

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: TUESDAY, NOVEMBER 12, 2019 TIME: 6:15PM

• 6:15PM – PUBLIC DIALOGUE SESSION

I. WORK SESSION *(There is no Work Session this evening)*

II. CALL TO ORDER [7:00 p.m. or thereafter]

III. ROLL CALL

IV. INVOCATION

V. PLEDGE OF ALLEGIANCE

VI. ACCEPTANCE OF MINUTES *(There are no minutes on for acceptance this evening)*

VII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

VIII. PUBLIC DIALOGUE SUMMARY

IX. PUBLIC HEARINGS ON ORDINANCES AND/OR RESOLUTION

A. Public Hearing/Second Reading of Ordinance – Food Licensing and Regulations:

Public Hearing/Second Reading of Ordinance amending Chapter 4, Article I, Sections 4.103 – Adoption of Specific Parts HE-P 2300, and Section 4.105 - License

B. Public Hearing/Second Reading of Ordinance – Fire Codes:

Public Hearing/Second Reading of Ordinance amending Chapter 5, Article VIII – Alarm Systems and Article IX – Adopted Fire Codes

C. Public Hearing/Second Reading of Ordinance – International Building Code & International Residential Code & International Plumbing Code, International Mechanical Code, Fuel Gas Installations and National Electrical Code:

Public Hearing/Second Reading of Ordinance amending Chapter 12, Part I – International Building Code, and Part II – International Residential Code & Chapter 15, Part I – International Plumbing Code, Part II – International Mechanical Code, Part III – Fuel Gas Installations, and Part IV – National Electrical Code

D. Public Hearing/Second Reading of Ordinance – Zoning Ordinance – Flood Plain Overlay District:

Public Hearing/Second Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 6 – Overlay Districts and Article 15 – Definitions – Flood Plain District

E. Public Hearing/Second Reading of Ordinance – Conservation Ordinance:

Public Hearing/Second Reading of Ordinance amending Chapter 8, Article V – Conservation Ordinance

F. Public Hearing/Second Reading of Ordinance – Wetlands Protection:

Public Hearing/Second Reading of Ordinance amending Chapter 10 – Zoning Ordinance, Article 10 – Environmental Protection Standards, Section 10.1010 – Wetlands Protection

X. MAYOR BLALOCK

1. Resignation of Ralph DiBernardo, Sr. from the Parking and Traffic Safety Committee effective November 7, 2019
2. Appointment to be Considered:
 - John Formella reappointment to the Zoning Board of Adjustment
 - Arthur Parrott reappointment to the Zoning Board of Adjustment
 - Dana Levenson reappointment to the Trustees of the Trust Funds
 - Jonathan Sandberg appointment as regular member to the Parking & Traffic Safety Committee
 - Erica Wygonik appointment as an Alternate to the Parking & Traffic Safety Committee
3. *Appointment to be Voted:
 - Craig Jewett to the Portsmouth Housing Authority
4. 2020 City Council Meetings and Work Sessions Calendar (**Sample motion – move to approve and accept the 2020 City Council Meetings and Work Sessions Calendar**)

XI. CITY COUNCIL MEMBERS

(There are no City Council member items on this evening)

XII. APPROVAL OF GRANTS/DONATIONS

1. *Acceptance of Donation to the Coalition Fund – Town of Rye - \$5,000.00 (**Sample motion – move to approve and accept the donation, as listed, to be placed in the Coalition Fund**)
2. Acceptance of Police Department Grants and Donation:
 - a) Grant from US Department of Justice for Internet Crimes Against Children Task Force in NH - \$371,122.00
 - b) Grant from the NH Department of Justice expenses incurred for services provided to victims - \$30,000.00
 - c) Donation from the Friends of the South End to the Portsmouth Police Explorer Cadets - \$650.00

(Sample motion – move to accept and approve the grants and donation to the Portsmouth Police Department, as presented)

XIII. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER

City Manager's Items Which Require Action:

1. Minor Amendment to Portsmouth Historical Society Lease

XIV. CONSENT AGENDA

(There are no Consent Agenda items on this evening)

XV. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. Email Correspondence

(There are no Email Correspondence on this evening)

- B. Letter from Attorney James G. Nocas, Jr., requesting Re-Zoning of the St. Nicholas Greek Orthodox Church back lot from SRB to Gateway 1 ***(Sample motion – move to refer to the Planning Board for report back)***
- C. Letter from Rabbi Berel Slavaticki requesting permission to place a nine-foot Menorah at Market Square in Downtown Portsmouth ***(Sample motion – move to refer to the City Attorney's Office for report back for December 2, 2019)***

XVI. CITY MANAGER'S INFORMATIONAL ITEMS

(There are no City Manager Informational items on this evening)

XVII. MISCELLANEOUS BUSINESS INCLUDING BUSINESS REMAINING UNFINISHED AT PREVIOUS MEETING

XVIII. ADJOURNMENT [at 10:00 p.m. or earlier]

**KELLI L. BARNABY, MMC/CNHMC
CITY CLERK**

** Indicates verbal report*

Guiding Principles Related to Code Adoption in Portsmouth

The purpose of codes is to protect public health, safety and general welfare as they relate to the construction, occupancy, and operation of buildings and structures. More specific benefits include increasing life safety, protecting public health, making communities more resilient, allowing for architectural innovation and interest, more environmentally-focused construction, and achieving efficient methods and potential cost savings.

1. **Origination of Codes:** Codes available for adoption by states and municipalities are created following a detailed process of expert review of the subject matter by professionals engaged in the fields of engineering, construction, public health, safety and general welfare. New code versions and revisions should be seen as “state of the art” in terms of advances in protecting the public as well as ensuring clear standards for implementing the newest and most energy-efficient and sustainable technologies, for examples.
2. **Timing of Adoption:** Revising our ordinances to reflect the most recently adopted State of New Hampshire codes will provide clarity about applicable codes and ensure local amendments align with current version of the NH state codes, but may not be the most recent version of National or International codes. As a result, the City Council should pursue prompt revision of our ordinances to reflect adoption of the State of New Hampshire adopted codes. This practice will have the added benefit of more frequent legislative activity surrounding codes underlying their importance and educating the public.
3. **Mandate to Enforce:** As the State of New Hampshire adopts codes and municipalities, as a rule, must implement and are charged to enforce the State’s minimum codes upon enactment by the State Legislature.
4. **Consideration, Communication and Outreach:** Updating local codes should be the result of careful deliberation and consideration following the input of qualified professionals in consultation with affected parties. Monitoring and constant evaluation of processes for code administration should be ongoing. The City’s process of updating codes should include proactive efforts at outreach to the community of builders, engineers & designers, firms and individuals in the building trades, homeowners, business/restaurant owners and employees, developers, and other constituencies who may interact with the code to be updated.
5. **Local Amendments to State-Adopted Codes:** In general, municipalities may only adopt local amendments to state codes if they are more restrictive than provisions in state-adopted codes, not less restrictive. Local amendments may also offer alternative means to meet code compliance, which are equally protective of the public welfare.
6. **Processes for Appeal:** Codes, state RSAs, and ordinances include processes for appeals of decisions made during code enforcement activities. Clarity about process for appeals is essential as is a clear understanding of what actions are able to be appealed, and should

be an independent review. Appeals processes should comply with the legal parameters established as well as be evident in materials and resources developed by the City.

7. **Guidance Information:** As a means of assisting the public's understanding and compliance with various codes, Departments may develop and distribute informational brochures, other explanatory information, and reference documents.

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Tuesday, November 12, 2019 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 4, Article I – Food Licensing and Regulations, Sections 4.103 – Adoption of Specific Parts HE-P 2300, as amended, and Section 4.105 – License. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC/CNHMC
City Clerk

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Kelli L. Barnaby, MMC/CNHMC
City Clerk

PM00461448

1 ORDINANCE #
2 THE CITY OF PORTSMOUTH ORDAINS

3
4 That Chapter 4, Article I, Sections 4.103 – ADOPTION OF SPECIFIC PARTS HE-P 2300, AS
5 AMENDED, and Section 4.105 - LICENSE of the Ordinances of the City of Portsmouth be
6 amended to read as follows (deletions from existing language ~~stricken~~; additions to existing
7 language **bolded**; remaining language unchanged from existing):

8 CHAPTER 4

9 ARTICLE I FOOD LICENSING AND REGULATIONS

10 Section 4.103 Adoption of Specific Parts He-P 2300, as amended:

11 *Adopt the following definitions:*

12 He-P 2301 DEFINITIONS

13 (e) "Beverage"

14 (l) "Critical control point"

15 (m) "Critical limit"

16 (p) "Food"

17 (q) "Food Code"

18 (s) "Food processing plant"

19 (u) "Foodborne disease outbreak"

20 (x) "Immediately endangers public health or safety"

21 (y) "Imminent health hazard"

22 (z) "License"

23 (aa) "License holder"

24 (ac) "Major food allergen"

25 (af) "Package"

26 (ah) "Potentially hazardous food"

27 (al) "Public water system" means "public water system" as defined in RSA 485:1-a, XV.

28 (ap) "Regulatory authority"

29 (aq) "Remodeled"

30 (as) "Sanitization"

31 (au) "Sewage"

32 Adopt the following ~~subject~~ subsection in its entirety:

33 He-P 2304.13 ~~(a)~~ Hazard Analysis and Critical Control Points (HACCP) Plan Requirements

34 Adopting the following subsection in its entirety and amend to read as follows:

35 He-P 2309.01 ~~Application Requirements~~ Special Requirements for Food Processing Plants

36 **Section 4.105 License.**

37 It shall be unlawful for any person or entity to operate a Food Service Establishment or Food Processing
38 Plant within the City of Portsmouth without obtaining a valid food service license issued by the
39 Department. Only a person or entity who complies with the requirements of this Chapter shall be
40 entitled to receive and retain such a license. A food service license shall be posted in public view.
41 Licenses are not transferable between entities or locations. Any change in ownership shall require a new
42 food service license subject to the provisions of this Chapter.

43

44

45 The City Clerk shall properly alphabetize and/or re-number the ordinance as necessary in
46 accordance with this amendment.

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48 All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

49

50 This ordinance shall take effect upon its passage.

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APPROVED:

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Jack Blalock, Mayor

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56 ADOPTED BY COUNCIL:

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59 _____
Kelli L. Barnaby, City Clerk

60

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Kelli L. Barnaby, MMC/CNHMC
City Clerk

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Kelli L. Barnaby, MMC/CNHMC
City Clerk

PM00461444

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 5, Article VIII – **ALARM SYSTEMS** and Article IX – **ADOPTED FIRE CODES** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

CHAPTER 5

FIRE DEPARTMENT AND PREVENTION REGULATIONS

ARTICLE VIII: ALARM SYSTEMS

Section 5.802: SERVICE FEE

The owner of any premises served by an alarm system shall be obligated to pay a service fee to the City of Portsmouth for ~~all~~ unfounded emergency calls to that premises in ~~excess of the number of such calls permitted by this Article. This service fee shall be in such amounts as shall be determined by the adoption of fees by budget resolution or the City Council in accordance with Chapter 1, Article XVI of the Ordinances of the City of Portsmouth. The service fee may be graduated to increase based upon an increasing number of unfounded emergency calls.~~ **accordance with the adoption of fees by budget resolution of the City Council in accordance with Chapter 1, Article XVI of the Ordinances of the City of Portsmouth.**

~~**Section 5.803: PERMISSIBLE UNFOUNDED EMERGENCY CALLS**~~

~~The owner of any premises served by an alarm system shall be permitted the following number of unfounded emergency calls prior to the imposition of a service fee:~~

~~A. Unfounded Emergency Calls to Police Department
Five calls per calendar year~~

~~B. Unfounded Emergency Calls to Fire Department
Four calls per six calendar month period (January to June inclusive or July to December inclusive)~~

ARTICLE IX: ADOPTED FIRE CODES

The City of Portsmouth formally adopts the “New Hampshire Fire Code”. This includes the N.H. Code of Administrative Rules, Chapter Saf-C 6000 and is defined in NH RSA 153:VI-a as the adoption by reference of the Life Safety Code 2015 Edition and the Uniform Fire Code NFPA1, **20092015** Edition, as published by the National Fire Protection Association and as amended by the State Board of Fire Control.

The City of Portsmouth adopts the International Fire Code, 2015 Edition (IFC) and the provisions of any other national code, model code or standard referred to in the IFC as published by the International Code Council, is hereby adopted as **Chapter 5, Article IX**, of the ordinances

of the City of Portsmouth, New Hampshire, subject to the following amendments, additions and deletions:

SECTION 105 PERMITS

~~**105.1.1 Permits required.** All permits required by this Code for the installation, modification, or maintenance of fire alarm or fire sprinkler systems shall be obtained prior to the initiation of any work being performed. Issued permits shall be kept on the premises designated therein at all times and shall be subject to inspection by fire code official.~~

~~**105.2 Application.** Application for permits shall be made using the City's on-line permitting system located at <https://portsmouthnh.viewpointcloud.com/>. Applications for permits shall be accompanied by construction documents as required by the fire code official for evaluation of the application.~~

~~**105.3** All fees for permits and applications shall be determined by the adoption of fees by budget resolution of the City Council in accordance with Chapter 1, Article XVI of the Ordinances of the City of Portsmouth.~~

~~**105.6 Required operational permits.** Permits shall be required by the fire code official in accordance with Sections 105.6.32 and 105.6.36.~~

Change subsections to read as follows:

~~**105.7 Required fire system construction permits.** Permits shall be required by the fire code official in accordance with Sections 105.7.1 through 105.7.17.~~

~~**105.7.1 Automatic fire extinguishing systems.** Applications for fixed fire extinguishing systems may be obtained from the building inspection department.~~

~~**105.7.6 Fire alarm and detection systems and related equipment.** Applications for fire alarm systems may be obtained from the building inspection department.~~

~~**105.7.17 Standpipe systems.** Applications for standpipe systems may be obtained from the city building inspection department.~~

SECTION 903 AUTOMATIC SPRINKLER SYSTEMS

Change subsection to read as follows with exceptions remaining unchanged:

~~**903.4.1 Monitoring.** Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station, or proprietary supervising station as defined in NFPA 72 or, when approved by the building or fire official shall sound an audible and visual signal at a constantly attended location.~~

Change subsection to read as follows with exceptions remaining unchanged:

~~**903.4.3 Floor Control Valves.** Approved supervised indicating control valves shall be provided at the point of connection to each floor at the direction of the Fire Code Official.~~

SECTION 907 FIRE ALARM AND DETECTION SYSTEMS

Add new item 4 to end of subsection:

907.2.11.1 Group R-1.

4. In all exit access corridors, all exit enclosure stairs and in common areas on each floor level, including basements, when the building is not equipped with an automatic fire alarm system. Single-or multiple-station smoke ~~detectors~~ **alarms** in common areas shall be interconnected but shall not be interconnected with guest room smoke detectors.

Add new item 4 to end of subsection:

907.2.11.2 Groups R-2, R-3, R-4, and I-1.

4. In all exit access corridors, all exit enclosure stairs and in common areas on each floor level, including basements, when the building is not equipped with an automatic fire alarm system. Single- or multiple-station smoke detectors in common areas shall be interconnected but shall not be interconnected with dwelling unit smoke detectors. In some Group R-2 or R-3 occupancies, as determined by the fire official, additional single- or multiple-station smoke ~~detectors~~ **alarms** may be required in the basement, interconnected with a dwelling unit(s) ~~detector~~ **alarm** (s).

Add new subsection to read as follows:

907.2.11.2.1. Groups E, I-2 and I-4. Single- or multiple-station smoke ~~detectors~~ **alarms** shall be installed and maintained on all stories and all sleeping rooms of Group E day care facilities, Group I-2 child care facilities, Group I-4 day care facilities and Group I-4 child care facilities as defined in Section 202.

Exception: Single- or multiple-station smoke ~~detectors~~ **alarms** shall not be required when the building is equipped with an automatic fire alarm system with smoke detection in all sleeping rooms.

CHAPTER 10 MEANS OF EGRESS

Delete all sections within this chapter and replace with the following subsections:

SECTION 1001 ADMINISTRATION

Change subsections to read as follows:

1001.1 General. ~~Buildings or portions thereof shall be provided with a means of egress system as required by this chapter and Saf C 6000. The provisions of this chapter and Saf C 6000 shall control the design, construction and arrangement of means of egress components required to provide an approved means of egress from structures and portions thereof. Sections 1003 through 1029 shall apply to new construction. Section 1030 shall apply to existing buildings.~~

1001.2 Minimum requirements. ~~It shall be unlawful to alter a building or structure in a manner that will reduce the number of exits or the capacity of the means of egress to less than required by the code referenced in Section 1001.1.~~

SECTION 3201 GENERAL

3201.1 Scope. ~~Delete in item 4, the reference to NFPA 230 and replace with NFPA 1.~~

CHAPTER 80 REFERENCED STANDARDS

Insert the following Codes and Standards:

New Hampshire State Building Code

Department of Safety
33 Hazen Drive
Concord, NH 03305
(603) 271-~~3294~~**7965**
blidgecodebrd@dos.nh.gov

New Hampshire Architectural Barrier Free Design Code

Governor's Commission on Disability
121 South Fruit Street, Suite 101
Concord, NH 03301
(603) 271-2773
1-800-852-3405 (NH)
<https://www.nh.gov/disability/abcommittee.html>

New Hampshire Energy Code

Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429
(603) 271-2431
www.puc.state.nh.us/EnergyCodes/energyppg.htm

New Hampshire Elevator and Accessibility Lift Law, RSA 157-B

NH ~~Labor~~ Department of **Labor**
Boiler & Elevator Division
PO Box 2076
Concord, NH 03302-2076
(603) 271-~~2584~~**2585**
www.nh.gov/labor/inspection/boilers-elevators.htm

Amend in the NFPA Section the following referenced Standards:

~~Change 13-02 to 13-13~~ Design & Installation of Sprinkler Systems

~~Change 13D-02 to 13D-13~~ Design & Installation of Sprinkler Systems in 1 & 2 Family
Dwellings

~~Change 13R-02 to 13R-13~~ Design & Installation of Sprinkler Systems in
Residential Occupancies 4 Stories in Height or Less

~~Change 30-03 to 30-12~~ Flammable and Combustible Liquids Code

~~Change 30A-03 to 30A-15~~ Code for Motor Fuel dispensing Facilities and Repair Garages

~~Change 30B-02 to 30B-15~~ Manufacture and Storage of Aerosol Products

~~Change 31-01 to 31-11~~ Installation of Oil Burning Equipment

~~Change 58-04 to 58-14~~ Liquefied Petroleum Gas Code

~~Change 72-02 to 72-13~~ National Fire Alarm Code

~~Change 211-03 to 211-13~~ Chimneys, Fireplaces, Vents, and Solid Fuel Burning
Appliances

~~Change 230-03 to 01-09~~ Uniform Fire Code

~~Change 409-01 to 409-11~~ Aircraft Hangers

70-14 -17 National Electric Code

Insert in the NFPA Section the following referenced Codes and Standards:

54-15 National Fuel Gas Code

~~**70-14** National Electric Code~~

96-14 Ventilation Control and Fire Protection of Commercial Cooking Operations

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

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City Clerk

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Kelli L. Barnaby, MMC/CNHMC
City Clerk

PM-00461445

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 12, Part I – **INTERNATIONAL BUILDING CODE**, and Part II – **INTERNATIONAL RESIDENTIAL CODE** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

CHAPTER 12
Part I

INTERNATIONAL BUILDING CODE, 20092015
(Adopted ~~12/04/2017~~–eff. 01/01/2018 _____)

The International Building Code, **20092015** IBC Edition as published by the International Code Council, Inc., and provisions of national codes model codes or standards referred to within the IBC unless specifically excused by this Chapter, is hereby adopted as **Chapter 12, Part I** of the Ordinances of the City of Portsmouth, New Hampshire subject to the following amendments, additions and deletions:

SECTION 101 GENERAL

101.4.45 Property maintenance. The City of Portsmouth does not adopt the International Property Maintenance Code and any reference to it in this Code shall not direct the reader to its contents or requirements.

SECTION 110 INSPECTIONS

110.7 Reinspection fee. If, upon being called for any inspection, the work is not in compliance with this Code, ~~verbal notice will be given as to the deficiencies and such deficiencies shall be noted on the building official's report~~ **written notice (including the specific code sections) will be provided clearly identifying the deficiencies.** The permit holder shall be responsible for correcting the item(s) and for notifying the building official to reinspect said deficiencies. If when called to reinspect these deficiencies, all is correct, no further action will be taken. However, if during the first reinspection, the originally deficient work has not been corrected, there will be a reinspection fee assessed as determined by the adoption of fees by budget resolution of the City Council in accordance with Chapter 1, Article XVI, which must be paid at the Inspection Office before a third inspection will be made. For each subsequent reinspection of the same deficiency or deficiencies, a like procedure and fee shall be assessed.

During any inspection, the building official may find new item(s), not previously discovered, to be nonconforming. These item(s) will be noted on the building official's report, and will require reinspections. Reinspection fees will not be assessed for items newly found or for their first reinspection. However, said fees shall be assessed for these items if a third inspection is required. The same procedures as outlined above shall govern. Failure to pay any reinspection fees shall be just cause to revoke the permit under which the work was being done. Furthermore, no future permits will be issued to any person who owes the City of Portsmouth said reinspection fees, until all outstanding fees are paid.

SECTION 503 GENERAL HEIGHT AND AREA LIMITATIONS

General note pertaining to Table 503:

Table 503 as published in this Code has been *replaced* with **Table 503** as published by the State of New Hampshire Building Code Review Board. ~~Said new Table 503 is a modified version of the former BOCA Table 503, 2009.~~

Section 506 amendments by the State of New Hampshire Building Code Review Board:

SECTION 506 BUILDING AREA MODIFICATIONS

Change subsections to read as follows:

506.1 General. The provisions of this section shall modify the area limitations of the amended Table 503 as herein specified.

506.23 Frontage increase. Where a building or structure has more than 25 percent of the building perimeter fronting on a street or other unoccupied space, the area limitations specified in Table 503 shall be increased 2 percent for each 1 percent of such excess frontage. The unoccupied space shall be on the same lot or dedicated for public use, shall not be less than 30 feet (9144 mm) in width and shall have access from a street or posted fire lane not less than 18 feet (5486 mm) in width.

506.3.1 Automatic sprinkler system increase. Where a building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1, the area limitations specified in Table 503 shall be increased 200 percent for one- and two-story buildings and 100 percent for buildings more than two stories in height.

Exceptions:

1. The automatic sprinkler system increase shall not apply buildings with an occupancy of Group H-1.
2. The automatic sprinkler system increase shall not apply to any fire area with an occupancy of Group H-2 or H-3.

SECTION 507 UNLIMITED AREA BUILDINGS

Change subsection to read as follows:

507.34 Sprinklered, one story. The area of a one-story, Group A-4, B, F, M or S building, of Type I or II construction, shall not be limited when the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, and is surrounded and adjoined by public ways or yards not less than 60 feet (18,288 mm) in width.

Exceptions:

Exceptions 1 and 2 remain unchanged.

Edit first section in subsection as follows:

507.3.1 Mixed occupancy buildings with A-1 and A-2 of Type I and II.

Change subsection to read as follows:

507.45 Two story buildings. The area of a two story, Group B, F, M or S building, of Type I or II construction, shall not be limited when the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, and is surrounded and adjoined by public ways or yards not less than 60 feet (18,288 mm) in width.

SECTION 706 FIRE WALLS

706.8 Openings.

Delete Exception 1 without substitution:

- ~~1. Openings are not permitted in party walls constructed in accordance with Section 706.1705.~~

Edit Exception 2 as follows:

2. Openings shall not be limited to 156 square feet where both buildings are equipped **throughout throughout** with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the wall is not a *party wall*.

SECTION 7156 OPENING PROTECTIVES

Add new sentences to end of subsection. Exceptions remain unchanged:

715.4.86.5.9 Door closing. “The building or fire official shall approve the type of closing device to be used and when magnetic hold-open devices shall be required based on the occupancy classification, door use and location within the building. In Group E Occupancies and in Group B educational occupancies, magnetic hold-open devices shall be installed on all fire doors leading into enclosed exit stairs.”

SECTION 903 AUTOMATIC SPRINKLER SYSTEMS

~~*Change subsection to read as follows, with exception remaining unchanged:*~~

~~[Refer to City Ordinance, Chapter 5, Fire Department and Prevention Regulations]~~

SECTION 907 FIRE ALARM AND DETECTION SYSTEMS

~~[Refer to City Ordinance, Chapter 5, Fire Department and Prevention Regulations]~~

~~*Add new sentence to end first paragraph in subsection:*~~

~~[F] 907.2 Where required. “A manual, automatic or combination manual and automatic fire alarm system shall also be provided in accordance with NFPA 101 as listed in Chapter 35.”~~

~~[F] 907.2.1 Group A.~~

~~*Delete Exception without substitution.*~~

~~*Edit subsections as follows:*~~

~~[F] 907.2.2 Group B.~~

~~Delete Exception without substitution.~~

~~[F] 907.2.3 Group E.~~

~~Delete Exception 3 without substitution.~~

~~[F] 907.2.4 Group F.~~

~~Delete Exception without substitution.~~

~~[F] 907.2.6.1 Group I-1.~~

~~Delete Exception 1 without substitution.~~

~~[F] 907.2.6.2 Group I-2.~~

~~Delete Exceptions 1 and 2 without substitution.~~

~~[F] 907.2.7 Group M.~~

~~Delete Exceptions 1 and 2 without substitution.~~

~~[F] 907.2.8.1 Manual fire alarm system.~~

~~Delete Exception 2 without substitution.~~

~~Change subsection to read as follows with exception remaining unchanged:~~

~~[F] 907.2.8.2 Automatic fire alarm system. System smoke detectors shall be installed in all common spaces and in means of egress components such as exit access corridors, exit enclosure stairs and basements and shall be installed to provide coverage based on the manufacturers listing for the devices.~~

~~Change subsection to read as follows:~~

~~[F] 907.2.9 Group R-2. A manual and automatic fire alarm system shall be installed and maintained in all Group R-2 occupancies where any dwelling unit is located three or more stories above the lowest level of exit discharge; or where any dwelling unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit; or when said building contain more than 11 dwelling units.~~

~~Exceptions:~~

- ~~1. A fire alarm system is not required in buildings not more than two stories in height where all dwelling units or sleeping units and contiguous attic and crawl spaces are separated from each other and public or common areas by at least 1-hour fire partitions and each dwelling unit or sleeping unit has an exit directly to a public way, egress court or yard.~~
- ~~2. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units and are protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, provided that dwelling units either have a means of egress door opening directly to~~

~~an exterior exit access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1026.6, Exception 4.~~

~~[F] 907.2.9.1 Smoke detector coverage. System smoke detectors shall be installed in all common spaces and in means of egress components such as exit access corridors, exit enclosure stairs and basements and shall be installed to provide coverage based on the manufacturers listing for the device.~~

Add new item 4 to end of subsection:

~~[F] 907.2.1 Group R-1.~~

~~4. In all exit access corridors, all exit enclosure stairs and in common areas on each floor level, including basements, when the building is not equipped with an automatic fire alarm system, single and multiple station smoke alarms in common areas shall be interconnected but shall not be interconnected with guest room smoke alarms.~~

Add new item 4 to end of subsection:

~~[F] 907.2.2 Groups R-2, R-3, R-4, and I-1.~~

~~4. In all exit access corridors, all exit enclosure stairs and in common areas on each floor level, including basements, when the building is not equipped with an automatic fire alarm system. Single and multiple station smoke alarms in common areas shall be interconnected but shall not be interconnected with dwelling unit smoke alarms. In some Group R-2 or R-3 occupancies, as determined by the building official, additional single and multiple station smoke alarms may be required in the basement, interconnected with a dwelling unit(s) alarm(s).~~

Add new subsection to read as follows:

~~[F] 907.2.11.4.1 Smoke alarm circuits. Smoke alarms in individual units shall be wired to a branch circuit containing lighting loads of the dwelling unit or guestroom. Smoke alarms in common spaces shall be wired to a circuit used for common habitable space lighting. All smoke alarms shall be wired ahead of any switch on the circuit. The electric panel shall be clearly labeled as to which circuit the smoke alarms are wired.~~

Add new subsection to read as follows:

~~[F] 907.2.11.5 Groups E, I-2 and I-4. Single and multiple station smoke alarms shall be installed and maintained on all stories and all sleeping rooms of Group #E day care facilities, Group I-2 child care facilities, Group I-4 day care facilities and Group I-4 child care facilities as defined in Sections 305.2, 308.3.1, 308.5 and 308.5.2 respectively.~~

~~Exception: Single and multiple station smoke alarms shall be not required when the building is equipped with an automatic fire alarm system with smoke detection in all common areas and sleeping rooms.~~

Change subsection to read as follows with exceptions remaining unchanged:

~~[F] 907.14 Monitoring. Fire alarm systems required by this chapter or the International Fire Code shall be monitored by an approved supervising station or by a Auxiliary Fire Alarm System in accordance with NFPA 72.~~

SECTION ~~916~~17 FIRE SERVICE BUILDING ACCESS

~~[F] 916.1917~~ **General.** Where required by Chapter 9, IBC, key storage access boxes shall be installed at buildings in the required quantities, and in the required locations as specified by the fire code official.

SECTION 101~~13~~ EXIT SIGNS

Change subsection to read as follows with exception remaining unchanged:

1011.23.3 Illumination. Exit signs shall be internally illuminated with the primary power source from the building electric system. Exit signs shall also be provided with a battery backup power source or from the building emergency power supply system if so equipped. Self-illuminated (nuclear) exit signs are not an approved source of illumination.

Change subsection to read as follows:

1011.53.6 Externally illuminated exit signs. When approved by the building official, externally illuminated exit signs shall comply with Sections 1011.5.1 through 1011.5.3.

SECTION 102~~930~~ EMERGENCY ESCAPE AND RESCUE

Change exception 1 in subsection to read as follows:

102930.1 General.

Exception 1: In buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

Add new exception to read as follows:

SECTION 1208 INTERIOR SPACE DIMENSIONS

Add new exception 4-5 to subsection to read as follows:

1208.2 Minimum ceiling heights.

Exception 4-5: Within dwelling units, the minimum ceiling height above lavatories and water closets shall be 6 foot 8 inches (6'-8"), as measured vertically from the ceiling to the floor at the operating handle end of the fixture. The minimum ceiling height above bathtubs and shower stalls shall be 6 foot 8 inches (6'-8"), as measured vertically from the ceiling to the floor or tub bottom at the operating handle end of the fixture and shall be maintained for a 30 inch by 30 inch clear area from the walls adjacent to the operating handles.

SECTION ~~1704~~ 1705 SPECIAL INSPECTIONS AND TESTS

1704.3.45.2.4 Cold-formed steel trusses. Special inspections shall be required for all light gauge metal roof or floor truss installations. The special inspection shall verify and document the

proper installation of all required bracing, both temporary and permanent, and any special connection details required by either the design professional or the truss manufacturer.

1704.65.5.2 Metal-plate-connected wood trusses. Special inspections shall be required for all metal-plated-wood roof or floor truss installations. The special inspection shall verify and document the proper installation of all required bracing, both temporary and permanent, and any special connection details required by either the design professional or the truss manufacturer.

Add new subsections to read as follows:

1704.171705.17 Fire-resistant penetrations and joints. In buildings of four or more stories above grade plane, special inspections for through-penetrations, membrane penetration firestops, fire-resistant joint systems, and perimeter fire barrier systems that are tested and listed in accordance with Sections 7134.3.1.2, 713.44.3.1.1.2, **714.3 715.3** and **714.4 715.4** shall be in accordance with Section 1704.17.1 or 1704.17.2

17041705.17.1 Penetration firestops. Inspections of penetration firestop systems that are tested and listed in accordance with Sections 713.3.12. and 713.4.1.1.2 shall be conducted by an approved inspection agency in accordance with ASTM E 2174.

17041705.17.2 Fire-resistant joint systems. Inspection of fire-resistant joint systems that are tested and listed in accordance with Sections 714.3.1.2 and 714.4.2 shall be conducted by an approved inspection agency in accordance with ASTM E 2393.

SECTION 1809 SHALLOW FOUNDATIONS

Amend Item 1 of subsection to read as follows:

1809.5 Frost protection. 1. Extending to 4 feet (1219 mm), as measured to the bottom of the footing from the adjoining finish grade.

SECTION 2701 GENERAL

Change subsection to read as follows:

[Refer to National Electrical Code, City Ordinance Chapter 15 Part IV]

~~2701.1 Scope. This chapter governs the electrical components, equipment and systems used in buildings and structures covered by this Code. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the National Electric Code, NFPA 70. The State of New Hampshire adopts new editions of NFPA 70 on a three year cycle. The edition that is State adopted at the time of a new electrical design or installation shall govern the requirements of that installation.~~

Add new sections to read as follows:

SECTION 2703 INSPECTIONS AND TESTS

~~2703.1 Concealing work. Work in connection with an electric system for which a permit is required, shall not be covered or concealed until such work has been inspected and permission to conceal such work has been given by the building official. It shall be the responsibility of the electric permit holder to contact the building official for said~~

~~inspections. Furthermore, the permit holder shall allow a minimum of two work days (48 hours) from the time the building official is notified to the time the inspection is performed.~~

~~2703.2 Service Inspection. All service equipment shall be installed, grounded and bonded before a request is made for a service inspection. It shall be the responsibility of the permit holder to contact the building official for said inspection. The same inspection notification time allowance is required as in Section 2703.1. After satisfactory completing said inspection, the building official shall issue written notification to the local electric utility to allow for meter installation and power connection. It shall be the responsibility of the permit holder to contact the local electric utility for scheduling this power connection.~~

~~2703.3 Final inspection and tests. After all work is complete, all systems have been supplied power and all systems have been tested by the installer, a request for final inspection shall be made by the permit holder. The same inspection notification time allowance is required as in Section 2703.1. Copies of all test results shall be provided to the building official at this time. The building official shall inspect the work and cause tests to be made of the operation of the entire system to insure compliance with all requirements.~~

~~2703.4 Records. Records of all inspections shall be kept by the respective building official. Said records shall list date of inspections, observed nonconformances, corrective actions required and the building official's initials. Follow-up inspections shall be required to confirm the completed corrective actions. All inspection records shall be maintained by the building officials and be available for public access. The owner shall provide for special inspections in accordance with Section 1704.~~

~~SECTION 2704 QUALIFICATIONS OF ELECTRICIANS~~

~~2704.1 General. All persons performing electrical work in the City of Portsmouth shall be licensed in accordance with the provisions of RSA 319-C of the State of New Hampshire; except owners of detached single family homes, who reside in said home, may do electrical work without a license. All electrical work requires an electrical permit unless exempt by Section 105.2.~~

~~2704.2 Responsibilities of electricians. When an electrical installation is required to be performed by a licensed New Hampshire Electrician, the permit for said work shall be obtained by the Master Electrician responsible for the work. Said electrician or company, shall be responsible for all work done under said permit.~~

~~SECTION [P] 2901 GENERAL~~

~~Change subsection to read as follows:~~

~~[Refer to City Ordinance, Chapter 15 Part 1 International Plumbing Code.]~~

~~[P] 2901.1 Scope. The design and installation of building plumbing systems shall conform to Chapter 15, Part I of the City Ordinances (Plumbing Code) and Chapter 29 of this Code. The design and installation of building sewer and building water supply piping (city side of water meters) shall conform to the requirements of the Public Works Department, Water/Sewer Division. Private sewage disposal systems shall conform to the requirements of the State of New Hampshire Water Supply and Pollution Control Subsurface Waste Disposal Division.~~

~~SECTION [P] 2902 MINIMUM PLUMBING FACILITIES~~

Change exception 2 in subsection to read as follows:

~~[P] 2902.2 Separate facilities.~~

~~Exception 2: In other than mercantile occupancies, separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers of 24 or less.~~

Add new sentences to end of subsection:

~~[P] 2902.3 Require public toilet facilities. "Plumbing features and facilities shall also comply with the accessibility requirements of Section 1109."~~

Add new subsection to read as follows:

~~[P] 2902.5 Renovations to existing buildings. Where an existing toilet room or rooms is (are) present and renovations are being undertaken, the existing toilet room(s) shall not be removed if said removal will call the new occupancy to have less fixtures than what is required under this code for new installation. In a case where there are more toilet rooms existing than what are required under this code, toilet rooms in excess of the minimum required may be removed but at least one shall remain.~~

~~[F] SECTION 3003 EMERGENCY OPERATIONS~~

Add new subsection to read as follows:

~~[F] 3003.2.1 Elevator recall key. Where required by ASME A17.1, all new elevators shall be equipped with a Yale #3502 fire service elevator recall key.~~

SECTION 3306 PROTECTION OF PEDESTRIANS

Add new subsection to read as follows:

3306.10 Hazardous excavations. All open excavations left unattended, when deemed a hazard by the building official, shall be guarded or fenced in accordance with the criteria in Sections 1013.2. and 1013.3. The hazard judgment shall be based on public accessibility to the excavation, time period left open, falling hazard, and the pooling of surface or ground water at the bottom of the excavation. All appeals to the building official's order shall be made in writing and will follow the appeals process in Section 113.

