

## SECTION XVIII      GENERAL PROVISIONS

1. No junkyard or place for the storage of discarded machinery, vehicles, junk or other scrap materials shall be maintained in any zone. "Junk" shall be construed to be the same as that defined in RSA 236:91. Violations of this ordinance shall be subject to fines and penalties as outlined in RSA 676:17. (Amended March 1994)
2. No owner or occupant of land in any zone shall permit fire or other ruins to be left but shall remove the same within two (2) years.
3. Any uses that may be obnoxious or injurious by reason of the production or emission of odor, dust, smoke, refuse matter, fumes, noise, vibrations, or similar conditions, or that are dangerous to the comfort, peace, enjoyment, health or safety of the community or that contribute to its disturbance or annoyance are prohibited in any zone.
4. No occupant or owner of land shall have or cause to have on their property or permit more than one (1) unregistered un-inspected motor vehicle unless stored in a legally permitted structure. For purposes of this ordinance, motor vehicle shall be defined as any motor vehicle, or appurtenance thereof, originally intended for use on public highways. This shall include vehicles or appurtenances no longer intended for legal use on the highways, or used parts or materials from which, taken together, include in bulk one or more vehicles. Violations of this ordinance shall be subject to fines and penalties as outlined in RSA 676:17. (Amended March 1994 & 2003)

Exemptions to this article shall be limited to those vehicles used regularly on the premises for day-to-day existence (i.e., farm vehicles) or unless a properly licensed person or persons or corporation for the purpose of selling the same. (Amended March 1994)

Owners of vehicles not currently meeting the requirements of this ordinance shall have ninety (90) days from the date of adoption of this ordinance to be in compliance. (Amended March 1994)

5. "The Board of Selectmen may issue temporary trailer permits in Residential and/or Commercial Zones (not Industrial Zones), only if house is rendered uninhabitable for any reason."  
  
"Total length of time for all permits shall not exceed nine months. The Board of Selectmen has the authority to revoke subject permit if reason or reasons for issuance have ceased."
6. No commercial excavation shall be permitted in any residential zone. Excavation shall be permitted where it is incidental to the lawful construction or alteration of a building or structure, parking lot, way, or driveway.
7. All building heights shall be measured according to Current State of New Hampshire Building Code.
8. Church spires or towers of Public Buildings may exceed the height restriction by no more than 40%.
9. There shall be no burial of unearthed stumps, demolition or construction materials in any zone in the Town of Newton. (Added March 2001) There shall be no burial of demolition or construction materials in any zone in the Town of Newton. (Amended March 2006)
10. With the exception of automotive fueling stations there shall be no storage of bulk fuels for commercial sale within the Town of Newton." This amendment will potentially affect anyone wishing to develop land for commercial use in Newton. (Added March 2003)
11. Building Safety.
  - a. The State Building Codes are RSA 155A (International Building Code) and Saf-C 6000 (State Fire Code). These codes are the statewide minimum requirements, which shall serve as the building code for the Town of Newton.
  - b. The minimum frost protection measured from the bottom of the foundation footing to finished grade

shall be four (4) feet.

- c. Appendix G of the 2000 International Residential Code shall be the minimum requirements for all pool, spa, hot tub, and barrier fencing for those installations.
- d. Appendix F of the 2000 International Residential Code shall be the minimum requirements for the provisions of radon systems.
- e. All construction, demolition, or work covered by the scope and purpose of these codes that is performed without permits shall be subject to \$100 stop work order plus the permit fee. If the work is completed, then the \$100 shall be a non-compliance penalty, plus the fee.
- f. Continued use of properties or structures that are not in compliance with the zoning ordinance and are not considered to be “grandfathered”, are subject to fines of \$30 per day per violation.

## **SECTION XIX NON-CONFORMING LOTS AND USES** (amended March 2000)

### 1. Reconstruction of Non-Conforming Uses

Any non-conforming structure which is completely or substantially destroyed by casualty loss may be replaced with a similar structure which has the same building footprint dimensions and meets the setbacks of the previously existing structure. The structure may be rebuilt provided such construction is started within one year of the casualty loss and complete within two years of the casualty loss. The provisions of the Town of Newton Building Code, as amended, shall apply to any reconstruction.

