

CHAPTER 5

FIRE DEPARTMENT AND PREVENTION REGULATIONS

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ARTICLE I: FIRE DEPARTMENT

Section 5.101: PERSONNEL

The Fire Department shall consist of a Fire Chief, Deputy Chiefs, fire officers, firefighters, and administrative personnel as recommended by the Fire Chief and approved by the Board of Fire Commissioners.

Section 5.102: AID OUTSIDE CITY

The Fire Chief is authorized to allow department apparatus, vehicles, and/or personnel to provide aid outside the City, in or out of state, for the purposes of extinguishing a fire, rendering other emergency assistance, or performing any detail as requested.

ARTICLE II ARTICLE III, ARTICLE IV and ARTICLE V – *RESERVED FOR FUTURE USE*

ARTICLE VI: FIRE DEPARTMENT EMERGENCY MEDICAL SERVICE COSTS

Section 5.601: FIRE DEPARTMENT EMERGENCY MEDICAL SERVICE COSTS

The rates to be charged for Emergency Medical Services shall be established and adjusted as necessary by the City Manager with approval of the Board of Fire Commissioners. Where applicable, the rates shall be equal to or less than the usual and customary rates, which are charged for those services by private service providers in the geographic area. The rates shall be established pursuant to the following terms and conditions:

- A. Medicare patients shall be charged the current Medicare allowable rate for any Medicare covered service, and Medicare patients are to be responsible for co-pays and deductibles.
- B. The rates may include a fee for mileage traveled by municipal vehicles.
- C. The rates may include a fee for special services provided by the Fire Department such as extrication of individuals from motor vehicles or similar services.
- D. The rates may include a fee for non-emergency transfer of patients from one location to another location.
- E. The rates may contain a provision allowing for a reduction or waiver of the established rates in the case of need or other good cause shown by the recipient of the service.

ARTICLE VII: BLASTING

Section 5:701 BLASTING PERMIT REQUIRED

No person shall perform or cause to be performed any blasting within the City limits unless a Blasting Permit is obtained from the City Engineer. This permit shall not be issued until the following terms and conditions have been satisfied by the applicant:

- A. All abutters within five hundred (500) feet of the area where the blasting will occur shall receive notice by certified mail two full business days (excluding Saturday, Sunday and holidays) in advance of the blasting. The term “abutter” shall be defined in the manner used for the notification of zoning abutters.
- B. That the City Engineer’s office as well as the Building Inspector shall receive the same notice, also sent by certified mail, at least two full business days (excluding Saturday, Sunday and holidays) in advance of the blasting.
- C. The name and address of the blasting company be provided.
- D. The name of a company representative be provided and the twenty-four (24) hour telephone number of the representative; such representative being a person who is capable of responding to claims and issues arising from the blasting performed.
- E. A pre-blast survey shall be completed by the blasting company for an area within five hundred (500) feet of the proposed blasting.
- F. Any reports, measurements or video tapes made in connection with this pre-blast survey or with the subsequent blasting shall be made available upon request to all abutters within five hundred (500) feet of the area.
- G. That the cost of such a pre-blast survey shall be borne by the blasting company.
- H. The Use and Transport License of the hauler shall be designated.
- I. The route of removing blasting material shall be designated.
- J. The location of the blasting shall be designated.
- K. The blasting shall take place within the hours of 8:00 A.M. to 5:00 P.M. Monday through Friday.
- L. An Insurance Certificate shall be posted with the City Engineer in an amount and type deemed appropriate by the City Engineer and the City Attorney.
- M. The Public Works Director is hereby authorized to promulgate blasting rules consistent with the intent of this ordinance, such rules shall become effective on acceptance by the City Council.

ARTICLE VIII: ALARM SYSTEMS

Section 5.801: DEFINITIONS

For the purpose of this Article, the following definitions shall be applicable:

Alarm System: Any assembly of equipment and/or devices which, with or without human involvement, is reasonably calculated to notify either police or fire officials and lead them to believe that there is a situation requiring their urgent attention.

