

ARTICLE 45-13 ADMINISTRATION AND ENFORCEMENT

For the purposes of this Ordinance, the Bedford Town Manager as specified in the Town Charter is hereby given the power to appoint a Zoning Administrator who shall perform the duties of their office as designated in the various provisions of the Ordinance and shall report all violations of said Ordinance to the Town Manager.

§ 45-13-1 ADMINISTRATIVE OFFICER

This Ordinance shall be administered by the Zoning Administrator who shall have the authority to make inspections necessary to carry out his/her duties in the enforcement of this Ordinance.

§ 45-13-2 BUILDING PERMIT PROCEDURE

All structures shall be constructed in accordance with the most current applicable residential and non-residential building codes that have been adopted by the Bedford Town Council. The Bedford Building Code Official shall prepare an amendment for submission to the Town Council no less than every three years, requesting adoption for revised building codes. The Town Council shall hold a public hearing on the proposed updates or revisions to the building codes with public notice as required by RSA 675:7. Such notice shall include information stating where the proposed building code updates or revisions shall become final upon approval by the Town Council and recording with the Town Clerk.

[Added; 3/8/94.] [Amended: 3/14/00.]

(a) Applicability

No building or structure shall be constructed, reconstructed, altered, or relocated nor shall any excavation be commenced without a duly authorized building permit issued by such Building Inspector.

(b) Prerequisite Approvals

- (1) An applicant for building permit approval shall be responsible for providing certified verification of all requisite local, state, and federal approvals prior to the issuance of said building permit.
- (2) A building permit for a nonresidential structure or building which is less than eight hundred square feet (800 s.f.) and is not intended for habitation, may be issued by joint approval of the Building Inspector and the Zoning Administrator, and shall not require a Planning Board Nonresidential Site Plan Review. *[Added: 03/11/97.]*

(c) Application

- (1) Application for a building permit shall be made on standard forms provided by the Building Inspector which are available at the town offices during normal business hours.
- (2) Footings/foundations for all new building construction will be certified by a State of New Hampshire licensed land surveyor prior to any further construction. The Building Inspector or his agent may waive this requirement

if in his opinion it is obvious there are no setback encroachments. *[Revised: 3/10/92.]*

(d) Pending Changes in Zoning Ordinance

The Building Inspector shall not issue an building permit where application for such permit is made after the first legal notice of proposed changes in the Zoning Ordinance has been posted pursuant to the provisions of RSA 675:7 if the proposed changes in the Ordinance would, if adopted, justify refusal of such permit. After final action has been taken on the proposed changes in the Zoning Ordinance, the Building Inspector shall issue or refuse to issue a permit which has been held in abeyance under this Section pursuant to a final action taken by the town meeting.

§ 45-13-3 CERTIFICATE OF OCCUPANCY

(a) Purpose

The purpose of a certificate of occupancy is to give the Building Inspector a mechanism by which he/she can verify conformance to provisions of this Ordinance, the building permit, and other requisite approvals related thereto.

(b) Applicability

- (1) No person shall use or permit the use of any building, structure, or premises or part thereof hereafter erected, relocated, altered, repaired, converted, or extended until a certificate of occupancy is issued by the Building Inspector.
- (2) Prior to the issuance of a certificate of occupancy for any building or addition, a plat plan, locating all buildings, utilities, and easements on a given lot must be certified by a State of New Hampshire licensed land surveyor. The Building Inspector may waive the requirement for a certified plat plan for good cause shown. *[Amended 03/08/05]*

§ 45-13-4 VIOLATIONS AND PENALTIES

(a) Violations

The Zoning Administrator shall serve a notice of violation and order to cease activity to any person, company, corporation, or other association responsible for violating any provision of this Ordinance. Any person, company, corporation, or other association who has been served with a notice and ceases any work or other activity shall not leave any structure or lot in such a condition as to be a hazard or menace to the public safety, health, or general welfare.

(b) Prosecution of Violations

If the notice of violation and order to cease activity is not complied with, the Zoning Administrator shall notify the Town Council whom may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful violation [RSA 676:15].

- (1) Any violation of this Ordinance shall constitute a misdemeanor if a natural person, or a felony if any other person, and shall be subject to a civil penalty not to exceed two hundred seventy-five dollars (\$275) for the first offense and five hundred dollars (\$550) for subsequent offenses for each day that such violation is found to continue after the conviction date or after the date on

which the violator receives written notice from the Town that he is in violation, whichever is earlier (RSA 676:17, I); *[Amended: 3/19/98.]*

- (2) In addition, if any successful legal action is brought by the Town to enforce by way of injunctive relief or otherwise any local ordinance, code or regulation, or to enforce any planning board, zoning board of adjustment or building code board of appeals decision or to seek the payment of any fine levied pursuant to NH RSA 676:17, the Town shall attempt to recover its out-of-pocket costs and reasonable attorney's fees actually expended in pursuing the legal action [RSA 676:17, II].