General note pertaining to Chapter 34:

The State of New Hampshire Building Code Review Board has adopted the 200915 Edition of the International Existing Building Code (IEBC) as published by the International Code Council. All IBC Chapter 34 code users shall utilize the technical provisions of the IEBC in lieu of the provisions of Chapter 34 of the IBC. The follow amemdments to Chapter 35 of the IBC apply:

CHAPTER 35 REFERENCED STANDARDS

Insert the following Codes and Standards:

New Hampshire State Building Code
Department of Safety

33 Hazen Drive Drive
Concord, NH 03305
(603) 271-~~3294~~**7965**
blidgecodebrd@dos.nh.gov

New Hampshire Architectural Barrier Free Design Code

Governor's Commission on Disability
121 South Fruit Street, Suite 101
Concord, NH 03301-8518
(603) 271-2773
1-800-852-3405 (NH)
<http://www.nh.gov/disability/abcommittee.html>

New Hampshire Energy Code

Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429
(603) 271-2431
www.puc.state.nh.gov/EnergyCodes/energyppg.htm
puc@puc.nh.gov

New Hampshire Elevator and Accessibility Lift Law, RSA 157-B

NH ~~Labor~~ Department of **Labor**
Boiler & Elevator Division
PO Box 2076
Concord, NH 03302-2076
(603) 271-~~6294~~**2585**
www.nh.gov/labor/inspection/boilers-elevators.htm

Insert in the NFPA section the following referenced Codes and Standards:

54-0915	National Fuel Gas Code	101.4.1, 2801.1, 3401.3
70-1117	National Electric Code	101.4.1, 2701.1
101-09	Life Safety Code (Or as Adopted by the SFM)	903.2, 907.2, 1003.2, 1008.5.2

Amend in the NFPA section the following referenced Standards:

Change 13-07 to 13-13 Design & Installation of Sprinkler Systems

Change 13D-07 to 13D-13 Design & Installation of Sprinkler Systems in 1 & 2 Family Dwellings

Change 13R-07 to 13R-13 Design & Installation of Sprinkler Systems in Residential Occupancies 4 Stories in Height or Less

Change 72-07 to 72-13 National Fire Alarm Code

APPENDIX L – M

Appendix L and M are not adopted as part of this ordinance.

CITY ORDINANCE - CHAPTER 12
Part II

INTERNATIONAL RESIDENTIAL CODE, 200915
~~(Adopted 12/04/2017 – eff. 01/01/2018)~~

The International Residential Code, 200915 Edition (IRC) as published by the International Code Council, Inc. is hereby adopted as **Chapter 12, Part II** of the Ordinances of the City of Portsmouth, New Hampshire subject to the following amendments, additions and deletions:

SECTION R102 APPLICABILITY

Add new subsections to read as follows:

R102.4.13 Electrical. The provisions of the *National Electric Code*, NFPA 70 shall apply to the installation of electrical systems including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Wherever this Code references the *International Electric Code* the reader shall substitute that reference with the *National Electric Code*, NFPA 70 as adopted by the State of New Hampshire. The City of Portsmouth does not adopted Article 80, Administration and Enforcement, of NFPA 70.

R102.4.24 Gas. The provisions of the *National Fuel Gas Code*, NFPA 54, shall apply to the installation of gas piping from the point of delivery to gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of the appliances and the installation and operation of residential gas appliances and related accessories. Wherever this Code references the *International Fuel Gas Code* the reader shall substitute that reference with the *National Fuel Gas Code*, NFPA 54.

R101.4.35 Plumbing. The City of Portsmouth does not adopt the *International Sewage Disposal Code* and any reference to it in this Code shall not direct the reader to its contents or requirements.

R102.4.4-6 Property maintenance. The City of Portsmouth does not adopt the *International Property Maintenance Code* and any reference to it in this Code shall not direct the reader to its contents or requirements.

SECTION R105 PERMITS

R105.910 Qualifications of persons doing trade work. Electrical, plumbing and mechanical work is allowed to be done by resident homeowners engaged in said trade work and conducted within the single-family dwelling in which they reside. Gas piping shall be done by a licensed plumber or another *qualified person or agency*, individual, firm, corporation or company that either in person or through a representative, is engaged in and is responsible for (a) the installation or replacement of gas piping or (b) the connection, installation, repair or servicing of gas equipment; and who is experienced in such work and is familiar with all the precautions required. For plumbing work refer to State RSA 329-A:13 and for electrical work refer to State RSA 319-C. All trade work require city permits.

SECTION R107 TEMPORARY STRUCTURES AND USES

SECTION R109 INSPECTIONS

R109.5 Reinspection fee. If, upon being called for any inspection, the work is not in compliance with this Code, **written notice (including the specific code section) will be provided clearly identifying the deficiencies verbal notice will be given as to the deficiencies and such deficiencies shall be noted on the building official's report.** The permit holder shall be responsible for correcting the item(s) and for notifying the building official to reinspect said deficiencies. If when called to reinspect these deficiencies, all is correct, no further action will be taken. However, if during the first reinspection, the work in question has not been corrected, there will be a reinspection fee assessed as determined by the adoption of fees by budget resolution of the City Council in accordance with Chapter 1, Article XVI, which must be paid at the Inspection Office before a third inspection will be made. For each subsequent reinspection of the same deficiency or deficiencies, a like procedure and fee shall be assessed.

During any inspection, the building official may find new item(s), not previously discovered, to be nonconforming. These item(s) will be noted on the building official's report, and will require reinspections. Reinspection fees will not be assessed for items newly found or for their first reinspection. However, said fees shall be assessed for these items if a third inspection is required. The same procedures as outlined above shall govern. Failure to pay any reinspection fees shall be just cause to revoke the permit under which the work was being done. Furthermore, no future permits will be issued to any person who owes the City of Portsmouth said reinspection fees, until all outstanding fees are paid.

SECTION R301 DESIGN CRITERIA

Flood Hazard: Flood Insurance Rate Map May 17, 2005~~Current Flood Insurance Study, Sep. 2002~~

SECTION R302 FIRE-RESISTANT CONSTRUCTION

Amend Exception 1 in subsection to read as follows:

R302.3 Two-family dwellings.

Exception 1: A fire-resistance rating of ½ hour shall be permitted in two-family dwellings protected throughout with an automatic fire sprinkle system in accordance with ~~Section 2904~~, NFPA 13R or NFPA 13D as listed in Chapter 44.

SECTION R310 EMERGENCY ESCAPE AND RESCUE OPENINGS

R310.1 Emergency escape and rescue openings required.

All Emergency Escape and Rescue openings on new construction shall meet the requirements outlined in IRC, Section R310. However, Emergency Escape and Rescue openings for structures located within the Historic District will be reviewed on a case by case basis. Change of occupancy shall be considered new construction.

Add new exception 2 to read as follows:

Exception 2: Emergency escape and rescue openings are not required when the entire structure is protected throughout with an automatic fire suppression system conforming to Section 290, NFPA 13R or NFPA 13D as listed in Chapter 44.

Add new subsections to read as follows:

~~R310.7 Renovations to existing finished basement areas. When existing basement areas are being remodeled for uses other than sleeping rooms and when such basements do not have an emergency escape and rescue opening or route as required by Sections R310.1, R310.2, R310.3 or R310.6; smoke and carbon monoxide alarms shall be installed in accordance with Section R314 and R315.~~

Change section to read as follows:

SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS

Change subsection to read as follows:

R313.1.1 Design and installation. Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with ~~Section P2904 or~~ NFPA 13R as listed in Chapter 44.

Add new subsection to read as follows:

R313.1.2 Fire sprinkler system alarm monitoring. Townhouse fire sprinkler systems shall be monitored by water flow, supervisory and trouble conditions and shall automatically transmit signals to an approved central station, ~~removeremote~~ supervising station or proprietary supervising station as defined in NFPA 72 and shall sound an audible and visual signal on the building exterior in a publicly visible location.

Exception. When approved by the fire official, townhouse fire sprinkler systems shall sound **an audible notification within the dwelling unit and** an audible and visual signal on the building exterior in a publicly visible location and not require off site monitoring.

Delete subsection without substitution:

~~R313.2 One and two family dwellings automatic fire systems.~~

SECTION R314 SMOKE ALARMS

Add new sentence to end of subsection:

~~R314.~~**4314.6 Power source.** Smoke alarms shall be supplied by a branch circuit that also supplies lighting loads serving habitable spaces. Smoke alarm circuit(s) shall be clearly labeled in the electric panel. The branch overcurrent protective device supplying the smoke alarms shall be clearly labeled “Smoke Alarms” in a manner that distinguishes it from other overcurrent protective devices.

SECTION R315 CARBON MONOXIDE ALARMS

Change section to read as follows:

R315.2.3 Where required in existing dwellings. In existing dwellings within which fuel-fired appliances are present or which have attached garages and where alterations, repairs or additions that require a building permit are being undertaken or when additional sleeping rooms are being created; carbon monoxide alarms shall be installed in locations as required in Section 315.21. ~~The exceptions of Section R314 shall also apply to retrofitting interconnected hard-wired carbon monoxide alarms.~~

Add new subsection to read as follows:

R315.4315.5 Power source and alarm types. Single-station carbon monoxide alarms shall be hard wired to the building's electric system in the same manner as required in Section R314 for smoke alarms. Carbon monoxide alarm devices may be individually powered or may be interconnected between devices when the device listing allows for interconnection. Carbon monoxide alarm devices may be combination devices such that they serve both the buildings smoke alarm and carbon monoxide alarm requirements. When combination units are used, they shall be interconnected and shall be capable of sounding different alarm signals for either a smoke or a carbon monoxide condition.

SECTION R501 GENERAL

Add new subsection to read as follows:

R501.3 Fire protection of floors. Floor assemblies, not required elsewhere in this code to be fire-resistance rated, shall be provided with a minimum of ½-inch (12.7 mm) gypsum wallboard membrane, 5/8-inch (16 mm) wood structural panel membrane, or equivalent on the underside of the floor framing members.

Exceptions:

1. Floor assemblies located directly over a space protected by an automatic sprinkler system in accordance with **Section P2904**, NFPA 13D or NFPA 13R.
2. Floor assemblies located directly over a crawl space not intended for storage or fuel-fired appliances.
3. Portions of floor assemblies can be unprotected when complying with the following:
 - 3.1 The aggregate area of the unprotected portions shall not exceed 80 square feet per story
 - 3.2 Fire blocking in accordance with Section R302.11.1 shall be installed along the perimeter of the unprotected portion to separate the unprotected portion from the remainder of the floor assembly.
4. Wood floor assemblies using dimension lumber or structural composite lumber equal to or greater than 2-inch by 10-inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance.

CHAPTER 35 REFERENCED STANDARDS

Insert the following Codes and Standards:

New Hampshire State Building Code

Department of Safety
33 Hazen Drive Drive
Concord, NH 03305
(603) 271-**32947965**

bldgcodebrd@dos.nh.gov

New Hampshire Architectural Barrier Free Design Code

Governor's Commission on Disability
121 South Fruit Street, Suite 101
Concord, NH 03301-8518
(603) 271-2773

1-800-852-3405 (NH)

<http://www.nh.gov/disability/abecommittee.html>

New Hampshire Energy Code

Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429
(603) 271-2431

www.puc.nh.gov/EnergyCodes/energypg.htm

puc@puc.nh.gov

New Hampshire Elevator and Accessibility Lift Law, RSA 157-B

NH ~~Labor~~ Department of Labor

Boiler & Elevator Division

PO Box 2076

Concord, NH 03302-2076

(603) 271-~~6294~~2585

www.nh.gov/labor/inspection/boilers-elevators.htm

Insert in the NFPA section the following referenced Codes and Standards:

13D-13 Design & Installation of Sprinkler Systems in 1 & 2 Family Dwellings R 302,3, R310.1

13R-13 Design & Installation of Sprinkler Systems in Residential Occupancies 4 Stories in Height or Less R310.1, R313.1.1,

54-152 National Fuel Gas Code R102.4.2, G2501.1

211-13 Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances R1001.1, R1003.1

Amend in the NFPA section the following referenced Standards:

Change: 70-08 to 70-11 National Electric Code R102.4.1, E3401.1

Change: 72-07 to 72-13 National Fire Alarm Code R313.1.2

~~APPENDIX G—SWIMMING POOLS, SPAS AND HOT TUBS~~

~~*Appendix G is adopted as part of this ordinance without amendments.*~~

SEE 2015 INTERNATIONAL SWIMMING POOL AND SPA CODE

~~APPENDIX Q—INTERNATIONAL RESIDENTIAL CODE ELECTRICAL PROVISIONS / NATIONAL ELECTRIC CODE CROSS REFERENCE~~

~~*Appendix Q is adopted as part of this ordinance without amendments.*~~

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 15, Part I – **INTERNATIONAL PLUMBING CODE**, Part II – **INTERNATIONAL MECHANICAL CODE**, Part III – **FUEL GAS INSTALLATIONS**, and Part IV – **NATIONAL ELECTRICAL CODE** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

CHAPTER 15

Part I

INTERNATIONAL PLUMBING CODE, 20152015

(Adopted 12/04/2017, effective 01/01/2018)

The City of Portsmouth adopts the State Building Code, which adopts by reference the International Plumbing Code, 201509 Edition (IPC) as published by the International Code Council, Inc. is hereby adopted as **Chapter 15, Part I**, of the Ordinances of the City of Portsmouth, New Hampshire subject to the following amendments, additions and deletions.

SECTION 101 GENERAL

101.5 Appendices. Provisions in the appendices shall not apply unless specifically adopted. Appendices B, C, D, **and E and F** are adopted.

SECTION 103 DEPARTMENT OF PLUMBING INSPECTION~~BUILDING SAFETY~~

SECTION 106 PERMITS

Change subsection to read as follows:

106.3 Application for Plumbing permits. Plumbing permits shall be issued on the form provided by the Building Inspection Department. A separate permit application is not required.

Change subsection to read as follows:

106.6.2 Fee schedule. Fees shall be determined by the adoption of fees by budget resolution of the City Council in accordance with Chapter 1, Article XVI of the Ordinances of the City of Portsmouth, NH. All permit fees shall be payable at the time the permit is issued. No work will be inspected unless all fees are paid in full. See Section 107.~~2.5.41.2.4~~ for reinspection fees.

SECTION 107 INSPECTIONS AND TESTING

Add new subsection to read as follows:

107.2.5.4 Reinspection fees. If, upon being called for any inspection, and the work is not in compliance with this Code, verbal **and written notice (including the specific code sections) will be provided clearly identifying the deficiencies.** ~~notice will be given as to the deficiencies and such deficiencies shall be noted on the code official's report.~~ The permit holder shall be

responsible for correcting the item(s) and for notifying the code official to reinspect said deficiencies. If when called to reinspect these deficiencies, all is correct, no further action will be taken. However, if during the first reinspection, the work in question has not been corrected, there will be a reinspection fee assessed as determined by the adoption of fees by budget resolution of the City Council, in accordance with Chapter 1, Article XVI which must be paid at the Inspection Office before a third inspection will be made. For each subsequent reinspection of the same deficiency or deficiencies, a like procedure and fee shall be assessed.

During any inspection, the code official may find new item(s), not previously discovered, to be nonconforming. These item(s) will be noted on the code official's report, and will require reinspections. Reinspection fees will not be assessed for items newly found or for their first reinspection. However, said fees shall be assessed for these items if a third inspection is required. The same procedures as outlined above shall govern. Failure to pay any reinspection fees shall be just cause to revoke the permit under which the work was being done. Furthermore, no future permits will be issued to any person who owes the City of Portsmouth said reinspection fees, until all outstanding fees are paid.

SECTION 108 VIOLATIONS

Change subsection to read as follows:

108.4 Violation penalties. Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair **plumbing work and aa** building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be subject to the penalty provisions prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense. Reference State RSA's 155-A:8, 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty provisions.

SECTION 202 GENERAL DEFINITIONS

Change the following definitions to read as follows:

Hot Water: Water having a temperature range between 111 degrees F (43.9 degrees C) and 130 degrees F (54 degrees C).

~~**Tempered Water:** Water having a temperature range between 85 degrees F (29 degrees C) and 110 degrees F (43.3 degrees C).~~

Amend Section 202 by adding the following definition:

SECTION 305 PROTECTION OF PIPES AND PLUMBING SYSTEM COMPONENTS

Change subsection to read as follows:

305.46 Freezing. Water, soil and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subject to freezing temperature unless adequate provisions are made to protect such pipes from freezing by insulation or heat or both. The Portsmouth Water/Sewer Ordinance requires building water service pipes to be 4 feet

below grade, or adequately insulated to afford the same protection whenever a condition arises that the 4 feet cannot be attained.

Change subsection to read as follows:

305.46.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall conform to RSA 485-A relative to minimum depth below finish grade. Building drains that connect to public sewers shall be a minimum depth of 48 inches(1219 mm) below grade or be adequately insulated to afford the same protection whenever a condition arises that the 48 inches(1219 mm) cannot be attained.

SECTION 312 TESTS AND INSPECTIONS

Change subsection to read as follows:

312.1 Required tests. The permit holder shall make the applicable tests prescribed in Sections 312.2, ~~312.3~~, through 312.9 to determine compliance with the provisions of this code. The permit holder shall give reasonable advance notice (2 work days) to the code official when the plumbing work is ready for tests. The equipment, material, power and labor necessary for the inspection and test shall be furnished by the permit holder and the permit holder shall be responsible for determining that the work will withstand the test pressure prescribed in the following tests. All plumbing system piping shall be tested with either water or air.

Change first sentence to read as follows:

312.3 Drainage and vent air test. Plastic piping shall not be tested using air unless a fixed 5 psi (34.5 kPA) relief valve is installed for testing purposes only.

SECTION 403 MINIMUM PLUMBING FACILITIES

Change exception 2 in subsection to read as follows:

403.2 Separate facilities.

~~Exception 2: In other than mercantile occupancies, separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 24 or less. See Section 403.4.4 of these amendments for mercantile occupancy fixture requirements.~~

Add new subsection to read as follows:

~~403.34.5 Group M occupancies. A minimum of one public single occupant toilet room shall be provided in buildings or tenant spaces when the total occupant load is more than 24 persons but less than 50 persons. A minimum of two public single occupant toilet rooms shall be provided in buildings or tenant spaces when the total occupant load is 50 persons or more. Additional plumbing fixtures shall be provided when the occupant load reaches a point where the provisions of Table 403.1 would require more than two fixtures.~~

~~Exception: Where an existing toilet room is present and renovations are being undertaken, the existing toilet room shall not be removed even if the occupant load is 24 persons or less.~~

~~In a case where there are more toilet rooms existing than what are required under this code, toilet rooms in excess of the minimum required may be removed but at least one shall remain.~~
Add new in exception:
in subsection to read as follows:

403.3 Required public toilet facilities.

Exception 3: Mercantile occupancies having a public access area less than or equal to 500 square feet.

SECTION 405 INSTALLATION OF FIXTURES

Add new subsections to read as follows:

405.3.63 Bathtubs and showers. The clear space in front of a bathtub or shower shall be a minimum of 30-inches wide and 24-inches deep.

405.3.74 Ceiling height above fixtures. Bathrooms and kitchen sink areas shall have a minimum ceiling height of 6 feet 8 inches (6'-8") at the front clearance areas for fixtures as shown in Figure 405.3.1. The ceiling height above fixtures shall be such that the fixture is capable of being used for its intended purpose. A shower or bathtub equipped with a showerhead shall have a minimum ceiling height of 6 feet 8 inches (6'-8") above a minimum area 30 inches by 30 inches at the showerhead.

~~(SECTION 410 DRINKING FOUNTAINS)~~

SECTION 501 GENERAL

Change subsections to read as follows:

~~501.2 Water heater as space heater. Where combination potable water heating and space heating systems require water for space heating, a master thermostatic mixing valve complying with ASSE 1017 shall be provided to limit the water supplied to the potable hot water distribution system to a temperature of 130 degrees F (54 degrees C) maximum. The potability of the water shall be maintained throughout the system.~~

~~501.6 Water temperature control in piping from tankless heaters. The temperature of water from tankless heaters shall be a maximum of 130 degrees F (54 degrees C) when intended for domestic uses. When a tempering device is used to limit the maximum water distribution system temperature it shall conform to ASSE 1017. This provision shall not supersede the requirement for protective shower valves in accordance with Section 424.3.~~

SECTION 605 MATERIALS, JOINTS AND CONNECTIONS

Edit subsection as follows:

~~605.22.2 Solvent cementing. Delete the word "purple" in the second sentence.~~

SECTION 607 HOT WATER SUPPLY SYSTEMS

Add new subsection to read as follows:

607.1.31 Child care and Group E water temperatures. Water for hand washing sinks in child care and Group E occupancies shall be between 100 degrees F (37 degrees C) and 120 degrees F (49 degrees C).

Change subsection to read as follows:

~~**607.2 Hot water supply temperature maintenance.** Where the developed length of hot water piping from the source of hot water supply to the farthest fixture exceeds 50 feet (15.24 m), the hot water supply system shall be provided with a method of maintaining the temperature in accordance with the International Energy Code.~~

SECTION 608 PROTECTION OF POTABLE WATER SUPPLY

Change subsection to read as follows:

608.14 Portsmouth Water Department backflow prevention criteria. Backflow prevention at the water meter shall be accordance with Section 608.14.1 through 608.14.1.65, and Section 608.16.5.

SECTION 701 SANITARY DRAINAGE ~~GENERAL~~

SECTION 705 JOINTS

Edit subsections as follows:

705.118.2 Solvent cementing. *Delete* the word “purple” in the second sentence.

~~705.14.2 Solvent cementing. Delete the word “purple” in the second sentence.~~

SECTION 91209 WET VENTING

Amend Table 91209.3 as follows:

Table 91209.3 Wet Vent Sizing. *Delete* 1-1/2 inch Wet Vent Pipe Size and 1 Drainage Fixture Unit Load from table.

SECTION 9187 AIR ADMITTANCE VALVES

Change subsection to read as follows:

9187.3 Where permitted. Air admittance valves are not a substitute for a conventional venting system. Air admittance valves shall only be used when structural conditions prevent conventional venting of fixtures. Use of air admittance valves shall be pre-approved by the code official on a case-by-case basis. When approved, individual branch and circuit vents shall be permitted to terminate with a connection to an individual or branch type air admittance valve. Stack vents and vent stacks shall be permitted to terminate to stack type air admittance valves. Individual and branch type air admittance valves shall vent only fixtures that are on the same floor level and connect to a horizontal branch drain. The horizontal branch drain having individual and branch type air admittance valves shall conform to Section 9187.3.1, ~~or 917.3.2.~~ Stack type air admittance valves shall conform to Section 9187.3.23.

SECTION 1003 INTERCEPTORS AND SEPARATORS

Change subsection to read as follows:

1003.3 Food service grease interceptors required. New and remodeled food service establishments shall install a 1000 gallon in-ground grease interceptor located outside the building envelope in addition to all required grease interceptors at fixtures inside the building. The grease interceptor shall receive drainage from fixtures and equipment with grease laden waste as stated in Section 1003.3.1.

Exception 3: If the drain line connecting a grease laden fixture(s) to the in-ground interceptor exceeds 50 liner feet, then said fixture or fixtures, shall also be protected with a grease removal device ~~or an AGRU~~ as listed in Section 1003.3.4 ~~or 1003.3.5.~~

CHAPTER 15 REFERENCED STANDARDS

Insert the following referenced codes and regulations:

New Hampshire State Building Code

Department of Safety
33 Hazen Drive Drive
Concord, NH 03305
(603) 271-~~32947965~~
bldgcodebrd@dos.nh.gov

New Hampshire Architectural Barrier Free Design Code

Governor's Commission on Disability
21 South Fruit Street, Suite 101
Concord, NH 03301-8518
(603) 271-2773
1-800-852-3405 (NH)
<http://www.nh.gov/disability/abcommittee.html>

New Hampshire Energy Code

Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429
(603) 271-2431
www.puc.state.nh.us/EnergyCodes/energypg.htm
puc@puc.nh.gov

Add in the NFPA section the following referenced Standards:

54-~~1509~~ National Fuel Gas Code 101.2, 102.8.2

Amend in the NFPA section the following referenced Standards:

Change 70-~~1402~~ to **70-~~1708~~** National Electric Code 102.8.1, 502.1,
504.3, 1113.1.3

APPENDIX A – PLUMBING PERMIT FEE SCHEDULE

Appendix A is not adopted as part of this ordinance.

APPENDIX B – RATES OF RAINFALL FOR VARIOUS CITIES

Appendix B is adopted as part of this ordinance without amendment

APPENDIX C – STRUCTURAL SAFETY

Appendix C is adopted as part of this ordinance without amendments-

~~APPENDIX C – GRAY WATER RECYCLING SYSTEMS~~

~~Appendix C is adopted as part of this ordinance without amendments-~~

APPENDIX D – DEGREE DAY DESIGN TEMPERATURES

Appendix D is adopted as part of this ordinance without amendments.

APPENDIX E – SIZING OF WATER PIPING SYSTEM

Appendix E is adopted as part of this ordinance without amendments.

~~APPENDIX F—STRUCTURAL SAFETY~~

~~Appendix F is adopted as part of this ordinance without amendments~~

~~APPENDIX G—VACUUM DRAINAGE SYSTEM~~

~~Appendix G is not adopted as part of this ordinance.~~

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CHAPTER 15
Part II

INTERNATIONAL MECHANICAL CODE, 201509
(Adopted 12/04/2017, effective 01/01/2018)

The City of Portsmouth adopts the State Building Code, which adopts by reference The International Mechanical Code, 201509 Edition (IMC) as published by International Code Council is hereby adopted as **Chapter 15, Part II**, of the Ordinances of the City of Portsmouth, New Hampshire, subject to the following amendments, additions and deletions.

SECTION 102 APPLICABILITY

Add new subsections to read as follows:

102.8.31 Electrical code. The provisions of the *National Electric Code*, NFPA 70 shall apply to the installation of electrical systems including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Where ever this Code references the *International Electric Code* the reader shall substitute that reference with the *National Electric Code*, NFPA 70 as adopted by the State of New Hampshire. Article 80, *Administration and Enforcement, of NFPA 70* is not adopted by the City of Portsmouth. Refer to Chapter 12 of the city ordinances (Building Code) for the electric code administration process.

102.8.42 Gas code. The provisions of the *National Fuel Gas Code*, NFPA 54, shall apply to the installation of gas piping from the point of delivery (meter) to gas appliances and related accessories as covered in this code. Wherever this Code references the *International Fuel Gas Code* the reader shall substitute that reference with the *National Fuel Gas Code*, NFPA 54.

102.8.53 Liquefied petroleum gas code. The provisions of the *Liquefied Petroleum (LP) Gas Code*, NFPA 58, shall apply to the installation of propane containers and the first- and second stage pressure regulators.

102.8.64 Commercial cooking. The requirements of NFPA 96, the *Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations*, Chapter 10: *Fire-Extinguishing Systems*, Chapter 11: *Procedures for the Use and Maintenance of Equipment* and Chapter 14: *Solid Fuel Cooking Operations* shall apply to Type I hoods, in occupancies with commercial food preparation services.

SECTION 106 PERMITS

Change subsection to read as follows:

106.5.2 Fee schedule. Fees shall be determined by the adoption of fees by budget resolution of the City Council in accordance with Chapter 1, Article XVI, of the Ordinances of the City of Portsmouth, NH. All permit fees shall be payable at the time the permit is issued. No work will be inspected unless all fees are paid in full. See Section 107.3.46 for reinspection fees.

SECTION 107 INSPECTIONS AND TESTING

Add new subsection to read as follows:

107.3.4 Reinspection fees: If, upon being called for any inspection, and the work is not in compliance with this Code, **verbal and written notice (including the specific code section) will be provided clearly identifying the deficiencies. notice will be given as to the deficiencies and such deficiencies shall be noted on the code official's report.** The permit holder shall be responsible for correcting the item(s) and for notifying the code official to reinspect said deficiencies. If when called to reinspect these deficiencies, all is correct, no further action will be taken. However, if during the first reinspection, the work in question has not been corrected, there will be a reinspection fee assessed by the adoption of fees by budget resolution of the City Council in accordance with Chapter 1, Article XVI, which must be paid at the Inspection Office before a third inspection will be made. For each subsequent reinspection of the same deficiency or deficiencies, a like procedure and fee shall be assessed.

During any inspection, the code official may find new item(s), not previously discovered, to be nonconforming. These item(s) will be noted on the code official's report, and will require reinspections. Reinspection fees will not be assessed for items newly found or for their first reinspection. However, said fees shall be assessed for these items if a third inspection is required. The same procedures as outlined above shall govern. Failure to pay any reinspection fees shall be just cause to revoke the permit under which the work was being done. Furthermore, no future permits will be issued to any person who owes the City of Portsmouth said reinspection fees, until all outstanding fees are paid.

SECTION 108.0 VIOLATIONS

Change subsection to read as follows:

108.4 Violation penalties. Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair **mechanical equipment or mechanical work and** a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be subject to the penalty provisions prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense. Reference State RSA's 155-A:8, 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty provisions.

SECTION 501 EXHAUST SYSTEM-GENERAL

Add new subsection to read as follows:

501.65 Mechanical equipment and terminations in the Historic District. Mechanical equipment and equipment terminations shall comply with the *City of Portsmouth Zoning Ordinance* with respect to the allowable size of equipment and termination devices, without having to receive Historic District Commission approval.

SECTION 507 COMMERCIAL KITCHEN HOODS

Add new subsection to read as follows:

~~507.2.3.1 Cooking appliances for accessory uses. All free standing domestic ranges used for cooking demonstrations/classes, employee break rooms, or similar “mini” kitchens, shall have Type II range hoods complying with Sections 507.5 and 507.7.2. Range hood vent terminations shall comply with Section 506.4.1. Ranges used for such accessory purposes shall not be used to prepare food sold to the general public.~~

SECTION 509 FIRE SUPPRESSION SYSTEMS

~~CHAPTER 8 CHIMNEYS AND VENTS~~

SECTION 801 CHIMNEYS AND VENTSGENERAL CHAPTER 15 REFERENCED STANDARDS

Insert the following Codes and Regulations:

New Hampshire State Building Code

Department of Safety
33 Hazen Drive
Concord, NH 03305
(603) 271-~~3294~~**7965**
bldgcodebrd@dos.nh.gov

Guidelines Manual for Two (2) PSIG Gas Systems. 1601.2 (NFPA 54, 5.5.1)
Unitil Corporation.
PO Box 508
325 West Road, Portsmouth, NH 03802-0508,
1-800-552-3047

New Hampshire Energy Code

Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429
(603) 271-2431
www.puc.state.nh.us/EnergyCodes/energyypg.htm
puc@puc.nh.gov

Add in the NFPA section the following referenced Standards:

54-1509 National Fuel Gas Code 1601.2	101.2, 102.8. 2 , 801.1, 1601.1,
70-17 05 -National Electric Code	102.8. 1

**APPENDIX A – COMBUSTION AIR OPENINGS AND
CHIMNEY CONNECTOR PASS-THROUGH**
Appendix A is adopted as part of this ordinance.

APPENDIX B – RECOMMENDED PERMIT FEE SCHEDULE
Appendix B is not adopted as part of this ordinance.

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CHAPTER 15
Part III
CHAPTER 15
PART III
FUEL GAS INSTALLATIONS**NATIONAL FUEL GAS CODE**

SECTION 1001 GENERAL

This chapter shall govern the installation, modification and maintenance of fuel gas piping systems, fuel gas utilization equipment and related accessories. All such installations shall be regulated by the *National Fuel Gas Code*, NFPA 54 (2015) subject to the following additions, amendments and deletions.

~~1001.2 Amendments to the National Fuel Gas Code. The following text refers to the *National Fuel Gas Code*, NFPA 54 listed in Chapter 15.~~

~~**Section 5.5 Piping System Operating Pressure Limitations.**~~

~~*Add new subsection to read as follows:*~~

~~5.5.1.1 Two pound gas systems. Two pound gas delivery systems shall be designed and installed as outlined in the *Guidelines Manual for 2 psig Gas Systems* listed in Chapter 15.~~

~~(Section 5.6 Acceptable Piping Materials and Joining Methods.)~~

~~*Delete the following subsections without substitution:*~~

~~5.6.2.3 Copper and Brass~~

~~5.6.2.4 Threaded Copper, Brass, and Aluminum~~

~~5.6.2.5 Aluminum Alloy~~

~~5.6.2.6 Aluminum Installation~~

~~5.6.3 Metallic Tubing~~

~~5.6.3.1 Steel~~

~~5.6.3.2 Copper and Copper Alloy Brass~~

~~5.6.3.3 Aluminum~~

~~*Change subsection to read as follows:*~~

~~5.6.3.4 Corrugated Stainless Steel. Corrugated Stainless Steel Tubing must be installed in accordance with the manufacturers' installation instructions for specific construction types. A third party inspection may be required pursuant to Chapter 17, Section 1704 of the *International Building Code*.~~

Section 7.2 Installation of Piping.

~~*Add new subsections to read as follows:*~~

~~**7.2.68.1 Exterior Meter Connections.** CSST shall not be connected to an exterior meter. The tubing shall terminate at the foundation wall with a termination fitting, and the gas meter shall be rigidly connected with steel piping to the building structure.~~

7.2.68.2 Fireplace Log Installations. CSST shall terminate with a termination fitting at the entrance to the masonry fire box. The workmanship shall be performed and completed in such a manner so that the termination will not be exposed to any mechanical damage.

7.2.68.3 Fixed Appliance Connection Using CSST. CSST may be directly connected to a fixed appliance when all the following conditions are met:

1. The tubing is securely attached to the building structure or other means of solid support.
2. Tubing shall not run exposed for a distance greater than or equal to 30 inches without being physically attached to the building structure or other means of solid support.
3. CSST terminates with a proper fitting and gas cock.

