of the Conway Code is required to move a structure.

B. The issuance of a certificate of occupancy is required prior to the use or occupancy of any building or structure which undergoes a change or expansion of use, or has required a building permit pursuant to §23-14.A. The remodeling of commercial structures or buildings, to include a change in tenancy, may require a certificate of occupancy at the discretion of the building inspector.

C. Following all required inspections, non-occupiable structures and the instillation of mechanical, electrical, and plumbing equipment may require a certificate of completion, as determined by the building inspector, prior to use or operation.

D. Issuance of a certificate of occupancy or completion shall not be construed as an approval of a violation from building code or Town of Conway regulations.

~~B. A certificate of occupancy/compliance is required by the Town of Conway after completion of work under all commercial nonresidential or multifamily building permits. A certificate of occupancy/compliance may be issued by the Town of Conway as requested after completion of work under a one or two family residential building permit.~~

appointed agent. There shall be no fee for this registration.

- B. Upon obtaining a registration from the Town of Conway, the contractor accepts the responsibility for obtaining and keeping current all building permits required by the Town. Should a contractor violate this section of the Conway Code, the penalties shall be as set from time to time by the Board of Selectmen. After the second offense, the contractor is prohibited from obtaining building permits directly or as an agent or owner for a period of six months and shall pay a fine as set from time to time by the Board of Selectmen. [Amended 4-11-2017 ATM by Art. 7]
- C. Any person who violates this section and wishes to appeal the penalties may do so by appearing before the Board of Selectmen.

§ 23-15. Compliance with Town codes; Planning Board action.

Prior to issuing a building permit, applications shall be reviewed by the Selectmen or their agent to ensure compliance with applicable codes. All applications shall be reviewed by the Selectmen or their agent to determine whether Planning Board approval is necessary. ~~Site expansions and changes in use or tenancy not requiring~~ If Planning Board ~~approval is not necessary, approval, requires~~ a separate zoning permit ~~is required~~ be submitted. If Planning Board approval is required, a separate zoning permit shall not be required and the applicant shall proceed to the Planning Board for the necessary approvals.

§ 23-16. Fees; rules of interpretation. [Amended 4-14-2015 ATM by Art. 4A; 4-11-2017 ATM by Art. 7]

- A. A nonrefundable fee shall be paid to the Town with each application for a building permit in an amount set from time to time by the Town Meeting.
- B. Words and phrases hereunder shall be deemed to have the same meaning and definitions as set forth in the State Building Code adopted in this article. Dollars per square foot are to be based on current mean construction cost data, and repairs and remodeling \$/SF shall be based on general estimated practice.
- C. In all cases, estimates shall at least meet valuations represented in the latest edition of the Marshall Valuation Service (Marshall and Swift, LP) on file in the Assessor's office.
- D. Notwithstanding any other enforcement action available to the Town, an applicant filing an application late may be required to pay an additional penalty fee as set from time to time by the Board of Selectmen for each day between the date construction began and the date the application was filed.
- E. A nonrefundable fee in an amount set from time to time by the Town Meeting shall be paid to the Town with each application for a zoning permit.

§ 23-17. Application for permits.

- A. Each application for a building permit and application for a zoning permit or change of use shall be in writing, signed by the owner of the property to be built upon, on forms to be supplied by the Town. These forms shall be filled out in sufficient detail to show conformance with this article and all applicable state and Town of Conway rules, regulations and ordinances. Copies of the original forms to be used hereunder have been filed by the Selectmen with the Town Clerk of Conway with a copy of this article prior to its adoption.
- B. In addition to the application forms, all applicants for a building permit for a commercial or multifamily (three-or-more-unit buildings) project shall be required to submit architectural/structural