

ARTICLE V Enforcement

~ 305-30. Planning and Zoning Administrator.

- A. This chapter shall be administered and enforced by the Planning and Zoning Administrator, who shall be duly appointed by the Franklin City Manager as per ~ C-27 of the City Charter.
- B. It shall be the duty of the Planning and Zoning Administrator to enforce this chapter. It shall also be the duty of the City Manager, City Council and of the members of the Police Department and all other municipal employees to assist the Planning and Zoning Administrator by reporting to him or her upon new construction, reconstruction or land use changes or upon viewing violations.

~ 305-31. Permits. (Amended 05-01-06 by Ord. No. 09-06)

The following permits or certificates shall be required and shall be issued by the Planning and Zoning Administrator when in his or her opinion the applicant for such permit has complied in all respects with the provisions of this chapter:

- A. Building Permits: It shall be unlawful to construct, alter, enlarge, move or demolish a structure, or change the occupancy of a building or structure requiring greater strength, exitway or sanitary provisions, or to change to a different use group, or to install or alter any equipment for which provision is made or the installation of which is regulated by the regulations, without first filing an application with the Planning & Zoning Administrator in writing and obtaining the required permit.
 - 1. Building Permits are required as outlined below, except for ordinary repair or maintenance work or in-kind work [see A.2 and A.3 for exceptions]:
 - a. Commercial/Industrial Buildings: A Building Permit is required for all work, including, but not limited to, any plumbing, electrical, or mechanical work, roofing, new or replacement windows, adding or moving interior walls, new or replacement ceilings, any structural changes to the building, or new or expanded fencing.
 - b. Multi-Family, Two-family, or non-owner-occupied single-family Residential Buildings: A Building Permit is required for all work, including, but not limited to, any plumbing, electrical, or mechanical work, adding or moving interior walls, new or replacement ceilings, or any structural change to the building.
 - c. Detached Single-family, owner-occupied Residential Buildings: A Building Permit is required for all work, except as noted below, over \$750.00 in value. No permit is required, even if the cost is over the \$750.00 for work performed consistent with A.2 and A.3 below. Nor is a permit required for the construction or installation of playground equipment associated with a single-family home, or the installation of

fencing 6 feet or under.

2. Building Permits, for any of the building types outlined above, are not required for ordinary repairs or maintenance such as painting, new flooring, or, for single and two family homes, the replacement of molding or framing around doors or windows.
3. For all of the building types outlined above, the term "in-kind replacement" is defined as the removal of a building component [cabinet, countertop, plumbing fixture (toilet, sink, tub or shower unit), window, door, roofing or siding, electrical fixture, or mechanical unit such as a water heater or air conditioning unit] and the replacement of the component with a component intended to serve the same basic purpose or function. For example, removing a toilet or sink and replacing it with a new fixture. If the plumbing or piping for that fixture is moved or altered, then this is above and beyond the definition of in-kind replacement. For new windows or doors, if the rough opening is enlarged or reduced then this is also above and beyond the definition of in-kind replacement.
4. Where emergency repairs and replacement work must be performed in an emergency situation without a Building Permit, the application for the Permit shall be filed within 2 business days.
5. All electrical and plumbing work performed in commercial and industrial buildings, multi and two-family residences, and non-owner-occupied single-family homes, must be performed by licensed tradespersons, and all work shall conform to all applicable codes and regulations.
6. For all work that triggers Site Plan Review and permitting, the Site Plan permit shall be obtained prior to the issuance of a Building Permit.

[Amended 9-8-1997 by Ord. No. 97-4; 6-21-2000 by Ord. No. 00-3; 11-4-2002 by Ord. No. 01-03; 4-5-2004 by Ord. No. 11-04]

- B. Building permits must be renewed one year after issue if work has not been completed. Building permits may be renewed three times and will expire after the fourth year. There shall be no additional charge for renewal. Variances and/or special exceptions need not be reapplied for unless the timeframes for completion or vesting of the Variance or Special Exception outlined in the Notice of Decision have expired.
- C. Building permits shall not be issued for a building intended for or suitable for human occupancy until there exists actual or planned access to the structure to provide appropriate access and maneuverability for life safety equipment, including fire apparatus, as approved by the Director of Municipal Services and the Chief of the Fire Department. In the event of planned access, the access structures shall be constructed in accordance with the above approval prior to commencement of construction of the building.

- D. By and through the submission of a Building Permit application, the owner/applicant is authorizing and allowing the City of Franklin to perform the inspection(s) required and necessitated by the proposed work.