7.2.68.4 CSST Used as an Appliance Connection. CSST shall not be used as a flexible appliance connector downstream of the appliance shutoff device.

7.2.8.5 7.2.6.5 Testing Requirements for CSST Systems. When CSST piping systems are installed in new construction or remodeling, the system shall be tested before any piping is covered as part of the inspections prescribed in Chapter 8.1. Before placing appliances and equipment in operation a second pressure test as prescribed in Chapter 8.1 shall be completed and inspected.

7.2.68.6 CSST Piping Installed on Roofs. CSST shall be installed for roof top equipment only when it is supported by one of the following methods:

1. The CSST tubing is installed within a metal or plastic conduit that is securely attached by an appropriate method every six feet to the roof structure. Where the piping system requires a tee to be installed within the line, the sleeve shall terminate no more than 12 inches from the tee on both main and branch line runs.
2. For CSST tubing having sizes of 1½ inch and two inches and having a UV stabilized jacket, all the following requirements shall be satisfied:
 - a. The CSST shall be supported on blocks which are spaced not more than 48 inches apart.
 - b. The blocks shall be constructed of materials appropriate for outdoor conditions and shall be securely attached by an appropriate method to the roof structure, and
 - c. The method used to attach the CSST to the block shall not damage the plastic coating.
3. The maximum length of tubing not supported by any method listed shall not exceed 30-inches when connected to a gas fired roof top unit or similar gas equipment.

Section 12.5 Type of Venting Systems to Be Used

Change subsection to read as follows:

12.5.3 Plastic Pipes and Joints. Plastic pipe and fittings used to vent appliances shall be listed for use as a gas vent by the piping manufacturer and shall be installed in accordance with the appliance manufacturer's installation instructions. Where primer is required, it shall be of contrasting color.

Section 12.9 Through the wall vent termination.

Add new subsection to read as follows:

12.9.76 Through-the-wall vents for mechanical draft vented appliances shall terminate a minimum of 5 ft from property lines.

End of NFPA 54 Amendments.

~~**APPENDIX A—COMBUSTION AIR OPENINGS AND
CHIMNEY CONNECTOR PASS THROUGH**~~

~~*Appendix A is is adopted as part of this ordinance.*~~

~~**APPENDIX B—RECOMMENDED PERMIT FEE SCHEDULE**~~

~~*Appendix B is not adopted as part of this ordinance.*~~

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CHAPTER 15
PART IV
NATIONAL ELECTRICAL CODE, 2017

The City of Portsmouth adopts the State Building Code, which adopts by reference The National Electrical Code, 2017(NEC), as Chapter 15, Part IV, of the ordinances of the City of Portsmouth, New Hampshire, subject to the following amendments, additions and deletions:

Change subsection to read:

210.8 Ground-Fault Circuit-Interrupter Protection for Personnel.

~~Ground-fault circuit interrupter protection for personnel shall be provided as required in 210.8(A) through (E). The ground-fault circuit interrupter shall be installed in a readily accessible location.~~

~~For the purposes of this section, when determining distance from receptacles the distance shall be measured as the shortest path the cord of an appliance connected to the receptacle would follow without piercing a floor, wall, ceiling, or fixed barrier, or passing through a door, doorway, or window.~~

(A) Dwelling Units. All 125-volt, and 240 volts single-phase, 15-thru 50 ampere receptacles installed in the locations specified in 210.8(A)(1) through (10) shall have ground-fault circuit interrupter protection for personnel.

~~1) Bathrooms~~

~~(2) Garages, and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use.~~

~~(3) Outdoors~~

~~Exception to (3): Receptacles that are not readily accessible and are supplied by a branch circuit dedicated to electric snow-melting, deicing, or pipeline and vessel heating equipment shall be permitted to be installed in accordance with 426.28 or 427.22, as applicable.~~

~~(4) Crawl spaces — at or below grade level.~~

~~(5) Unfinished portions or areas of the basement not intended as habitable rooms.~~

~~Exception to (5): A receptacle supplying only a permanently installed fire alarm or burglar alarm system shall not be required to have ground fault circuit interrupter protection.~~

~~Informational Note: See 760.41(B) and 760.121(B) for power supply requirements for fire alarm systems.~~

~~Receptacles installed under the exception to 210.8(A)(5) shall not be considered as meeting the requirements of 210.52(G).~~

~~(6) Kitchens — where the receptacles are installed to serve the countertop surfaces.~~

~~(7) Sinks — where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the bowl of the sink.~~

~~(8) Boathouses~~

~~(9) Bathtubs or shower stalls — where receptacles are installed within 1.8 m (6 ft) of the outside edge of the bathtub or shower stall.~~

~~(10) Laundry areas~~

B) All Area Including Dwelling Unit. All single-phase receptacles rated 150 volts to ground or less, 50 amperes or less and three phase receptacles rated 150 volts to ground or less, 100 amperes or less installed in the following locations shall have ground-fault circuit-interrupter protection for personnel.

~~(1) Bathrooms~~

~~(2) Kitchens~~

~~(3) Rooftops~~

~~Exception: Receptacles on rooftops shall not be required to be readily accessible other than from the rooftop.~~

~~(4) Outdoors~~

~~Exception No. 1 to (3) and (4): Receptacles that are not readily accessible and are supplied by a branch circuit dedicated to electric snow melting, deicing, or pipeline and vessel heating equipment shall be permitted to be installed in accordance with 426.28 or 427.22, as applicable.~~

~~Exception No. 2 to (4): In industrial establishments only, where the conditions of maintenance and supervision ensure that only qualified personnel are involved, an assured equipment grounding conductor program as specified in 590.6(B)(3) shall be permitted for only those receptacle outlets used to supply equipment that would create a greater hazard if power is interrupted or having a design that is not compatible with GFCI protection.~~

~~(5) — Sinks — where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the bowl of the sink.~~

~~Exception No. 1 to (5): In industrial laboratories, receptacles used to supply equipment where removal of power would introduce a greater hazard shall be permitted to be installed without GFCI protection.~~

~~Exception No. 2 to (5): For receptacles located in patient bed locations of general care (Category 2) or critical care (Category 1) spaces of health care facilities other than those covered under 210.8(B)(1), GFCI protection shall not be required.~~

~~(6) — Indoor wet locations.~~

- ~~(7) — Locker rooms with associated showering facilities.~~
- ~~(8) — Garages, service bays, and similar areas other than vehicle exhibition halls and showrooms.~~
- ~~(9) — Crawl spaces — at or below grade level.~~
- ~~(10) — Unfinished portions or areas of the basement not intended as habitable rooms.~~
- ~~(C) — Boat Hoists. GFCI protection shall be provided for outlets not exceeding 240 volts that supply boat hoists installed in dwelling unit locations.~~
- ~~(D) — Kitchen Dishwasher Branch Circuit. GFCI protection shall be provided for outlets that supply dishwashers installed in dwelling unit locations.~~

Add new subsection to read as follows:

- (E) Kitchen Microwaves, Range Hood Branch Circuits.** GFCI protection shall be provided for outlets, or hard wired microwaves and range hood in dwelling unit locations.
- (F) Kitchen Refrigerator Branch Circuits.** GFCI protection shall be provided for outlets that supply refrigerators installed in dwelling unit location.
- (G) Kitchen Garbage Disposal, and Trash Compactors Branch Circuits.** GFCI protection shall be provided for outlets that supply garbage disposals and trash compactors installed in dwelling units.
- (H) Kitchen Electric Ranges Branch Circuits.** GFCI protection shall be provided for all electric ranges 120 volts thru 240 volts 50 amps and less in dwelling units.
- (I) Electric Dryers in Bathrooms, Basements and Laundry Room Rooms.** GFCI protection shall be provided for circuits for 120 volt thru 240 volts 50 amps or less that supply electric dryers in dwelling units.
- ~~(J) Crawl Space Lighting Outlets. GFCI protection shall be provided for lighting outlets not exceeding 120 volts installed in crawl space.~~

Change subsection to read as follows:

230 Service, Part VI. Service Equipment — Disconnecting Means.

230.70 General. Means shall be provided to disconnect all conductors in a building or other structure from the service entrance conductors.

(A) Location. The service disconnecting means shall be installed in accordance with 230.70(A)(1), (A)(2), and (A)(3) except for one and two family dwellings, the disconnecting means shall be located on the outside of the dwelling in a readily accessible location nearest point of the conductors entering the building or structure.

- ~~(1) — Readily Accessible Location. The service disconnecting means shall be installed at a readily accessible location either outside of a building or structure or inside nearest the point of entrance of the service conductors.~~
- ~~(2) — Bathrooms. Service disconnecting means shall not be installed in bathrooms.~~
- ~~(3) — Remote Control. Where a remote control device(s) is used to actuate the service disconnecting means, the service disconnecting means shall be located in accordance with 230.70(A)(1).~~

~~(B) — Marking. Each service disconnect shall be permanently marked to identify it as a service disconnect.~~

~~(C)~~ (C) Suitable for Use. Each service disconnecting means shall be suitable for the prevailing conditions. Service equipment installed in hazardous (classified) locations shall comply with the requirements of Articles 500 through 501

Change subsection to read as follows:

Article 334, Part II. Installation

334.10 Uses Permitted. Type NM, Type NMC, and Type NMS cables shall be permitted to be used in the following, except as prohibited in 334.12:

(1) One- and two-family dwellings and their attached or detached garages, and their storage buildings.

(A) Type NM. Type NM cable shall be permitted as follows:

(1) For both exposed and concealed work in normally dry locations in one and two family dwelling.

~~(2) — To be installed or fished in air voids in masonry block or tile walls.~~

334.12 Uses Not Permitted.

(A) Types NM, NMC, and NMS. Types NM, NMC, and NMS cables shall not be permitted as follows:

(1) In any dwelling or structure not specifically permitted in 334.10(1)

(2) Exposed in a dropped or suspended ceiling in other than one- and two-family.

~~(3) — As service-entrance cable.~~

Change subsection to read as follows:

334.15 Exposed Work in one and two family dwelling.

In exposed work, except as provided in 300.11(A), cable shall be installed as specified in 334.15(A) through (C).

~~(A) — To Follow Surface. Cable shall closely follow the surface of the building finish or of running boards.~~

~~(B) — Protection from Physical Damage. Cable shall be protected from physical damage where necessary by rigid metal conduit, intermediate metal conduit, electrical metallic tubing, Schedule 80 PVC conduit, Type RTRC marked with the suffix -XW, or other approved means. Where passing through a floor, the cable shall be enclosed in rigid m conduit, Type RTRC marked with the suffix -XW, or other approved means extending at least 150 mm (6 in.) above the floor.~~

~~Type NMC cable installed in shallow chases or grooves in masonry, concrete, or adobe shall be protected in accordance with the requirements in 300.4(F) and covered with plaster, adobe, or similar finish.~~

(C) In Unfinished Basements and Crawl Spaces in one and two family dwellings. Where cable is run at angles with joists in unfinished basements and crawl spaces, it

shall be permissible to secure cables not smaller than two 6 AWG or three 8 AWG conductors directly to the lower edges of the joists. Smaller cables shall be run either through bored holes in joists or on running boards. Nonmetallic sheathed cable installed on the wall of an unfinished basement shall be permitted to be installed in a listed conduit or tubing or shall be protected in accordance with 300.4. Conduit or tubing shall be provided with a suitable insulating bushing or adapter at the point the cable enters the raceway. The sheath of the nonmetallic-sheathed cable shall extend through the conduit or tubing and into the outlet or device box not less than 6 mm (1/4 in.). The cable shall be secured within 300 mm (12 in.) of the point where the cable enters the conduit or tubing. Metal with the provisions of 250.86 and 250.148.

~~**334.17 Through or Parallel to Framing Members. Types NM, NMC, or NMS cable shall be protected in accordance with 300.4 where installed through or parallel to framing members. Grommets used as required in 300.4(B)(1) shall remain in place and be listed for the purpose of cable protection.**~~

Change subsection to read as follows:

334.23 In Accessible Attics in one and two family dwellings. The installation of cable in accessible attics or roof spaces shall also comply with 320.23.

Change subsection to read as follows:

Article 338. Service Entrance Cable: Type SE and USE, Part II. Installation

338.10 Uses Permitted.

(A) Service-Entrance Conductors for one and two family dwellings. Service-entrance cable shall be permitted to be used as service-entrance conductors and shall be installed in accordance with 230.6, 230.7, and Parts II, III, and IV of Article 230.

~~(B) **Branch Circuits or Feeders.**~~

~~(1) **Grounded Conductor Insulated. Type SE service-entrance cables shall be permitted in wiring systems where all of the circuit conductors of the cable are of the thermoset or thermoplastic type.**~~

~~(2) **Use of Uninsulated Conductor. Type SE service-entrance cable shall be permitted for use where the insulated conductors are used for circuit wiring and the uninsulated conductor is used only for equipment grounding purposes.**~~

~~(3) **Temperature Limitations. Type SE service-entrance cable used to supply appliances shall not be subject to conductor temperatures in excess of the temperature specified for the type of insulation involved.**~~

~~(4) **Installation Methods for Branch Circuits and Feeders.**~~

~~(a) **Interior Installations. In addition to the provisions of this article, Type SE service-entrance cable used for interior wiring shall comply with the installation requirements of Part II of Article 334, excluding 334.80.**~~

~~**For Type SE cable with ungrounded conductor sizes 10 AWG and smaller, where installed in thermal insulation, the ampacity shall be in accordance with 60°C (140°F) conductor temperature rating. The maximum conductor temperature rating**~~

~~shall be permitted to be used for ampacity adjustment and correction purposes, if the final derated ampacity does not exceed that for a 60°C (140°F) rated conductor.~~

Change subsection to read as follows:

338.12 Uses Not Permitted.

(A) Service-Entrance Cable. Service-entrance cable (SE) shall not be used under the following conditions or in the following locations, other than one and two family dwellings.

- (1) Where subject to physical damage unless protected in accordance with 230.50(B).
- (2) Underground with or without a raceway.
- (3) For exterior branch circuits and feeder wiring unless the installation complies with the provisions of Part I of Article 225 and is supported in accordance with 334.30 or is used as messenger-supported wiring as permitted in Part II of Article 396.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Tuesday, November 12, 2019 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10 – Zoning Ordinance – Flood Plain District, Article 6 – Overlay Districts and Article 15 – Definitions. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC/CNHMC
City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Tuesday, November 12, 2019 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10 – Zoning Ordinance – Flood Plain District, Article 6 – Overlay Districts and Article 15 – Definitions. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC/CNHMC
City Clerk

PM00461446

**Proposed Zoning Ordinance Amendments
Flood Plain District
For October 28, 2019 City Council**

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 — Zoning Ordinance, Article 6 – Overlay Districts and Article 15 – Definitions, be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A. In Section 10.613.10, insert a new phrase at the end of the paragraph and reformat as follows:

10.613.10 The Flood Plain District (FP) consists of:

- (a) all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its “Flood Insurance Study for the County of Rockingham County, NH” dated May 17, 2005 or as amended, together with associated Flood Insurance Rate Maps (FIRM) dated May 17, 2005 or as amended, which are declared to be part of this Ordinance and are hereby incorporated by reference; **and**
- (b) **all extended flood hazard areas as defined in Section 10.622.20, each of which shall be contiguous and adjacent to a special flood hazard area and shall be delineated on the basis of mapped or surveyed elevations.**

B. In Section 10.622.20 – Terms Defined for the Flood Plain District, delete the definitions for “100-year Flood” and “Breakaway Wall”, and insert the following new terms and definitions in alphabetical order:

Area of special flood hazard

The land in the floodplain within the City of Portsmouth subject to a one percent or greater possibility of flooding in any given year. The area is designated on the FIRM as Zones A and AE.

Extended flood hazard area

Any contiguous area of land adjacent to a special flood hazard area and less than two feet above the base flood elevation in that special flood hazard area.

Historic structure

Any structure that is:

- a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- c. Individually listed on the New Hampshire State Register of Historic Places.

Manufactured home park or subdivision

For the purposes of the Flood Plain District, a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Recreational vehicle

A vehicle that is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck; and
- (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Violation

The failure of a structure or other development to be fully compliant with the flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required under this ordinance is presumed to be in violation until such time as that documentation is provided.

C. In Section 10.622.20 – Terms Defined for the Flood Plain District, make the following changes to existing definitions:

Base flood elevation

The water surface elevation having a one percent possibility of being equaled or exceeded in any given year, **as defined on the flood insurance rate map (FIRM) currently in effect.**

Development

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operation **or storage of equipment or materials.**

Manufactured home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities, ~~including.~~ **For floodplain management purposes the term “manufactured home” includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 days. This includes manufactured homes located in a manufactured home park or subdivision.**

Mean sea level

The National Geodetic Vertical Datum (NGVD) of 1929, **North American Vertical Datum (NAVD) of 1988**, or other datum, to which base flood elevations (BFE) shown on a community’s FIRM are referenced.

New construction

A structure for which the start of construction commenced on or after the effective date of this flood plain management regulation and includes any subsequent improvements to such structure **and means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.**

Regulatory floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without **cumulatively** increasing the water surface elevation **more than a designated height.** ~~These areas are designated as floodways on the Flood Boundary and Floodway Map.~~

Special flood hazard area (SFHA)

~~The land in the flood plain within the City of Portsmouth subject to a one percent or greater possibility of flooding in any given year. The area is designated on the FIRM as Zones A, AE, AO, AH, AR, A99, V and VE. See “Area of special flood hazard”.~~

Substantial damage

Damage ~~by flood~~ **of any origin** sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement

Any combination of repairs, reconstruction, additions, rehabilitation, alterations, or improvements to a structure in which the cumulative cost equals or exceeds ~~50~~ **40** percent of the market value of the structure. The market value of the structure should equal:

- (a) the appraised value prior to the start of the initial repair or improvement; or
- (b) in the case of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a historic structure, provided that the alteration will not preclude the structure’s continued designation as a historic structure.

Water surface elevation

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, **North American Vertical Datum (NAVD) of 1988**, ~~(or other datum, where specified)~~, of floods of various magnitudes and frequencies in the flood plains.

D. Amend Section 10.625 – Flood Information, paragraph 10.625.10, as follows:

10.625.10 For all new or substantially improved structures located in Zones A **or AE, A1-A30, AO or AH**, the applicant shall furnish the following information to the Code Official:

- ~~(a) The as-built elevation (in relation to mean sea level) of the lowest floor (including basement), and whether or not the structure contains a basement;~~
 - ~~(b) If the structure has been flood proofed, the as-built elevation (in relation to mean sea level) to which the structure was flood proofed;~~
 - ~~(c) Any certification of flood proofing.~~
 - (a) A completed and certified copy of a FEMA Elevation Certificate that includes the as-built elevation (in relation to mean sea level) of the lowest floor of the structure and whether or not the structure has a basement.**
 - (b) If a non-residential structure includes floodproofing, a completed and certified copy of the FEMA Floodproofing Certificate for Non-Residential Structures that includes the as-built elevation (in relation to mean sea level) to which the structure was floodproofed and certification of floodproofing.**
-

E. In Section 10.626 – Watercourse Alteration, Relocation or Encroachment, make the following changes:

- (1) In paragraph 10.626.10, change both occurrences of the words “Wetlands Board” to “Wetlands Bureau”, and change the words “Environmental Services Department” to “Department of Environmental Services”.
- (2) Delete the existing paragraph 10.626.20 and insert the following in its place:

10.626.30 The Code Official shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement:

“No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge.”

F. In Section 10.627 – Determination of Base Flood Elevation, make the following changes:

(1) In paragraph 10.627.12, change the words “an unnumbered A zone” to “Zone A”.

(2) Delete paragraph 10.627.13 and insert the following in its place:

10.627.13 In Zone A where a base flood elevation is not available, the base flood elevation shall be at least two feet above the highest adjacent grade.

G. In Section 10.628 – Construction Standards in Special Flood Hazard Areas, make the following changes:

(1) In the section title, change the words “Special Flood Hazard Areas” to “Special Flood Hazard Areas and Extended Flood Hazard Areas”.

(2) In paragraph 10.628.10, delete the words “Zones A, AH, AO and A99” and insert in their place the words “Zones A and AE”.

(3) Amend paragraphs 10.628.20, 10.628.30 and 10.628.40, and insert two new paragraphs, as follows:

10.628.20 Any new construction ~~or substantial improvement~~ of a residential structure shall have the lowest floor (including basement) elevated to ~~or~~ **at least two (2) feet** above the base flood elevation **if in Zone A or AE, and to at least two (2) feet above the base flood elevation of the adjacent special flood hazard area if in an extended flood hazard area.**

10.628.30 Any substantial improvement of a residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation if in Zone A or AE.

~~10.628.340~~ Any new construction ~~or substantial improvement~~ of a nonresidential structure shall have the lowest floor (including basement) elevated to ~~or~~ **at least two (2) feet** above the base flood elevation **if in Zone A or AE, and to at least two (2) feet above the base flood elevation of the adjacent special flood hazard area if in an extended flood hazard area;** or together with attendant utility and sanitary facilities, shall:

(a) be floodproofed so that below **two (2) feet above** the base flood elevation **in Zone A or AE, or below two (2) feet**

above the base flood elevation of the adjacent special flood hazard area in an extended flood hazard area, the structure is watertight with walls substantially impermeable to the passage of water;

- (b) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
- (c) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.

10.628.50 Any substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation if in Zone A or AE; or together with attendant utility and sanitary facilities, shall:

- (a) be floodproofed so that below the base flood elevation in Zone A or AE, the structure is watertight with walls substantially impermeable to the passage of water;**
- (b) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and**
- (c) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.**

10.628.460 Any manufactured home to be placed or substantially improved within a special flood hazard area shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is ~~at or~~ **at least two (2) feet** above the base flood elevation; and be securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces;

(4) Delete existing paragraph 10.628.60 in its entirety.

(5) Amend existing paragraph 10.628.70 as follows:

10.628.780 Any recreational vehicle placed on a site within Zones AH, A and AE for 180 or more consecutive days shall either:

~~(a) be fully licensed and ready for highway use, or~~

(a) be fully licensed, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions, or

~~(b) meet all standards of Section 60.3(b)(1) of the National Flood Insurance Program Regulations~~ **Section 10.623.10 of this ordinance** and the elevation and anchoring requirements for manufactured homes in ~~Section 60.3(c)(6) of the Regulations~~ **Section 10.628.60 of this ordinance.**

H. In Section 10.1521 – Terms with Specialized Applications, delete the terms “100-year flood” and “breakaway wall” and insert the following terms in alphabetical order:

Area of special flood hazard
Extended flood hazard area
Historic structure
Manufactured home park or subdivision
Recreational vehicle
Violation

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Article 6 Overlay Districts

10.613 Overlay District Locations

10.613.10 The **Flood Plain District** (FP) consists of:

(a) all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its “Flood Insurance Study for the County of Rockingham County, NH” dated May 17, 2005 or as amended, together with associated Flood Insurance Rate Maps (FIRM) dated May 17, 2005 or as amended, which are declared to be part of this Ordinance and are hereby incorporated by reference; and

(b) all extended flood hazard areas as defined in Section 10.622.20, each of which shall be contiguous and adjacent to a special flood hazard area and shall be delineated on the basis of mapped or surveyed elevations.

10.613.20 The **Historic District** is identified on the Zoning Map.

10.613.30 The **Downtown Overlay District** (DOD) is identified on the Zoning Map.

10.613.40 The **Osprey Landing Overlay District** (OL) is identified on the Zoning Map.

10.613.50 The **Airport Approach Overlay District** (AA) consists of:

(a) the Approach Zones shown on the Airport Obstruction Chart AOC 678 with the associated Obstruction Data Sheet ODS 678 (Surveyed October 1990, 1st Edition, for Pease Air Force Base, Portsmouth, NH), along with two detailed drawings (Exhibits 1 and 2), a legend (Exhibit 3), and the accompanying FAR Part 77.25, Civil Airport Imaginary Surfaces (Exhibit 4), all of which documents collectively are hereinafter called the “Airport Obstruction Chart” or “AOC”; and

(b) all the land within a distance of two miles from the airport reference point shown on the Pease International Tradeport Approach Map.

10.613.60 The **Highway Noise Overlay District** (HN) is identified on the Zoning Map.

Section 10.620 Flood Plain District

10.621 Purpose

- 10.621.10 The regulations in this Section shall apply to land in the Flood Plain District, and shall overlay and supplement the regulations of any underlying district.
- 10.621.20 If any provision of this Section differs or appears to conflict with any other provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

10.622 Definitions

10.622.10 Rules of Construction

- 10.622.11 The definitions of words and terms in Section 10.622.20 apply to the Flood Plain District regulations (Section 10.620). When a term is used in the Flood Plain District Regulations and is defined in Section 10.622.20, it shall have that meaning, which shall supersede any definition in Article 15.
- 10.622.12 When a term is used in Section 10.620 and is not defined in Section 10.622.20, its meaning shall be determined in accordance with Article 15.
- 10.622.13 When a term appears in a section of the Zoning Ordinance other than Section 10.620, its meaning for the purpose of that section shall be determined in accordance with Article 15.

10.622.20 Terms Defined for the Flood Plain District

Area of special flood hazard

The land in the floodplain within the City of Portsmouth subject to a one percent or greater possibility of flooding in any given year. The area is designated on the FIRM as Zones A and AE.

~~100-year flood~~

~~see Base flood.~~

Base flood

The flood having a one percent possibility of being equaled or exceeded in any given year.

Base flood elevation (BFE)

The water surface elevation having a one percent possibility of being equaled or exceeded in any given year as defined on the flood insurance rate map (FIRM) currently in effect.

Basement

Any area of a building having its floor subgrade on all sides.

Breakaway wall

~~A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation.~~

Building

See structure in this Section.

Development

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operation or storage of equipment or materials.

Extended flood hazard area

Any contiguous area of land adjacent to a special flood hazard area and less than two feet above the base flood elevation in that special flood hazard area.

FEMA

The Federal Emergency Management Agency.

FIRM

See flood insurance rate map.

Flood or flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood insurance rate map (FIRM)

An official map, incorporated with this Ordinance, on which FEMA has delineated both the special flood hazard areas (SFHAs) and the Risk Premium Zones applicable to the City of Portsmouth.

Flood insurance study

An examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations, or an examination and determination of mudslide or flood-related erosion hazards.

Flood plain or flood-prone area

Any land area susceptible to being inundated by water from any source.

Flood proofing

Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

Floodway

See regulatory floodway.

Highest adjacent grade

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure

Any structure that is:

- a. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
- c. Individually listed on the New Hampshire State Register of Historic Places.

Lowest floor

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Manufactured home

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities, ~~including~~. For floodplain management purposes the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 days. This includes manufactured homes located in a manufactured home park or subdivision.

Manufactured home park or subdivision

For the purposes of the **Flood Plain District**, a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level

The National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations (BFE) shown on a community's FIRM are referenced.

New construction

A structure for which the start of construction commenced on or after the effective date of this flood plain management regulation and includes any subsequent improvements to such structure; and means, for the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

Recreational vehicle

A vehicle that is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck;
- and
- (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Regulatory floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. These areas are designated as floodways on the Flood Boundary and Floodway Map.

Special flood hazard area (SFHA)

The land in the flood plain within the City of Portsmouth subject to a one percent or greater possibility of flooding in any given year. The area is designated on the FIRM as Zones A, AE, AO, AH, AR, A99, V and VE. See Area of special flood hazard.

Start of construction (including substantial improvement)

The date on which the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date.

- (a) The “actual start” means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.
- (b) “Permanent construction” does not include any of the following:
 - (1) land preparation, such as clearing, grading and filling;
 - (2) the installation of streets and/or walkways;
 - (3) excavation for a basement, footings, piers, or foundations or the erection of temporary forms;
 - (4) the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

Structure

For flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage

Damage ~~by flood~~ of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement

Any combination of repairs, reconstruction, additions, rehabilitation, alterations, or improvements to a structure in which the cumulative cost equals or exceeds ~~50~~ 54 percent of the market value of the structure. The market value of the structure should equal:

- (a) the appraised value prior to the start of the initial repair or improvement; or
- (b) in the case of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Violation

The failure of a structure or other development to be fully compliant with the flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required under this ordinance is presumed to be in violation until such time as that documentation is provided.

Water surface elevation

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, ~~(or other datum, where specified)~~ of floods of various magnitudes and frequencies in the flood plains.

10.623 Building Permits

10.623.10 All proposed development in a special flood hazard area shall require a building permit.

10.623.20 The Code Official shall review all building permit applications for new construction or substantial improvements to determine (a) whether the proposed building site will be in a special flood hazard area and (b) if

so, that all new construction or substantial improvements will comply with the requirements of this section.

- 10.623.30 The Code Official shall not grant a building permit until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

10.624 Water and Sewer Systems

Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area, the applicant shall provide the Code Official with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

10.625 Flood Information

- 10.625.10 For all new or substantially improved structures located in Zones A or ~~AE, A1-A30, AO or AH~~, the applicant shall furnish the following information to the Code Official:

~~(a) The as-built elevation (in relation to mean sea level) of the lowest floor (including basement), and whether or not the structure contains a basement;~~

~~(b) If the structure has been flood proofed, the as-built elevation (in relation to mean sea level) to which the structure was flood proofed;~~

~~(c) Any certification of flood proofing.~~

(a) A completed and certified copy of a FEMA Elevation Certificate that includes the as-built elevation (in relation to mean sea level) of the lowest floor of the structure and whether or not the structure has a basement.

(b) If a non-residential structure includes floodproofing, a completed and certified copy of the FEMA Floodproofing Certificate for Non-Residential Structures that includes the as-built elevation (in relation to mean sea level) to which the structure was floodproofed and certification of floodproofing.

- 10.625.20 The Code Official shall maintain the above information for public inspection and shall furnish such information upon request.

10.626 Watercourse Alteration, Relocation or Encroachment

10.626.10 In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands ~~Board~~Bureau of the New Hampshire Department of Environmental Services ~~Department~~ and submit copies of such notification to the Code Official in addition to the copies required by provisions of State law. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Code Official, including notice of all scheduled hearings before the Wetlands ~~Board~~Bureau.

10.626.20 ~~The applicant shall submit to the Code Official certification provided by a registered professional engineer assuring that the flood-carrying capacity of an altered or relocated watercourse can and will be maintained. The Code Official shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement:~~

“No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge.”

10.626.30 Along watercourses with a designated regulatory floodway, no encroachment, including fill, new construction, substantial improvement or other development, is allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge. In Zone A, the Code Official shall obtain, review, and reasonably utilize any floodway data available from Federal, State or other sources as criteria for requiring that development meet the floodway requirements of this section.

10.626.40 Along watercourses that have not had a regulatory floodway designated, no new construction, substantial improvement or other development (including fill) shall be permitted within Zone AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect on the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

10.627 Determination of Base Flood Elevation

10.627.10 In a special flood hazard area (SFHA) the Code Official shall determine the base flood elevation in the following order of precedence according to the data available:

10.627.11 In Zone AE, refer to the elevation data provided in the community's flood insurance study and accompanying FIRM;

10.627.12 In ~~an unnumbered Zone~~ A-zone, the Code Official shall obtain, review, and reasonably utilize any base flood elevation data available from any Federal, State or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals);

10.627.13 ~~In Zone AO the base flood elevation is determined by adding the elevation of the highest adjacent grade to the depth number specified on the FIRM or if no depth number is specified on the FIRM at least 2 feet. In Zone A where a base flood elevation is not available, the base flood elevation shall be at least two feet above the highest adjacent grade.~~

10.628 Construction Standards in Special Flood Hazard Areas and Extended Flood Hazard Areas

10.628.10 In Zones A, ~~AE, AH, AO and A99~~ and AE, any new construction or substantial improvement shall:

- (a) be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (b) be constructed with materials resistant to flood damage;
- (c) be constructed by methods and practices that minimize flood damage; and
- (d) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.

10.628.20 Any new construction ~~or substantial improvement~~ of a residential structure shall have the lowest floor (including basement) elevated to ~~or at least two (2) feet~~ at least two (2) feet above the base flood elevation if in Zone A or AE, and to at least two (2) feet above the base flood elevation of the adjacent special flood hazard area if in an extended flood hazard area.

10.628.30 Any substantial improvement of a residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation if in Zone A or AE.

10.628.~~430~~ Any new construction ~~or substantial improvement~~ of a nonresidential structure shall have the lowest floor (including basement) elevated to ~~at least two (2) feet~~ above the base flood elevation if in Zone A or AE, and to at least two (2) feet above the base flood elevation of the adjacent special flood hazard area if in an extended flood hazard area; or together with attendant utility and sanitary facilities, shall:

- (a) be floodproofed so that below two (2) feet above the base flood elevation in Zone A or AE, or below two (2) feet above the base flood elevation of the adjacent special flood hazard area in an extended flood hazard area, ~~the base flood elevation~~ the structure is watertight with walls substantially impermeable to the passage of water;
- (b) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
- (c) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.

10.628.50 Any substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation if in Zone A or AE; or together with attendant utility and sanitary facilities, shall:

- (a) be floodproofed so that below the base flood elevation in Zone A or AE, the structure is watertight with walls substantially impermeable to the passage of water;
- (b) have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
- (c) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.

10.628.~~460~~ Any manufactured home to be placed or substantially improved within a special flood hazard area shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is ~~at or~~ at least two (2) feet above the base flood elevation; and be securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces;

10.628.~~570~~ For any new construction or substantial improvement, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:

- (a) the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;
- (b) the area is not a basement;
- (c) the area shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:
 - (i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

~~10.628.60 — Any structure proposed to be located on a slope in a special flood hazard area Zones AH and AO shall include adequate drainage paths to guide flood waters around and away from the proposed structure.~~

10.628.780 Any recreational vehicle placed on a site within Zones AH, and AE for 180 or more consecutive days shall either:

- ~~(a) be fully licensed and ready for highway use, or~~
(a) be fully licensed, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions, or
- (b) meet all standards of ~~Section 60.3(b)(1) of the National Flood Insurance Program Regulations~~ Section 10.623.10 of this ordinance and the elevation and anchoring requirements for manufactured homes in ~~Section 60.3(e)(6) of the Regulations~~ Section 10.628.60 of this ordinance.

10.629 Variances and Appeals

10.629.10 Any order, requirement, decision or determination of the Code Official made under this Section 10.620 may be appealed to the Board of Adjustment as set forth in accordance with the provisions of State law.

10.629.20 If the applicant, upon appeal, requests a variance as authorized by the provisions of State law, the applicant shall have the burden of showing in addition to the usual variance standards under State law:

- (a) That the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;

- (b) That if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result; and
- (c) That the variance is the minimum necessary considering the flood hazard, to afford relief.

10.629.30 The Board of Adjustment shall notify the applicant in writing that:

- (a) The issuance of a variance to construct below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
- (b) Such construction below the base flood elevation increases risks to life and property.

Such notification shall be maintained with a record of all variance actions.

