

CHAPTER 97
PLUMBING CODE AND REGULATIONS

[HISTORY: Adopted by the Durham Town Council on 4-5-1993 as Ord. No. 92-09. This ordinance establishes minimum regulations governing the design and installation construction of plumbing systems within the Town of Durham, NH, and provides for the issuance of permits, collection of fees, making of inspections, and providing penal ties for the violation of said ordinance.]

ARTICLE I

97-1. Purpose.

The purpose of these regulations is to provide practical safeguards for sanitation to protect the public health against inadequate, defective or unsanitary plumbing installations and to enhance both the Town's public water supply capacity and resiliency and the efficient functioning of its wastewater treatment facility and the related delivery and collection systems.

(Section 971 amended by Ord. #2013-04 dtd 4/1/13).

97-2. Title.

These regulations shall be known and cited as the *Plumbing Code of the Town of Durham, NH*.

97-3. Authority.

- A. Pursuant to RSA 674-51 New Hampshire State Statutes, the Town of Durham, N.H. hereby adopts the following regulations for the control of all matters concerning the design, demolition, alteration and installation of all components of water distribution systems and all components of waste disposal systems.
- B. The Town Administrator is hereby given the authority to enforce the provisions of this ordinance.
- C. Administrative Responsibility: The authority to administer this Ordinance is hereby vested in the Town Administrator who is also empowered to appoint a Code Enforcement Officer.
- D. Definitions:
 1. *Town Administrator*: The Town employee who is appointed by the Council to manage the Town affairs.
 2. *Code Enforcement Officer*: The Town employee who enforces and administers the Building, Electrical and Plumbing Codes.
 3. *Owner*: The person or persons listed as the owner(s) of record of a property.

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4. *Plumbing Contractor*: The Master Plumber responsible for obtaining the permit, supervising the work, and contacting the Code Enforcement Officer for inspection of work.
5. *WaterSense*: A program of the U.S. Environmental Protection Agency (EPA) designed to identify and promote water-efficient products and practices. *(Added by Ord. #2013-04 dtd 4/1/13).*

97-4. Plumbing code.

All work on water distribution systems and waste disposal systems, whether the removal, alteration, enlargement, or installation thereof, within the Town of Durham, NH, shall conform to the current International Plumbing Code and the International Mechanical Code as adopted by the State of New Hampshire with the State of New Hampshire Plumbing Board Amendments and Town of Durham amendments. However, the standards in the table below shall be the standards for “Maximum Fixture and Fitting Flow Rates” for all connections to public water and/or sewer systems when associated with a new building permit, unless otherwise approved by the Director of Zoning, Building Codes & Health. All work shall be performed by a plumber licensed by the State of New Hampshire Plumbing Board as prescribed in RSA 329-A.

Maximum Fixture and Fitting Flow Rates for Reduced Water Consumption

Fixture or Fixture Fitting Type	Maximum Flow Rate
Showerhead (a)	2.0 gpm and WaterSense labeled
Lavatory faucet and bar sink—private	1.5 gpm
Lavatory faucet—public (metered)	0.25 gpc
Lavatory faucet—public (nonmetered)	0.5 gpm
Kitchen faucet—private	2.2 gpm
Kitchen and bar sink faucets in other than dwelling units and guestrooms	2.2 gpm
Urinal	0.5 gpf and WaterSense labeled
Water closet—public and remote (c)	1.6 gpf
Water closet—public and nonremote	1.28 gpf average (d, e)
Water closet—tank type, private	1.28 gpf and WaterSense labeled (d)
Water closet—flushometer type, private	1.28 gpf (e)
Prerinse spray valves	1.3 gpm
Drinking fountains (manual)	0.7 gpm
Drinking fountains (metered)	0.25 gpc(b)

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For SI: 1 foot =304.8 mm, 1 gallon per cycle (gpc) = 3.8 Lpc, 1 gallon per flush (gpf) =3.8 Lpf, 1 gallon per minute (gpm) = 3.8 Lpm.