[Amended 9-8-1997 by Ord. No. 97-4; 6-21-2000 by Ord. No. 00-3; 11-4-2002 by Ord. No. 01-03; 4-5-2004 by Ord. No. 11-04]

- E. Demolition permit. The removal or demolition of any building or structure shall only be permitted after the submission of a Demolition Permit Application. The application shall be reviewed by the Planning and Zoning Office and the Fire Department to insure that the proposed demolition work will be conducted in accordance with policy and regulations prepared by the City. [Amended 6-21-2000 by Ord. No. 00-3]

- F. Certificate of Use and Occupancy.

- (1) New buildings & Altered Buildings. No building or structure hereafter erected or altered in the City of Franklin shall be used or occupied in whole or in part until the certificate of use and occupancy shall have been issued by the Planning and Zoning Administrator. [Amended 4-5-2004 by Ord. No. 11-04]
- (2) Any use or occupancy, which was not discontinued during the work or alteration, shall be discontinued within 30 calendar days after the completion of the alteration unless the required certificate is secured from the Planning and Zoning Administrator. [Amended 4-5-2004 by Ord. No. 11-04]
- (3) Temporary occupancy. Upon the request of the holder of a permit, the Planning and Zoning Administrator may issue, following the required inspections, a temporary certificate of use and occupancy for a building or structure or part thereof before the entire work covered by the permit shall have been completed, provided that such portion or portions may be occupied safely prior to full completion of the building or structure without endangering life or public welfare.
- (4) Existing buildings. Upon written request from the owner of an existing building or structure, the Planning and Zoning Administrator may issue a certificate of continued use and occupancy permit, provided that there are not violations of law or orders of the city pending. Said certificate may be issued after inspection and investigation establishes that the use of the building or structure is as it exists on the date of the inspection. Said certificate shall evidence only that a general inspection of the visible portions of the structure has been made and that no violations of any applicable codes are found or are evident.
- (5) Continuing Certificate of Occupancy; State Mandated Inspections: For certain uses [for example, Day Care Centers, Nursing Homes, or Mental Health Group Homes], the State of New Hampshire requires that inspections be conducted regularly by the City and a Continuing Certificate of Use and Occupancy be issued. The City Inspection Department shall conduct these

inspections and inform the Planning and Zoning Administrator when to issue the required Certificate. For any building or structure use for which the Code of the City of Franklin requires a regular inspection, a similar process of inspection and issuance of a certificate shall be followed.

- (6) Certificate of Approval: For certain work [for example utility connections or meters], an inspection is required before final connections are made or the utility service is provided. The owner/contractor shall contact the City Inspection Department to schedule an inspection. When approved, a certificate of Approval shall be issued by the City.
- (7) Requests for Certificates. The property owner or a representative shall request an inspection for a Certificate of Occupancy within 30 days following the completion of work allowed under the Building Permit. By and through the request for a Certificate, the owner/representative is certifying that the work has been satisfactorily completed in compliance with all applicable codes.

G. Change of Use Permits

- (1) When a change is proposed for the use of a property, whether commercial, industrial or multifamily, the approval of said change is required. A change of use application must be filed with the Planning Office for review by the Planning and Zoning Administrator. A change of use occurs when:
 - a. The proposed use of the building is shifting from one of the use classifications listed on the Permitted and Special Exception Use Table found in § 305-13 of this chapter to another use classification; and/or,
 - b. The proposed change in use results in the application of different life safety, fire, or other appropriate code criteria.
- (2) After a change of use has been made in a building or structure, the reestablishment of the prior use which does not conform to the Use Table cite above shall not be permitted. A change from one prohibited use for which a permit has been granted to another prohibited use shall be deemed a violation of this Code and is not permitted. [Amended 11-4-2002 by Ord. No. 01-03].
- (3) The Appropriate Certificate of Use and Occupancy will be issued for the approved change of use.

H. A fee, consistent with Chapter 160 of the City Code, for all permits, inspections, or certificates described above shall be charged, and shall be paid prior to the issuance of the permit, the performance of an inspection or the issuance of any certificate. No Certificate of Occupancy will be issued for any work until such time as all fees are paid.

~ 305-32. Application for permit.

- A. Each application to the Planning and Zoning Administrator for a permit to erect a new building or structure or to enlarge or alter an existing one or to move an existing one shall be accompanied by a site plan showing the measurements of the lot and of all buildings, setbacks and parking spaces, existing and proposed, and shall also be accompanied by copies of all other applicable municipal, state or federal permits or approvals. The intended use or uses of the land and buildings shall be indicated clearly.
- B. The application shall also include such further details as the Planning and Zoning Administrator may require for a clear understanding of the case. A building permit must be displayed to open public view at all times or be subject to Article VII of this chapter.

~ 305-33. Actions for enforcement.

The Planning and Zoning Administrator is hereby authorized to institute or cause to be instituted, in the name of the city, any and all actions that may be appropriate or necessary for the enforcement of this chapter. This authorization, however, shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this chapter.