10.629.40 The community shall:

- (a) Maintain a record of all variance actions, including their justification for their issuance, and
- (b) Report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

Article 15 Definitions

- Section 10.1510 Rules of Construction
- Section 10.1520 Terms With Specialized Applications
- Section 10.1530 Terms of General Applicability

Section 10.1510 Rules of Construction

- 10.1511 Unless otherwise expressly stated, the following words and terms shall have the meanings shown in this Article.
- 10.1512 When a term is defined both in this Article 15 and in another Article of this Ordinance, the definition in the other Article shall supersede the definition in Article 15. Examples include the definitions relating to Sexually-Oriented Businesses and Telecommunications Facilities in Article 5, and to the Flood Plain District and Airport Approach Overlay District in Article 6.
- 10.1513 Where terms are not defined in this Ordinance and are defined in the Building Code, such terms shall have the meanings ascribed to them therein.
- 10.1514 Where terms are not defined in this Ordinance or in the Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

Section 10.1520 Terms With Specialized Applications

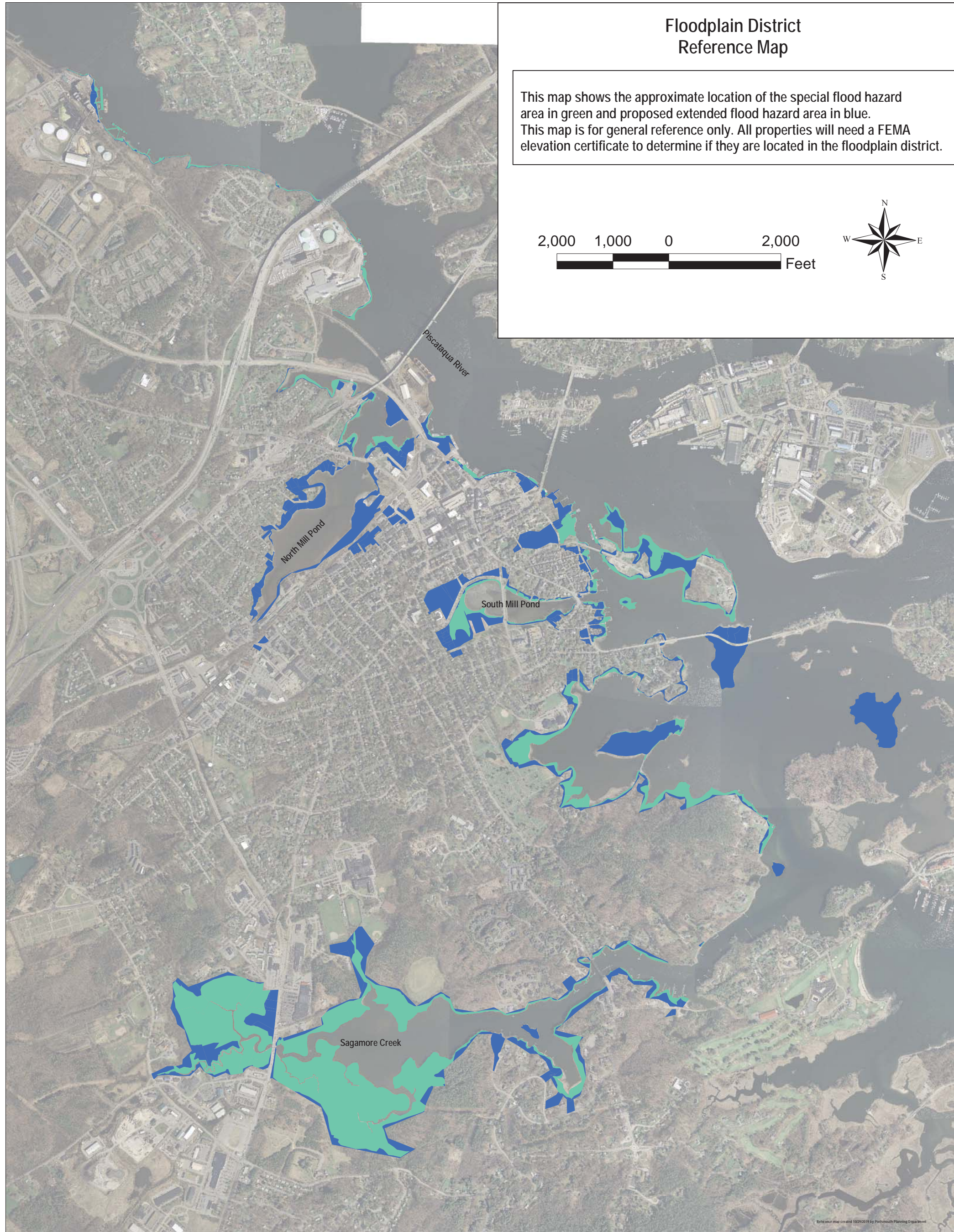
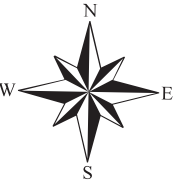
- 10.1521 Terms that are used primarily in Section 10.620, Flood Plain District, are defined in Section 10.622, including:

<ul style="list-style-type: none"> 100-year flood Area of special flood hazard area Base flood Base flood elevation (BFE) Basement Breakaway wall Building * Development Extended flood hazard area FEMA FIRM Flood insurance rate map Flood insurance study Flood or flooding Flood plain Flood-prone area 	<ul style="list-style-type: none"> Flood proofing Floodway Highest adjacent grade Historic structure Lowest floor Manufactured home Manufactured home park or subdivision Mean sea level New construction Regulatory floodway Recreational vehicle Special flood hazard area Start of construction Structure * Substantial damage Substantial improvement * Violation Water surface elevation
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Floodplain District Reference Map

This map shows the approximate location of the special flood hazard area in green and proposed extended flood hazard area in blue. This map is for general reference only. All properties will need a FEMA elevation certificate to determine if they are located in the floodplain district.

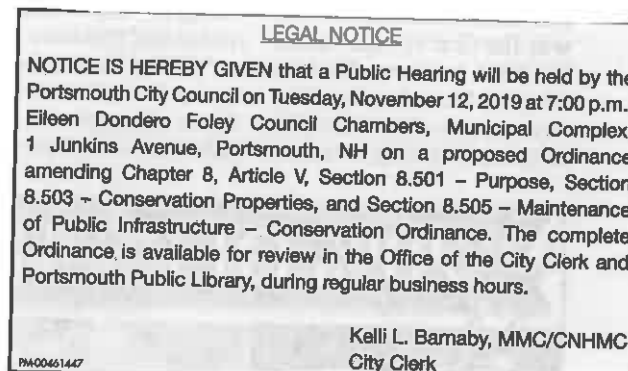
2,000 1,000 0 2,000
Feet



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Tuesday, November 12, 2019 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 8, Article V, Section 8.501 – Purpose, Section 8.503 – Conservation Properties, and Section 8.505 – Maintenance of Public Infrastructure – Conservation Ordinance. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC/CNHMC
City Clerk



ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That Chapter 8, Article V – **CONSERVATION ORDINANCE** of the Ordinances of the City of Portsmouth be amended as follows (deletions from existing language **stricken**; additions to existing language **bolded**; remaining language unchanged from existing):

ARTICLE V: CONSERVATION ORDINANCE

Section 8.501: PURPOSE

Those properties listed in Section 8.503 are hereby declared to be conservation properties of the City of Portsmouth. **Other than the maintenance of Public Infrastructure described in Section 8.505**, passive recreation is the only permitted use or activity on the conservation properties. Any other use or activity on the conservation properties must be approved by prior vote of City Council. Such approval shall be by a 2/3 majority of those present and voting on the question. Any Council vote under this provision must be preceded by a referral of the question to the Conservation Commission for its review and report back to the Council. The Council shall not vote on the question until either the report has been received from the Conservation Commission or thirty (30) days have passed from the Council vote referring the matter to the Conservation Commission.

Section 8.502: PASSIVE RECREATION

The term “Passive Recreation” shall mean uses of land, or activities on land, which are conducted primarily for leisure purposes and which do not cause damage to the conservation nature of the land.

Section 8.503: CONSERVATION PROPERTIES

<u>Map/Lot</u> <u>Map-Block-Lot</u>	<u>Location</u>	<u>Book/Page</u>	<u>Date</u> <u>Adopted</u>
123/9 0123-0009-000A	235 Maplewood Ave (Adopted 7/16/01)	3577/2037	07/16/2001
201/26 0201-0026-0000	Sagamore Ave	2299/1707	04/07/1997
204/7 0204-0007-0000	Little Harbor Rd	2395/1462	04/07/1997
222/73 0222-0073-0000	Jones Ave	2391/0386	04/07/1997

<u>Map/Lot</u> <u>Map-Block-Lot</u>	<u>Location</u>	<u>Book/Page</u>	<u>Date</u> <u>Adopted</u>
225/8 0225-0008-0000	Elwyn Rd	2289/1810	04/07/1997
263/3 0263-0003-0000	Greenland Rd	2385/0403	04/07/1997
265/20 0265-002D-0000	Banfield Rd	2413/0222	04/07/1997
271/1-8 0271-0001-0008	Lafayette Rd	2851/2879	04/07/1997
274/3 0274-0003-0000	Banfield Rd	2327/1314	04/07/1997
278/1 0278-0001-0000	Greenland Rd	2646/0720	04/07/1997
278/2 0278-0002-0000	Greenland Rd	2235/0417	04/07/1997
278/3 0278-0003-0000	Greenland Rd	2235/0417	04/07/1997
280/3 0280-0003-0000	Greenland Rd	2646/0720	04/07/1997
0232-0008-0001	Lois Street	6014/0575	
283/13 0283-0013-0000	Ocean Rd	2249/0432	04/07/1997
284/3 0284-0003-0000	Heritage Ave	2253/1684	04/07/1997
284/4 0284-0004-0000	Lafayette Rd Suzanne Dr	1615/0129	04/07/1997
288/1 0288-0001-0000	Lang Road (Adopted 4/20/98)	3278/1316	04/20/1998
284/5	Ocean Rd		
284/9 0284-0009-0000	Ocean Rd Heritage Ave	2253/1684	04/07/1997
287/3 0287-0003-0000	Ocean Rd off of Lang Road	2230/0277	04/07/1997
293/10 0293-0010-0000	Ocean Rd	2299/0424	04/07/1997
293/13 0293-0013-0000	Ocean Rd	2249/0432	04/07/1997
294/9 0294-0009-0000	Ocean Rd	2370/1383	04/07/1997
294/22 0294-0022-0000	Ocean Rd	2249/0432	04/07/1997
295/1 0295-0001-0000	Ocean Rd	2230/0275	04/07/1997
295/2 0295-0002-0000	Ocean Rd	2156/0149	04/07/1997

<u>Map/Lot</u> <u>Map-Block-Lot</u>	<u>Location</u>	<u>Book/Page</u>	<u>Date</u> <u>Adopted</u>
295/3 0295-0003-0000	Ocean Rd	2230/0275	04/07/1997
295/5 0295-0005-0000	Ocean Rd	2230/0278	04/07/1997
296/1 0296-0001-0000	Ocean Rd off of Lafayette Road	2747/2301	04/07/1997
296/4 0296-0004-0000	Ocean Rd off of Lafayette Road	2230/0276	04/07/1997
296/6 0296-0006-0000	Ocean Rd off of Lafayette Road	2230/0276	04/07/1997
296/11 0296-0011-0000	Ocean Rd off of Lafayette Road	2484/0311	04/07/1997
296/12 0296-0012-0000	Ocean Rd off of Lafayette Road	2484/0311	04/07/1997
296/13 0296-0013-0000	Ocean Rd off of Lafayette Road	2484/0311	04/07/1997
296/8 0296-0008-0000	Ocean Rd	2215/1493	04/07/1997
296/10 0296-0010-0000	Ocean Rd	2249/0432	04/07/1997
293/16 0293-0016-0000	Ocean Rd	2249/0432	04/07/1997
298/8 0298-0008-0000	Lafayette Rd	2247/0237	04/07/1997
298/5-1 0298-0005-0001	Lafayette Rd	2549/1850	04/07/1997

Section 8.504: ENFORCEMENT

- A. This ordinance may be enforced against the City of Portsmouth by means of an action seeking injunctive relief, which may be filed in the Courts of the State of New Hampshire by any interested party.
- B. Any other person, firm or corporation violating any provision of this ordinance shall be subject to a penalty, upon conviction, of up to \$1,000 per occurrence.
- C. The enforcement provisions of this ordinance shall not be deemed exclusive, but shall be concurrent with any other remedies available at law.

Section 8.505: MAINTENANCE OF PUBLIC INFRASTRUCTURE

Nothing in this ordinance shall prohibit the maintenance of public roadways, sidewalks, drainage and stormwater structures, sewer and water lines and other utilities (“Public Infrastructure”) that cross or abut Conservation Properties. Maintenance shall include replacement if within the existing footprint of the original structure. Any expansion or new use for Public Infrastructure on any Conservation Property would require the approval described in Section 8.501.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Tuesday, November 12, 2019 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 10 – Environmental Protection Standards, Section 10.1010 – Wetlands Protection. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC/CNHMC
City Clerk

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that a Public Hearing will be held by the Portsmouth City Council on Tuesday, November 12, 2019 at 7:00 p.m., Eileen Dondero Foley Council Chambers, Municipal Complex, 1 Junkins Avenue, Portsmouth, NH on a proposed Ordinance amending Chapter 10 – Zoning Ordinance, Article 10 – Environmental Protection Standards, Section 10.1010 – Wetlands Protection. The complete Ordinance is available for review in the Office of the City Clerk and Portsmouth Public Library, during regular business hours.

Kelli L. Barnaby, MMC/CNHMC
City Clerk

**Proposed Zoning Ordinance Amendments
Wetlands Protection
for City Council October 28, 2019**

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 — Zoning Ordinance, Article 10 – Environmental Protection Standards, Section 10.1010 – Wetlands Protection, be amended as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

A. In Section 10.1016.10, insert the following new paragraph (8):

(8) Construction of fences outside the vegetated buffer strip, provided that any posts are no wider than 3” in any dimension, and that there are no footings and no ground disturbance beyond the installation of the posts.

B. In Section 10.1017.20 – Application Requirements, renumber existing subsection 10.1017.22 as 10.1017.23, and insert the following new subsections 10.1017.22, 10.1017.24 and 10.1017.26:

10.1017.22 Where the proposed project will involve the temporary or permanent alteration of more than 250 sq. ft. of wetland and/or wetland buffer, the application shall provide information about the affected wetland and wetland buffer as follows:

- (1) Up to 1,000 sq. ft. of alteration to the wetland: a wetland characterization that describes the type of wetland (e.g., emergent, scrub-shrub, forested), the percent of invasive species, and whether the wetland is seasonally flooded.**
- (2) More than 1,000 sq. ft. of alteration to the wetland: a functions and values assessment equivalent to the model set forth in Appendix A of *The Highway Methodology Workbook Supplement – Wetland Functions and Values: A Descriptive Approach*, NAEPP-360-1-30a, US Army Corps of Engineers, New England Division, September 1999, as amended.**

- (3) **More than 250 sq. ft. of alteration to the wetland buffer (regardless of the amount of alteration to the wetland): a description of the 100-foot buffer including vegetation type, the percent of the buffer with invasive species, and the percent of the buffer that is paved or developed.**

[...]

10.1017.24 Where feasible, the application shall include removal of impervious surfaces at least equal in area to the area of impervious surface impact. The intent of this provision is that the project will not result in a net loss of pervious surface within a jurisdictional wetland buffer. If it is not feasible to remove impervious surfaces from the wetland buffer at least equal in area to the area of new impervious surface impact, the application shall include a wetland buffer enhancement plan that describes how the wetland functions and values will be enhanced to offset the proposed impact.

10.1017.25 A wetland buffer enhancement plan shall be designed to enhance the functions of the jurisdictional wetland and/or wetland buffer on the lot, and to offset the impact of the proposed project.

- (1) **The wetland buffer enhancement plan shall include a combination of new plantings, invasive species removal, habitat creation areas, improved site hydrology, or protective easements provided offsite.**
- (2) **Where the vegetated buffer strip contains grass or non-native plantings, or is otherwise not intact, the first priority of the wetland buffer enhancement plan shall be to include revegetation of the vegetated buffer strip with native, low-maintenance shrubs and other woody vegetation.**

C. In Section 10.1017.20 – Application Requirements, insert a new subsection 10.1017.26 as follows:

10.1017.26 Where the proposed project involves a use, activity or alteration in a tidal wetland or tidal wetland buffer, the application shall include a living shoreline strategy to preserve the existing natural shoreline and/or encourage establishment of a living shoreline through restoration, as applicable. Said living

shoreline strategy shall be implemented unless the Planning Board determines that it is not feasible.

D. In Section 10.1017.40, insert the following new subsection 10.1017.45:

10.1017.45 Where new impervious surface is proposed in a wetland or wetland buffer, the submission of a plan to compensate for such new impervious surface does not guarantee that a conditional use permit will be granted.

E. In Section 10.1018, insert the following new sections 10.1018.30 and 10.1018.40:

10.1018.30 Porous Pavement in Wetland Buffer

10.1018.31 All new pavement installed in a wetland buffer shall be porous pavement. The Planning Board may allow exceptions to this requirement where it can be demonstrated that the height of ground water, condition of soil, or other factors as described in the application are not appropriate for porous pavement.

10.1018.32 An application that proposes porous pavement in a wetland buffer shall include a pavement maintenance plan addressing erosion control, periodic removal of sediment and debris from the porous surfaces, snow management, and repairs.

10.1018.40 Wetland Boundary Markers

Permanent wetland boundary markers shall be shown on the plan submitted with an application for a conditional use permit and shall be installed during project construction.

F. In Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, insert the following new term and definition:

Living shoreline

Any shoreline management system using native vegetation, alone or in combination with offshore sills, to stabilize the shoreline without interrupting the natural water/land continuum to the detriment of natural shoreline ecosystems.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Article 10 Environmental Protection Standards

Section 10.1010 Wetlands Protection

Section 10.1020 Earth Products Removal and Placement

Section 10.1010 Wetlands Protection

10.1011 Purpose

The purposes of this Section are:

- (1) To maintain, and where possible improve, the quality of surface waters and ground water by controlling the rate and volume of stormwater runoff and preserving the ability of wetlands to filter pollution, trap sediment, retain and absorb chemicals and nutrients, and produce oxygen.
- (2) To prevent the destruction of, or significant changes to, wetlands, related water bodies and adjoining land which provide flood protection, and to protect persons and property against the hazards of flood inundation by assuring the continuation of the natural or existing flow patterns of streams and other water courses within the City.
- (3) To protect, and where possible improve, potential water supplies and aquifers and aquifer recharge areas.
- (4) To protect, and where possible improve, wildlife habitats and maintain ecological balance.
- (5) To protect, and where possible improve, unique or unusual natural areas and rare and endangered plant and animal species.
- (6) To protect, and where possible improve, shellfish and fisheries.
- (7) To prevent the expenditure of municipal funds for the purpose of providing and/or maintaining essential services and utilities which might be required as a result of misuse or abuse of wetlands.
- (8) To require the use of best management practices and low impact development in and adjacent to wetland areas.

10.1012 Relationship to Other Regulations

- 10.1012.10 The provisions and criteria set forth in this Section are in addition to the provisions of applicable state and federal laws and regulations, other sections of this Zoning Ordinance, and other local ordinances and regulations.

- 10.1012.20 Where any provision of this Section conflicts with a state or federal law or regulation, another section of this Zoning Ordinance, or another local ordinance or regulation, the more restrictive provision shall apply.
- 10.1012.30 Nothing in this Section shall permit a use or activity which is contrary to any other provision of the Zoning Ordinance.
- 10.1012.40 Notwithstanding any other provisions of the Zoning Ordinance, the City of Portsmouth and its administrative and operating agencies and instrumentalities shall comply with the provisions of this Section.

10.1013 Jurisdictional Areas

The provisions of this Section 10.1010 apply to the following jurisdictional areas:

- 10.1013.10 Any inland wetland, other than a vernal pool, that is 10,000 square feet or more in area;
- 10.1013.20 Any vernal pool regardless of area.
- 10.1013.30 Any non-tidal perennial river or stream.
- 10.1013.40 The tidal wetlands of Sagamore Creek, Little Harbour, North Mill Pond, South Mill Pond and part of the Piscataqua River, defined as follows:
 - (a) Sagamore Creek: Bounded by the easterly side of Peverly Hill Road and the southerly side of Greenleaf Avenue as these cross Sagamore Creek, and extending along the Creek to Little Harbour.
 - (b) Little Harbour: Extending along the Little Harbour shoreline from the municipal line with the Town of Rye to the southerly side of New Castle Avenue, and including Goose Island, Belle Island, Pest Island and that portion of Shapleigh Island lying south of New Castle Avenue.
 - (c) North Mill Pond: Extending along the entire shoreline of North Mill Pond between Bartlett Street and Market Street.
 - (d) South Mill Pond: Extending along the entire shoreline of South Mill Pond west of the tide gate at Pleasant Street.
 - (e) Piscataqua River: Extending along the shoreline of the Piscataqua River from the northwest side of the I-95 bridge up to and including the waterfront parcel fronting on Porpoise Way.

10.1014 Identification and Delineation of Wetlands and Wetland Buffers

10.1014.10 Wetlands

- 10.1014.11 Wetlands shall be identified by use of the Federal Manual and/or Field Indicators, and shall be delineated by on-site inspection of soil types,

vegetation, and hydrology by a certified wetland scientist at a time when conditions are favorable for such determination.

10.1014.12 A created wetland shall be considered a wetland for the purposes of this section.

10.1014.13 Any area which may have been a wetland but was filled prior to January 1, 1970 or pursuant to properly issued federal, state and local permits granted prior to the adoption of this Ordinance shall be judged according to the conditions existing at the time an application for a building permit or subdivision is filed or submitted.

10.1014.20 Wetland Buffers

10.1014.21 The purpose of a wetland buffer is to reduce erosion and sedimentation into the adjacent wetland, vernal pool or water body, to aid in the control of nonpoint source pollution, to provide a vegetative cover for filtration of runoff, to protect wildlife habitat, and to help preserve ecological balance.

10.1014.22 The required wetland buffer for a jurisdictional wetland or water body shall be defined as all land within 100 feet of the jurisdictional area.

10.1014.23 Wetland buffers, including vegetated buffer strips and limited cut areas, shall be parallel to and measured from the reference line for the applicable jurisdictional area on a horizontal plane.

(1) Inland wetland buffers shall be measured from the edges of inland wetlands and surface water bodies.

(2) Tidal wetland buffers shall be measured from the edges of tidal wetlands and highest observable tide lines.

10.1015 Notification to Planning Director

Notice shall be provided to the Planning Director prior to any construction, demolition, tree cutting, vegetation removal, or other alteration in a wetland or wetland buffer.

10.1016 Permitted Uses

10.1016.10 The following uses, activities and alterations are permitted in wetlands and wetland buffers:

(1) Any use that does not involve the erection or construction of any structure or impervious surface, will not alter the natural surface configuration by the addition of fill or by dredging, will not result in site alterations, and is otherwise permitted by the Zoning Ordinance. Examples of such uses include forestry and tree farming, wildlife refuges, parks and recreational uses, conservation and

nature trails, and open spaces as permitted or required by the Zoning Ordinance or Subdivision Regulations.

- (2) Improvements to existing public rights-of-way and sidewalks.
- (3) The construction of piers or docks, provided that all required local, state and federal approvals have been granted.
- (4) The construction of an addition or extension to a one-family or two-family dwelling that lawfully existed prior to the effective date of this Ordinance or was constructed subject to a validly issued conditional use permit, provided that:
 - (a) The footprint area of the addition or extension, together with the area of all prior such additions and extensions, shall not exceed 25 percent of the area of the footprint of the principal heated structure existing prior to the effective date of this Ordinance or constructed pursuant to a validly issued conditional use permit (this 25 percent limit shall not be based on pre-existing attached or detached garages, sheds, decks, porches, breezeways, or similar buildings or structures);
 - (b) The addition or extension shall be no closer to a wetland or water body than the existing principal structure; and
 - (c) The addition or extension shall conform with all other provisions of the Zoning Ordinance and with all other applicable ordinances and regulations of the City of Portsmouth.
- (5) The use of motor vehicles, except for all-terrain vehicles, when necessary for any purpose permitted by this Ordinance.
- (6) Emergency power generator outside the wetland and vegetated buffer strip, provided that the total coverage by equipment and any mounting pad shall not exceed 10 square feet.
- (7) Uses, activities and alterations that are consistent with a Wetland Protection Plan that has been approved by the Planning Board through the grant of a conditional use permit.
- (8) Construction of fences outside the vegetated buffer strip, provided that any posts are no wider than 3" in any dimension, and that there are no footings and no ground disturbance beyond the installation of the posts.

10.1016.20 Any use, activity or alteration not specifically permitted by Section 10.1016.10 above is prohibited unless authorized by the Planning Board through the grant of a conditional use permit.

- 10.1016.30 When the Planning Director reasonably believes that an existing or proposed use, activity or alteration that is not specifically permitted by Section 10.1016.10 is located in a wetland or wetland buffer, and a conditional use permit has not been granted for such use, activity or alteration, the Planning Director may require a wetland delineation complying with Section 10.1014 in order to verify the location or absence of wetlands and determine whether the use, activity or alteration requires a conditional use permit.

10.1017 Conditional Uses

10.1017.10 General

The Planning Board is authorized to grant a conditional use permit for any use not specifically permitted in Section 10.1016.10, subject to the procedures and findings set forth herein.

10.1017.20 Application Requirements

10.1017.21 The application shall be in a form prescribed by the Planning Board, and shall include the following information:

- (1) Location and area of lot and proposed activities and uses;
- (2) Location and area of all jurisdictional areas (vernal pool, inland wetland, tidal wetland, river or stream) on the lot and within 250 feet of the lot;
- (3) Location and area of wetland buffers on the lot;
- (4) Description of proposed construction, demolition, fill, excavation, or any other alteration of the wetland or wetland buffer;
- (5) Setbacks of proposed alterations from property lines, jurisdictional areas and wetland buffers;
- (6) Location and area of wetland impact, new impervious surface, previously disturbed upland;
- (7) Location and description of existing trees to be removed, other landscaping, grade changes, fill extensions, rip rap, culverts, utilities;
- (8) Dimensions and uses of existing and proposed buildings and structures.
- (9) Any other information necessary to describe the proposed construction or alteration.

10.1017.22 Where the proposed project will involve the temporary or permanent alteration of more than 250 sq. ft. of wetland and/or wetland buffer, the

application shall provide information about the affected wetland and wetland buffer as follows:

- (1) Up to 1,000 sq. ft. of alteration to the wetland: a wetland characterization that describes the type of wetland (e.g., emergent, scrub-shrub, forested), the percent of invasive species, and whether the wetland is seasonally flooded.
- (2) More than 1,000 sq. ft. of alteration to the wetland: a functions and values assessment equivalent to the model set forth in Appendix A of The Highway Methodology Workbook Supplement – Wetland Functions and Values: A Descriptive Approach, NAEPP-360-1-30a, US Army Corps of Engineers, New England Division, September 1999, as amended.
- (3) More than 250 sq. ft. of alteration to the wetland buffer (regardless of the amount of alteration to the wetland): a description of the 100-foot buffer including vegetation type, the percent of the buffer with invasive species, and the percent of the buffer that is paved or developed.

10.1017.2~~23~~3 The application shall describe the impact of the proposed project with specific reference to the criteria for approval set forth in Section 10.1017.50 (or Section 10.1017.60 in the case of utility installation in a right-of-way), and shall demonstrate that the proposed site alteration is the alternative with the least adverse impact to areas and environments under the jurisdiction of this Ordinance.

10.1017.24 Where feasible, the application shall include removal of impervious surfaces at least equal in area to the area of impervious surface impact. The intent of this provision is that the project will not result in a net loss of pervious surface within a jurisdictional wetland buffer. If it is not feasible to remove impervious surfaces from the wetland buffer at least equal in area to the area of new impervious surface impact, the application shall include a wetland buffer enhancement plan that describes how the wetland functions and values will be enhanced to offset the proposed impact.

10.1017.25 A wetland buffer enhancement plan shall be designed to enhance the functions of the jurisdictional wetland and/or wetland buffer on the lot, and to offset the impact of the proposed project.

- (1) The wetland buffer enhancement plan shall include a combination of new plantings, invasive species removal, habitat creation areas, improved site hydrology, or protective easements provided offsite.
- (2) Where the vegetated buffer strip contains grass or non-native plantings, or is otherwise not intact, the first priority of the wetland buffer enhancement plan shall be to include revegetation of the vegetated buffer strip with native, low-maintenance shrubs and other woody vegetation.

10.1017.26 Where the proposed project involves a use, activity or alteration in a tidal wetland or tidal wetland buffer, the application shall include a living shoreline strategy to preserve the existing natural shoreline and/or encourage establishment of a living shoreline through restoration, as applicable. Said living shoreline strategy shall be implemented unless the Planning Board determines that it is not feasible.

10.1017.30 Application Review Procedure

- 10.1017.31 The application for a conditional use permit shall be submitted to the Planning Director.
- 10.1017.32 The Planning Director shall refer the application to the Conservation Commission for review and comment.
- 10.1017.33 The Planning Board or the Planning Director may require the findings of an independent New Hampshire certified wetland scientist or other additional special investigative studies, and may assess the owner reasonable fees to cover the costs of such studies and for the review of documents required by application.
- 10.1017.34 The Planning Board shall hold a public hearing on the application within 90 days of the initial submittal to the Planning Board, and shall issue a letter of decision within 10 days of the public hearing. The time requirements stated herein may be waived by the applicant.
- 10.1017.35 Public notice for public hearings shall be made in accordance with State law.
- 10.1017.36 The application process pursuant to this section may proceed prior to and/or run concurrent with the State and Federal permit processes, but the conditional use permit shall not become effective until the State and Federal permits are received.

10.1017.40 Conditional Use Approval

- 10.1017.41 The Planning Board shall grant a conditional use permit provided that it finds that all other restrictions of this Ordinance are met and that proposed development meets all the criteria set forth in section 10.1017.50 or 10.1017.60, as applicable.
- 10.1017.42 The Planning Board shall evaluate an application for a conditional use permit in accordance with *The Highway Methodology Workbook Supplement – Wetland Functions and Values: A Descriptive Approach*, NAEPP-360-1-30a, US Army Corps of Engineers, New England Division, September 1999, as amended.
- 10.1017.43 The burden of proof that the criteria required for approval of the conditional use permit exist or are met shall be the responsibility of the applicant.

10.1017.44 Economic considerations alone are not sufficient reason for granting a conditional use permit.

10.1017.45 Where new impervious surface is proposed in a wetland or wetland buffer, the submission of a plan to compensate for such new impervious surface does not guarantee that a conditional use permit will be granted.

10.1017.50 Criteria for Approval

Any proposed development, other than installation of utilities within a right-of-way, shall comply with all of the following criteria:

- (1) The land is reasonably suited to the use, activity or alteration.
- (2) There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.
- (3) There will be no adverse impact on the wetland functional values of the site or surrounding properties;
- (4) Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals; and
- (5) The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this Section.
- (6) Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.

10.1017.60 Public and Private Utilities within Rights-of-Way in Wetlands and Wetland Buffers

The installation of utilities (including power lines and pipelines) within a right-of-way in an inland wetland or wetland buffer shall comply with all of the following criteria instead of the criteria set forth in section 10.1017.50:

- (1) The proposed construction is in the public interest;
- (2) Design, construction, and maintenance methods will utilize best management practices to minimize any detrimental impact of such use upon the wetland and will include restoration of the site as nearly as possible to its original grade, condition and vegetated state;
- (3) No alternative feasible route exists which does not cross or alter a wetland or have a less detrimental impact on a wetland; and
- (4) Alterations of natural vegetation or managed woodland will occur only to the extent necessary to achieve construction goals.

10.1017.70 Expiration and Extension

10.1017.71 A conditional use permit shall expire one year after the date of approval by the Planning Board unless a building permit is issued prior to that date.

10.1017.72 The Planning Board may grant a one-year extension of a conditional use permit if the applicant submits a written request to the Planning Board prior to the expiration date. Any other extension may be granted only after a new public hearing on the reconsideration of the application.

10.1017.80 Wetland Protection Plan

10.1017.81 General

10.1017.811 The owner of a parcel that contains more than 5 acres and more than 5 residential structures may apply for a conditional use permit for pre-approval of multiple individual projects over a multi-year time frame by submitting a Wetland Protection Plan conforming to the requirements of this section.

10.1017.82 Submission Requirements and Procedures

10.1017.821 Plan Contents: A Wetland Protection Plan shall include the following information:

- (1) Wetland delineation, wetland buffers (100 feet), limited cut areas (50 feet) and vegetated buffer strips (25 feet).
- (2) Existing buildings, structures, streets, driveways and other site improvements.
- (3) Calculations of existing impervious surface areas (total and within the wetland buffer). For a manufactured housing park these calculations shall be provided for each dwelling site and for the park as a whole.
- (4) Proposed protective measures (e.g., rain gardens, tree plantings, shrub plantings).
- (5) Calculations of areas of protective measures and proposed or potential future impervious surfaces.

10.1017.822 Initial Submission, Review and Approval Procedures: The initial Wetland Protection Plan shall be submitted to the Planning Department and shall be processed following the procedures for an application for a conditional use permit under Section 10.1017.30 and 10.1017.40.

10.1017.823 Effect of Plan Approval: The grant of a conditional use permit for a Wetland Protection Plan represents an overall pre-approval of impacts within the wetland buffer as

described on the Plan, subject to the submission of individual site plans in connection with application for a building permit that represents a change or increase in impervious surface within the wetland buffer.

10.1017.824 Permit Site Plans:

- (1) Following the approval of a Wetland Protection Plan, each application for a building permit that proposes a relocation of or increase in impervious surface within the wetland buffer shall be accompanied by a permit site plan showing the specific impervious surface changes and the specific protective measures proposed as compensation. Said protective measures shall be completed prior to or concurrently with the proposed impervious surface impact for which they provide compensation.
- (2) The Planning Director may approve a permit site plan that is consistent with an approved Wetland Protection Plan.
- (3) If the Planning Director determines that a permit site plan proposes a significant change from the approved Wetland Protection Plan, the owner shall submit an application to the Conservation Commission and Planning Board for an amendment to the conditional use permit.

10.1017.825 Plan Updates: After every 10 building permits have been issued under an approved Wetland Protection Plan, whether authorized administratively or by conditional use permit, the owner shall submit an updated Wetland Protection Plan showing the new existing site conditions and including updated calculations. The updated Plan shall also serve as an application for administrative site plan approval for all site changes that have been made since the previously approved Plan or Plan amendment.

10.1017.83 Wetland Protection Plan Standards

10.1017.831 No net increase in impervious surface within the wetland buffer: Buildings, structures or other impervious surfaces may be constructed, expanded or relocated within the wetland buffer provided that (1) no new impervious surface shall be within 25 feet of the wetland boundary, and (2) any new area converted to impervious surface shall be compensated for at a 1:1 ratio by the conversion of existing impervious surface within the wetland buffer to vegetated open space (lawn or planted areas). Such

compensatory open space does not need to be shown on the approved Wetland Protection Plan, but shall be shown on the permit site plan submitted with the building permit application.

- 10.1017.832 Net increase in impervious surface within the wetland buffer with compensation: Buildings, structures or other impervious surfaces may be constructed, expanded or relocated within the wetland buffer provided that (1) no new impervious surface shall be within 25 feet of the wetland boundary, and (2) the net increase in impervious surface shall be compensated for by protective measures that are shown on the approved Wetland Protection Plan at the following ratios:

Protective Measure	Ratio of protective measure area to net impervious surface area	
	25' -50' from wetland	50' -100' from wetland
Rain garden	3.0:1	2.0:1
Tree plantings	3.0:1	2.0:1
Shrub plantings	3.0:1	2.0:1

- 10.1017.833 Any increase in permanent impervious surface permitted through the provision of compensating protective measures shall also permit a temporary impact within the wetland buffer equal to two times the area of the permanent impact.