Unfounded Emergency Call: Any response by police or fire officials to the activation of an alarm system, when no objective indication of a situation requiring their urgent attention is found by the responding police or fire offices; false alarm.

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 unfounded emergency calls to that premises in 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.

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ARTICLE IX: ADOPTED FIRE CODES (Amended 12-13-2022)

The City of Portsmouth adopts the “State Fire Code” as defined in NH RSA 153:1 VI-a, which includes the adoption by reference of the Life Safety Code NFPA 101 and the Uniform Fire Code NPA 1, 2018 editions.

The City of Portsmouth also adopts the International Fire Code, 2018 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 subject to the follow amendments, additions and deletions:

SECTION 101 GENERAL

Insert in blank space:

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

SECTION 102 APPLICABILITY

Add new subsections to read as follows:

102.7.3 Specific electrical code reference. 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.

102.7.4 Specific gas code reference. Wherever this Code references the *International Fuel Gas Code* the reader shall substitute that reference with the *National Fuel Gas Code*, NFPA 54.

Change section title to read as follows:

SECTION 103 BUREAU OF FIRE PREVENTION

Change subsection to read as follows:

103.1 General. The Bureau of Fire Prevention and Control is hereby created within the City of Portsmouth, New Hampshire Fire Department. It shall be the duty and responsibility of the Fire Chief, or any duly authorized representative, to enforce the provisions of this Code. The designated enforcement officer of this Code shall be referred to as the fire code official.

Add new sentence to end of subsection to read as follows:

103.3 Deputies. “Deputy officials shall include but not be limited to: the Deputy Fire Chief, Assistant Fire Chiefs, Fire Inspector, all Fire Officers, Chief Building Inspector, Assistant Building Inspector, Electrical Inspector, Plumbing/Mechanical Inspector, Public Works Director or City Engineer.”

SECTION 105 PERMITS

Change subsections to read as follows:

105.2.3 Time limitation of application. An application for a permit shall be deemed to have been abandoned one year after the date of filing, unless such application has been completed or a permit has been issued, except that the fire code official shall 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 application expiration date.

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed, revoked or for such a period of time as specified on the permit. Construction/installation permits 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 work

105.3.2 Extensions. The fire code official shall 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 expiration date. Said extension will only be authorized when it does not conflict with any Federal, State, Local Laws or Ordinances.

105.4.1 Submittals. Construction documents and supporting data shall be submitted with each application for a permit and in such form and detail as required by the fire code official. The construction documents shall be prepared and stamped by a licensed professional engineer acceptable to the fire code official. The requirement for stamped construction documents may be waived by the fire code official at his sole discretion on a case by case basis.

105.6.32 Open Burning. Open burning permits shall be issued by New Hampshire Division of Forests and Lands of the City of Portsmouth Fire Department and shall comply with the requirements of section 307.

105.6.36 Places of Public Assembly. The City of Portsmouth Fire Department shall issue places of public assembly permits under the requirements of State RSA 155:17 and 155:18.

SECTION 109 BOARD OF APPEALS

Add sentence to end of subsection to read as follows:

109.1 Board of appeals established. The City's Building Code Board of Appeals will hear and decide appeals or orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code.

SECTION 110 VIOLATIONS

Change subsection to read as follows:

110.4 Violations 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 a building or structure in violation of an approved plan or directive of the code 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 New Hampshire RSA's 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty provisions.

SECTION 307 OPEN BURNING

Change subsections to read as follows:

307.1 General All open burning shall conform to all applicable State Laws (RSA 227-L) and Administrative Rules of the NH Department of Resources and Economic Development, Division of Forests and Lands and any other Federal, State, Local laws or ordinances which are applicable.

