

CHAPTER 15

Part II

INTERNATIONAL MECHANICAL CODE, 2015 (Adopted 12/02/2019)

The City of Portsmouth adopts the State Building Code, which adopts by reference The International Mechanical Code, 2015 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 101 GENERAL

Insert in blank space:

101.1 Title. “the City of Portsmouth, New Hampshire”

Edit subsection as follows:

101.2 Scope. *Delete the reference, “International Fuel Gas Code” and replace with the reference, “National Fuel Gas Code, NFPA 54.”*

SECTION 102 APPLICABILITY

Add new subsections to read as follows:

102.8.3 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.

102.8.4 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.

102.8.5 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.

102.8.6 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 103 DEPARTMENT OF BUILDING SAFETY

Change subsection to read as follows:

103.1 General. The Inspection Department's executive official is the Chief Building Inspector. There shall be a Plumbing/Mechanical Inspector assigned to this department, and he/she will report to the Chief Building Inspector. For the purposes of this Code, the Plumbing/Mechanical Inspector shall be referred to as the *code official*.

SECTION 106 PERMITS

Change subsection to read as follows:

106.3 Mechanical permits. Mechanical 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:

106.4 Permit issuance. The construction documents and other data filled by an applicant for a permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and the fees specified in Section 106.5 have been paid, a permit shall be issued to the applicant. Work shall be done in accordance with the submitted construction documents presented at the time of permit issuance.

Mechanical permits shall only be issued to resident owners of single family homes for work in said home in which the owner currently resides, and to businesses engaged in the installation of any heating, cooling, air-conditioning or domestic water heating systems. All permits shall be obtained in person by the *qualified person or agency* taking responsibility for the work. Mechanical permits shall not be transferable.

For gas piping work and the installation and repair of all gas fired equipment, a *qualified person* shall be any person who conforms to the SAFE-C-8000 *Licensing of Fuel Gas Fitters* rules, as regulated by The State of New Hampshire Division of Fire Safety.

The code official shall have the authority to issue a permit for the construction of part of a mechanical system before the entire construction documents for the whole system have been submitted, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this Code. The holder of the partial permit shall proceed at their own risk without assurance that the permit for the entire mechanical system will be granted.

Delete the following subsection without substitution:

~~106.4.1 Approved construction documents.~~

Change subsection to read as follows:

106.4.3 Expiration and extensions. Every permit issued shall become invalid if the authorized work is not commenced within one year after issuance of the permit, or if the authorized work is suspended or abandoned for a period of one year after the time of commencing the work. The building official may grant one (1), extension of time not exceeding twelve (12) months if there

is reasonable cause and only when requested in writing prior to the permit expiration date. Said extension will only be authorized when it does not conflict with any local laws or ordinances governing the construction work. For a permit to be considered active, periodic inspections must be requested and work progress documented by inspections. Work elements shall be items associated with the mechanical permit scope of work.

Delete the following subsection without substitution:

106.4.4 Extensions.

Add new subsection to read as follows:

106.4.9 Outstanding permits. Any person or company with outstanding or expired permits, for work that has been completed and not inspected, may be denied issuance of new permits, until all prior work has passed all required inspections.

Change subsections to read as follows:

106.5.1 Commencing work before permit issuance. Any person who commences any work on mechanical equipment, systems, pipes, ducts or fixtures without first obtaining the required permit(s) shall, upon issuance of said permit(s), be assessed a fee in accordance with Chapter 1, Article XVI or similar wording, of the Ordinances of the City of Portsmouth, NH.

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 107.3.4 for reinspection fees.

Edit subsection as follows:

106.5.3 Fee refunds:

Insert in blank spaces: 2. “50%”; 3. “50%”

In last paragraph substitute “one year” in place of “180 days”.

Add sentence to end of last paragraph:

“Refunds shall not be issued on permits that have expired under the conditions of Section 106.4.3.”

Add new subsection to read as follows:

106.5.4 City construction projects. Fees shall not be assessed for work associated with projects undertaken by the City of Portsmouth. These projects may also include contract work done by private contracting firms hired directly by the City. This exemption shall not apply to projects done by the State Department of Public Works, Pease Development Authority, State Port Authority or the Portsmouth Housing Authority.