10.1018 Performance Standards

10.1018.10 Stormwater Management

All construction activities and uses of buildings, structures, and land within wetlands and wetland buffers shall be carried out so as to minimize the volume and rate of stormwater runoff, the amount of erosion, and the export of sediment from the site. All such activities shall be conducted in accordance with Best Management Practices for stormwater management including but not limited to:

1. *New Hampshire Stormwater Manual*, NHDES, current version.
2. *Best Management Practices to Control Non-point Source Pollution: A Guide for Citizens and City Officials*, NHDES, January 2004.

10.1018.20 Vegetation Management

- 10.1018.21 The required wetland buffer includes two smaller areas where additional standards and criteria apply: a vegetated buffer strip and a limited cut

area. The width of these areas shall be based on the type of jurisdictional area, as follows:

Jurisdictional Area	Vegetated Buffer Strip	Limited Cut Area
Vernal pool	0' - 50'	50' - 75'
Inland wetland, other than vernal pool	0' - 25'	25' - 50'
Non-tidal perennial stream or river	0' - 25'	25' - 75'
Inter-tidal area or tidal wetland as specified in section 10.1013.40	0' - 25'	25' - 50'

10.1018.22 If the vegetated buffer strip specified in Section 10.1018.21 contains an area that has a slope of 10% or more for at least 10 feet in a direction perpendicular to the edge of the jurisdictional area, the required width of the vegetated buffer strip shall be increased to 55 feet from the edge of a vernal pool and to 40 feet from the edge of any other wetland.

10.1018.23 Removal or cutting of vegetation:

- (1) Chemical control of vegetation is prohibited in all areas of a wetland or wetland buffer.
- (2) The removal or cutting of vegetation is prohibited in a wetland or vegetated buffer strip, except that non-chemical control of plants designated by the State of New Hampshire as “New Hampshire Prohibited Invasive Species” is permitted.
- (3) The removal of more than 50% of trees greater than 6" diameter at breast height (dbh) is prohibited in the limited cut area.

10.1018.24 Fertilizers:

- (1) The use of any fertilizer is prohibited in a wetland, vegetated buffer strip or limited cut area.
- (2) The use of fertilizers other than low phosphate and slow release nitrogen fertilizers is prohibited in any part of a wetland buffer.

10.1018.25 Pesticides and herbicides:

The use of pesticides or herbicides is prohibited in a wetland or wetland buffer, except that application of pesticides by a public agency for public health purposes is permitted.

Section 10.1018.30 Porous Pavement in Wetland Buffer

10.1018.31 All new pavement installed in a wetland buffer shall be porous pavement. The Planning Board may allow exceptions to this requirement where it can be demonstrated that the height of ground water, condition of soil, or other factors as described in the application are not appropriate for porous pavement.

10.1018.32 An application that proposes porous pavement in a wetland buffer shall include a pavement maintenance plan addressing erosion control, periodic removal of sediment and debris from the porous surfaces, snow management, and repairs.

10.1018.40 Wetland Boundary Markers

Permanent wetland boundary markers shall be shown on the plan submitted with an application for a conditional use permit and shall be installed during project construction.

Light trespass

The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Lighting fixture

The assembly that houses the lamp or lamps.

Outdoor lighting

The illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Temporary lighting

Lighting which will not be used for more than one thirty (30) day period with at least 180 days passing before being used again. Temporary lighting is intended for uses which by their nature are of limited duration including, but not limited to, holiday decoration, civic events, or construction projects.

Light truck

A truck of 10,000 pounds gross vehicle weight rating or less, including a pickup, van, truck-based station wagon or sport utility vehicle.

Live/work unit

A dwelling unit which includes a nonresidential use that is otherwise allowed in the zoning district in which the unit is located and that is operated by the resident of the dwelling unit, and which complies with the following standards:

- (a) The live/work unit shall not exceed 3,000 sq. ft. gross floor area.
- (b) The nonresidential area shall be between 25 percent and 50 percent of the gross floor area of the unit.
- (c) The nonresidential area shall be limited to the first or main floor only of the live/work unit.
- (d) No workers shall be employed or occupied in the nonresidential use other than residents of the live/work unit.
- (e) The live/work unit shall not include any high hazard use, and shall not include any storage use exceeding 10 percent of the space dedicated to nonresidential activities.

Living shoreline

Any shoreline management system using native vegetation, alone or in combination with offshore sills, to stabilize the shoreline without interrupting the natural water/land continuum to the detriment of natural shoreline ecosystems.

Lot

A single parcel of land in the same ownership throughout as shown or defined on a recorded instrument or defined by metes and bounds and having its principal frontage on a street or on such other means of access as may be determined in accordance with the provisions of law to be adequate as a condition of the issuance of a building permit for building on such land.

November 6, 2019

Mayor Jack Blalock
City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Dear Mayor Blalock:

I have enjoyed the opportunity to serve the City of Portsmouth as a member of the Parking Traffic Safety Committee for the past two years. For personal reasons I am submitting my resignation effective November 7, 2019. It is my hope that the City Council, before the end of the year, will appoint the current serving alternate, if he chooses to apply for the open position.

Respectfully,

A handwritten signature in cursive script that reads "Ralph A. DiBernardo, Sr." The signature is written in black ink and is positioned above the printed name.

Ralph A. DiBernardo, Sr.

Cc: Doug Roberts, Committee Chair



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information.
Please submit resume' along with this application.



Committee: Zoning Board of Adjustment

Name: John Formella Telephone: 850-375-1707

Could you be contacted at work? YES/NO If so, telephone# 603-271-8791

Street address: 939 Maplewood Ave Unit 1

Mailing address (if different): Same

Email address (for clerk's office communication): jformella@gmail.com

How long have you been a resident of Portsmouth? 7 years

Occupational background:

I currently serve as Legal Counsel for
Governor Chris Sununu. Prior to that I
worked as a corporate and environmental
at Pierce Atwood LLP in Portsmouth.

Please list experience you have in respect to this Board/Commission:

I have served as a regular member
of the ZBA since July of 2018
and as an alternate member from
July of 2016 to July of 2018.



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to serve: I have enjoyed my time on the board and I have an interest in land use law.

Please list any organizations, groups, or other committees you are involved in:

Board Member, McGreggack Memorial EMS
Chair, Portsmouth Republicans

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) Patrick Collins, 820 Middle Rd, Portsmouth, 802-558-2282
Name, address, telephone number

2) Jeff Kissel, 30 Elm Court, Portsmouth, 603-770-2763
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: [Signature] Date: 10/24/19

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

Please submit application to the City Clerks Office, 1 Jenkins Avenue, Portsmouth, NH 03801

6/27/2012

Date of Original Appt: 7/11/16

New term expiration date: 12-01-2025

Annual Number of meetings: 16 (2018) Number of Meetings absent: 6



CITY OF PORTSMOUTH, N.H.
BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information
Please submit resume along with this application



Committee: Board of Adjustment

Name: Arthur Parrott Telephone: (603) 436-9256

Could you be contacted at work? YES/NO If so, telephone# _____

Street address: 190 Grant Avenue

Mailing address (if different): _____

Email address (for clerk's office communication): akparrott@comcast.net

How long have you been a resident of Portsmouth? Since 1971 (continuously)

Occupational background:

Nuclear Engineer for U.S. Navy @ PNS (retired)
Owner/manager of Austin Realty (closed)

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to continue serving: I believe a mixture of new and experienced board members is a positive for land-use boards. Many types of projects tend to recur, sometimes at long intervals. Experienced members can



reflect on the results of past board actions on such projects to the benefit of all parties concerned.

Please list any organizations, groups, or other committees you are involved in:

- Seacoast Shipyard Association (member of
the Executive Committee)
- Portsmouth Maritime Commission

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

- 1) Mary Walters, 200 Grant Ave., (603) 436-5550
Name, address, telephone number
- 2) Sandra Parr, 14 Coolidge Dr., (603) 436-2870
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: Arthur Parrott Date: Oct. 30, 2019

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 12-01-2024
Annual Number of Meetings: 16 (2018) Number of Meetings Absent: 1
Date of Original Appointment: 03-29-2009

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information
Please submit resume' along with this application

Committee: Trustee of The Trust Funds **Renewing applicant**

Name: Dana S. Levenson Telephone: 603/498-9261

Could you be contacted at work? YES/NO - If so, telephone # _____

Street address: 6 Carrier Cove, Portsmouth, NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): dslvenson@aol.com

How long have you been a resident of Portsmouth? 60 years

Occupational background:

Owner/Operator Artisan Apparel Group - a 30 multi-
store specialty apparel retail operation
Director; TD Bank
Tennis Coach; Portsmouth High School

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to continue serving: I have enjoyed my
work on The Trustee of the Trusts. I particularly
find the oversight of the investment funds to be
compatible with my background and experience.
We are in the midst of optimizing how our scholarship



Funds are kept in trust so we can optimize
our annual giving. I would like to continue
to work with my co-trustees to see this
come to fruition.

Please list any organizations, groups, or other committees you are involved in:

Portsmouth Economic Development Commission

Temple Israel

Please list two character references not related to you or city staff members:

(Portsmouth references preferred)

1) Tim Allison, State St, Portsmouth, 603-562-4450, 603-285-2770
Name, address, telephone number

2) Mary Giffon, 7 Currier Cove, Portsmouth, 603-498-7729
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: *Dan J. Green* Date: 9/12/19

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 01/01/2023

Annual Number of Meetings: 12 (2018) Number of Meetings Absent: 1

Date of Original Appointment: 9/6/2011

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information.
Please submit resume' along with this application.

Committee: Parking and Traffic Safety Initial applicant

Name: Jonathan Sandberg Telephone: 603 828 9583

Could you be contacted at work? YES NO If so, telephone # Same as above

Street address: 160 Bartlett Street Portsmouth NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): jfsandberg@yahoo.com

How long have you been a resident of Portsmouth? Since 2000

Occupational background:

Paraprofessional at Portsmouth High School since 2006
Teacher at PEAK afterschool program at New Franklin School 2004-2010
Docent at Jackson and Longdon Houses in Portsmouth 2004-2011

Please list experience you have in respect to this Board/Commission:

I have ~~been~~ served on the board of PS 21 for the
past two years and have studied best practices for
transportation planning by reading books and listening to
lectures by world renowned experts.

OVER
➔

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to serve: I have been extremely engaged in civic activity in Portsmouth. I attend many meetings, write letter to the editor of the Herald. I also listen carefully to the opinions of others. I very much want to improve the state of transportation in Portsmouth.

Please list any organizations, groups, or other committees you are involved in:

PS21 (Portsmouth Smart Growth) Board member since 2017
Community Development Block Grant Citizens Advisory Committee Vice Chairman
Portsmouth Historical Society Buildings & Grounds Chairman 2008-2014
Portsmouth Listens (Many sessions, many years)

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) Doug Roberts 247 Richards Ave (603) 431-1925
Name, address, telephone number

2) Nancy Pearson 104 Lincoln Ave (603) 512-3953
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: [Signature] Date: 5/29/19

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

*Instructions: Please print or type and complete all information.
Please submit resume' along with this application.*



Committee: Parking and Traffic Safety

Name: Erica Wygonik, PhD, PE Telephone: 802.683.9653

Could you be contacted at work? YES NO If so, telephone # 802.359.5585

Street address: 319 Lincoln Avenue, Portsmouth, NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): ewygonik@gmail.com

How long have you been a resident of Portsmouth? almost 2 years

Occupational background:

I am a licensed civil engineer in the field of transportation. I have been in this field
since 2000. I also have my PhD in transportation engineering.

Please list experience you have in respect to this Board/Commission:

I have worked as a civil engineer for 15 years. I have completed dozens of traffic impact
studies, have been involved in bicycle & pedestrian planning, and have served as an
on-call consultant to NHDOT in the area of traffic safety. I have served on the
Development Review Board in Norwich, VT; the Bicycle & Pedestrian Committee in
Hanover, NH; and two freight transportation committees for the National Academy of
Sciences' Transportation Research Board.



Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO I have spoken with Eric Eby about the time commitment.

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to serve: _____

I believe public service is important and would like to contribute to my new community.

Given my background, this committee aligns with my professional expertise.

Please list any organizations, groups, or other committees you are involved in:

I serve on the Urban Freight Transportation and Freight Transportation Planning &

Logistics committees for the National Academy of Sciences' Transportation Research

Board. I serve as the Research Coordinator for the Urban Freight committee.

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

1) Pam Boley; 88 New Castle Ave, Portsmouth, NH; 603.431.8471

Name, address, telephone number

2) Reagan Ruedig; 70 Highland Street, Portsmouth, NH; 646.342.9275

Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: _____

Date: 6/1/2019

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

Please submit application to the City Clerks Office, 1 Junkins Avenue, Portsmouth, NH 03801

6/27/2012



ERICA WYGONIK, PhD, PE

Director

Erica Wygonik, PhD, PE, excels at identifying optimal strategies across all transportation modes to reduce local and system-wide impacts. Erica's technical focus is on leveraging a wide range of modeling and mapping tools to evaluate the implications of transportation and land-use changes, integrating innovative public outreach into her work to ensure a vibrant stakeholder voice. She also uses her background and data savvy to develop simple, yet robust prioritization methods for public agencies. Erica is active in the community, serving nationally on the Urban Freight Transportation and Freight Transportation Planning & Logistics committees for TRB. She is a former member of the Hanover Bicycle-Pedestrian committee, former member of the Norwich, Vermont Development Review Board, and former Board Chair for the Upper Valley Transportation Management Association.

EXPERIENCE

15 years

EDUCATION

PhD, Civil & Environmental Engineering, University of Washington (2014)

MSE, Civil & Environmental Engineering, University of Washington (2010)

BE, Engineering, Dartmouth College (2007)

BA, Cognitive Science, Dartmouth College (2000)

LICENSES, MEMBERSHIPS, & CERTIFICATIONS

Professional Engineer, NH #12551

Certificate in Global Trade, Transportation, and Logistics (2010)

Member, Freight Transportation Planning and Logistics Committee (AT015) of the Transportation Research Board (2013+)

Member, Research Coordinator, Urban Freight Committee (AT025) of the Transportation Research Board (2015+)

PROJECT EXPERIENCE

Planning

New Hampshire Pedestrian and Bicycle Facilities Plan and Economic Analysis.

Erica is leading the RSG effort as part of a larger team to develop a pedestrian and bicycle facilities plan for the state of New Hampshire. RSG is providing support throughout the project, including conducting a gap analysis, leading the social media effort, and conducting a review of departmental policies. The final plan will prioritize projects by region throughout the state, including paired maps highlighting the prioritized projects (2018-2019)

New Hampshire Department of Transportation Work Zone Speed Management Strategy Evaluation. Erica is leading RSG efforts to gather and analyze data throughout 12 different construction scenarios to identify any geometric or operational strategies supporting slower speeds or better adherence to posted speeds in work zones. The project leverages sensors deployed to support user information for a multi-year reconstruction of I-93 in southern New Hampshire. The scenarios include different inside and outside shoulder widths, deployment of guardrails or concrete barriers, borrow-a-barrel conditions, various speed limits, and different speed management strategies. RSG is currently analyzing the second year of data, which suggests down posting the speed during construction hours using electronic signage yields significant and meaningful reductions in travel speeds during work hours and better adherence to posted speeds outside of and during work hours. This evaluation will stretch over four construction seasons. (2016-2019)

New Hampshire Department of Transportation Statewide Strategic Transit Assessment Plan. Erica is the RSG project lead for this project, supporting Steadman Hill's efforts. RSG will support a number of efforts including conducting mapping,



developing future ridership demand forecasts, supporting analysis, and leading the Steadman Hill team's efforts to develop a comprehensive Statewide Park & Ride Facility Plan. In a state with large sections of low-density rural development, traditional public transit service to all destinations is not financially feasible. Park & ride and intercept lots help to support sustainable transit service by providing a central location for single occupant vehicles to converge and take a bus or car/vanpool to a final destination. (2016+)

New Hampshire Department of Transportation 2016 Strategic Highway Safety Plan. Erica is leading RSG's efforts to support the NHDOT's Strategic Highway Safety Plan update. This project pairs RSG's data analytic capabilities with our top-notch design skills. RSG will be analyzing and mapping extensive safety data to produce clear measures of progress on NHDOT's ten emphasis areas. Completed in InDesign, the final deliverable will be a polished and user-friendly guide to the state of safety in New Hampshire for a broad audience (2016+)

Vermont State Highways On-Road Bicycle Facilities Plan. Erica has led the project team in developing a methodology for categorizing the Vermont state highways for on-road bicycling. Leveraging StravaMetro data, data from over 2,000 users of a crowd-sourced online map, and statewide parcel information, along with extensive statewide outreach, the team has categorized the entire state roadway system into high-, medium-, and low-use tiers using estimates of current and potential bicycle use. These use categories will help the state prioritize investments and maintenance activities. The first phase of this project has concluded, and the second phase – which will address gaps on high use roadways – is commencing. (2014+)

Dartmouth College Campus Planning. Erica has managed extensive reviews of site operations, parking needs, and pedestrian access to facilitate various campus planning efforts, preliminary project planning, and final project permitting for a wide variety of projects and planning efforts on Dartmouth College's campus. These efforts have included review of multiple parking locations and facilities, analysis of cut-through traffic diversion, mitigation of poorly functioning intersections, and development and design of appropriate pedestrian facilities. (2000-2008, 2014+)

New Hampshire Department of Transportation Bicycle & Pedestrian Advocacy Guide. Erica is leading this project, which is aimed at supporting citizen engagement in roadway design to ensure all projects account for local desire for bicycle and pedestrian facilities. The guide is visually engaging and user-accessible. It walks advocates through the planning and design process and suggests alternative designs to support particular active transportation needs. (2015-2016)

Vermont Statewide Park and Ride Facility Plan As project lead, Erica developed the Vermont state park-and-ride facility plan, covering multimodal access, demand estimation, location selection, and funding allocation for maintenance and operations the state park-and-ride facilities. Erica led this project under a tight deadline and delivered a comprehensive and dynamic tool to plan for geographic and financial needs for state park and ride facilities. (2014-2015)

Seattle Bike-Share Demand Estimation. Erica helped develop an updated tool for estimating bike-share demand for the city of Seattle in advance of their efforts to pursue a vendor. Along with the team, she developed an extension of Philadelphia's weighted-sum raster analysis method to include topography. Using this tool the team provided recommended geographic phases and demand-

estimation for bike share implementation in Seattle. The project team won a national AICP award for its efforts. Pronto! bikeshare is now up and running. (2010-2011)

Marsh-Billings-Rockefeller National Historical Park and Town & Village of Woodstock Public Transportation Service Planning Project Market Analysis. Erica led this project for RSG, supporting Steve Falbel at Transystems. RSG conducted an assessment of demand for a village circulator transit system in Woodstock, VT. The market analysis included collection and review of tax data, visitor use patterns, parking occupancy and residency data, traffic patterns, lodging data, and interviews with local business owners and patrons. The deliverables outlined geographic areas of high demand within the greater Woodstock area, as well as temporal demand patterns during the year, and foliage, summer, and winter seasons. The analysis highlighted ways fixed-route transit and shuttles could activate areas of town not currently accessible by pedestrians. (2007-2008)

Selected Traffic Operations Projects

Traffic Impact Studies for the Thayer School of Engineering at Dartmouth College's Expansion, Old Tuck Drive Opening, and Parking Garage. Erica managed multiple efforts to evaluate the traffic impacts of various changes to the Dartmouth College West Campus to support expansion of the Thayer School of Engineering. Multiple enabling projects were also considered, including the reopening of Old Tuck Drive. As such the project considered the direct impacts of the expansion as well as the network impacts from the new roadway connection and redistributed parking. Erica testified on behalf of the efforts, and successfully articulated the complex nature of the changes to the reviewing boards. (2018)

Utah Department of Transportation Traffic Operations On-Call Support Services. Erica provides technical supervision for this high-paced retainer project. Working under tight deadlines, RSG has been hired by UDOT to assess safety and operations for specific requests made by their regions. The projects include signal and turn lane warrant analysis, pedestrian crossing and HAWK evaluations, advanced signal warning warrant evaluation, and striping design. This project requires strict adherence to deadlines and accurate analysis that stands up to mandated peer-review. (2015+)

Carter Country Club's Houses on the Hill Traffic Impact Study. Erica managed this project, which involved a 300-unit single-family home subdivision proximate to a residential community in Lebanon, New Hampshire. The project study area included interstate highway ramps in its 7 study intersections. The project assessed traffic operations and safety amidst a complex set of other potential developments and their mitigation measures as well as reviewed pedestrian accommodations and municipal improvements projects. (2015)

Hickory Ridge Housing Traffic Impact Study. Erica managed this traffic study for a mixed-type residential community on Sykes Avenue in White River Junction, Vermont. The project involves two phases and is being evaluated on the backdrop of extensive roadway reconstruction in the study area including installation of two roundabouts. (2015)

Riverbank Church Traffic Impact Study. Erica managed this traffic study for a large church proposing to construct a new building at the interface between a commercial and residential district. The project required review of the entire pattern of church operations to determine potential impacts during the weekdays and weekends. The study focused on the Sunday midday time period and involved extensive



data collection to support the analysis. The project has received its local permits and is occupied. (2015)

The Thayer School of Engineering at Dartmouth College's Expansion Basis of Design. Erica managed an extensive review of site operations, parking capacity, and pedestrian access to facilitate preliminary planning for an expansion of the engineering school at Dartmouth College. This analysis included review of multiple parking locations and facilities, analysis of cut-through traffic diversion, and mitigation of poorly functioning intersections. (2014)

FAHC Exit 16 Park and Ride Traffic Impact Analysis. Erica managed analysis of the traffic impacts of an off-site park-and-ride facility for hospital employees at an existing, underutilizing parking lot in Colchester, Vermont. This project allows the hospital to reduce local traffic impacts by capturing commuters along their natural travel flow and then consolidating them in shuttles. Further, it best leverages existing resources by re-activating a lot with excess capacity. (2014)

Eastview at Middlebury Retirement Community Traffic Impact Analysis. Analyzed the traffic impacts of a retirement community in a college town. Worked with the town and site civil engineer to develop effective traffic calming along primary access route. Presented findings and recommendations to local review board as well as state permitting board (Act 250).

Dartmouth College North of Maynard Residence Halls. Analyzed the traffic impacts of a residence hall development for Dartmouth College. Evaluated the vehicular and pedestrian impacts of the development. Developed a method for predicting the impact of pedestrians on vehicular travel speed. Presented findings to town Planning and Zoning Boards.

Dartmouth College South Block Redevelopment Project. Analyzed the traffic impacts of a mixed-use redevelopment of a gateway block in a college town. Evaluated the vehicular and pedestrian impacts of the development. Developed a method for predicting the impact of pedestrians on vehicular travel speed. Presented findings to town Planning and Zoning Boards.

Freight Transportation

Private Fortune 500 Company Environmental Impacts of Drone Delivery. Erica served as the technical and project lead to conduct an evaluation of the environmental impact of goods movement via various emerging modes. Transport modes for consideration included on-demand vehicular delivery service, household travel to stores, and delivery service by drones. The analysis considered the difference in CO₂e emissions among these modes for two different case study cities of differing density and connectivity. The emissions estimates were developed in a spatial model, relied on real-world vehicular routing, and used observed drone energy requirements. (2017-2018)

TRANS (Canada) Commercial Vehicle Model. Erica is the project manager for the RSG team to develop a commercial vehicle model for the National Capital Region in Canada, encompassing Ottawa, Ontario and Gatineau, Quebec. The model will leverage three different commercial vehicle surveys and multiple passive GPS data sets. The data collection in support of this effort is focusing on capturing internal movements and those completed by medium-sized trucks to ensure a full picture of commercial vehicle movements is developed. (2017+)

Behavioral-Based National Freight Demand Model, Federal Highway Administration, Exploratory Advanced Research Program. RSG is leading a team of consultants and academics to develop a framework and demonstration model for freight activity throughout the United States, including imports and exports. The model framework includes business activity, freight shipments, and freight vehicle movements at a disaggregate level, designed to allow endogenous policy sensitivities. Erica is providing project management and model development expertise to the project, coordinating the efforts of the various team members. The framework design is complete and model estimation is underway. (2015+)

NVDA NEK Agricultural Transportation Feasibility Study. Erica led RSG's efforts to provide technical mapping and business model development to assess the feasibility of a shared-use delivery vehicle service to support growth and distribution of local food, produced in the Northeast Kingdom of Vermont. In addition to estimating costs for transportation and estimated total route times (including travel plus service times), Erica led an effort to map potential users, identify route clusters geospatially, and assign vehicles using routing optimization tools. Three different business models were evaluated, leveraging short- and long-haul routes to move refrigerated and frozen goods. (2016)

Modifications and Enhancements to FHWA's EERPAT Model. Erica is providing technical leadership for the RSG-led team effort to update Federal Highway Administration's Energy and Emissions Reduction Policy Analysis Tool (EERPAT). This tool has been developed to conduct planning-level evaluation of greenhouse gas generation associated with transportation. The freight transportation components in earlier versions of EERPAT have tied freight travel to household income. As part of these enhancements, freight transportation will be associated with firms, which will enable more detailed generation of freight movement and greater sensitivity to relevant policies. (2015-2016)

New York State Freight Transportation Plan. Erica is providing technical guidance and analysis for the RSG-led team developing New York State Department of Transportation's Freight Transportation Plan. This effort involves extensive data analysis and rectifying discrepancies among different data sources, as well as managing a large team working on the analysis. The plan will evaluate infrastructure, current and future flows, as well as bottlenecks across air, truck, rail, pipeline, and water-borne movements. An important component of this project is translating the detailed data tables into user-friendly maps and graphics. (2015-2016)

New York Capital District Transportation Committee Regional Freight and Goods Movement Study. As the technical lead on this project, Erica is responsible for gathering data across multiple modes and thoughtfully integrating them to tell the story of freight travel in the CDTC region. Her efforts include identifying nodes of freight activity, critical paths for freight flow, and bottlenecks to its travel. The results of this study will include suggestions for immediate solutions to acute problems as well as a comprehensive plan to address freight capacity demands in the future. (2014–2015)

Portland Metro Solid Waste Modeling. To help Metro plan for future solid waste needs, Erica and the RSG team modeled the flows of solid waste throughout the region and provided guidance for the development of a user-friendly interface. Erica led efforts to add an emissions component into the modeling architecture. Formerly in Fortran, the model now is structured in R and incorporates a nested logic structure for facility choice as well as vehicle emissions modeling capabilities. (2014+)



Ohio Route 30 Corridor Study. Erica provided expertise in economic impacts of mining activity to inform travel modeling efforts. Using IMPLAN, she estimated the change in employment and economic activity associated with new growth in mining in Stark, Columbiana, and Carroll counties based on reference counties in Pennsylvania. This information is used to project associated increased truck traffic using the regional modeling tools. (2014)

Pacific Northwest Transportation Consortium (PacTrans), Changing Retail Business Models and the Impact on CO2 Emissions from Transport: E-commerce Deliveries in Urban and Rural Areas. As Co-PI, Erica leveraged GIS tools to understand greenhouse gas and criteria pollutant emissions for e-commerce delivery systems. The analysis included multiple steps in the supply chain and considered differing land use densities. The results indicated a small set of variables contribute to relative emissions contributions, including warehouse location and roadway density. This work is critical to understand how freight externalities differ across the urban-rural spectrum. (2013–2014)

Oregon Department of Transportation, Capturing Multimodal Comparisons in Freight Prioritization. This project evaluated existing multimodal evaluation tools to identify best practices in multimodal freight project prioritization. (2012–2013)

National Cooperative Freight Research Program, 32: Impact of Smart Growth on Metropolitan Goods Movement. Erica reviewed the literature in smart and managed growth as well as regional modeling to identify appropriate ways to address the impact of smart growth on urban goods movement in regional modeling. She reviewed test model runs completed to evaluate the sensitivity of state-of-the-practice tools. This work identified significant but addressable gaps in estimating the impacts of freight transportation in smart growth environments using regional modeling tools. (2010–2012)

Oregon Department of Transportation, Emissions Reduction in Urban Pickup and Delivery Systems. Erica evaluated the financial and emissions trade-offs for different logistics practices within grocery delivery. (2009–2010)

Federal Highway Administration, Developing a Framework for Collecting and Sharing Data and Information. This project addressed existing disconnects in the available data at US-Canada and US-Mexico land ports. Erica gathered an extensive list of existing border-related data, examined existing methods for sharing that data, and developed a demonstration web-based database tool to better facilitate data sharing. (2009)

Microsimulation Modeling

Portsmouth, New Hampshire Micro-simulation Model, Portsmouth, New Hampshire. Erica is leading efforts to construct a detailed transportation micro-simulation model of the Portsmouth downtown to test possible land-use changes and road network improvements for planning purposes. The model relies on extensive traffic data, roadway geometric data, and land use information and is currently in calibration. (2017–Ongoing)

UNH and Durham, New Hampshire Micro-simulation Model, Durham, New Hampshire. Erica provided technical leadership for the initial construction of a detailed transportation micro-simulation model of the UNH campus and town of Durham to test possible land-use changes and road network improvements for planning purposes. The model inputs included geometries of over 200 intersections,

turning movement counts at 64 intersections, and land-use data for 67 separate analysis zones. Erica is leading recent efforts to update the AM model and build a PM model to 2017 conditions. (2007–Ongoing)

F.E. Everett Turnpike Model. Erica is managing the development of a microsimulation model along the F. E. Everett Turnpike on the Bedford-Merrimack-Nashua corridor in New Hampshire to evaluate potential lane additions. The effort includes extensive data collection including traffic data and Bluetooth origin-destination data, along with high-level capacity analysis of ramps junctions. The model will be used to understand freeway densities and weaving, project future turning movements at critical intersections, and communicate the project to the public. (2016-)

Bow-Concord Model. Erica is managing the development of a joint regional and microsimulation model for the greater Concord, New Hampshire area to evaluate changes to I-93. The region model is being developed in TransCAD for the Central New Hampshire Regional Planning Commission (CNHRPC), and an integrated microsimulation model for the corridor is being built with TransModeler. The project seeks to increase capacity along I-93 in Concord and is leveraging microsimulation to inform the specific designs required to meet traffic demand in light of potential re-routing due to the new capacity. (2014-2015)

Meredith, New Hampshire Area Model. Erica developed and ran a Paramics microsimulation model of a 30 mi² area used to inform the community about the impacts from roadway designs and land use changes in an downtown environment dominated by pedestrian traffic but also handling high through traffic. She also provided expert advice to the steering committee on the capabilities and limitations of models and development of appropriate scenarios. (2008)

Hanover, New Hampshire Area Model Update. As the principal investigator, Erica developed a land-use based simulation model for the town of Hanover, N.H. which served as the core tool linking planning and development efforts. This multi-year, multi-faceted project evaluated the isolated and combined impacts of private development, public school construction and infrastructure improvements on the core town of a thriving rural labor market. (2007)

PUBLICATIONS

- A. Goodchild, E. Wygonik, and N. Mayes. (2018) "An analytical model for vehicle miles traveled and carbon emissions for goods delivery scenarios." *European Transport Research Review*. 10:8. <https://doi.org/10.1007/s12544-017-0280-6>
- Wygonik, E. and A. Goodchild. (2017) "Evaluating the Impacts of Density on Urban Goods Movement Externalities." *Journal of Urbanism: International Research on Placemaking and Urban Sustainability*. DOI: 10.1080/17549175.2017.1310745
- Wygonik, E. and A. Goodchild. (2016) "Urban Form and Last-Mile Goods Movement: Factors affecting vehicle miles travelled and emissions". *Transportation Research Part D: Transport and Environment*. DOI: 10.1016/j.trd.2016.09.015
- Goodchild, A., E. Wygonik, and B. Keough. (2016) "Deliver it all." *Supply Chain Management Review*. March/April 2016, 20-26.
- Grover, D., E. Wygonik, S. Bucossi, A. Bell, S. Piper, and K. Brewer-Colie (2016). "Estimating Current and Potential Bicycle Usage for Statewide Planning." *Transportation Research Record: Journal of the Transportation Research Board*. DOI: 10.3141/2587-13



- Wygonik, E., A. Bassok, A. Goodchild, E. McCormack, and D. Carlson. (2016). "Forecasting Tools for Analyzing Urban Land Use Patterns and Truck Movements: A case study and discussion." *Transportation Research Record: Journal of the Transportation Research Board*. DOI: 10.3141/2547-11
- Wygonik, E., D. Holder, B.S. McMullen, and A. Goodchild. (2014) "The Current State of Estimation of Multimodal Freight Project Impacts". *Transportation Research Record: Journal of the Transportation Research Board*, No. 2410:141-149. DOI: 10.3141/2410-16
- Wygonik, E. and A. Goodchild. (2014) Comparison of Vehicle Miles Travelled and Pollution from Three Goods Movement Strategies. *Sustainable Logistics (Volume 6 in the Transport and Sustainability series)*.
- Wygonik, E., E. McCormack, and D. Rowe. 2014. Bike-Share Planning in Cities with Varied Terrain. *ITE Journal*. Vol 84.
- Wygonik, E., A. Bassok, A. Goodchild, E. McCormack, and D. Carlson. 2014. "Smart Growth and Goods Movement: Emerging Research Agendas". *Journal of Urbanism: International Research on Placemaking and Urban Sustainability*. DOI:10.1080/17549175.2013.875058
- Wygonik, E. and A. Goodchild. 2012. "Evaluating the Efficacy of Shared-use Vehicles for Reducing Greenhouse Gas Emissions: A Case Study of Grocery Delivery in Seattle". *Journal of the Transportation Research Forum*, Vol 51. No. 2 (2012), 111-126.
- Wygonik, Erica, and Anne Goodchild. 2011. "Evaluating CO 2 emissions, cost, and service quality trade-offs in an urban delivery system case study". *IATSS Research*. 35 (1): 7-15. DOI:10.1016/j.iatssr.2011.05.001.
- Goodchild, A., W. Zhao, and E. Wygonik. 2011. Decision Problems and Applications of Operations Research at Marine Container Terminals. In J. J. Cochran (Ed.) *Transportation and Warehousing*. *Wiley Encyclopedia of Operations Research and Management Science*.

PRESENTATIONS

- E. Wygonik. "How Do Transportation Impacts of Delivery Drones Compare to Other Delivery Modes?," Delivery by Drone: Benefits, Impacts, and Regulation (Session 1740) hosted by the Freight Systems Group (AT000) and the Subcommittee on Unmanned Aircraft Systems (AV060(1)) of the Transportation Research Board of the National Academy of Sciences. Annual Meeting. January 2019.
- Pandey, B. and E. Wygonik. "Work-in-Progress on Behavioral-Based Advancements in the National Freight Demand Model," SHRP 2 Workshop on Behavior-Based Freight Models, Part 1: Model Development (Part 2, Session 187) hosted by Standing Committee on Transportation Demand Forecasting (ADB40), Standing Committee on Transportation Network Modeling (ADB30), Standing Committee on Urban Freight Transportation (AT025) and Standing Committee on Freight Transportation Data (ABJ90) of the Transportation Research Board of the National Academy of Sciences. Annual Meeting. January 2018.
- Wygonik, E., W. Young, P. Kulbacki, and C. Radisch. "Hanover, New Hampshire Advisory Bike Lanes: Case Study," Neighborhood Greenways session hosted by Standing Committee on Bicycle Transportation (ANF20), Standing Committee on Pedestrians (ANF10), Standing Committee on Operational Effects of Geometrics (AHB65), and Standing Committee on Transportation Issues in Major Cities (ABE30) of the Transportation Research Board of the National Academy of Sciences. Annual Meeting. January 2017.