307.1.2 Prohibited Open Burning. Due to narrow roadways, restricted access to rear yards, and the proximity of structures, open burning is prohibited in the "South End" of the City. This area is defined as south of State Street, east of Pleasant Street, east of Junkins Avenue, and north of South Street. Also included is the area along Marcy Street to New Castle Avenue.

307.2 Permit required. Open burning in accordance with state and local regulations shall be allowed after obtaining a permit from the New Hampshire Division of Forests and Lands or the City of Portsmouth Fire Department.

Delete subsections ~~307.4 through 307.5~~ without substitution.

SECTION 503 FIRE APPARATUS ACCESS ROADS

Add new subsection to read as follows:

503.7 Fire Lanes. Fire lanes shall be maintained in areas so posted. All fire lanes shall conform to Chapter 7, Article XV, of the City Ordinances; *Emergency Lanes*.

SECTION 607 COMMERCIAL KITCHEN HOODS

Change subsection to read as follows:

[M] 607.1 General. Commercial kitchen exhaust hoods shall comply with the requirements of the *International Mechanical Code* and NFPA 96, *Ventilation Control and Fire Protection of Commercial Cooking Operations*.

SECTION 903 AUTOMATIC SPRINKLER SYSTEMS

Change subsection to read as follows:

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for fire areas containing Group A-1 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 10,000 square feet (928 m²)
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

Change subsection to read as follows:

903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for all Group A-2 occupancies and intervening floors of the building.

Change subsection to read as follows:

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exist:

1. A Group M fire area exceeds 5,000 square feet (464 m²)
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10,000 square feet (928 m²).
4. A group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²)

Change subsection to read as follows:

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 10,000 square feet (928 m²)
2. A Group S-1 fire area is located more than three stories above or any number of stories below grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 20,000 square feet (1856 m²)
4. A Group S-1 fire area used for the storage of commercial motor vehicles where the fire area exceeds 5,000 square feet (232 m²)
5. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m²)

Change subsection to read as follows:

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 905 STANDPIPE SYSTEMS

Add new subsection to read as follows:

905.13 Threads. Threads provided for fire department connections to standpipe systems shall be compatible with equipment used by the Portsmouth Fire Department. Hand line hose threads for 2-1/2" diameter hose shall be National Standard thread. Hand line hose threads for 1-1/2" or 1-3/4" diameter hose shall be Iron Pipe thread.

SECTION 907 FIRE ALARM AND DETECTION SYSTEMS

Edit subsection as follows:

907.2.1 Group A.

Delete Exception without substitution.

Change subsection to read as follows with Exception remaining unchanged:

907.2.1.1 System initiation in Group A occupancies with an occupant load of 300 or more. Activation of the fire alarm in Group A occupancies with an occupant load of 300 or more shall initiate a signal using an emergency voice/alarm communications system in accordance with Section 907.5.2.2.

Edit subsection as follows:

907.2.2 Group B.

Delete Exception without substitution.

Edit subsection as follows:

907.2.3 Group E.

Delete Exception 3 and 4 without substitution.

Edit subsection as follows:

907.2.4 Group F.

Delete Exception without substitution.

Edit subsection as follows:

907.2.6.1 Group I-1.

Delete Exception 1 without substitution.

Edit subsection as follows:

907.2.6.2 Group I-2.

Delete Exceptions 1 and 2 without substitution.

Edit subsection as follows:

907.2.6.3.3 Automatic smoke detection system.

Delete Exceptions 2 and 3 without substitution.

Edit subsection as follows:

907.2.7 Group M.

Delete Exceptions 1 and 2 without substitution.

Edit subsection as follows:

907.2.8.1 Manual fire alarm system.

Delete Exception 2 without substitution.

Add new subsection to read as follows:

907.2.8.2.1 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 device.

