

**BOARD OF SELECTMEN
TOWN OF MADISON
NOTICE OF ORDINANCE
Concerning
“BUILDING PERMITS”**

As authorized by the Town of Madison, by its affirmative vote on Article 8 at the Annual Town Meeting on March 13, 1999, and in accordance with the provisions of RSA Chapter 673:1 and 676:11 through 676:13, the Board of Selectmen for the Town of Madison hereby promulgates the following amended ordinance concerning building permits and their enforcement:

**BUILDING PERMIT ORDINANCE
FOR THE TOWN OF MADISON**

Article One: PURPOSES AND AUTHORITY

In accordance with RSA 673:1 and 676 :11 through 676:13, the Town of Madison hereby adopts the following regulations as a Building Permit Ordinance, for the purposes of preserving the public health, safety, welfare, and convenience, and enduring that any proposed building site is in compliance with local and state regulation and to collect that data necessary for the proper assessment of property taxes within the Town.

Article Two: DEFINITIONS

A. **Applicant:** Any individual, group of individuals, corporation, partnership, limited partnership, association, or any other organization of persons, including state and local governments and agencies desiring to construct, assemble, or erect any structure (including prefabricated or mobile homes) for residential, commercial, agricultural, religious, or other purposes, any where within the Town of Madison.

B. **Building Inspector/Code Enforcement Officer:** An officer appointed by the Selectmen to fulfill the duties as outlined herein, including the inspection of buildings and building sites and issuance of building permits.

C. **Start of Construction:** The first placement of permanent construction on the 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, start of construction includes the first permanent framing or assembly of the structure or the affixing of any prefabricated structure or mobile home on its permanent site.

D. **Substantial Improvement:** Any erection, construction, alteration, reconstruction, or repair of a structure, the *value* of which exceeds ONE THOUSAND DOLLARS (\$1,000.00). Substantial improvement is started when the first alteration of any structural part of the building commences.

Article Three: BUILDING PERMIT REQUIRED

Upon the effective date of this Ordinance, it shall be unlawful to start any construction or

substantial improvement in the Town of Madison without first obtaining, from the Building Inspector/*Code Enforcement officer*, a building permit according to the following procedure.

Article Four: BUILDING PERMIT APPLICATION PROCEDURE

The applicant shall submit, to the Building Inspector/*Code Enforcement Officer*, a building permit application in the form supplied by the Inspector/*Officer* along with *the appropriate* application fee(*See Appendix A*). The following information, as well as the appropriate attached licenses or permits, shall be submitted along with the application for a building permit prior to the start of any construction or substantial improvement to any structure within the limits of Town:

- A. The location of the building site including appropriate referral to both the approved subdivision and the appropriate tax map.
- B. The proposed starting and completion date.
- C. The type of construction including specific information concerning the foundation, basement, framing, walls, roofing, roof type, lighting, fireplaces, number of rooms, floors, interior finishing, heating, plumbing, tiling, and out buildings.
- D. *An Approval for Construction from the State of New Hampshire for a septic system, if necessary.*
- E. Compliance with Planning Board Regulation 1979-1, “Driveway Permit Regulation”.
- F. A sketch showing the location of the proposed construction, driveway, utility line, drainage way, and water supply and sewerage disposal facilities.

Decision: The Building Inspector/*Code Enforcement Officer* shall, within ten (10) days of receipt of a completed building permit application, review such application and either issue or refuse to issue a building permit to the applicant. In the case of a refusal to issue a permit, the Building Inspector/*Code Enforcement Officer* shall return reasons for such refusal and may include suggestion for future compliance with the provisions of this Ordinance.

Applicants may resubmit refused application which have been revised to conform to this Ordinance’s provisions as long as the same is accompanied with a FIVE DOLLAR (\$5.00) resubmission fee.

Article Five: ADMINISTRATION

- A. **Responsibility:** The Building Inspector/*Code Enforcement Officer* shall issue or deny Building Permits, and any violation of this Ordinance shall be reported to the Building Inspector/*Code Enforcement Officer*.
- B. **Enforcement:** Any person or persons, the definition being the same as that of an applicant, who violates any provision of this Ordinance shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

C. **Enforcement Procedure:** Upon a violation being reported to the Building Inspector/*Code Enforcement Officer*, the Building Inspector/*Code Enforcement Officer* shall investigate the same. Upon determining that a construction of substantial improvement has been started in violation of this Ordinance, the Building Inspector/*Code Enforcement Officer* shall issue a “cease and desist order” to the owner of that property and/or the contractor/workman on the building site. The “cease and desist order” shall require an immediate halt in all construction on the building site. Notice of issuance of the “cease and desist order” shall also be given to the Selectmen for the Town of Madison. If the owner/applicant fails to obey the “cease and desist order” and/or fails to immediately apply for a building permit, the Selectmen for the Town of Madison may bring such action as they may deem fit, be it criminal or civil, requesting enforcement of this order. A civil remedy may either be injunctive in its relief, or further, a fine of not less than TEN DOLLARS (\$10.00) and not more than ONE HUNDRED DOLLARS (\$100.00) may be levied per day for failure to comply with the provisions of this Ordinance, each day constituting a separate violation.

D. **Validity:** If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid, such decision shall not effect the remaining portions of the Ordinance.

E. **Conflict with other Regulations:** Whenever the requirements of this Ordinance 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/*Code Enforcement Officer* may appeal the same to the Board of Appeal, being the Board of Selectmen, by filing an application for appeal. The Board of Appeal may vary the decision of the Building Inspector/*Code Enforcement Officer* when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this Building Permit Ordinance and the public interest. Any person aggrieved by a decision of said Board of Appeal may appeal the same decision to the Superior Court of this country, and said Court shall make such order as justice may require.

Article Six: EFFECTIVE DATE

The original Ordinance went into effect on October 15, 1980. This Ordinance as amended will take effect upon approval of voters at the next annual meeting.

THE TOWN OF MADISON
By Its Selectmen

Adrian E. Beggs, Selectman

Richard P. Eldridge, Selectman

Percy H. Hill, Selectman