- Wygonik, E., C. Smith, J. Gliebe, and M. Outwater. "Including Commercial Vehicle Touring in Regional Models". Downtown Delivery Symposium II. Urban Freight Transportation Committee of the Transportation Research Board & Delaware Valley Regional Planning Commission.
- Wygonik, E. "Transportation Planning 101." Leadership Upper Valley. April 2016.
- Wygonik, E. "Engaging Users to Increase Public Involvement." Vermont Walk/Bike Summit. April 2016.
- Wygonik, E., A. Bassok, A. Goodchild, E. McCormack, and D. Carlson. "Forecasting Tools for Analyzing Urban Land Use Patterns and Truck Movements: A case study and discussion." Urban Freight Innovations session hosted by Urban Freight Transportation (AT025) of the Transportation Research Board of the National Academy of Sciences. Annual Meeting. January 2016.
- Grover, D., E. Wygonik, S. Bucossi, A. Bell, S. Piper, and K. Brewer-Colie. "Estimating Current and Potential Bicycle Usage for Statewide Planning." Bicycle Transportation (ANF20) of the Transportation Research Board of the National Academy of Sciences. Annual Meeting. January 2016.
- Grover, D., E. Wygonik, S. Bucossi, A. Bell. VT State Highway On-Road Bicycle Facilities Plan. Northeast Institute of Transportation Engineers Annual Meeting. May 2015.
- Wygonik, E. and A. Goodchild. Evaluating the impacts of density on urban goods movement externalities. Transportation Issues in Major U.S. Cities (ABE30) and Urban Freight Transportation (AT025) of the Transportation Research Board of the National Academy of Sciences. Annual Meeting. January 2015.
- Wygonik, E. and A. Goodchild. Strategically leveraging freight vehicles to reduce carbon: insights from grocery delivery. Freight Day, Part 3: Road Map to Significant Reduction of Freight-Related Energy Consumption and Emissions. Ferry Transportation Committee (AP085), Freight Systems Committee (AT000), International Trade and Transportation Committee (AT020), Agricultural Transportation Committee (AT030), and Marine Committee (AW000) of the Transportation Research Board of the National Academy of Sciences. Annual Meeting. January 2014.
- Wygonik, E., D. Holder, B.S. McMullen, and A. Goodchild. The Current State of Multimodal Freight Project Impacts Estimation. Intermodal Freight Transport Committee (AT045) of the Transportation Research Board of the National Academy of Sciences. Annual Meeting. January 2014.
- Wygonik, E., M. Carlson, J. Davies, and J. Medero. Blogging about bikes and bambinos: meeting the needs of family riding. Panel discussion. Bicycle Urbanism Symposium. June 2013
- Goodchild, A. and E. Wygonik. Opportunities for Freight Efficiency and Logistics to Meet Energy and Environmental Goals in the Freight Sector. Assessing the Future of Freight: Energy and Environmental Modeling in the Freight Sector. Transportation and Air Quality Committee (ADC20), Transportation Energy Committee (ADC70), and Marine Environment Committee (AW030) of the Transportation Research Board of the National Academy of Sciences. Annual Meeting. January 2013.
- Wygonik, E., F. Sandoval, and A. Goodchild. Using Metaheuristics for the VRP to Examine Emissions for Urban Fleets. 2012 UTC Spotlight Conference on Sustainable Energy and Transportation: Strategies, Research, Data. November 2012.
- Sandoval, F, E. Wygonik, and A. Goodchild. Metaheuristics for the VRP with Emissions, Time Windows, and Fleet Heterogeneity. Institute for Operations Research and the Management Sciences (Informs) 2012 Annual Meeting. October 2012.
- Wygonik, E., A. Goodchild, A. Bassok, E. McCormack, and D. Carlson. Moving Goods in Dense Urban Areas: Where do we stand? Innovation in Urban Freight Workshop. January 2012.



- Wygonik, E., A. Bassok, A. Goodchild, E. McCormack, and D. Carlson. *Sustainable Urban Goods Movement: Emerging Research Agendas*. Urban Freight Transportation Committee of the Transportation Research Board of the National Academy of Sciences (AT025). Annual Meeting. January 2012.
- Wygonik, E., A. Goodchild, E. McCormack, A. Bassok, and D. Carlson. *Summarizing the Literature on Smart Growth and Urban Goods Movement*, National Urban Freight Conference. October 2011.
- Wygonik, E. and A. Goodchild. Substituting freight for passenger travel: Evaluating CO₂ Emissions & Costs with a Case Study. National Urban Freight Conference. October 2011.
- Rowe, D., E. Wygonik, M. Xenakis, E. McCormack, and M. Hepp-Buchanan. *An evaluation of topography on bike-share demand projections*, World Symposium on Transport and Land Use Research. July 2011.
- E. Wygonik and A. Goodchild. Evaluating the efficacy of shared-use vehicles for reducing greenhouse gas emissions: A US case study of grocery delivery, Institute of Transportation Engineers. Western District Annual Meeting. July 2011.
- E. Wygonik and A. Goodchild. Using a GIS-based Emissions Minimization Vehicle Routing Problem with Time Windows (EVRPTW) Model to Evaluate CO₂ Emissions: A Case Study Comparing Changes Between Fleets, Transportation Research Forum. Annual Forum. March 2011.
- E. Wygonik and A. Goodchild. Using a GIS-based Emissions Minimization Vehicle Routing Problem with Time Windows (EVRPTW) Model to Evaluate CO₂ Emissions and Cost Trade-offs in a Case Study of an Urban Delivery System. Urban Freight Transportation Committee of the Transportation Research Board of the National Academy of Sciences (AT025). Annual Meeting. January 2011.
- E. Wygonik, and A. Goodchild. *Modeling a Novel Method for Reducing Transportation Greenhouse Gas Emissions*. Institute for Operations Research and the Management Sciences. Annual Meeting. November 2010.
- A. Goodchild, F. Sandoval, E. Wygonik, and K. Pitera. *Models for Emissions Reduction Evaluation in Urban Pickup and Delivery Systems: Three Case Studies*. Institute for Operations Research and the Management Sciences. Annual Meeting. November 2010.
- E. Wygonik, and A. Goodchild. *Moving Goods and People in Urban Centers: Reducing Transportation Impacts with Shared-use Services*. Transportation Research Board. Transportation Systems for Livable Communities Conference. October 2010.
- E. Wygonik, A. Goodchild, and J. Villa. *Evaluation of and Proposed Solution to the Need for Shared Transportation Data at the United States-Canada Border*. International Trade and Transportation Committee of the Transportation Research Board of the National Academy of Sciences (AT020). Annual Meeting. January 2010.
- E. Wygonik, A. Goodchild, and J. Villa. *U.S.-Canada Land Border Crossings: A Review of Data and Framework for Collaboration*, Transportation Research Forum. Annual Forum. March 2009.
- E. Wygonik and R. Chamberlin. *Simulation Performance Measures in System Design*, Signal Committee of the Transportation Research Board of the National Academy of Sciences (AHB25). Annual Meeting. January 2006.
- E. Wygonik. *Evaluating Potential Transportation Improvements Through Microsimulation*. Simulation Joint Subcommittee of the Transportation Research Board of the National Academy of Sciences (AHB45(1)). Midyear Conference Presentation. 20 September 2005.

TEACHING

- Guest Lecturer. CEE 327: Introduction to Transportation Engineering. Winter 2014. (University of Washington). Freight Transportation. Lecture to undergraduate students on freight transportation.
- Instructor. CEE 587: Transportation Logistics (Graduate Level). Spring 2013 (University of Washington). Develop course materials, prepare and deliver lectures, develop assignments, and assign grades.
- Guest Lecturer. CEE 563: Transportation Choices. Spring 2013. (University of Washington). Freight in the City: Trucks, Density, and Emissions. Online lecture to graduate students on urban goods movement.
- Guest Lecturer. URBDP 598/PB AF 544: Transportation and Land Use Policy. Fall 2012. (University of Washington). Freight and Land Use: How do they relate in dense urban areas? Lecture to graduate students on the relationship between urban goods movement and land use patterns.
- Instructor. CEE 441: Transportation Capstone (Senior Undergraduate Level). Spring 2012 (University of Washington). Culminating course for undergraduate engineering majors. Develop course materials, prepare and deliver lectures, arrange guest speakers and a review panel, develop assignments, and assign grades.
- Guest Lecturer. CEE 500: Transportation Seminar. Spring 2011. (University of Washington). Comparing CO2 Emissions Changes Between Fleets: Using a GIS-based Emissions Minimization Vehicle Routing Problem with Time Windows Model. Presentation to first-year graduate students on my research.
- Teaching Assistant. CEE 320: Introduction to Transportation Engineering (Junior Undergraduate Level). Fall 2010. (University of Washington). First course in transportation for undergraduate engineering majors. Prepare and deliver two lectures, grade coursework, plan assignments, manage discussion board, teach small student groups, and proctor exams.
- Guest Lecturer. CEE 587: Transportation Logistics. Spring 2010. (University of Washington). GIS and Network Analyst. Lecture to graduate course on routing tools within the ArcGIS framework.
- Guest Lecturer. CEE 500: Transportation Seminar. Winter 2010. (University of Washington). Meeting greenhouse gas targets: modeling a novel way to reduce transportation impacts. Presentation to first-year graduate students on my research.
- Module Instructor. National Summer Transportation Institute. June 2008. (University of Vermont). Summer program for achieving first-generation high school students. Developed and instructed a module on traffic analysis and transportation simulation, including field work, traffic theory, and model development. Created and delivered lectures, created and organized field exercise, and developed instructional traffic models.
- Teaching Assistant. ENGS 21: Introduction to Engineering. Fall 2006. (Thayer School of Engineering at Dartmouth College). First course for undergraduate engineering majors. Oversaw two teams through the project-based course.

**2020 SCHEDULE OF CITY COUNCIL MEETINGS
AND WORK SESSIONS**

Regular Meetings - 7:00 p.m.

January *6 & January 21 (Tuesday)
*(Inauguration)

February 3 and *18 (Tuesday)
*Public Hearing on CIP

March *2 and 16
*(Adoption of CIP)

April 6 and April 20

May 4, *6, and 18
Public Hearing on FY21 Budget – Wed. 6:30 p.m.)

June *1 and 15
*Adoption of Budget

July 13 (One meeting in July)

August 3 and 31

September 14 (One meeting in September due to State Primary)

October 5 and 19

November 16 (One meeting in November due to Presidential General Election)

December 7 and 21

Work Sessions - 6:30 p.m.

January 13th (CIP Work Session) @ 6:30 p.m.

May 11th (Public Safety – Police & Fire Budget
Review/Listening Session Monday @ 6:30 p.m.)

May 13th (School Department Budget
Review/Listening Session Wed. @ 6:30 p.m.)

May 14th (General Government Depts.
Review/Listening Session Thurs. @ 6:30 p.m.)

May 19th (Water & Sewer Depts.
Reviewing/Listening Session Tues. @ 6:30 p.m.)

May 21st Budget Review Thurs. @ 6:30 p.m.

May 28th Budget Review Thurs @ 6:30 p.m., (if
necessary)

All Work Sessions will be held in Council Chambers unless otherwise indicated

***Footnote:** Additional Work Sessions can be scheduled at the call of the Mayor

Adopted:

2019-2020
IGAC.



U.S. Department of Justice
Office of Justice Programs

Office of the Assistant Attorney General

Washington, D.C. 20531

September 27, 2019

Chief Robert M. Merner
City of Portsmouth
1 Junkins Ave
Portsmouth, NH 03801-4554

Dear Chief Merner:

On behalf of Attorney General William P. Barr, it is my pleasure to inform you that the Office of Justice Programs has approved your application for funding under the Internet Crimes Against Children Task Force Program in the amount of \$371,122 for City of Portsmouth.

Enclosed you will find the Grant Award and Special Conditions documents. This award is subject to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement and the award will be subject to termination for cause or other administrative action as appropriate.

If you have questions regarding this award, please contact:

- Program Questions, Tenzing Lahdon, Program Manager at (202) 598-6500; and
- Financial Questions, the Office of the Chief Financial Officer, Customer Service Center (CSC) at (800) 458-0786, or you may contact the CSC at ask.ocfo@usdoj.gov.

Congratulations, and we look forward to working with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Katharine T. Sullivan".

Katharine T. Sullivan
Principal Deputy Assistant Attorney General

Enclosures

New



U.S. Department of Justice
Office of Justice Programs
Office of Civil Rights

Washington, DC 20531

September 27, 2019

Chief Robert M. Merner
City of Portsmouth
1 Junkins Ave
Portsmouth, NH 03801-4554

Dear Chief Merner:

Congratulations on your recent award! The Office for Civil Rights (OCR), Office of Justice Programs (OJP), U.S. Department of Justice (DOJ) has been delegated the responsibility for ensuring that recipients of federal financial assistance from the OJP, the Office of Community Oriented Policing Services (COPS), and the Office on Violence Against Women (OVW) are not engaged in discrimination prohibited by law. Several federal civil rights laws, such as Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, require recipients of federal financial assistance to give assurances that they will comply with those laws. In addition to those civil rights laws, many grant program statutes contain nondiscrimination provisions that require compliance with them as a condition of receiving federal financial assistance. For a complete review of these civil rights laws and nondiscrimination requirements, in connection with OJP and other DOJ awards, see <https://ojp.gov/funding/Explore/LegalOverview/CivilRightsRequirements.htm>

Under the delegation of authority, the OCR investigates allegations of discrimination against recipients from individuals, entities, or groups. In addition, the OCR conducts limited compliance reviews and audits based on regulatory criteria. These reviews and audits permit the OCR to evaluate whether recipients of financial assistance from the Department are providing services in a non-discriminatory manner to their service population or have employment practices that meet equal-opportunity standards.

If you are a recipient of grant awards under the Omnibus Crime Control and Safe Streets Act or the Juvenile Justice and Delinquency Prevention Act and your agency is part of a criminal justice system, there are two additional obligations that may apply in connection with the awards: (1) complying with the regulation relating to Equal Employment Opportunity Programs (EEOs); and (2) submitting findings of discrimination to OCR. For additional information regarding the EEO requirement, see 28 CFR Part 42, subpart E, and for additional information regarding requirements when there is an adverse finding, see 28 C.F.R. §§ 42.204(c), .205(c)(5). Please submit information about any adverse finding to the OCR at the above address.

We at the OCR are available to help you and your organization meet the civil rights requirements that are associated with OJP and other DOJ grant funding. If you would like the OCR to assist you in fulfilling your organization's civil rights or nondiscrimination responsibilities as a recipient of federal financial assistance, please do not hesitate to let us know.

Sincerely,

Michael L. Alston
Director

cc: Grant Manager
Financial Analyst



U.S. Department of Justice
Office of Justice Programs
**Office of Juvenile Justice and
Delinquency Prevention**

Cooperative Agreement

1. RECIPIENT NAME AND ADDRESS (Including Zip Code) City of Portsmouth 1 Junkins Ave Portsmouth, NH 03801-4554		4. AWARD NUMBER: 2018-MC-FX-K057	
2a. GRANTEE IRS/VENDOR NO. 026000715		5. PROJECT PERIOD: FROM 10/01/2018 TO 09/30/2020 BUDGET PERIOD: FROM 10/01/2018 TO 09/30/2020	
2b. GRANTEE DUNS NO. 073976706		6. AWARD DATE 09/27/2019	7. ACTION Supplemental
3. PROJECT TITLE New Hampshire ICAC Task Force Program		8. SUPPLEMENT NUMBER 01	9. PREVIOUS AWARD AMOUNT \$ 274,854
		10. AMOUNT OF THIS AWARD \$ 371,122	11. TOTAL AWARD \$ 645,976
12. SPECIAL CONDITIONS THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED PAGE(S).			
13. STATUTORY AUTHORITY FOR GRANT This project is supported under FY19(OJJDP - MEC - ICAC Task Force - including prior year) Pub. L. 116-6, 133 Stat. 13, 115; Pub. L. No. 115-141, 132 Stat. 348, 423			
14. CATALOG OF DOMESTIC FEDERAL ASSISTANCE (CFDA Number) 16.543 - Missing Children's Assistance			
15. METHOD OF PAYMENT GPRS			
AGENCY APPROVAL		GRANTEE ACCEPTANCE	
16. TYPED NAME AND TITLE OF APPROVING OFFICIAL Katharine T. Sullivan Principal Deputy Assistant Attorney General		18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL Robert M. Merner Chief of Police	
17. SIGNATURE OF APPROVING OFFICIAL 		19. SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL 	19A. DATE 18-11-19
AGENCY USE ONLY			
20. ACCOUNTING CLASSIFICATION CODES FISCAL FUND BUD. DIV. YEAR CODE ACT. OFC. REG. SUB. POMS AMOUNT X F MC 70 00 00 371122		21. TMCTGT0276	

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PROJECT NUMBER 2018-MC-FX-K057

AWARD DATE 09/27/2019

SPECIAL CONDITIONS

1. Requirements of the award; remedies for non-compliance or for materially false statements

The conditions of this award are material requirements of the award. Compliance with any assurances or certifications submitted by or on behalf of the recipient that relate to conduct during the period of performance also is a material requirement of this award. By signing and accepting this award on behalf of the recipient, the authorized recipient official accepts all material requirements of the award, and specifically adopts all such assurances or certifications as if personally executed by the authorized recipient official.

Failure to comply with any one or more of these award requirements -- whether a condition set out in full below, a condition incorporated by reference below, or an assurance or certification related to conduct during the award period -- may result in the Office of Justice Programs ("OJP") taking appropriate action with respect to the recipient and the award. Among other things, the OJP may withhold award funds, disallow costs, or suspend or terminate the award. The U.S. Department of Justice ("DOJ"), including OJP, also may take other legal action as appropriate.

Any materially false, fictitious, or fraudulent statement to the federal government related to this award (or concealment or omission of a material fact) may be the subject of criminal prosecution (including under 18 U.S.C. 1001 and/or 1621, and/or 34 U.S.C. 10271-10273), and also may lead to imposition of civil penalties and administrative remedies for false claims or otherwise (including under 31 U.S.C. 3729-3730 and 3801-3812).

Should any provision of a requirement of this award be held to be invalid or unenforceable by its terms, that provision shall first be applied with a limited construction so as to give it the maximum effect permitted by law. Should it be held, instead, that the provision is utterly invalid or -unenforceable, such provision shall be deemed severable from this award.

2. Applicability of Part 200 Uniform Requirements

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this FY 2019 award from OJP.

The Part 200 Uniform Requirements were first adopted by DOJ on December 26, 2014. If this FY 2019 award supplements funds previously awarded by OJP under the same award number (e.g., funds awarded during or before December 2014), the Part 200 Uniform Requirements apply with respect to all funds under that award number (regardless of the award date, and regardless of whether derived from the initial award or a supplemental award) that are obligated on or after the acceptance date of this FY 2019 award.

For more information and resources on the Part 200 Uniform Requirements as they relate to OJP awards and subawards ("subgrants"), see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

Record retention and access: Records pertinent to the award that the recipient (and any subrecipient ("subgrantee") at any tier) must retain -- typically for a period of 3 years from the date of submission of the final expenditure report (SF 425), unless a different retention period applies -- and to which the recipient (and any subrecipient ("subgrantee") at any tier) must provide access, include performance measurement information, in addition to the financial records, supporting documents, statistical records, and other pertinent records indicated at 2 C.F.R. 200.333.

In the event that an award-related question arises from documents or other materials prepared or distributed by OJP that may appear to conflict with, or differ in some way from, the provisions of the Part 200 Uniform Requirements, the recipient is to contact OJP promptly for clarification.

RMM



PROJECT NUMBER 2018-MC-FX-K057

AWARD DATE 09/27/2019

SPECIAL CONDITIONS

3. Compliance with DOJ Grants Financial Guide

References to the DOJ Grants Financial Guide are to the DOJ Grants Financial Guide as posted on the OJP website (currently, the "DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance. The recipient agrees to comply with the DOJ Grants Financial Guide.

4. Reclassification of various statutory provisions to a new Title 34 of the United States Code

On September 1, 2017, various statutory provisions previously codified elsewhere in the U.S. Code were editorially reclassified (that is, moved and renumbered) to a new Title 34, entitled "Crime Control and Law Enforcement." The reclassification encompassed a number of statutory provisions pertinent to OJP awards (that is, OJP grants and cooperative agreements), including many provisions previously codified in Title 42 of the U.S. Code.

Effective as of September 1, 2017, any reference in this award document to a statutory provision that has been reclassified to the new Title 34 of the U.S. Code is to be read as a reference to that statutory provision as reclassified to Title 34. This rule of construction specifically includes references set out in award conditions, references set out in material incorporated by reference through award conditions, and references set out in other award requirements.

5. Required training for Point of Contact and all Financial Points of Contact

Both the Point of Contact (POC) and all Financial Points of Contact (FPOCs) for this award must have successfully completed an "OJP financial management and grant administration training" by 120 days after the date of the recipient's acceptance of the award. Successful completion of such a training on or after January 1, 2017, will satisfy this condition.

In the event that either the POC or an FPOC for this award changes during the period of performance, the new POC or FPOC must have successfully completed an "OJP financial management and grant administration training" by 120 calendar days after -- (1) the date of OJP's approval of the "Change Grantee Contact" GAN (in the case of a new POC), or (2) the date the POC enters information on the new FPOC in GMS (in the case of a new FPOC). Successful completion of such a training on or after January 1, 2017, will satisfy this condition.

A list of OJP trainings that OJP will consider "OJP financial management and grant administration training" for purposes of this condition is available at <https://www.ojp.gov/training/fmts.htm>. All trainings that satisfy this condition include a session on grant fraud prevention and detection

The recipient should anticipate that OJP will immediately withhold ("freeze") award funds if the recipient fails to comply with this condition. The recipient's failure to comply also may lead OJP to impose additional appropriate conditions on this award.

6. Requirements related to "de minimis" indirect cost rate

A recipient that is eligible under the Part 200 Uniform Requirements and other applicable law to use the "de minimis" indirect cost rate described in 2 C.F.R. 200.414(f), and that elects to use the "de minimis" indirect cost rate, must advise OJP in writing of both its eligibility and its election, and must comply with all associated requirements in the Part 200 Uniform Requirements. The "de minimis" rate may be applied only to modified total direct costs (MTDC) as defined by the Part 200 Uniform Requirements.

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U.S. Department of Justice
Office of Justice Programs
Office of Juvenile Justice and
Delinquency Prevention

**AWARD CONTINUATION
SHEET
Cooperative Agreement**

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PROJECT NUMBER 2018-MC-FX-K057

AWARD DATE 09/27/2019

SPECIAL CONDITIONS

7. Requirement to report potentially duplicative funding

If the recipient currently has other active awards of federal funds, or if the recipient receives any other award of federal funds during the period of performance for this award, the recipient promptly must determine whether funds from any of those other federal awards have been, are being, or are to be used (in whole or in part) for one or more of the identical cost items for which funds are provided under this award. If so, the recipient must promptly notify the DOJ awarding agency (OJP or OVW, as appropriate) in writing of the potential duplication, and, if so requested by the DOJ awarding agency, must seek a budget-modification or change-of-project-scope grant adjustment notice (GAN) to eliminate any inappropriate duplication of funding.

8. Requirements related to System for Award Management and Universal Identifier Requirements

The recipient must comply with applicable requirements regarding the System for Award Management (SAM), currently accessible at <https://www.sam.gov/>. This includes applicable requirements regarding registration with SAM, as well as maintaining the currency of information in SAM.

The recipient also must comply with applicable restrictions on subawards ("subgrants") to first-tier subrecipients (first-tier "subgrantees"), including restrictions on subawards to entities that do not acquire and provide (to the recipient) the unique entity identifier required for SAM registration.

The details of the recipient's obligations related to SAM and to unique entity identifiers are posted on the OJP web site at <https://ojp.gov/funding/Explore/SAM.htm> (Award condition: System for Award Management (SAM) and Universal Identifier Requirements), and are incorporated by reference here.

This condition does not apply to an award to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

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PROJECT NUMBER 2018-MC-FX-K057

AWARD DATE 09/27/2019

SPECIAL CONDITIONS

9. Employment eligibility verification for hiring under the award

1. The recipient (and any subrecipient at any tier) must--

A. Ensure that, as part of the hiring process for any position within the United States that is or will be funded (in whole or in part) with award funds, the recipient (or any subrecipient) properly verifies the employment eligibility of the individual who is being hired, consistent with the provisions of 8 U.S.C. 1324a(a)(1) and (2).

B. Notify all persons associated with the recipient (or any subrecipient) who are or will be involved in activities under this award of both--

(1) this award requirement for verification of employment eligibility, and

(2) the associated provisions in 8 U.S.C. 1324a(a)(1) and (2) that, generally speaking, make it unlawful, in the United States, to hire (or recruit for employment) certain aliens.

C. Provide training (to the extent necessary) to those persons required by this condition to be notified of the award requirement for employment eligibility verification and of the associated provisions of 8 U.S.C. 1324a(a)(1) and (2).

D. As part of the recordkeeping for the award (including pursuant to the Part 200 Uniform Requirements), maintain records of all employment eligibility verifications pertinent to compliance with this award condition in accordance with Form I-9 record retention requirements, as well as records of all pertinent notifications and trainings.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. Staff involved in the hiring process

For purposes of this condition, persons "who are or will be involved in activities under this award" specifically includes (without limitation) any and all recipient (or any subrecipient) officials or other staff who are or will be involved in the hiring process with respect to a position that is or will be funded (in whole or in part) with award funds.

B. Employment eligibility confirmation with E-Verify

For purposes of satisfying the requirement of this condition regarding verification of employment eligibility, the recipient (or any subrecipient) may choose to participate in, and use, E-Verify (www.e-verify.gov), provided an appropriate person authorized to act on behalf of the recipient (or subrecipient) uses E-Verify (and follows the proper E-Verify procedures, including in the event of a "Tentative Nonconfirmation" or a "Final Nonconfirmation") to confirm employment eligibility for each hiring for a position in the United States that is or will be funded (in whole or in part) with award funds.

C. "United States" specifically includes the District of Columbia, Puerto Rico, Guam, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.

D. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or

RMM



PROJECT NUMBER: 2018-MC-FX-K057

AWARD DATE 09/27/2019

SPECIAL CONDITIONS

any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

E. Nothing in this condition, including in paragraph 4.B., shall be understood to relieve any recipient, any subrecipient at any tier, or any person or other entity, of any obligation otherwise imposed by law, including 8 U.S.C. 1324a(a)(1) and (2).

Questions about E-Verify should be directed to DHS. For more information about E-Verify visit the E-Verify website (<https://www.e-verify.gov/>) or email E-Verify at E-Verify@dhs.gov. E-Verify employer agents can email E-Verify at E-VerifyEmployerAgent@dhs.gov.

Questions about the meaning or scope of this condition should be directed to OJP, before award acceptance.

10. Requirement to report actual or imminent breach of personally identifiable information (PII)

The recipient (and any "subrecipient" at any tier) must have written procedures in place to respond in the event of an actual or imminent "breach" (OMB M-17-12) if it (or a subrecipient) -- (1) creates, collects, uses, processes, stores, maintains, disseminates, discloses, or disposes of "personally identifiable information (PII)" (2 CFR 200.79) within the scope of an OJP grant-funded program or activity, or (2) uses or operates a "Federal information system" (OMB Circular A-130). The recipient's breach procedures must include a requirement to report actual or imminent breach of PII to an OJP Program Manager no later than 24 hours after an occurrence of an actual breach, or the detection of an imminent breach.

11. All subawards ("subgrants") must have specific federal authorization

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements for authorization of any subaward. This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a "subaward" (and therefore does not consider a procurement "contract").

The details of the requirement for authorization of any subaward are posted on the OJP web site at <https://ojp.gov/funding/Explore/SubawardAuthorization.htm> (Award condition: All subawards ("subgrants") must have specific federal authorization), and are incorporated by reference here.

12. Specific post-award approval required to use a noncompetitive approach in any procurement contract that would exceed \$250,000

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements to obtain specific advance approval to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$250,000). This condition applies to agreements that -- for purposes of federal grants administrative requirements -- OJP considers a procurement "contract" (and therefore does not consider a subaward).

The details of the requirement for advance approval to use a noncompetitive approach in a procurement contract under an OJP award are posted on the OJP web site at <https://ojp.gov/funding/Explore/NoncompetitiveProcurement.htm> (Award condition: Specific post-award approval required to use a noncompetitive approach in a procurement contract (if contract would exceed \$250,000)), and are incorporated by reference here.

RMM



PROJECT NUMBER 2018-MC-FX-K657

AWARD DATE 09/27/2019

SPECIAL CONDITIONS

13. Unreasonable restrictions on competition under the award; association with federal government

SCOPE. This condition applies with respect to any procurement of property or services that is funded (in whole or in part) by this award, whether by the recipient or by any subrecipient at any tier, and regardless of the dollar amount of the purchase or acquisition, the method of procurement, or the nature of any legal instrument used. The provisions of this condition must be among those included in any subaward (at any tier).

1. No discrimination, in procurement transactions, against associates of the federal government

Consistent with the (DOJ) Part 200 Uniform Requirements -- including as set out at 2 C.F.R. 200.300 (requiring awards to be "manage[d] and administer[ed] in a manner so as to ensure that Federal funding is expended and associated programs are implemented in full accordance with U.S. statutory and public policy requirements") and 200.319(a) (generally requiring "[a]ll procurement transactions [to] be conducted in a manner providing full and open competition" and forbidding practices "restrictive of competition," such as "[p]lacing unreasonable requirements on firms in order for them to qualify to do business" and taking "[a]ny arbitrary action in the procurement process") -- no recipient (or subrecipient, at any tier) may (in any procurement transaction) discriminate against any person or entity on the basis of such person or entity's status as an "associate of the federal government" (or on the basis of such person or entity's status as a parent, affiliate, or subsidiary of such an associate), except as expressly set out in 2 C.F.R. 200.319(a) or as specifically authorized by USDOJ.

2. Monitoring

The recipient's monitoring responsibilities include monitoring of subrecipient compliance with this condition.

3. Allowable costs

To the extent that such costs are not reimbursed under any other federal program, award funds may be obligated for the reasonable, necessary, and allocable costs (if any) of actions designed to ensure compliance with this condition.

4. Rules of construction

A. The term "associate of the federal government" means any person or entity engaged or employed (in the past or at present) by or on behalf of the federal government -- as an employee, contractor or subcontractor (at any tier), grant recipient or subrecipient (at any tier), agent, or otherwise -- in undertaking any work, project, or activity for or on behalf of (or in providing goods or services to or on behalf of) the federal government, and includes any applicant for such employment or engagement, and any person or entity committed by legal instrument to undertake any such work, project, or activity (or to provide such goods or services) in future.

B. Nothing in this condition shall be understood to authorize or require any recipient, any subrecipient at any tier, or any person or other entity, to violate any federal law, including any applicable civil rights or nondiscrimination law.

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PROJECT NUMBER 2018-MC-FX-K057

AWARD DATE 09/27/2019

SPECIAL CONDITIONS

14. Requirements pertaining to prohibited conduct related to trafficking in persons (including reporting requirements and OJP authority to terminate award)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients ("subgrantees"), or individuals defined (for purposes of this condition) as "employees" of the recipient or of any subrecipient.

The details of the recipient's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <https://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (Award condition: Prohibited conduct by recipients and subrecipients related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

15. Determination of suitability to interact with participating minors

SCOPE. This condition applies to this award if it is indicated -- in the application for the award (as approved by DOJ)(or in the application for any subaward, at any tier), the DOJ funding announcement (solicitation), or an associated federal statute -- that a purpose of some or all of the activities to be carried out under the award (whether by the recipient, or a subrecipient at any tier) is to benefit a set of individuals under 18 years of age.

The recipient, and any subrecipient at any tier, must make determinations of suitability before certain individuals may interact with participating minors. This requirement applies regardless of an individual's employment status.

The details of this requirement are posted on the OJP web site at <https://ojp.gov/funding/Explore/Interact-Minors.htm> (Award condition: Determination of suitability required, in advance, for certain individuals who may interact with participating minors), and are incorporated by reference here.

16. Compliance with applicable rules regarding approval, planning, and reporting of conferences, meetings, trainings, and other events

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable laws, regulations, policies, and official DOJ guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences (as that term is defined by DOJ), including the provision of food and/or beverages at such conferences, and costs of attendance at such conferences.

Information on the pertinent DOJ definition of conferences and the rules applicable to this award appears in the DOJ Grants Financial Guide (currently, as section 3.10 of "Postaward Requirements" in the "DOJ Grants Financial Guide").

17. Requirement for data on performance and effectiveness under the award

The recipient must collect and maintain data that measure the performance and effectiveness of work under this award. The data must be provided to OJP in the manner (including within the timeframes) specified by OJP in the program solicitation or other applicable written guidance. Data collection supports compliance with the Government Performance and Results Act (GPRA) and the GPRA Modernization Act of 2010, and other applicable laws.

18. OJP Training Guiding Principles

Any training or training materials that the recipient -- or any subrecipient ("subgrantee") at any tier -- develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/Implement/TrainingPrinciplesForGrantees-Subgrantees.htm>.

RMM



PROJECT NUMBER 2018-MC-FX-K857

AWARD DATE 09/27/2019

SPECIAL CONDITIONS

19. Effect of failure to address audit issues

The recipient understands and agrees that the DOJ awarding agency (OJP or OVW, as appropriate) may withhold award funds, or may impose other related requirements, if (as determined by the DOJ awarding agency) the recipient does not satisfactorily and promptly address outstanding issues from audits required by the Part 200 Uniform Requirements (or by the terms of this award), or other outstanding issues that arise in connection with audits, investigations, or reviews of DOJ awards.

20. Potential imposition of additional requirements

The recipient agrees to comply with any additional requirements that may be imposed by the DOJ awarding agency (OJP or OVW, as appropriate) during the period of performance for this award, if the recipient is designated as "high-risk" for purposes of the DOJ high-risk grantee list.

21. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 42

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 42, specifically including any applicable requirements in Subpart E of 28 C.F.R. Part 42 that relate to an equal employment opportunity program.

22. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 54

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 54, which relates to nondiscrimination on the basis of sex in certain "education programs."

23. Compliance with DOJ regulations pertaining to civil rights and nondiscrimination - 28 C.F.R. Part 38

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable requirements of 28 C.F.R. Part 38 (as may be applicable from time to time), specifically including any applicable requirements regarding written notice to program beneficiaries and prospective program beneficiaries.

Currently, among other things, 28 C.F.R. Part 38 includes rules that prohibit specific forms of discrimination on the basis of religion, a religious belief, a refusal to hold a religious belief, or refusal to attend or participate in a religious practice. Part 38, currently, also sets out rules and requirements that pertain to recipient and subrecipient ("subgrantee") organizations that engage in or conduct explicitly religious activities, as well as rules and requirements that pertain to recipients and subrecipients that are faith-based or religious organizations.

The text of 28 C.F.R. Part 38 is available via the Electronic Code of Federal Regulations (currently accessible at <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>), by browsing to Title 28-Judicial Administration, Chapter 1, Part 38, under e-CFR "current" data.

RMM



PROJECT NUMBER 2018-MC-FX-K057

AWARD DATE 09/27/2019

SPECIAL CONDITIONS

24. Restrictions on "lobbying"

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the recipient, or any subrecipient ("subgrantee") at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy, at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the recipient, or any subrecipient at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a recipient (or subrecipient) would or might fall within the scope of these prohibitions, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

25. Compliance with general appropriations-law restrictions on the use of federal funds (FY 2019)

The recipient, and any subrecipient ("subgrantee") at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2019, are set out at <https://ojp.gov/funding/Explore/FY19AppropriationsRestrictions.htm>, and are incorporated by reference here.