Change subsection to read as follows:

907.2.9.1 Manual fire alarm system.

1. The building contains more than 11 dwelling units or sleeping units.

Exceptions:

1. *This exception remains unchanged.*
2. *Delete this exception without substitution.*
3. *This exception remains unchanged.*

Change subsection to read as follows:

907.2.9.3 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 item 4 to subsection to read as follows:

907.2.10.1 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 alarms in common areas shall be interconnected but shall not be interconnected with guest room smoke alarms.

Change item 4 of subsection to read as follow:

907.2.10.2 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 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 fire official, additional single-or multiple-station smoke alarms may be required in the basement, interconnected with a dwelling unit(s) alarm(s).

Add subsection and Exception to read as follows:

907.2.10.2.1. Groups E, I-2 and I-4. Single-or 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 Section 202.

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

SECTION 3310 ACCESS FOR FIREFIGHTING

Change subsection to read as follows:

3310.1 Site access and hydrant operation. When roads are created or extended during the construction of new developments and subdivisions, adequate site access for emergency vehicles shall be maintained at all times during construction. The fire department will be the determining agency when evaluating the adequacy of site access. As construction progresses, water hydrants required by the site plan shall be installed, activated, tested and maintained with adequate hydrant access as determined by the fire department. The City of Portsmouth reserves the right to “call” the site bond at any time during construction, when the owner refuses to provide adequate site access and water supply, as deemed necessary by the fire department, for the protection of life and property.

SECTION 5601 GENERAL

Amend subsection as follows:

5601.1.3 Fireworks. *Delete exception 4 with remainder of subsection unchanged.*

Change subsection to read as follows:

5601.2.4.1 Blasting. Blasting operations are regulated in Chapter 5, Article VII, Section 5:701 of the Portsmouth City Ordinances. Refer to this ordinance for additional blasting regulations and the permitting process.

SECTION 5608 FIREWORKS DISPLAYS

Add sentences to end of subsections to read as follows:

5608.1 General. The display, sale and discharge of 1.4G fireworks is prohibited within the City of Portsmouth, NH. The display and discharge of 1.3G fireworks shall meet the requirements of all Federal, State, Local Laws, Ordinances and Administrative Rules.

5.608.2.1 Outdoor displays. Application for fireworks displays shall be made in writing at least 15 working days in advance of the date of the display or discharge of 1.3G fireworks, on the current version of the State of NH approved form. The discharge of fireworks shall be lawful under the terms and conditions approved. Approval granted hereunder shall not be transferable, nor shall any approval be extended beyond the dates set out therein.

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) 271-7965
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
(603) 271-2773
1-800-852-3405 (NH)

New Hampshire Energy Code

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

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

NH Department of Labor
Boiler & Elevator Division
PO Box 2076
Concord, NH 03302-2076
(603) 271-2585

Amend in the NFPA Section the following referenced Standards:

54-18 National Fuel Gas Code

70-20 National Electric Code

96-17 Ventilation Control and Fire Protection of Commercial Cooking Operations

APPENDIX A - BOARD OF APPEALS

*Appendix A **is** adopted as part of this ordinance subject to the following amendments:*

Delete all subsections and replace with the following subsection to read as follows:

SECTION A101 GENERAL

A101.1 Scope. Refer to City Ordinance Chapter 12, Section 1202.7, for the establishment of the Board of Appeals.

APPENDIX B – FIRE-FLOW REQUIREMENTS FOR BUILDINGS

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

APPENDIX C – FIRE HYDRANT LOCATIONS AND DISTRIBUTION

*Appendix C is **not** adopted as part of this ordinance. New water hydrant locations are regulated through the City Planning / Site Development process.*

APPENDIX D - FIRE APPARATUS ACCESS ROADS

*Appendix D **is** adopted as part of this ordinance.*

APPENDIX E – HAZARD CATEGORIES

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

APPENDIX F – HAZARD RANKING

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

APPENDIX G – CRYOGENIC FLUIDS-WEIGHT AND VOLUME EQUIVALENTS

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