

TOWN OF TROY, NH
GENERAL CONSTRUCTION AND DEVELOPMENT ORDINANCE

SECTION I

AUTHORITY AND PURPOSE

- A. This ordinance is adopted in accordance with RSA 674:16 & 51 and, as applicable, RSA 155-A.
- B. The purpose of this ordinance is to:
 - 1. promote the general consistency and quality of construction in the Town of Troy, NH (hereafter referred to as "Town" or "the Town");
 - 2. consolidate existing Town construction and development related ordinances into an easily accessible point of reference; and
 - 3. attempt to proactively lessen the chance of a violation of Town construction ordinances through the accessibility of this information, with the intent of reducing the reactive workload and expense said violations would require of the Town.

SECTION II

CONSTRUCTION CODES

- A. Building and Trade Codes
 - 1. The Town recognizes all Building, Fire and Trade Codes and amendments to (herein referred to as "Codes") adopted by the State of New Hampshire per RSA 155.A.
 - 2. All Codes should be considered enforceable by the Town.
 - 3. All work must be completed to the minimum standards of these Codes, unless specifically allowed by the Town.
 - 4. The Town zoning ordinances, where in conflict with these Codes, shall take precedence.

SECTION III

GENERAL RULES

- A. GENERAL RULES
 - 1. All construction work performed within the Town must be performed by qualified construction individuals or businesses.
 - 2. COMPLIANCE
 - a. All construction and development performed within the Town of Troy, NH must comply fully with all Town ordinances and regulations, unless specifically permitted in writing by the Troy Planning Board, the Troy Zoning Board of Adjustment or the Troy Select Board.
 - b. A submitted site plan, blueprint or other drawing or descriptor that contains a violation or omission of compliance but is accepted or approved by a Town Board without specifically addressing in writing said violation or omission does not absolve the applicant/builder of any violation.
 - c. The applicant/builder is responsible for learning and adhering to all applicable Town ordinances and regulations. All information is readily available at the Troy Town Hall during regular business hours.
 - 3. WORK TIMES, NOISE, DEBRIS AND ODOR
 - a. All construction work will be subject to the enforcement of the Town of Troy Zoning, Noise and Nuisance Ordinances.

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- b. No construction work is to be performed within the Town before 7am or after 10pm Monday through Saturday. No construction work is to be performed within the Town before 9am or after 10pm on Sunday.
 - c. At no time shall any construction debris, fumes or noxious odors affect any persons, properties or public ways outside of the construction zone.
4. CONSTRUCTION VEHICLES
- a. All construction vehicles and the vehicles of all of those involved with any construction project shall be subject to the enforcement of the Town of Troy Zoning, Noise, Nuisance and Parking Ordinances.

SECTION IV
PERMITTING REQUIREMENTS

- A. Town of Troy property owners may complete and submit a Town building permit application and perform the work on their own bona-fide primary residence. It is the responsibility of those property owners to have a full understanding of all of the codes, rules and regulations that affect their project. The Town will enforce all ordinances and codes during inspection.
- B. All permit applications for construction on other than primary residences must be submitted by the builder or contractor, or by a representative of the builder or contractor that is authorized to act as their legal proxy.
- C. All permit applications for work which require licensing by New Hampshire State law shall be submitted by the licensed contractor or by a representative of the contractor that is authorized to act as their legal proxy.
- D. Town requirements for permitted building and development may change at any time. It is the responsibility of the applicant/builder to contact the Town and determine whether or not a permit is required for their specific project.

See Appendix Section A.II for further permitting rules.

SECTION V
LICENSING

- A. New Hampshire law requires that certain construction trades *must* be licensed to work for hire, making it illegal for any unlicensed individual to work for hire as a construction professional when a license is required.
- B. It is the responsibility of the property owner to do their due diligence and choose a properly licensed contractor that will complete the work properly and within the guidelines of all national, state and local codes, rules and regulations.

SECTION VI
ADMINISTRATION AND ENFORCEMENT

- A. DUTY: It shall be the duty of the Selectmen, and they are hereby given power and authority to administer and enforce the provisions of this ordinance. The Selectmen may appoint an agent to administer (accept and issue building permits and inspect) and enforce this ordinance.
- B. ENFORCEMENT: Upon any well-informed information that this ordinance is being violated, the Selectmen shall take immediate steps to enforce the provisions of this ordinance by seeking an injunction in the Superior Court or by any other legal action.
- C. INSPECTIONS: The Town will inspect a permitted project for a variety of items, depending on the scope and extent of the work.

See Appendix Section A. III for inspection and enforcement rules.

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SECTION VII
EFFECTIVE DATE

This ordinance shall take effect upon its passage and as amended.

APPENDICES

REFERENCES TO EXISTING ORDINANCES AND REGULATIONS

The following appendix is a summary of selected Town Ordinances and Regulations relating to construction and development. All applicants/builders should review these references to ascertain if they are relevant to their project. Though every effort has been made to include all relative ordinances, the language and/or content of Town law may change after the date this is presented and prior to its updating. It is the responsibility of the applicant/builder to assure the current state of all codes, rules and ordinances that pertain to their specific project.