- a. Includes hand showers, body sprays, rainfall panels and jets. Showerheads shall be supplied by automatic compensating valves that comply with ASSE 1016 or ASME A112.18.1/CSA B125.1 and that are specifically designed to function at the flow rate of the showerheads being used.
- b. Gallons per cycle of water volume discharged from each activation of a metered faucet.
- c. A remote water closet is a water closet located not less than 30 feet upstream of other drain line connections or fixtures and is located where less than 1.5 drainage fixture units are upstream of the drain line connection.
- d. The effective flush volume for a dual-flush water closet is defined as the composite, average flush volume of two reduced flushes and one full flush.
- e. In public settings, the maximum water use of a dual flush water closet is based solely on its full flush operation; not an average of full and reduced volume flushes.

(Section 97-4 amended by Ord. #2013-04 dtd 4/1/13)

97-5. Additional requirements.

- A. The casings of drilled wells shall be metallic. PVC and ABS plastic or other non-metallic casings are not acceptable.
- B. A building that is connected to a private well and/or a private water system shall have the water tested by a state certified laboratory for safe drinking quality prior to the issuance of a Certificate of Occupancy.

(Section 97-5 amended by Ord. #2013-04 dtd 4/1/13)

ARTICLE II

97-6. Permit required.

It shall be unlawful to alter, remove, demolish or install any components of water distribution systems or sanitary waste disposal systems in the Town of Durham, N.H. without first obtaining a plumbing permit.

97-7. Permit requirements.

Application shall be submitted in such form as the Code Enforcement Officer prescribes and shall be accompanied by the required fee as prescribed.

97-8. Permit applicant.

The permit for plumbing work as required by the Ordinance shall be procured by a Master Plumber that is currently licensed by the State of New Hampshire Plumbing Board under RSA 329-A.

97-9. Additional information.

The Code Enforcement Officer may require, if deemed necessary, additional specifications and/or drawings to accompany the permit application.

97-10. Permit fee.

- A. *Establishment of Permit Fee:* The Town Administrator, with the advice and consent of the Town Council, shall establish the plumbing permit fee schedule and it shall be included within the Town-wide Master Fee Schedule.
- B. *Fee For Work Started Without a Permit:* Any person who is found to have demolished, altered, removed or installed any component of water distribution systems or waste disposal systems without the benefit of a plumbing permit shall, upon issuance of said permit(s), be assessed a permit fee of twice the normal rate of the actual permit.
- C. *Payment of Fee:* The plumbing permit fee (per fee schedule) is to be paid prior to any plumbing permit being issued. The fee is to be paid to the Building Inspector's Office or other centralized receipt agent as determined by the Town.
- D. Fire suppression (sprinkler, alarm, etc.) installation permits shall be obtained from the Durham Fire Department.
- E. No permit or fee shall be required for minor repairs or maintenance necessitated by ordinary wear and tear, such as replacing a valve, a faucet, or resetting a new water closet, etc. This does not include changing the sanitary sewer lines.

(Section 97-10 amended by Ord. #2007-06 dtd 04/23/07 and Ord. #2013-04 dtd 4/1/13).

97-11. Commencement of work.

If the proposed work also involves a building permit, then no work shall be started on the proposed site and no building shall be altered, remodeled or demolished until said building permit is first obtained from the Code Enforcement Officer.

97-12. Issuance of permit.

- A. A plumbing permit will be issued after the Code Enforcement Officer has determined that there is a current building permit for the project or that only a plumbing permit is required and the required fee has been paid.

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B. The Code Enforcement Officer shall be given at least 48 hours notice that the work is ready for inspection, this may be waived if the work is emergency in nature.

97-13. Time limit of permits.

All plumbing permits shall be valid for six (6) months from date of issuance; after which the permit becomes null and void. A three (3) month extension may be granted by the Code Enforcement officer for special circumstances; otherwise, a new permit will be needed.