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. 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.

Add sentence to end of subsection:

107.4 Approval. "Said notice shall be the completed permit inspection log form."

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.

108.5 Stop work orders: *Insert in the first blank: "\$100.00"; Insert in the second blank: "\$1,000.00"*

SECTION 109 MEANS OF APPEAL

Delete the entire section and substitute with the following:

109.1 Application for appeal. Refer to City Ordinance Chapter 12, Part 1, Appendix B as amended (City Building Code), for the procedure to follow when an appeal from the provisions of this Code is being requested and for the membership and qualifications of the Board of Appeals.

SECTION 202 GENERAL DEFINITIONS

Add new definition to subsection:

Food service establishment. Any fixed or mobile restaurant, temporary food service establishment, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, industrial food service establishment, catering kitchen, commissary and any other eating or drinking establishment where food or beverages are prepared or served; whether private, public, profit or non-profit.

SECTION 303 EQUIPMENT AND APPLIANCE LOCATION

Add new subsection to read as follows:

303.9 Equipment noise. Refer to the City of *Portsmouth Zoning Ordinance*, for the limitations of excessive noise from mechanical equipment operations. Noise from mechanical equipment shall not exceed the levels so stated.

SECTION 501 EXHAUST SYSTEM

Add new subsection to read as follows:

501.6 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 exception 4 in subsection to read as follows:

Exception 4. Cooking equipment that has been listed in accordance with ANSI/UL 197 or an equivalent standard for reduced emissions shall not be required to be provided with an exhaust system. Spaces in which such systems are located shall be considered to be kitchens and shall be ventilated in accordance with table 403.3. For the purpose of determining the floor area required to be ventilated, each individual appliance shall be considered as occupying not less than 100 square feet (9,3m²).

SECTION 509 FIRE SUPPRESSION SYSTEMS

Add subsection to read as follows:

509.2 NFPA 96. The following amendments to NFPA 96 are hereby incorporated into this code:

Chapter 10 Fire-Extinguishing Equipment

Add new subsections to read as follows:

109.3 Initial System Test.

109.3.1 Prior to placing the cooking equipment in service, all the systems shall be tested as required by the City of Portsmouth Range Hood Test Report Form. The suppression test shall use a substitute non-flammable gas in place of the UL 300 suppression agent.

109.3.2 When the conditions I Section 10.2.3.1 apply, a re-test of all the systems as stated in Section 10.9.3.1 shall be performed.

Chapter 11 Procedures for the Use and Maintenance of Equipment

Add new sentence to end of subsection:

11.6 Cleaning of Exhaust Systems.

11.6.2* “The methods, tools and values outlined in Annex A, Section A.11.6.2 and Figure A.11.6.2 shall become mandatory requirements of this Section.”

End of NFPA 96 Amendments

SECTION 801 CHIMNEYS AND VENTS

Change subsections to read as follows:

801.1 Scope. This chapter shall govern the installation, maintenance, repair and approval of factory-built chimneys, chimney liners, vents and connectors. This chapter shall also govern the utilization of masonry chimneys. Gas-fired appliances shall be regulated in accordance with the *National Fuel Gas Code*, NFPA 54.

801.3 Masonry chimneys. Masonry chimneys shall be constructed in accordance with the *International Building Code* and NFPA 211, *the Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances*.

SECTION 902 MASONRY FIREPLACES

Change subsection to read as follows:

902.1 General. Masonry fireplaces shall be constructed in accordance with the *International Building Code* and NFPA 211, *the Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances*.

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) 271-7965

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

Add in the NFPA section the following referenced Standards:

54-15 National Fuel Gas Code 101.2, 102.8, 801.1

70-17 National Electric Code 102.8

96-11 Ventilation Control and Fire Protection
of Commercial Cooking Operations 102.8.4

Amend in the NFPA section the following referenced Standards:

Change 31-06 to 31-11 Standard for Installation of Oil Burning Equipment

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

Change 211-0 to 211-13 Standards for Chimneys,
Fireplaces, Vents and Solid Fuel-Burning Appliance

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.