SECTION A.I

SITE PLAN REVIEW

FROM THE TOWN OF TROY SITE PLAN REVIEW REGULATIONS

A. Activities Subject to Site Plan Review

The Planning Board shall have the responsibility for making the final decision as to the necessity of Site Plan Review. Where there is any doubt as to whether or not a project requires Site Plan Review, the affected party should request a determination from the Board. In an effort to clarify what constitutes a change of use of sufficient magnitude or impact to trigger Planning Board action, the following guidelines will be observed:

1. If the proposal involves new construction of non- residential or multi-family development.
2. If the proposal involves a change of use category, e g., from residential to commercial, or from single family to multi-family.
3. If the proposal involves external modifications or construction, including parking lots (except for single family or duplex housing).
4. If the proposal involves expansion of a building or intensification of use that would result in a change in traffic volume or patterns in the area, noise, parking, lighting, etc.
5. If the proposal involves a property that has never received Site Plan Review from the Planning Board for previous non- residential or multifamily use.

B. Activities Not Subject to Site Plan Review

The following activities /projects would likely not be subject to Site Plan Review, however, this is a decision that must be made by the Planning Board:

1. Proposals that involve no change in use or level of activity.
2. Internal building modifications to a non- residential use that do not affect the scale or impact of the existing use.
3. A re-use of a premise for which a Site Plan Review has already been conducted, provided the new use is not different in type or impact.

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**SECTION A.II
PERMITTING**

FROM THE TOWN OF TROY ZONING ORDINANCE ARTICLE XV - ADMINISTRATION AND ENFORCEMENT:

- A. **BUILDING PERMIT REQUIRED:** It shall be unlawful to erect and use any structure, alter the size of any existing building, remove or demolish any existing structure or relocate any building in any district within the Town of Troy without first obtaining a building permit from the Board of Selectmen or their agent, unless such structure is less than two hundred (200) square feet and serves as an accessory use to an existing residence. The Selectmen or their agent shall issue any and all building permits requested when such building permit is in accordance with the provisions of this ordinance. No building permit shall be issued for any building unless the street upon which the lot has actual frontage corresponds with the requirements of RSA 674:41.
- C. **REMODELING:** No building permit shall be required for remodeling or repairing where the purpose or the initially approved or perceived exterior facade or visual theme for which the building or structure is to be used is not changed, or the building is not enlarged or the use extended or the number of dwelling units is not increased.

**SECTION A.III
INSPECTION AND ENFORCEMENT**

FROM THE TOWN OF TROY ZONING ORDINANCE ARTICLE XV - ADMINISTRATION AND ENFORCEMENT:

- A. **DUTY:** It shall be the duty of the Selectmen, and they are hereby given power and authority to administer and enforce the provisions of this ordinance. The Selectmen may appoint an agent to administer (accept and issue building permits and inspect) and enforce this ordinance.
- E. **CERTIFICATE OF OCCUPANCY:** No land shall be occupied or used and no building hereafter erected or altered or moved shall be occupied or used on whole or part for any purpose until a Certificate of Occupancy has been issued by the Board of Selectmen, stating that the land or building complies with all the provisions of these regulations. Such a certificate is required for any change or extension of use. The Certificate of Occupancy may be applied for at the same time as the building permit or thereafter, and if approved shall be issued within ten (10) days' notification by the permittee that the land or building is ready for occupancy. This regulation shall not affect the moving of a portable accessory building within the boundaries of the lot on which it is situated. A record of all certificates shall be kept on file and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the land or building affected for a fee of two dollars (\$2.00) for each original certificate and one dollar (\$1.00) for each copy.
- F. **ENFORCEMENT:** Upon any well-informed information that this ordinance is being violated, the Selectmen shall take immediate steps to enforce the provisions of this ordinance by seeking an injunction in the Superior Court or by any other legal action.
- G. **PENALTIES:** Every person, firm or corporation violating any of the provisions of the ordinance shall, upon conviction, be fined not more than \$100 for each day such violation may exist.

SECTION A.IV

FROM THE TOWN OF TROY ZONING ORDINANCE ARTICLE III-GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS

- D. With some exceptions, no **commercial excavation** of land, either for private use or for sale, is permitted without a permit from the Planning Board. This paragraph is not intended to restrict landscaping on personal or private property (RSA 155-E).
- E. No building or structure shall be built to a **height** of more than three (3) stories.

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- F. In the event of a catastrophe rendering an existing dwelling unusable, **a manufactured home may be temporarily allowed** on an occupied lot for a period not to exceed 12 months, to allow for repair or rebuilding of the dwelling, provided that safe and adequate sewage and a safe water supply can be provided.
- H. It is the intent of this ordinance that there shall be only one principle use permitted per lot; however, **more than one principle use per lot may be allowed by Special Exception** of the Board of Adjustment, subject to the conditions of Article XIII, C2,a.
- I. **Manufactured housing** is permitted only in existing Manufactured Housing Park or in subdivisions created specifically for manufactured housing in the Rural District, subject to the provisions of the Troy Manufactured Housing Park Ordinance and the Troy Subdivision Regulations, as applicable.
- J. All plans for the development or change or expansion of use of land for non-residential or multi-family purposes require **Site Plan Approval** by the Planning Board.
- L. **Bed & Breakfast Establishments** are permitted by special exception in all districts, subject to the provisions of Article XIII, D, 6.