97-14. Assignability of plumbing permit.

A plumbing permit, once issued, shall not be assignable. A change of plumbing contractors will require a new permit.

97-15. Revocation or lapse of plumbing permits.

A violation of or variation from the terms, conditions or authorization of a plumbing permit by the holder thereof or his agent, architect or contractor shall be cause for the revocation of said permit. Such revocation shall be made at the discretion of the Code Enforcement Officer and an appeal from such action may be made to the Director of Planning, Zoning and Code Enforcement.

97-16. Plumbing permit action.

Should the Code Enforcement officer or Director of Planning, Zoning and Code Enforcement fail to take action on an application for a plumbing permit within 30 days of the filing, the applicant may apply to the Zoning Board of Adjustment for a plumbing permit.

97-17. Construction safety clause.

Any building site in the Town of Durham shall be left in a safe state at all times. The owner/contractors shall assume the responsibility for leaving the construction site so that no dangerous or hazardous conditions shall exist.

ARTICLE III

97-18. Code Enforcement Officer responsibilities.

The Code Enforcement Officer shall be responsible for the performance of the duties listed in Section 3.2 and such other duties pertinent to the enforcement of the Zoning, Building, Fire and Health Regulations as the Town Administrator may determine.

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97-19. Duties of the Code Enforcement Officer.

- A. He/she shall receive application for alteration, demolition and installation of all water distribution systems and all sanitary waste disposal systems within the Town of Durham, N.H.
- B. He/she shall keep a record of all applications and action taken on same.
- C. He/she shall promptly inspect sites when necessary and review plans for said proposals to see that the proposed work meets all the codes.
- D. He/she shall approve the issuance of permits for the alteration, demolition or installation of water distribution systems and sanitary waste disposal systems in the Town of Durham, N.H. and to make the necessary inspections of completed work to see that it conforms to code requirements.
- E. He/she shall investigate all complaints alleging illegal or nonconformance to codes and take any necessary action that may be required.
- F. He/she shall take such action in the enforcement of the Ordinance as the Town Council and Town Administrator may direct.

ARTICLE IV

97-20. Violations.

Upon any well founded information that this Ordinance is being violated, the Town Administrator shall, on the advice of the Code Enforcement Officer, take immediate steps to enforce the provisions of this or other Town Ordinances as set forth in N.H. Revised Statutes 676.17, as amended.

97-21. Stop work order.

- A. Upon notice from the Code Enforcement Officer that work on any building or structure is proceeding contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The Stop Work Order shall be in writing and shall be given to either the owner of the property involved, the owner's agent, or to the person doing the work or posted in a conspicuous place on the building site, and shall state the conditions under which work will be permitted to resume.
- B. *Unlawful Continuance:* Any person who shall continue any work in or about the structure after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be liable to a fine of not less than \$1,000 or more than \$5,000.

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97-22. Penalties.

For any and every violation of the provisions of this Ordinance, the owner, general agent or such contractor of a building or premises where such violation has been committed or shall exist, or the lessee or tenant of an entire premises where such violation has been committed or shall exist, or the architect, builder, or any other person who-knowingly commits, takes part or assists in any such violation, shall be liable on conviction thereof to a fine or penalty not exceeding \$100 or such other penalty which may, from time to time, be authorized by state law unless otherwise specified elsewhere in this Ordinance. For each and every offense and whenever such person shall have been notified by the Town Administrator or by service of summons in a prosecution, or in any other way that he shall constitute such violation after such notification, shall constitute a separate offense punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are now by law collected.

97-23. Validity.

In the event any part or provision of this code is held to be illegal or void by a court of competent jurisdiction, this shall not effect the validity of these regulations as a whole or any part thereof.

97-24. Fees for plumbing permit. *(This section was removed by Ord. #2013-04 dtd. 4/1/13)*