

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

As authorized by the Town of Madison, by its affirmative vote on Article 22 at the Annual Town Meeting on March 16, 2024, 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 and mechanical permits and their enforcement:

**BUILDING AND MECHANICAL  
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 and Mechanical 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, install or erect any structure (including prefabricated or mobile homes) and/or install wiring, plumbing or gas piping for residential, commercial, agricultural, religious, or other purposes, anywhere 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, building sites and mechanical installations, and issuance of building and mechanical permits.
- C. **Start of Construction:** The first placement of permanent or temporary 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 or temporary 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 eight thousand five hundred dollars (\$8,500.00) based upon a contractor’s rate and material costs, whether or not the applicant performs the work. Substantial improvement is started when the first alteration, erection, construction, reconstruction or installation of any structural part of the building commences. Repair and/or replacement of pre-existing, non-mechanical, in-kind materials and features, i.e. decking/siding/roofing/drywall, are exempt from this definition provided there is no interior or exterior change to the structure’s footprint or floorplan.

E. **Mechanical Projects:** Electrical, plumbing or gas piping installations.

F. **Starting of Installation:** The first placement of permanent or temporary electrical wiring, plumbing and/or gas piping on the site.

### **Article Three: BUILDING AND/OR MECHANICAL PERMIT REQUIRED**

Upon the effective date of this Ordinance, it shall be unlawful to start any construction, substantial improvement or mechanical installation in the Town of Madison when a permit is required without first obtaining, from the Building Inspector/Code Enforcement Officer, a building and/or mechanical permit according to the following procedure.

### **Article Four: BUILDING AND MECHANICAL PERMIT APPLICATION PROCEDURE**

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

A. The location of the building and/or mechanical 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, improvement or mechanical installation including specific information concerning the foundation, basement, framing, walls, roofing, roof type, lighting, fireplaces, number of rooms, floors, interior finishing, heating, wiring, plumbing, gas piping, 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, mechanical installation, driveway, utility line, drainage way, and water supply and sewerage disposal facilities.

G. NH Energy Code Application

H. Certified Boundary Plan (Eidelweiss Residential District Only)

I. NH Shoreland Impact Permit

J. Road Waiver of Liability Agreement and proof of recording at the Carroll County Registry of Deeds for projects on properties accessed from Class VI or private roads.

**Decision:** The Building Inspector/ Code Enforcement Officer shall, within twenty (20) business 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 the refused application and supporting documentation which have been revised to conform to this Ordinance's provisions as long as the same is accompanied with a thirty dollar (\$30.00) resubmission fee in addition to the original permit application fee.

## **Article Five: ADMINISTRATION**

**A. Responsibility:** The Building Inspector/ Code Enforcement Officer shall review building and mechanical permit applications, refuse incomplete applications and issue or deny Building and/or Mechanical Permits. 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, substantial improvement or mechanical installation 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, improvements and/or mechanical installations 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 or mechanical 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 one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) 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 affect 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 regarding the provisions of this Ordinance may appeal the same to the Board of Appeal, being the Zoning Board of Adjustment, 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 county, and said Court shall make such order as justice may require.

**G. Revisions:** This ordinance shall be reviewed by the Board of Selectmen at least every five (5) years for revisions to be presented for vote at Town Meeting.

**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

**Appendix A**

**PERMIT & REINSPECTION FEES:**

The following fees are levied to cover expenses related to time in reviewing and issuing applications and for project inspections to ensure compliance with state code and municipal ordinances. Part of these fees are also used to offset the costs of E911, assessing and tax map updates.

1. New Construction & Additions:

- (A) Dwellings & Additions: first floor sqft. \_\_\_\_\_ x .35 = \$ \_\_\_\_\_  
second floor sqft. \_\_\_\_\_ x .35 = \$ \_\_\_\_\_  
finished basement \_\_\_\_\_ x .35 = \$ \_\_\_\_\_
- (B) Porches & Decks sqft. \_\_\_\_\_ x .35 = \$ \_\_\_\_\_
- (C) Garages, Sheds & Barns first floor sqft. \_\_\_\_\_ x .35 = \$ \_\_\_\_\_  
second floor sqft. \_\_\_\_\_ x .35 = \$ \_\_\_\_\_

- 2. Remodeling or Renovations to Existing Structures (no footprint change) - \$50.00 \$ \_\_\_\_\_
  - 3. Driveway Permit (for access onto Town roads) - \$40.00 \$ \_\_\_\_\_
  - 4. Electrical Permit\* - \$50.00 \$ \_\_\_\_\_
  - 5. Plumbing Permit\* - \$50.00 \$ \_\_\_\_\_
  - 6. Gas Piping Permit\* - \$50.00 \$ \_\_\_\_\_
  - 7. Permit Renewal for New Construction projects (one-time): \$ \_\_\_\_\_
    - \$50.00 if renewed on or before the expiration date
    - A new permit will be required for the remaining construction after the original permit's expiration date.
- The minimum building permit fee is \$50.00. TOTAL PERMIT FEES \$ \_\_\_\_\_**

**A NON-REFUNDABLE FEE SHALL BE PAID TO THE TOWN OF MADISON WITH EACH APPLICATION FOR A BUILDING PERMIT PER ARTICLE II, SECTION 2.1 C OF THE MADISON ZONING ORDINANCE.**

**\* MECHANICAL PERMITS (ELECTRICAL, PLUMBING AND GAS PIPING) MAY BE APPLIED FOR SEPARATELY AND AT A LATER DATE FROM THE BUILDING PERMIT APPLICATION**

**INSPECTIONS REQUIRED:**

The property owner and/or contractor(s) are responsible for scheduling the following inspections with the CEO (if applicable): **Foundation, Framing, Mechanical (electrical, plumbing, gas), Insulation and Final\***

**Final Inspection** – ALL PROJECTS – Use and/or occupancy shall not occur until the Certificate of Compliance is issued

REINSPECTION FEE of \$50.00 will be charged for each inspection after two (2) attempts at Final Inspection approval.