### 2. Expansion of Non-Conforming Uses

Except as noted below, an expansion of a non-conforming use is prohibited except by variance by the Zoning Board of Appeals.

A variance is not required if the expansion is a natural expansion which does not change the nature of the use, does not make the property proportionately less adequate, and does not have a substantially different impact on the neighborhood.

### 3. Expansion of Non-Conforming Structures

Non-conforming structures may be expanded in accordance with the terms of a special exception issued by the Zoning Board of Adjustment, which must find the following factors to exist before issuing such a special exception:

- a. The proposed expansion must intrude no further into any setback area than does the existing structure.
- b. The expansion must have no further adverse impact on the view, light and air of any abutter.
- c. The expansion must not cause property values to deteriorate.
- d. The expansion must not impede existing rights of access or egress.
- e. That portion of the proposed expansion, which will intrude into the setback, must, in no event, exceed the footprint square footage of that portion of the structure which presently intrudes into the setback, regardless of the number of applications made over time under this subsection.
- f. In the event the non-conforming structure contains a commercial use, there must be no adverse impact on access, traffic, parking, lighting or other safety or visibility features of the existing structure.
- g. A special exception under this subsection may be granted only as to expansions into the side, front, and rear setbacks, and is not available for expansions which violate height restrictions of this ordinance.

### 4. Discontinuance of Non-Conforming Use

In the event that a non-conforming use is voluntarily discontinued for a period of one year, such non-

conforming use shall be deemed abandoned and shall not be able to resume without compliance with the zoning ordinance or, alternately, without a variance from the zoning board of adjustment. Voluntary abandonment shall be evidenced by either of the following:

Discontinuance of the occupancy or non-conforming use for twelve consecutive months with no ongoing attempts to sell or lease the property for its non-conforming use; or Failure to resume the non-conforming use within eighteen months, even though there may be ongoing efforts to sell or lease the property for its non-conforming use.

5. Continuance of Non-Conforming Use

All non-conforming structures and uses which predate the adoption or amendment of this ordinance may continue in their present use. These uses shall run with the land and may be transferred by sale or lease by present owner to future owners or lessees, subject to the other terms of this Ordinance which limit such non-conforming uses.

All new uses, changes of uses, expansion of uses or resumption of uses previously discontinued shall not be permitted until the property owner or authorized lessee has first made application to the Town of Newton Code Enforcement Officer for an administrative decision seeking a determining whether a permit is required for such new, change, expansion or resumption of the non-conforming use or non-conforming structure under the terms of this ordinance. If a permit or other application is required, such use may not proceed until such application has been made a processed as required by town regulations and ordinances.

**SECTION XX BOARD OF ADJUSTMENT**

A Board of Adjustment established in accordance with Chapter 31 of the New Hampshire Revised Statutes Annotated shall exercise all the duties and functions granted to it according to Chapter 31.

**SECTION XXI AMENDMENT**

This ordinance may from time to time be changed by amendment, addition, or repeal by a Town Meeting in the manner provided by Chapter 31 of the New Hampshire Revised Statutes Annotated.

**SECTION XXII VALIDITY**

This Ordinance shall supersede any existing town ordinance with which it may be in conflict. If any section, clause, provision, portion, or phrase of this ordinance shall be held to be invalid or unconstitutional by any court of competent authority such holding shall affect, impair or invalidate any other section or phrase of this ordinance.

**SECTION XXIII ENFORCEMENT**

The Selectmen or their authorized representative shall be responsible for enforcing the provisions of this ordinance.

**SECTION XXIV FINES AND PENALTIES**

Any violation of this Ordinance is punishable by a civil fine of not more than \$100 for each day that such violation is found by the court to continue after conviction date or after the date on which the violator receives written notice from the municipality that he is in violation of the ordinance, whichever date is earlier. The provisions of RSA 676:17 II, III, and IV are incorporated as part of this section.