*(R)(9) In the case of a bed and breakfast, no more than three (3) sleeping rooms may be allowed for rent.
- M. **Additions of unenclosed porches, decks and carpports** for residential use may encroach into setback areas by Special Exception, provided that the dwelling lawfully existed at the time of the adoption of this ordinance, and that enough space is left between structures on abutting properties for emergency equipment to pass.
- N. Any improvements necessitated by the **American with Disabilities Act** are exempted from setback requirements, provided no reasonable alternative exists.
- O. One **utility structure or tool shed** is allowed to be placed up to three feet from side or rear setbacks provided: (1) the lot is nonconforming in such a way that meeting the required setback for the district is not possible or presents a hardship; (2) the front setback for the district must be met; and (3) the structure is no larger than 10 feet by 12 feet and no higher than 12 feet.
- P. **Fences** are not subject to setback requirements, although they must be set far enough from the property lines so that they can be maintained without trespass onto the neighboring property.

FROM THE TOWN OF TROY FENCE ORDINANCE DATED 7/18/1995:

No person shall install any fence on his property on his boundary line. The fence must be at least one foot in from the boundary line to allow for maintenance of the other side of the fence.

- Q. All structures used or intended to be used as dwellings shall be constructed on permanent foundations. All such foundations shall be protected from yearly frost, pursuant to the NH Building Code RSA 155-A.

SECTION A.VI

FROM THE TOWN OF TROY ZONING ORDINANCE ARTICLE XII-SPECIAL PROVISIONS

- B. **Home Occupations** are permitted in all districts subject to the following conditions:
9. In the case of a bed and breakfast, no more than three (3) sleeping rooms may be allowed for rent.
11. When the Home Occupation will necessitate the construction of new buildings, building additions, or parking areas, the applicant shall submit a site plan in conformance with the Troy Site Plan Review Regulations to the Planning Board for review and action.

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D. Conversion Apartments

1. Conversion Apartments are permitted by special exception in all districts, subject to the provisions of Article XIV, C. 2.
2. Any conversion resulting in three or more units is subject to site plan review by the Planning Board.

FROM THE TOWN OF TROY SMOKE DETECTOR ORDINANCE DATED 5/6/1981

All newly constructed dwellings must have 120 volt smoke (and carbon monoxide if gas or oil burners are present) detectors installed in the house before occupancy.

All existing single and multiple family dwellings and all mobile homes, owned and rented in the Town of Troy, must have smoke detectors (and carbon monoxide if gas or oil burners are present) installed in each separate rental unit. Detector and alarm placement and requirements shall comply with the current NFPA National Fire Alarm Code.

FROM THE TOWN OF TROY LIFE SAFETY ORDINANCE DATED 7/9/1985

The standards of the Life Safety Code are hereby adopted for use in the Town of Troy insofar as such standards pertain to the erection and maintenance of any and all factories, hotels, tenement houses, public buildings, schoolhouses, places of public assembly and other buildings used as places of public resort within the limits of the Town of Troy.

FROM THE TOWN OF TROY CHIMNEY ORDINANCE DATED 3/30/1978

No chimney shall be built, erected or altered below the roof unless containing a tile or brick lining and with an iron cleanout door at or near its base, and shall extend at least 18" above the peak of the roof.

No chimney shall be built, erected or altered below the roof having wood or other combustible materials within one inch of its outside wall, and no chimney shall have its base resting upon a floor or a base of combustible material.

No smoke pipe shall be installed or erected so as to be within 18" of any combustible floor, ceiling, wall or partition unless amply protected with noncombustible material. No smoke pipe shall be installed or erected which passes into or through partitions or walls of combustible material, except when protected by a double collar of metal with air space with at least 5" of brick or other noncombustible material, or unless such smoke pipe or vent pipe is safety approved as a result of tests and listing by a nationally recognized laboratory.

FROM THE TOWN OF TROY FENCE ORDINANCE DATED 7/18/1995

No person shall install any fence on his property on his boundary line. The fence must be at least one foot in from the boundary line to allow for maintenance of the other side of the fence.

FOR ROAD WEIGHT LOADS, SEE: TOWN OF TROY SPRING LOAD WEIGHT RESTRICTION ORDINANCE

The following are substantial and detailed individual ordinances that are apart from the Town of Troy Zoning Ordinance. Any or all may apply to any specific construction project. All ordinances are available online or by request at the Troy Town Hall.

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| ▪ Site Plan Review Regulations | ▪ Water Resource Protection |
| ▪ Subdivision Regulations | ▪ Manufactured Housing Park |
| ▪ Driveway regulations | ▪ Sign Ordinance |
| ▪ Earth Excavations | ▪ Wireless Cell Towers |
| ▪ Flood Plain Ordinance | ▪ Adult Businesses |