Should a question arise as to whether a particular use of federal funds by a recipient (or a subrecipient) would or might fall within the scope of an appropriations-law restriction, the recipient is to contact OJP for guidance, and may not proceed without the express prior written approval of OJP.

26. Reporting potential fraud, waste, and abuse, and similar misconduct

The recipient and any subrecipients ("subgrantees") must promptly refer to the DOJ Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award -- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct.

Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by--(1) online submission accessible via the OIG webpage at <https://oig.justice.gov/hotline/contact-grants.htm> (select "Submit Report Online"); (2) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 1425 New York Avenue, N.W. Suite 7100, Washington, DC 20530; and/or (3) by facsimile directed to the DOJ OIG Fraud Detection Office (Attn: Grantee Reporting) at (202) 616-9881 (fax).

Additional information is available from the DOJ OIG website at <https://oig.justice.gov/hotline>.

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PROJECT NUMBER 2018-MC-FX-K057

AWARD DATE 09/27/2019

SPECIAL CONDITIONS

27. Restrictions and certifications regarding non-disclosure agreements and related matters

No recipient or subrecipient ("subgrantee") under this award, or entity that receives a procurement contract or subcontract with any funds under this award, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The foregoing is not intended, and shall not be understood by the agency making this award, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartmented information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

1. In accepting this award, the recipient--

a. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

b. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

2. If the recipient does or is authorized under this award to make subawards ("subgrants"), procurement contracts, or both--

a. it represents that--

(1) it has determined that no other entity that the recipient's application proposes may or will receive award funds (whether through a subaward ("subgrant"), procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

(2) it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and

b. it certifies that, if it learns or is notified that any subrecipient, contractor, or subcontractor entity that receives funds under this award is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

RMA



PROJECT NUMBER 2018-MC-FX-K057

AWARD DATE 09/27/2019

SPECIAL CONDITIONS

28. Compliance with 41 U.S.C. 4712 (including prohibitions on reprisal; notice to employees)

The recipient (and any subrecipient at any tier) must comply with, and is subject to, all applicable provisions of 41 U.S.C. 4712, including all applicable provisions that prohibit, under specified circumstances, discrimination against an employee as reprisal for the employee's disclosure of information related to gross mismanagement of a federal grant, a gross waste of federal funds, an abuse of authority relating to a federal grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal grant.

The recipient also must inform its employees, in writing (and in the predominant native language of the workforce), of employee rights and remedies under 41 U.S.C. 4712.

Should a question arise as to the applicability of the provisions of 41 U.S.C. 4712 to this award, the recipient is to contact the DOJ awarding agency (OJP or OVW, as appropriate) for guidance.

29. Encouragement of policies to ban text messaging while driving

Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), DOJ encourages recipients and subrecipients ("subgrantees") to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this award, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

30. Requirement to disclose whether recipient is designated "high risk" by a federal grant-making agency outside of DOJ

If the recipient is designated "high risk" by a federal grant-making agency outside of DOJ, currently or at any time during the course of the period of performance under this award, the recipient must disclose that fact and certain related information to OJP by email at OJP.ComplianceReporting@ojp.usdoj.gov. For purposes of this disclosure, high risk includes any status under which a federal awarding agency provides additional oversight due to the recipient's past performance, or other programmatic or financial concerns with the recipient. The recipient's disclosure must include the following: 1. The federal awarding agency that currently designates the recipient high risk, 2. The date the recipient was designated high risk, 3. The high-risk point of contact at that federal awarding agency (name, phone number, and email address), and 4. The reasons for the high-risk status, as set out by the federal awarding agency.

31. Prior to the expenditure of confidential funds, the recipient and any subrecipients agree to sign a certification that the recipient (or the subrecipient, as applicable) has read, understands, and agrees to abide by all of the conditions pertaining to confidential fund expenditures set forth in the DOJ Grants Financial Guide.

32. ICAC Annual Reports

The recipient agrees to submit annual reports to OJP that set forth the following:
(A) The number of law enforcement agencies participating in Internet crimes against children program standards established by the task force. (B) Staffing levels of the task force, including the number of investigators, prosecutors, education specialists, and forensic specialists dedicated to investigating and prosecuting Internet crimes against children.

33. The recipient agrees to forward reports of ICAC Task Force Program Monthly Performance Measures to the OJJDP-designated site.

34. The recipient agrees to comply with the OJJDP approved ICAC Task Force Operational and Investigative Standards



PROJECT NUMBER 2018-MC-FX-K057

AWARD DATE 09/27/2019

SPECIAL CONDITIONS

35. Justification of consultant rate

Approval of this award does not indicate approval of any consultant rate in excess of \$650 per day. A detailed justification must be submitted to and approved by the OJP program office prior to obligation or expenditure of such funds.

36. Copyright; Data rights

The recipient acknowledges that OJP reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use (in whole or in part, including in connection with derivative works), for Federal purposes: (1) any work subject to copyright developed under an award or subaward (at any tier); and (2) any rights of copyright to which a recipient or subrecipient (at any tier) purchases ownership with Federal support.

The recipient acknowledges that OJP has the right to (1) obtain, reproduce, publish, or otherwise use the data first produced under any such award or subaward; and (2) authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes. "Data" includes data as defined in Federal Acquisition Regulation (FAR) provision 52.227-14 (Rights in Data - General).

It is the responsibility of the recipient (and of each subrecipient (at any tier), if applicable) to ensure that the provisions of this condition are included in any subaward (at any tier) under this award.

The recipient has the responsibility to obtain from subrecipients, contractors, and subcontractors (if any) all rights and data necessary to fulfill the recipient's obligations to the Government under this award. If a proposed subrecipient, contractor, or subcontractor refuses to accept terms affording the Government such rights, the recipient shall promptly bring such refusal to the attention of the OJP program manager for the award and not proceed with the agreement in question without further authorization from the OJP program office.

37. FFATA reporting: Subawards and executive compensation

The recipient must comply with applicable requirements to report first-tier subawards ("subgrants") of \$25,000 or more and, in certain circumstances, to report the names and total compensation of the five most highly compensated executives of the recipient and first-tier subrecipients (first-tier "subgrantees") of award funds. The details of recipient obligations, which derive from the Federal Funding Accountability and Transparency Act of 2006 (FFATA), are posted on the OJP web site at <https://ojp.gov/funding/Explore/FFATA.htm> (Award condition: Reporting Subawards and Executive Compensation), and are incorporated by reference here.

This condition, including its reporting requirement, does not apply to-- (1) an award of less than \$25,000, or (2) an award made to an individual who received the award as a natural person (i.e., unrelated to any business or non-profit organization that he or she may own or operate in his or her name).

38. The Project Director and key program personnel designated in the application shall be replaced only for compelling reasons. Successors to key personnel must be approved, and such approval is contingent upon submission of appropriate information, including, but not limited to, a resume. OJP will not unreasonably withhold approval. Changes in other program personnel require only notification to OJP and submission of resumes, unless otherwise designated in the award document.

RMM



U.S. Department of Justice
Office of Justice Programs
**Office of Juvenile Justice and
Delinquency Prevention**

**AWARD CONTINUATION
SHEET
Cooperative Agreement**

PAGE 14 OF 16

PROJECT NUMBER 2018-MC-FX-K657

AWARD DATE 09/27/2019

SPECIAL CONDITIONS

39. With respect to this award, federal funds may not be used to pay cash compensation (salary plus bonuses) to any employee of the award recipient at a rate that exceeds 110% of the maximum annual salary payable to a member of the federal government's Senior Executive Service (SES) at an agency with a Certified SES Performance Appraisal System for that year. (An award recipient may compensate an employee at a higher rate, provided the amount in excess of this compensation limitation is paid with non-federal funds.)

This limitation on compensation rates allowable under this award may be waived on an individual basis at the discretion of the OJP official indicated in the program announcement under which this award is made.

40. The recipient agrees to submit a final report at the end of this award documenting all relevant project activities during the entire period of support under this award. This report will include detailed information about the project(s) funded, including, but not limited to, information about how the funds were actually used for each purpose area, data to support statements of progress, and data concerning individual results and outcomes of funded projects reflecting project successes and impacts. The final report is due no later than 90 days following the close of this award period or the expiration of any extension periods. This report will be submitted to the Office of Justice Programs, on-line through the Internet at <https://grants.ojp.usdoj.gov/>.
41. The recipient agrees that it will submit quarterly financial status reports to OJP on-line (at <https://grants.ojp.usdoj.gov/>) using the SF 425 Federal Financial Report form (available for viewing at <https://www.gsa.gov/forms-library/federal-financial-report>), not later than 30 days after the end of each calendar quarter. The final report shall be submitted not later than 90 days following the end of the award period.
42. The recipient shall submit semiannual progress reports. Progress reports shall be submitted within 30 days after the end of the reporting periods, which are June 30 and December 31, for the life of the award. These reports will be submitted to the Office of Justice Programs, on-line through the Internet at <https://grants.ojp.usdoj.gov/>.
43. The Office of Juvenile Justice and Delinquency Prevention has elected to enter into a Cooperative Agreement rather than a grant with the recipient. This decision reflects the mutual interest of the recipient and OJJDP in the operation of the project as well as the anticipated level of Federal involvement in this project. OJJDP's participatory role in the project is as follows:
- a. Review and approve major work plans, including changes to such plans, and key decisions pertaining to project operations.
 - b. Review and approve major project generated documents and materials used in the provision of project services. Provide guidance in significant project planning meetings, and participate in project sponsored training events or conferences.

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PROJECT NUMBER 2018-MC-FX-K057

AWARD DATE 09/27/2019

SPECIAL CONDITIONS

44. Within 45 calendar days after the end of any conference, meeting, retreat, seminar, symposium, training activity, or similar event funded under this award, and the total cost of which exceeds \$20,000 in award funds, the recipient must provide the program manager with the following information and itemized costs:

- 1) name of event;
- 2) event dates;
- 3) location of event;
- 4) number of federal attendees;
- 5) number of non-federal attendees;
- 6) costs of event space, including rooms for break-out sessions;
- 7) costs of audio visual services;
- 8) other equipment costs (e.g., computer fees, telephone fees);
- 9) costs of printing and distribution;
- 10) costs of meals provided during the event;
- 11) costs of refreshments provided during the event;
- 12) costs of event planner;
- 13) costs of event facilitators; and
- 14) any other costs associated with the event.

The recipient must also itemize and report any of the following attendee (including participants, presenters, speakers) costs that are paid or reimbursed with cooperative agreement funds:

- 1) meals and incidental expenses (M&IE portion of per diem);
- 2) lodging;
- 3) transportation to/from event location (e.g., common carrier, Privately Owned Vehicle (POV)); and,
- 4) local transportation (e.g., rental car, POV) at event location.

Note that if any item is paid for with registration fees, or any other non-award funding, then that portion of the expense does not need to be reported.

Further instructions regarding the submission of this data, and how to determine costs, are available in the OJP Financial Guide Conference Cost Chapter.

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PROJECT NUMBER 2018-MC-FX-R057

AWARD DATE 09/27/2019

SPECIAL CONDITIONS

45. Any Web site that is funded in whole or in part under this award must include the following statement on the home page, on all major entry pages (i.e., pages (exclusive of documents) whose primary purpose is to navigate the user to interior content), and on any pages from which a visitor may access or use a Web-based service, including any pages that provide results or outputs from the service:

"This Web site is funded [insert "in part," if applicable] through a grant from the [insert name of OJP component], Office of Justice Programs, U.S. Department of Justice. Neither the U.S. Department of Justice nor any of its components operate, control, are responsible for, or necessarily endorse, this Web site (including, without limitation, its content, technical infrastructure, and policies, and any services or tools provided)."

The full text of the foregoing statement must be clearly visible on the home page. On other pages, the statement may be included through a link, entitled "Notice of Federal Funding and Federal Disclaimer," to the full text of the statement.

46. Grant funds may be used only for the purposes in the recipient's approved application. The recipient shall not undertake any work or activities that are not described in the grant application, and that use staff, equipment, or other goods or services paid for with OJP grant funds, without prior written approval from OJP.

47. Recipient integrity and performance matters: Requirement to report information on certain civil, criminal, and administrative proceedings to SAM and FAPIIS

The recipient must comply with any and all applicable requirements regarding reporting of information on civil, criminal, and administrative proceedings connected with (or connected to the performance of) either this OJP award or any other grant, cooperative agreement, or procurement contract from the federal government. Under certain circumstances, recipients of OJP awards are required to report information about such proceedings, through the federal System for Award Management (known as "SAM"), to the designated federal integrity and performance system (currently, "FAPIIS").

The details of recipient obligations regarding the required reporting (and updating) of information on certain civil, criminal, and administrative proceedings to the federal designated integrity and performance system (currently, "FAPIIS") within SAM are posted on the OJP web site at <https://ojp.gov/funding/FAPIIS.htm> (Award condition: Recipient Integrity and Performance Matters, including Recipient Reporting to FAPIIS), and are incorporated by reference here.

48. The recipient shall submit to OJJDP a copy of all interim and final reports and proposed publications (including those prepared for conferences, journals, and other presentations) resulting from this award, for review and comment prior to publishing. Any publication produced with grant funds must contain the following statement: "This project was supported by Grant # () awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect those of the Department of Justice. All reports and products may be required to display the OJJDP logo on the cover (or other location) with the agreement of OJJDP. OJJDP defines publications as any planned, written, visual or sound materials substantively based on the project, formally prepared by the award recipient for dissemination to the public.
49. The recipient may not obligate, expend or draw down funds until the Office of the Chief Financial Officer (OCFO) has approved the budget and budget narrative and a Grant Adjustment Notice (GAN) has been issued to remove this special condition.
50. The recipient may not obligate, expend, or draw down any funds under this award until a revised budget detail worksheet, a revised budget narrative, and a revised program narrative that reflect the final award amount have been received and approved by OJP, and a Grant Adjustment Notice (GAN) has been issued removing this condition.



U.S. Department of Justice

Office of Justice Programs

Office of Juvenile Justice and Delinquency Prevention

Washington, D.C. 20531

Memorandum To: Official Grant File
From: Lou Ann Holland, OJJDP NEPA Coordinator
Subject: Categorical Exclusion for City of Portsmouth

This award is made as part of the Internet Crimes Against Children Task Force Program. Awards under this program will be used to support State and local law enforcement agencies to maintain and expand State and regional task forces to address technology-facilitated child exploitation. None of the following activities will be conducted either under this award or a related third party action: 1) New construction; 2) Any renovation or remodeling of a property located in an environmentally or historically sensitive area, including property (a) listed on or eligible for listing on the National Register of Historic Places, or (b) located within a 100-year flood plain, a wetland, or habitat for an endangered species; 3) A renovation which will change the basic prior use of a facility or significantly change its size; 4) Research and technology whose anticipated and future application could be expected to have an effect on the environment; or 5) Implementation of a program involving the use of chemicals, other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or education environments. Additionally, the proposed action is neither a phase nor a segment of a project which when reviewed in its entirety would not meet the criteria for a categorical exclusion. Consequently, the subject federal action meets OJP's criteria for a categorical exclusion as contained in paragraph 4(b) of Appendix D to Part 61 of Title 28 of the Code of Federal Regulations.

L. Ann Holland



U.S. Department of Justice
Office of Justice Programs
Office of Juvenile Justice and
Delinquency Prevention

**GRANT MANAGER'S MEMORANDUM, PT. I:
PROJECT SUMMARY**

Cooperative Agreement

PROJECT NUMBER
2018-MC-FX-K057

PAGE 1 OF 1

This project is supported under FY19(OJJDP - MEC - ICAC Task Force - including prior year) Pub. L. 116-6, 133 Stat. 13, 115; Pub. L. No. 115-141, 132 Stat. 348, 423

1. STAFF CONTACT (Name & telephone number)

Tenzing Lahdon
(202) 598-6500

2. PROJECT DIRECTOR (Name, address & telephone number)

John Peracchi
Detective Lieutenant
1 Junkins Ave
Portsmouth, NH 03801-4554
(603) 610-7432 ext.401

3a. TITLE OF THE PROGRAM

OJJDP FY 19 Internet Crimes Against Children Task Force Invited Applicants

**3b. POMS CODE (SEE INSTRUCTIONS
ON REVERSE)**

4. TITLE OF PROJECT

New Hampshire ICAC Task Force Program

5. NAME & ADDRESS OF GRANTEE

City of Portsmouth
1 Junkins Ave
Portsmouth, NH 03801-4554

6. NAME & ADDRESS OF SUBGRANTEE

7. PROGRAM PERIOD

FROM: 10/01/2018 TO: 09/30/2020

8. BUDGET PERIOD

FROM: 10/01/2018 TO: 09/30/2020

9. AMOUNT OF AWARD

\$ 371,122

10. DATE OF AWARD

09/27/2019

11. SECOND YEAR'S BUDGET

12. SECOND YEAR'S BUDGET AMOUNT

13. THIRD YEAR'S BUDGET PERIOD

14. THIRD YEAR'S BUDGET AMOUNT

15. SUMMARY DESCRIPTION OF PROJECT (See instruction on reverse)

The National Internet Crimes Against Children (ICAC) Task Force Program, consists of state and local law enforcement task forces dedicated to developing effective responses to online enticement of children by sexual predators, child exploitation, and child obscenity and pornography cases. Each State and local task force that is part of the national program shall: 1) consist of State and local investigators, prosecutors, forensic specialists, and education specialists who are dedicated to addressing the goals of the task force; 2) engage in proactive investigations, forensic examinations, and effective prosecutions of Internet crimes against children; 3) provide forensic, preventive, and investigative assistance to parents, educators, prosecutors, law enforcement, and others concerned with Internet crimes against children; 4) develop multijurisdictional, multiagency partnerships and responses to Internet crimes against children offenses through ongoing informational, administrative, and technological support to other State and local law enforcement agencies, as a means for such agencies to acquire the necessary knowledge, personnel, and specialized equipment to investigate and prosecute such offenses; 5) participate in nationally coordinated investigations in any case in which the Attorney General determines such participation to be necessary, as permitted by the available resources of such task force; 6) establish or adopt investigative and

prosecution standards consistent with established norms, to which such task force shall comply; 7) investigate, and seek prosecution on tips related to Internet crimes against children, including tips from Operation Fairplay, the National Internet Crimes Against Children Data System, the National Center for Missing and Exploited Children's CyberTipline, ICAC task forces, and other Federal, State, and local agencies, with priority being given to investigate leads that indicate the possibility of identifying or rescuing child victims, including investigative leads that indicate a likelihood of seriousness of offense or dangerousness to the community; 8) develop procedures for handling seized evidence for ICAC task force lead agencies and affiliate agencies; 9) maintain reports required by OJJDP and other reports and records as determined by the Attorney General; and, 10) seek to comply with national standards regarding the investigation and prosecution of Internet crimes against children, as set forth by the Attorney General, to the extent such standards are consistent with the law of the State where the task force is located.

The New Hampshire ICAC Task Force will continue to identify, investigate, and arrest criminals who use digital technologies to exploit children for personal or commercial gain. The New Hampshire ICAC Task Force will focus on: Reactive investigations designed to prevent the manufacturing and distribution of child sexual abuse images; Proactive undercover investigations to monitor and infiltrate social networking sites and online chat rooms in cases such as sexual solicitation and sextortion; CyberTip investigations in cases of child abuse and neglect, human trafficking and child prostitution; Providing technical and digital forensic assistance to the New Hampshire State Police's Child Abduction Response Team; Provide assistance to law enforcement and prosecutorial agencies where ICAC technical and practical law enforcement expertise may facilitate a resolution to a criminal investigation; and, as a part of the community outreach program, provide Internet safety presentations and materials to public groups. CA/CF

GRANT AGREEMENT

The State of New Hampshire and the Subrecipient hereby
Mutually agree as follows:

GENERAL PROVISIONS

1. Identification and Definitions.

1.1. State Agency Name New Hampshire Department of Justice		1.2. State Agency Address 33 Capitol St. Concord, NH 03301	
1.3. Subrecipient Name Portsmouth Police Department		1.4. Subrecipient Address 3 Junkins Ave. Portsmouth, NH 03801	
1.5 Subrecipient Phone # 603-610-7416	1.6. Account Number 5017-072-500574	1.7. Completion Date 3/31/2021	1.8. Grant Limitation \$ 30,000
1.9. Grant Officer for State Agency Kathleen B. Carr		1.10. State Agency Telephone Number 603-271-1234	
"By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b."			
1.11. Subrecipient Signature 1		1.12. Name of Subrecipient Signor 1	
Subrecipient Signature 2 <i>If Applicable</i>		Subrecipient Signor 2 <i>If Applicable</i>	
1.13. Acknowledgment: State on _____, before the _____ (satisfactorily proven) to be document in the capacity in _____ person identified in block 1.12., known to me (or block 1.11., and acknowledged that he/she executed this			
1.13.1. Signature of Notary Public or Justice of the Peace (Seal)			
1.13.2. Name & Title of Notary Public or Justice of the Peace			
1.14. State Agency Signature(s)		1.15. Name & Title of State Agency Signor(s)	
1.16. Approval by Attorney General (Form, Substance and Execution) (if G & C approval required) By: _____ Assistant Attorney General, On: ____ / ____ / ____			
1.17. Approval by Governor and Council (if applicable) By: _____ On: ____ / ____ / ____			

2. **SCOPE OF WORK:** In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as "the State"), the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT A (the scope of work being hereinafter referred to as "the Project").

3. AREA COVERED. Except as otherwise specifically provided for herein, the Subrecipient shall perform the Project in, and with respect to, the State of New Hampshire.
- EFFECTIVE DATE: COMPLETION OF PROJECT.
This Agreement, and all obligations of the parties hereunder, shall become effective on the date on the date of approval of this Agreement by the Governor and Council of the State of New Hampshire if required (block 1.17), or upon signature by the State Agency as shown in block 1.14 ("the effective date").
- 4.2. Except as otherwise specifically provided herein, the Project, including all reports required by this Agreement, shall be completed in ITS entirety prior to the date in block 1.7 (hereinafter referred to as "the Completion Date").
5. GRANT AMOUNT: LIMITATION ON AMOUNT: VOUCHERS: PAYMENT.
- 5.1. The Grant Amount is identified and more particularly described in EXHIBIT B, attached hereto.
- 5.2. The manner of, and schedule of payment shall be as set forth in EXHIBIT B.
- 5.3. In accordance with the provisions set forth in EXHIBIT B, and in consideration of the satisfactory performance of the Project, as determined by the State, and as limited by subparagraph 5.5 of these general provisions, the State shall pay the Subrecipient the Grant Amount. The State shall withhold from the amount otherwise payable to the Subrecipient under this subparagraph 5.3 those sums required, or permitted, to be withheld pursuant to N.H. RSA 80:7 through 7-c.
- 5.4. The payment by the State of the Grant amount shall be the only, and the complete payment to the Subrecipient for all expenses, of whatever nature, incurred by the Subrecipient in the performance hereof, and shall be the only, and the complete, compensation to the Subrecipient for the Project. The State shall have no liabilities to the Subrecipient other than the Grant Amount.
- 5.5. Notwithstanding anything in this Agreement to the contrary, and notwithstanding unexpected circumstances, in no event shall the total of all payments authorized, or actually made, hereunder exceed the Grant limitation set forth in block 1.8 of these general provisions.
6. COMPLIANCE BY SUBRECIPIENT WITH LAWS AND REGULATIONS.
In connection with the performance of the Project, the Subrecipient shall comply with all statutes, laws regulations, and orders of federal, state, county, or municipal authorities which shall impose any obligations or duty upon the Subrecipient, including the acquisition of any and all necessary permits.
7. RECORDS and ACCOUNTS.
- 7.1. Between the Effective Date and the date three (3) years after the Completion Date the Subrecipient shall keep detailed accounts of all expenses incurred in connection with the Project, including, but not limited to, costs of administration, transportation, insurance, telephone calls, and clerical materials and services. Such accounts shall be supported by receipts, invoices, bills and other similar documents.
- 7.2. Between the Effective Date and the date three (3) years after the Completion Date, at any time during the Subrecipient's normal business hours, and as often as the State shall demand, the Subrecipient shall make available to the State all records pertaining to matters covered by this Agreement. The Subrecipient shall permit the State to audit, examine, and reproduce such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, data (as that term is hereinafter defined), and other information relating to all matters covered by this Agreement. As used in this paragraph, "Subrecipient" includes all persons, natural or fictional, affiliated with, controlled by, or under common ownership with, the entity identified as the Subrecipient in block 1.3 of these provisions
8. PERSONNEL.
- 8.1. The Subrecipient shall, at its own expense, provide all personnel necessary to perform the Project. The Subrecipient warrants that all personnel engaged in the Project shall be qualified to perform such Project, and shall be properly licensed and authorized to perform such Project under all applicable laws.
- 8.2. The Subrecipient shall not hire, and it shall not permit any subcontractor, subgrantee, or other person, firm or corporation with whom it is engaged in a combined effort to perform the Project, to hire any person who has a contractual relationship with the State, or who is a State officer or employee, elected or appointed.
- 8.3. The Grant Officer shall be the representative of the State hereunder. In the event of any dispute hereunder, the interpretation of this Agreement by the Grant Officer, and his/her decision on any dispute, shall be final.
9. DATA: RETENTION OF DATA: ACCESS.
- 9.1. As used in this Agreement, the word "data" shall mean all information and things developed or obtained during the performance of, or acquired or developed by reason of, this Agreement, including, but not limited to, all studies, reports, files, formulae, surveys, maps, charts, sound recordings, video recordings, pictorial reproductions, drawings, analyses, graphic representations, computer programs, computer printouts, notes, letters, memoranda, paper, and documents, all whether finished or unfinished.
- 9.2. Between the Effective Date and the Completion Date the Subrecipient shall grant to the State, or any person designated by it, unrestricted access to all data for examination, duplication, publication, translation, sale, disposal, or for any other purpose whatsoever.
- 9.3. No data shall be subject to copyright in the United States or any other country by anyone other than the State.
- 9.4. On and after the Effective Date all data, and any property which has been received from the State or purchased with funds provided for that purpose under this Agreement, shall be the property of the State, and shall be returned to the State upon demand or upon termination of this Agreement for any reason, whichever shall first occur.
- 9.5. The State, and anyone it shall designate, shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, all data.
10. CONDITIONAL NATURE OR AGREEMENT. Notwithstanding anything in this Agreement to the contrary, all obligations of the State hereunder, including, without limitation, the continuance of payments hereunder, are contingent upon the availability or continued appropriation of funds, and in no event shall the State be liable for any payments hereunder in excess of such available or appropriated funds. In the event of a reduction or termination of those funds, the State shall have the right to withhold payment until such funds become available, if ever, and shall have the right to terminate this Agreement immediately upon giving the Subrecipient notice of such termination.
11. EVENT OF DEFAULT: REMEDIES.
- 11.1. Any one or more of the following acts or omissions of the Subrecipient shall constitute an event of default hereunder (hereinafter referred to as "Events of Default"):
- 11.1.1 Failure to perform the Project satisfactorily or on schedule; or
- 11.1.2 Failure to submit any report required hereunder; or
- 11.1.3 Failure to maintain, or permit access to, the records required hereunder; or
- 11.1.4 Failure to perform any of the other covenants and conditions of this Agreement.
- 11.2. Upon the occurrence of any Event of Default, the State may take any one, or more, or all, of the following actions:
- 11.2.1 Give the Subrecipient a written notice specifying the Event of Default and requiring it to be remedied within, in the absence of a greater or lesser specification of time, thirty (30) days from the date of the notice; and if the Event of Default is not timely remedied, terminate this Agreement, effective two (2) days after giving the Subrecipient notice of termination; and
- 11.2.2 Give the Subrecipient a written notice specifying the Event of Default and suspending all payments to be made under this Agreement and ordering that the portion of the Grant Amount which would otherwise accrue to the Subrecipient during the period from the date of such notice until such time as the State determines that the Subrecipient has cured the Event of Default shall never be paid to the Subrecipient; and
- 11.2.3 Set off against any other obligation the State may owe to the Subrecipient any damages the State suffers by reason of any Event of Default; and
- 11.2.4 Treat the agreement as breached and pursue any of its remedies at law or in equity, or both.
12. TERMINATION.
- 12.1. In the event of any early termination of this Agreement for any reason other than the completion of the Project, the Subrecipient shall deliver to the Grant Officer, not later than fifteen (15) days after the date of termination, a report (hereinafter referred to as the "Termination Report") describing in detail all Project Work performed, and the Grant Amount earned, to and including the date of termination.
- 12.2. In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall entitle the Subrecipient to receive that portion of the Grant amount earned to and including the date of termination.
- 12.3. In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall in no event relieve the Subrecipient from any and all liability for damages sustained or incurred by the State as a result of the Subrecipient's breach of its obligations hereunder.
- 12.4. Notwithstanding anything in this Agreement to the contrary, either the State or, except where notice default has been given to the Subrecipient hereunder, the Subrecipient, may terminate this Agreement without cause upon thirty (30) days written notice.
13. CONFLICT OF INTEREST. No officer, member of employee of the Subrecipient, and no representative, officer or employee of the State of New Hampshire or of the governing body of the locality or localities in which the Project is to be performed, who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of such Project, shall participate in any decision relating to this Agreement which affects his or her

- personal interest or the interest of any corporation, partnership, or association in which he or she is directly or indirectly interested, nor shall he or she have any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.
- SUBRECIPIENT'S RELATION TO THE STATE.** In the performance of this Agreement the Subrecipient, its employees, and any subcontractor or subgrantee of the Subrecipient are in all respects independent contractors, and are neither agents nor employees of the State. Neither the Subrecipient nor any of its officers, employees, agents, members, subcontractors or subgrantees, shall have authority to bind the State nor are they entitled to any of the benefits, workmen's compensation or emoluments provided by the State to its employees.
15. **ASSIGNMENT AND SUBCONTRACTS.** The Subrecipient shall not assign, or otherwise transfer any interest in this Agreement without the prior written consent of the State. None of the Project Work shall be subcontracted or subgranted by the Subrecipient other than as set forth in Exhibit A without the prior written consent of the State.
16. **INDEMNIFICATION.** The Subrecipient shall defend, indemnify and hold harmless the State, its officers and employees, from and against any and all losses suffered by the State, its officers and employees, and any and all claims, liabilities or penalties asserted against the State, its officers and employees, by or on behalf of any person, on account of, based on, resulting from, arising out of (or which may be claimed to arise out of) the acts or omissions of the Subrecipient or subcontractor, or subgrantee or other agent of the Subrecipient. Notwithstanding the foregoing, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State, which immunity is hereby reserved to the State. This covenant shall survive the termination of this agreement.
17. **INSURANCE AND BOND.**
- 17.1 The Subrecipient shall, at its own expense, obtain and maintain in force, or shall require any subcontractor, subgrantee or assignee performing Project work to obtain and maintain in force, both for the benefit of the State, the following insurance:
- 17.1.1 Statutory workmen's compensation and employees liability insurance for all employees engaged in the performance of the Project, and
- 17.1.2 Comprehensive public liability insurance against all claims of bodily injuries, death or property damage, in amounts not less than \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury or death any one incident, and \$500,000 for property damage in any one incident; and
- 17.2. The policies described in subparagraph 17.1 of this paragraph shall be the standard form employed in the State of New Hampshire, issued by underwriters acceptable to the State, and authorized to do business in the State of New Hampshire. Each policy shall contain a clause prohibiting cancellation or modification of the policy earlier than ten (10) days after written notice thereof has been received by the State.
18. **WAIVER OF BREACH.** No failure by the State to enforce any provisions hereof after any Event of Default shall be deemed a waiver of its rights with regard to that Event, or any subsequent Event. No express waiver of any Event of Default shall be deemed a waiver of any provisions hereof. No such failure of waiver shall be deemed a waiver of the right of the State to enforce each and all of the provisions hereof upon any further or other default on the part of the Subrecipient.
19. **NOTICE.** Any notice by a party hereto to the other party shall be deemed to have been duly delivered or given at the time of mailing by certified mail, postage prepaid, in a United States Post Office addressed to the parties at the addresses first above given.
20. **AMENDMENT.** This Agreement may be amended, waived or discharged only by an instrument in writing signed by the parties hereto and only after approval of such amendment, waiver or discharge by the Governor and Council of the State of New Hampshire, if required or by the signing State Agency.
21. **CONSTRUCTION OF AGREEMENT AND TERMS.** This Agreement shall be construed in accordance with the law of the State of New Hampshire, and is binding upon and inures to the benefit of the parties and their respective successors and assignees. The captions and contents of the "subject" blank are used only as a matter of convenience, and are not to be considered a part of this Agreement or to be used in determining the intent of the parties hereto.
22. **THIRD PARTIES.** The parties hereto do not intend to benefit any third parties and this Agreement shall not be construed to confer any such benefit.
23. **ENTIRE AGREEMENT.** This Agreement, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire agreement and understanding between the parties, and supersedes all prior agreements and understandings relating hereto.
24. **SPECIAL PROVISIONS.** The additional provisions set forth in Exhibit C hereto are incorporated as part of this agreement.

NEW HAMPSHIRE DEPARTMENT OF JUSTICE



CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the U.S. Department of Justice ("Department") determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by 31 U.S.C. § 1352, as implemented by 28 C.F.R. Part 69, the Applicant certifies and assures (to the extent applicable) the following:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, or the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If the Applicant's request for Federal funds is in excess of \$100,000, and any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal grant or cooperative agreement, the Applicant shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities" in accordance with its (and any DOJ awarding agency's) instructions; and

(c) The Applicant shall require that the language of this certification be included in the award documents for all subgrants and procurement contracts (and their subcontracts) funded with Federal award funds and shall ensure that any certifications or lobbying disclosures required of recipients of such subgrants and procurement contracts (or their subcontractors) are made and filed in accordance with 31 U.S.C. § 1352.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

A. Pursuant to Department regulations on nonprocurement debarment and suspension implemented at 2 C.F.R. Part 2867, and to other related requirements, the Applicant certifies,

with respect to prospective participants in a primary tier “covered transaction,” as defined at 2 C.F.R. § 2867.20(a), that neither it nor any of its principals—

(a) is presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) has within a three-year period preceding this application been convicted of a felony criminal violation under any Federal law, or been convicted or had a civil judgment rendered against it for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, tribal, or local) transaction or private agreement or transaction;

violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion or receiving stolen property, making false claims, or obstruction of justice, or commission of any offense indicating a lack of business integrity or business honesty that seriously and directly affects its (or its principals’) present responsibility;

(c) is presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, tribal, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and/or

(d) has within a three-year period preceding this application had one or more public transactions (Federal, State, tribal, or local) terminated for cause or default.

B. Where the Applicant is unable to certify to any of the statements in this certification, it shall attach an explanation to this application. Where the Applicant or any of its principals was convicted, within a three-year period preceding this application, of a felony criminal violation under any Federal law, the Applicant also must disclose such felony criminal conviction in writing to the Department (for OJP Applicants, to OJP at Ojpcompliancereporting@usdoj.gov; for OVW Applicants, to OVW at OVW.GFMD@usdoj.gov; or for COPS Applicants, to COPS at AskCOPSRC@usdoj.gov), unless such disclosure has already been made.

3. FEDERAL TAXES

A. If the Applicant is a corporation, it certifies either that (1) the corporation has no unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, or (2) the corporation has provided written notice of such an unpaid tax liability (or liabilities) to the Department (for OJP Applicants, to OJP at Ojpcompliancereporting@usdoj.gov; for OVW Applicants, to OVW at OVW.GFMD@usdoj.gov; or for COPS Applicants, to COPS at AskCOPSRC@usdoj.gov).

B. Where the Applicant is unable to certify to any of the statements in this certification, it shall attach an explanation to this application.

4. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, as implemented at 28 C.F.R. Part 83, Subpart F, for grantees, as defined at 28 C.F.R. §§ 83.620 and 83.650:

A. The Applicant certifies and assures that it will, or will continue to, provide a drug-free workplace by—

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in its workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The Applicant's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the award be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the award, the employee will—

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of the employee's conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the Department, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title of any such convicted employee to the Department, as follows:

For COPS award recipients - COPS Office, 145 N Street, NE, Washington, DC, 20530;

For OJP and OVW award recipients - U.S. Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 7th Street, N.W., Washington, D.C. 20531.

Notice shall include the identification number(s) of each affected award;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency; and

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

If you are unable to sign this certification, you must attach an explanation to this certification.

Name and Title of Head of Agency

Signature

Date

Name and Address of Agency

ATTORNEY GENERAL
DEPARTMENT OF JUSTICE

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL



VAWA Subgrantee Contract Checklist

Grant recipients must submit a complete, notarized, **Grant Agreement Form (P-37 Contract)**. The below documentation must accompany the Grant Agreement Form. All pages that do not have a signature must be initialed and dated by person authorized by Certificate of Authority (item 4).

- 1. Exhibit A: Scope of Work
- 2. Exhibit B: Method of Payment
- 3. Exhibit C: Special Provisions
- 4. Certificate of Authority- The purpose of the document is to ensure that the governing body of the organization provided sufficient authority to the signatories of the contract to make it binding (Samples available upon request)
- 5. Certificate of Insurance
- 6. Certificate of Workers Compensation Insurance
- 7. NH Secretary of State Certificate of Good Standing, dated on or after April 1st of the year of the grant award. (Non-profits only)
- 8. Proof of non-profit (if applicable)
- 9. URL where financial statements are available online (if applicable) or copy of last financial audit completed.

a. URL: _____

**ATTORNEY GENERAL
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6397

GORDON J. MACDONALD
ATTORNEY GENERAL

JANE E. YOUNG
DEPUTY ATTORNEY GENERAL



-
- 10. Signed copy of the special conditions.
 - 11. Signed non-supplanting certification
 - 12. Signed Certification Form Regarding Debarment, Suspension, Ineligibility and Voluntary Suspension and Other Responsibility Matters; And Drug-Free Workplace Requirements
 - 13. Certification form of Equal Employment Opportunity Plan.
 - 14. Signed Acknowledgement of Notice of Statutory Requirement to Comply with the Confidentiality and Privacy Provisions of the Violence Against Women Act, as Amended



Acknowledgement of Notice of Statutory Requirement to Comply with the Confidentiality and Privacy Provisions of the Violence Against Women Act, as Amended

Under section 40002(b)(2) of the Violence Against Women Act, as amended (42 U.S.C. 13925(b)(2)), grantees and subgrantees with funding from the Office on Violence Against Women (OVW) are required to meet the following terms with regard to nondisclosure of confidential or private information and to document their compliance. By signature on this form, applicants for grants from OVW are acknowledging that they have notice that, if awarded funds, they will be required to comply with this provision, and will mandate that subgrantees, if any, comply with this provision, and will create and maintain documentation of compliance, such as policies and procedures for release of victim information, and will mandate that subgrantees, if any, will do so as well.

(A) In general

In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, and their families, grantees and subgrantees under this subchapter shall protect the confidentiality and privacy of persons receiving services.

(B) Nondisclosure

Subject to subparagraphs (C) and (D), grantees and subgrantees shall not—

- (i) disclose, reveal, or release any personally identifying information or individual information collected in connection with services requested, utilized, or denied through grantees' and subgrantees' programs, regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected; or
- (ii) disclose, reveal, or release individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of legal incapacity, a court-appointed guardian) about whom information is sought, whether for this program or any other Federal, State, tribal, or territorial grant program, except that consent for release may not be given by the abuser of the minor, incapacitated person, or the abuser of the other parent of the minor.

If a minor or a person with a legally appointed guardian is permitted by law to receive services without the parent's or guardian's consent, the minor or person with a guardian may release information without additional consent.

(C) Release

If release of information described in subparagraph (B) is compelled by statutory or court mandate—

- (i) grantees and subgrantees shall make reasonable attempts to provide notice to victims affected by the disclosure of information; and
- (ii) grantees and subgrantees shall take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

(D) Information sharing

(i) Grantees and subgrantees may share—

- (I) nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;
- (II) court-generated information and law enforcement-generated information contained in secure, governmental registries for protection order enforcement purposes; and
- (III) law enforcement-generated and prosecution-generated information necessary for law enforcement and prosecution purposes.

(ii) In no circumstances may—

- (I) an adult, youth, or child victim of domestic violence, dating violence, sexual assault, or stalking be required to provide a consent to release his or her personally identifying information as a condition of eligibility for the services provided by the grantee or subgrantee;
- (II) any personally identifying information be shared in order to comply with Federal, tribal, or State reporting, evaluation, or data collection requirements, whether for this program or any other Federal, tribal, or State grant program.

(E) Statutorily mandated reports of abuse or neglect

Nothing in this section prohibits a grantee or subgrantee from reporting suspected abuse or neglect, as those terms are defined and specifically mandated by the State or tribe involved.

(F) Oversight

Nothing in this paragraph shall prevent the Attorney General from disclosing grant activities authorized in this Act to the chairman and ranking members of the Committee on the Judiciary of the House of Representatives and the Committee on the Judiciary of the Senate exercising Congressional oversight authority. All disclosures shall protect confidentiality and omit personally identifying information, including location information about individuals.

(G) Confidentiality assessment and assurances

Grantees and subgrantees must document their compliance with the confidentiality and privacy provisions required under this section.

As the duly authorized representative of the applicant, I hereby acknowledge that the applicant has received notice of that if awarded funding they will comply with the above statutory requirements. This acknowledgement shall be treated as a material representation of fact upon which the Department of Justice will rely if it determines to award the covered transaction, grant, or cooperative agreement.

Typed Name of Authorized Representative

Title

Telephone Number

Signature of Authorized Representative

Date Signed

Agency Name

Public Reporting Burden Paperwork Reduction Act Notice. Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. We try to create forms that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete and file this form is 60 minutes per form. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Office on Violence Against Women, U.S. Department of Justice, 145 N Street, NE, 10th Floor, Washington, DC 20530.

EXHIBIT A

-SCOPE OF SERVICES-

1. The Portsmouth Police Department as Subrecipient shall receive a grant from the New Hampshire Department of Justice (DOJ) for expenses incurred for services provided to victims of domestic and sexual violence, stalking and dating violence in compliance with the terms, conditions, specifications, and scope of work as outlined in the Subrecipient's application under Services, Training, Officers, Prosecutors for the Violence Against Women Act Formula Grant Program state solicitation.

2. The Subrecipient shall be reimbursed by the DOJ based on budgeted expenditures described in Exhibit B. The Subrecipient shall submit incurred expenses for reimbursement on the state approved expenditure reporting form as provided. Expenditure reports shall be submitted on a quarterly basis, within fifteen (15) days following the end of the current quarterly activities. Expenditure reports submitted later than thirty (30) days following the end of the quarter will be considered late and out of compliance. *For example, with an award that begins on January 1, the first quarterly report is due on April 15th or 15 days after the close of the first quarter ending on March 31.*

3. Subrecipient is required to maintain supporting documentation for all grant expenses both state funds and match if provided and to produce those documents upon request of this office or any other state or federal audit authority. Grant project supporting documentation should be maintained for at least 5 years after the close of the project.

4. Subrecipient shall be required to submit an annual application to the DOJ for review and compliance.

5. Subrecipient shall be subject to periodic desk audits and program reviews by DOJ. Such desk audits and program reviews shall be scheduled with Subrecipient and every attempt shall be made by Subrecipient to accommodate the schedule.

6. All correspondence and submittals shall be directed to:
NH Department of Justice
Grants Management Unit
33 Capitol Street
Concord, NH 03301
603-271-8091 or Travis.Teeboom@doj.nh.gov

Initials _____

Date _____

EXHIBIT B

-SCHEDULE/TERMS OF PAYMENT-

1. The Subrecipient shall receive reimbursement in exchange for approved expenditure reports as described in EXHIBIT A.
2. The Subrecipient shall be reimbursed within thirty (30) days following the DOJ's approval of expenditures. Said payment shall be made to the Subrecipient's account receivables address per the Financial System of the State of New Hampshire.
3. The State's obligation to compensate the Subrecipient under this Agreement shall not exceed the price limitation set forth in the Memorandum of Understanding.

3a. The Subrecipient shall be awarded an amount not to exceed \$30,000 of the total Grant Limitation upon Governor and Executive Council approval to 12/31/2020, with approved expenditure reports. This shall be contingent on continued federal funding and program performance.

- i. With the sufficient reason, the Subrecipient may apply for an extension of the grant period for up to three months. The Subrecipient must submit the request in writing. No extension is granted until approval is received by DOJ in writing.
- ii. Neither the Subrecipient nor DOJ will be responsible for any expenses or costs incurred under this agreement prior to Governor and Executive Council approval, not after 12/31/2020, or 3/31/2021 if extension is granted.

Initials _____

Date _____

EXHIBIT C

-SPECIAL PROVISIONS-

1. Subrecipients shall also be compliant at all times with the terms, conditions and specifications detailed in the VAWA Federal Grant Program Rule and Special Conditions as Appendix 1 which is subject to annual review.

Non-supplanting Certification

Supplanting defined

Federal funds must be used to supplement existing funds for program activities and must not replace those funds that have been appropriated for the same purpose. Supplanting shall be the subject of application review, as well as pre-award review, post-award monitoring, and audit. If there is a potential presence of supplanting, the applicant or grantee will be required to supply documentation demonstrating that the reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Federal funds. For certain programs, a written certification may be requested by the awarding agency or recipient agency stating that Federal funds will not be used to supplant State or local funds. See the OJP Financial Guide (Part II, Chapter 3). <http://www.ojp.usdoj.gov/financialguide/part2/part2chap3.htm>.

Supplanting and job retention

A grantee may use federal funds to retain jobs that, without the use of the federal money, would be lost. If the grantee is planning on using federal funds to retain jobs, it must be able to substantiate that, without the funds, the jobs would be lost. Substantiation can be, but is not limited to, one of the following forms: an official memorandum, official minutes of a county or municipal board meeting or any documentation, that is usual and customarily produced when making determinations about employment. The documentation must describe the terminated positions and that the termination is because of lack of the availability of State or local funds.

The _____ (Applicant) certifies that any funds awarded through grant number 2020VAW13 shall be used to supplement existing funds for program activities and will not replace (supplant) nonfederal funds that have been appropriated for the purposes and goals of the grant.

The _____ (Applicant) understands that supplanting violations may result in a range of penalties, including but not limited to suspension of future funds under this program, suspension or debarment from federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties.

Printed Name and Title: _____

Signature: _____ Date: _____

EEOP Reporting

I, _____ [*responsible official*], certify that

_____ [*recipient*] has completed the EEO reporting tool certification form at: https://ojp.gov/about/ocr/faq_eeop.htm on _____ [Date]

And that _____ [*responsible official*] has completed the EEOP training at <https://ojp.gov/about/ocr/ocr-training-videos/video-ocr-training.htm> on: _____ [*date*]

I further certify that: _____ [*recipient*] will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

Signature: _____


Date: _____

DONATION TO BE ACCEPTED:

A donation in the amount of \$650 from the Friends of the South End in support of the Portsmouth Police Explorer Cadets. (Anticipated Action: A motion will be made to accept the donation of \$650 from the Friends of the South End in support of the Portsmouth Police Explorer Cadets and forward to the city council for their action.)

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: November 7, 2019
To: Honorable Mayor Jack Blalock and City Council Members
From: John P. Bohenko, City Manager 
Re: City Manager's Comments on November 12, 2019 City Council Agenda

6:15 p.m. - Public Dialogue Summary

Public Hearings & Votes on Ordinances and/or Resolutions:

1. **Public Hearing and Second Reading Re: Amendments to Building, Life Safety and Health Codes.** At the October 28, 2019 City Council meeting, the Council voted to pass first reading and schedule a public hearing and second reading for the November 12, 2019 meeting regarding amendments to the Building, Life Safety and Health Codes.

In December of 2017, the City Council adopted amendments to our Building Code (Chapters 12 and 15), Fire Code (Chapter 5) and our Food Code (Chapter 4) to reflect more current versions of the State Building and Fire Code, formally adopt and amend the 2009 Food Code and certain provisions the N.H. Code of Administrative Rules, He-P 2300, Sanitary Production and Distribution of Food. The amendments to our City Codes revised our local amendments to reflect the updated versions of the State Codes. The State has recently amended the State Building and Fire Codes to incorporate updated version of International Codes. Our current City Codes and local amendments need to be amended again to reflect the updated State Codes. Most of the proposed amendments to the [attached City Codes](#) are not substantive but are housekeeping in nature to reflect the updated State Codes (outlined below) and to delete local amendments now made unnecessary due to the State Code updates.

- [Chapter 4, Food Licensing and Regulations](#), adopting definitions and standards for food processing plants from He-P 2300, the N.H. Code of Administrative Rules
- [Chapter 12, Part I](#): International Building Code (IBC), from 2009 to 2015 version, SBC *
- [Chapter 12, Part II](#): International Residential Code (IRC), from 2009 to 2015 version, SBC*
- [Chapter 15, Part I](#): International Plumbing Code (IPC), from 2009 to 2015 version, SBC*
- [Chapter 15, Part II](#): International Mechanical Code, (IMC), from 2009 to 2015 version, SBC*
- [Chapter 15, Part III](#): Fuel Gas Installations, from Fuel Gas Installations to 2015 National Fuel Gas Code
- [Chapter 15, Part IV](#): National Electrical Code, 2017, SBC*
- [Chapter 5, Article IX](#): International Fire Code, 2015: Uniform Fire Code, NFPA 1, from 2009 to 2015, SFC**

(Although the Codes below are included in the State Building and Fire Codes, we do not have any local amendments to these Codes):

- Life Safety Code, 2015 (NFPA 101), SFC**
- International Energy Conservation Code, from 2009 to 2015, SBC*
- International Existing Building Code, from 2009 to 2015. SBC*
- **International Swimming Pool and Spa Code, 2015, SBC***

*SBC indicates Codes included in the State Building Code

**SFC indicates Codes included in the State Fire Code

In December of 2017, the City Council finalized Guiding Principles Related to Code Adoption in Portsmouth which recommends prompt revision of our ordinances to reflect the most recently adopted state codes and to evaluate current codes to improve code administration.

In December of 2017 the City Council finalized Guiding Principles Related to Code Adoption in Portsmouth which recommends prompt revision of our ordinances to reflect

the most recently adopted State codes and to evaluate current codes to improve code administration. The Inspection and Fire Departments held a public informational session on the Building and Fire Code updates on October 31, 2019. The Inspection and Fire Departments established a separate webpage on the Inspection Department's website that contains the proposed amendments and code information. The Health Department held its public information session on Food Code updates on Thursday, October 17, 2019 at 2:00 p.m., in Conference Room A and has established a webpage that contains the proposed amendments and state regulations. This outreach to the community supports another of the Council's Guiding Principles Related to Code Adoption [attached](#) in the Agenda packet.

I recommend the following motions:

- a) *Move to pass second reading and scheduled third and final reading of amendments to Chapter 4 (Food Code) for the December 2, 2019 City Council Meeting;*
- b) *Move to pass second reading and schedule third and final reading of the amendments to Chapter 5 (Fire Code) for the December 2, 2019 City Council Meeting; and,*
- c) *Move to pass second reading and schedule third and final reading of the amendments to Chapter 12 and Chapter 15 (Building Codes) for the December 2, 2019 City Council meeting.*

2. **Public Hearing and Second Reading of Floodplain Overlay District Zoning Amendments.** At the October 28, 2019 City Council meeting, the Council voted to pass first reading and schedule a public hearing and second reading for the November 12, 2019 meeting regarding the Floodplain Overlay District Zoning Amendments.

These proposed amendments respond to recommendations included in the City's 2025 Master Plan and as an outcome of the City's Climate Resiliency and Adaptation Initiatives. The proposed amendments to the Zoning Ordinance, Article 6 – Overlay Districts, Section 10.620 – Flood Plain District and Article 15 – Definitions include revisions for complying with National Flood Insurance Program regulations, addressing impacts of climate change and projected sea level rise, and strengthening thresholds for when properties are required to come into compliance with Flood Plain standards for development.

The proposed amendments are listed in the [attached document and a redlined version of the existing Ordinance](#) is provided for reference as well.

The Planning Board held a work session on these proposed amendments on August 22, 2019 and a public hearing on September 19, 2019. As a result of their review, the Board voted to recommend approval to City Council of the proposed floodplain amendments.

The Planning Department held two public informational meetings to go over these amendments and to answer questions from the public on October 29, 2019 and November 6, 2019.

I recommend the City Council move to pass second reading on the proposed amendments to the Flood Plain District section of the Zoning Ordinance and schedule third reading for the December 2, 2019 City Council meeting.

3. **Public Hearing and Second Reading of a Minor Ordinance Change to Conservation Ordinance.** At the October 28, 2019 City Council meeting, the Council voted to pass first reading and schedule a public hearing and second reading for the November 12, 2019 meeting regarding a minor Ordinance change to the Conservation Ordinance.

At Chapter 8, Article V, the City has a Conservation Ordinance for purposes of protecting land and interests in land (easements) received or purchased for conservation purposes. The Ordinance lists properties subject to conservation protection and sets forth processes for managing those properties.

The proposed Ordinance amendments consist of the following:

- a. Adding two properties to the list of protected properties (property located on Lois Street and property located on Banfield Road) and deleting one property that should not be included on Heritage Avenue (it is a pump station);
- b. Updating the property identifiers with extended parcel IDs and book and page information; and
- c. Adding a new section to allow for the City to maintain municipal infrastructure located on such properties.

The Conservation Commission is supportive of these amendments and the Planning Board does not have a role. [Attached are the proposed Ordinance amendments.](#)

I recommend the City Council move to pass second reading on the proposed amendments to Chapter 8, Article V and schedule third and final reading at the December 2, 2019 City Council meeting.

4. **Public Hearing and Second Reading on Wetlands Regulations Zoning Amendments.** At the October 28, 2019 City Council meeting, the Council voted to pass first reading and schedule a public hearing and second reading for the November 12, 2019 meeting regarding the Wetlands Regulations Zoning Amendments.

These proposed amendments will provide additional detail to assist the Conservation Commission and Planning Board in their implementation of wetland protection regulations and include best practices for working in and near wetland environments throughout the City. The proposed amendments to the Zoning Ordinance, Article 10 – Environmental Protection Standards, Section 10.1010 – Wetlands Protection include clarifying the characterization of impacts to the wetland and buffer, adding information related to the compensatory removal of impervious surface and the requirements for a wetland buffer

The Office of the Police Chief submits the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval.

I recommend the City Council move to accept and approve the grants and donation to the Portsmouth Police Department, as presented.

City Manager's Items Which Require Action:

1. **Minor Amendment to Portsmouth Historical Society Lease.** For action is a minor amendment to the existing 50-year lease with the Portsmouth Historical Society for the property at 10 and 30 Middle Street (the location of the Discover Portsmouth Center). This minor amendment is needed to facilitate the use of Community Development Block Grant (CDBG) funds to make the existing bathrooms accessible for those with disabilities. The City's CDBG program has available federal grant funds to make improvements to bathrooms to bring them into compliance with the Americans with Disabilities Act (ADA). The existing restrooms are not handicap accessible to current codes.

In order to satisfy federal grant requirements the lease needs to be amended to provide assurances that the bathroom improvements will be made available to the general public. The Portsmouth Historic Society has agreed on amendments to the lease agreement that will satisfy the federal requirements. [See the attached partially executed amendment.](#) The amendment provides that the improved bathrooms will be open to the public for a minimum of 200 calendar days per year, calculated over the average of days open over the preceding three years. The lease amendment also provides that that City has the right to install and maintain public restroom signage at or near the premises.

It is the intention to construct these improvements while the Discover Portsmouth Center is regularly closed during the winter months thus timely action is needed on this amendment.

I recommend the City Council move to authorize the City Manager to execute the attached lease amendment.

THIS AMENDMENT TO LEASE AGREEMENT is made between the City of Portsmouth (the "City"), a municipal corporation organized and existing under the laws of the State of New Hampshire and having a principal place of business at 1 Junkins Avenue, Portsmouth, New Hampshire and the Portsmouth Historical Society ("PHS") a non-profit corporation organized under the laws of New Hampshire having its principal place of business at 43 Middle Street, P.O. Box 728, Portsmouth, New Hampshire.

1. Terms Amended

The Lease dated August 23, 2018, covering the premises formerly addressed as 8 Islington Street, but has since been redesignated 10 Middle Street (for the main entrance to the Academy Building) and 30 Middle Street (for the main entrance to the Morton-Benedict House), and recorded at the Rockingham County Registry of Deeds at Book 5946 Page 1710 is amended as follows:

The following section is added immediately after Section 6.3 Public Access to read as follows:

Section 6.3.5 Public Access to Restrooms: In consideration for the receipt of CDBG funds, PHS agrees it shall keep the restrooms on the first floor of the Premises open to the public, without charge, at all times that the Premises is open to the public. Consistent therewith, the restrooms shall be open to the public for an average of at least 200 days per calendar year, which shall be calculated on the basis of the average of the number of days annually that the restrooms have been open to the public over the three prior calendar years. PHS shall maintain records of the number of these days that the Premises is open to the public each calendar year, and this calculation shall be made available to the City upon request.

PHS shall keep the restrooms on the first floor of the Premises in a neat and clean condition, properly supplied with trash receptacles, paper products, hand soap, and disinfectants, and otherwise maintained in a manner consistent with other City-owned, publicly available restrooms in the City.

The following section is added under Article IX Signage:

The City shall have the right to install and maintain exterior signage regarding the availability of public restrooms at a location on or near the Premises, in consultation with PHS.

2. Effective Date

This Amendment will take effect upon approval by the Portsmouth City Council.

3. Other Terms of Lease Remain in Effect

In all other respects, the terms of the original lease and any earlier amendments will remain in effect. If there is a conflict between this Amendment and the original lease or any earlier amendments, the terms of this Amendment will prevail.

IN WITNESS WHEREOF, the City and PHS have caused this Amendment to Lease Agreement to be executed in their respective names by their duly authorized officers, all as of the date first written above.

THE CITY OF PORTSMOUTH

PORTSMOUTH HISTORICAL SOCIETY

By: _____
John P. Bohenko, City Manager
Authorized by vote of the City
Council on _____, 2019.

By: David C. Hoefle, President
Print Name: David C. Hoefle, President

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

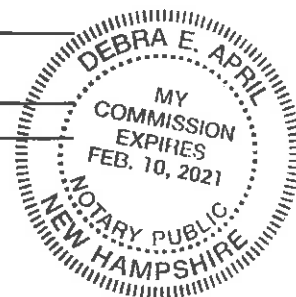
On this _____ day of _____, 2019 before me, _____, personally appeared John P. Bohenko, known to me (on the basis of satisfactory evidence) to be the City Manager of the City of Portsmouth and on oath stated that he was authorized to execute this instrument and acknowledged it to be his free and voluntary act for the uses and purposes set forth herein.

Notary Public/Justice of Peace
Printed Name: _____
My commission expires: _____

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

On this 29th day of October, 2019 before me, Debra E. April, personally appeared Daniel C. Hoefle, known to me (or proved to me on the basis of satisfactory evidence) to be the President of the Portsmouth Historical Society, and on oath stated that she/he was authorized to execute this instrument and acknowledged it to be her/his free and voluntary act for the uses and purposes set forth herein.

Debra E. April
Notary Public/Justice of Peace
Printed Name: Debra E. April
My commission expires: 02/10/21



CITY COUNCIL E-MAILS

October 29, 2019 – November 12, 2019 (9:00 a.m.)

November 12, 2019 Council Meeting

Below is the result of your feedback form. It was submitted by Marc Stettner (marcstettner@yahoo.com) on Tuesday, November 12, 2019 at 07:06:32

address: 91 Fairview Avenue

comments: Subject: New Road Medians Woodbury Avenue and Maplewood Avenue

City Council

As a resident of Fairview Avenue I frequently travel both Woodbury Avenue and Maplewood Avenue numerous time during the day and night. Recently the City, as part of the Woodbury Avenue renovations, added several roadway medians. As of this date renovations are not finished and there is time to make changes. I am writing to request that these medians are removed as soon as possible. I am requesting that they are removed because they are a hazard to vehicles, bicyclists and ruin the aesthetics of the roadway. These roads were not initially designed to accommodate medians.

The reason they are a hazard to vehicles is due to the fact that the usable width of the road is decreased significantly. A vehicle moving along the road has to swerve around them in order to avoid them hitting them. They are also a hazard due to their low profile. At night with oncoming headlights a driver cannot see them on the road and run the risk of colliding with them. When driving in the rain their visibility is further reduced. I personally witnessed a car make a split second avoidance maneuver at night this week to avoid hitting one. During a winter snowstorm they will be nearly impossible see. The snow will accumulate on them obscuring their visibility 100%. It is just a matter of time before a vehicle hits them.

They are also a hazard to bicyclists because the roadway is narrowed. There is very little room for a vehicle to share the road with a bicyclist next to these medians. The medians create a risk that a vehicle may sideswipe a bicyclist.

The City intends to install signs to make these medians more visible. However, more signs on the roadways are a distraction causing signage clutter. A well designed and maintained roadway should be minimalistic without distractions.

For all the reasons above and some that are not know at this time I am requested that these roadway medians are removed.

Sincerely,

Marc Stettner /s/

PS I am unable to attach a picture of the problem. I submitted a letter that includes a picture to the City Clerk along with the same letter. Please contact the City Clerk for this picture.

includeInRecords: on

Engage: Submit

NOUCAS LAW OFFICE
NOBLES ISLAND
500 MARKET STREET, SUITE 8
PORTSMOUTH, NEW HAMPSHIRE 03801
(603) 431-7164
FAX: (603) 431-7167

JAMES G. NOUCAS, JR.
JNOUCAS@NOUCASLAW.COM
ADMITTED TO PRACTICE IN NH & ME

RECEIVED
OCT 28 2019
CITY MANAGER
PORTSMOUTH, NH

JAMES C. NOUCAS
JIMNOUCAS@NOUCASLAW.COM
ADMITTED TO PRACTICE IN NH

October 25, 2019

John Bohenko, City Manager
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Re: Re-Zoning Request
St. Nicholas Greek Orthodox Church
Tax Map 229, Lot 6A

Dear John:

Please find enclosed the request of the St. Nicholas Greek Orthodox Church to have its back lot, Tax Map 229, Lot 6A, re-zoned from SRB to Gateway 1. Kindly place it on the City Council agenda for consideration.

As I am representing the Church on this matter, please do not hesitate to contact me if you need any additional information or require anything further. Thank you for your consideration in this matter.

Sincerely,

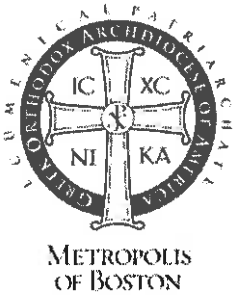


James G. Nocas, Jr.

JGN:tlk

Enclosure

cc: St. Nicholas Greek Orthodox Church



Saint Nicholas Greek Orthodox Church
Rev. Fr. Robert J. Archon, Protopresbyter

Jack Blalock, Mayor
John Bohenko, City Manager
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

October 24, 2019

Re: Re-Zoning Request
St. Nicholas Greek Orthodox Church
Tax Map 229, Lot 6A

Gentlemen:

The St. Nicholas Greek Orthodox Church owns a lot on Ledgewood Drive that is identified as Map 229, Lot 6A. It is zoned SRB. The Church is requesting that it be re-zoned as Gateway 1.

As you can see on the attached map, the Church lot is at the back end of Ledgewood Drive. To the east, it abuts Portsmouth High School athletic fields. To the north, it abuts Tax Map 229, Lot 4, which is zoned SRB. To the west is Tax Map 229, Lot 6, which is zoned SRB but, by variance has been in commercial use since July 1, 1965. Across Ledgewood Drive to the south are the Ledgewood Manor Apartments which are zoned Garden Apartment. To the west of Ledgewood Manor is the Tuscan Kitchen property which is zoned Gateway 1.

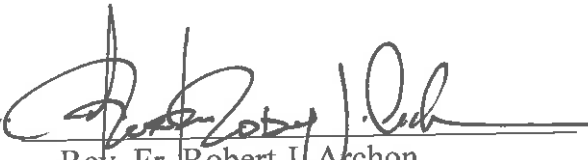
While the Church's lot abuts an SRB property on its north side, it is otherwise surrounded by commercial use and the Ledgewood apartment complex. It is not conducive to SRB use. The Church's goal is to build residential apartments as permitted by Gateway 1 zoning.


The Church respectfully requests that the City Council initiate the re-zoning process so that the Church lot may be put to its best use for the Church and the

Portsmouth community. If you have any questions or require any additional information, please do not hesitate to contact us. Thank you for your consideration in this matter.

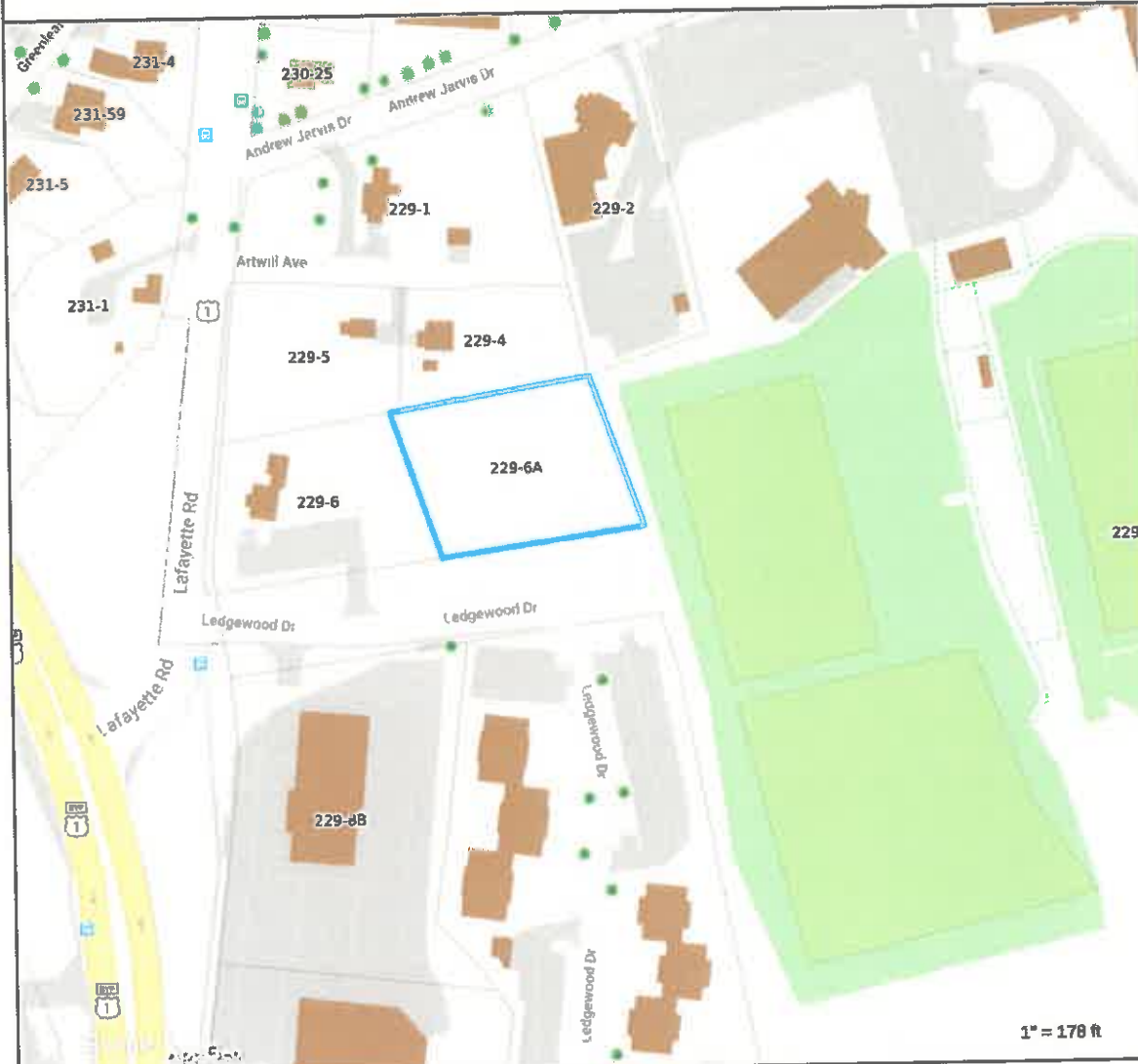
Sincerely,

ST. NICHOLAS GREEK
ORTHODOX CHURCH

By: 
Rev. Fr. Robert J. Archon
Presiding Priest

By: 
Mr. Arthur Kyricos
President / Parish Council

Map 229 Lot 6A



Property Information

Property ID 0229-006A-0000
Location LAFAYETTE RD
Owner ST NICHOLAS GREEK ORTHODOX CH



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 4/1/2019
Data updated 7/17/2019

November 4, 2019

REF: Menorah Display in Downtown Portsmouth

Dear Mayor and City Council,

The request of this email is based on the Supreme Court's decision of July 3, 1989 (NOS. 87-2050 - 88-90 - 88-96) that a Chanukah Menorah Display is constitutional on Government/ Public property. Quoting from the Supreme Court's decision "Simply put, it would be a form of discrimination against Jews to allow (Pittsburgh) to celebrate Christmas as a cultural tradition while simultaneously disallowing the acknowledgment of Chanukah as a contemporaneous cultural tradition".

The Court also recognized that Chanukah contains a universal message for all people of all faiths - a message of freedom, of good over evil, of light over darkness. As you know, a Menorah is a nine-branch candelabrum which obtained particular significance to the Jewish people during their rebellion nearly 2500 years ago. While many, particularly those outside the Jewish faith, believe that the Menorah is uniquely a religious symbol, the Menorah symbolizes much more. It symbolizes - the liberty to express oneself ethically, culturally, and -- religiously. As such, it is an indication of the diversity and - pluralism which are so important to our society. Its display during the holiday season would remind us of these precious liberties secured by our Constitution.

We are requesting permission to place a nine-foot Menorah at the Market Square in Downtown Portsmouth wherever space allows. Along with the Menorah, we will supply you with a professionally made sign acknowledging the "Universal Message of the Chanukah Lights." I have attached pictures of Menorahs across the United States, as well as a picture of the nine-foot Menorah we would like to place Downtown.

We would like to put up the Menorah on Sunday, December 22nd and we will have it removed Sunday, December 30th.

We hope that you will favorably consider this request.

Please call 603-205-6598 with questions or to confirm the above or email Office@JewishSeacoast.com

Sincerely,

Rabbi Berel Slavaticki
Seacoast Jewish Center
603-205-6598
Rabbi@JewishSeacoast.com
JewishSeacoast.com
72-1 Main Street, Durham, NH 03824







