

CITY ORDINANCE - CHAPTER 12
Part I

INTERNATIONAL BUILDING CODE, 2006
(Adopted 10/19/2009)

The International Building Code **2009 (IBC); 2006 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 excluded 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

Insert in blank space:

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

Change subsections to read as follows:

~~**101.4.1 Gas.** 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.~~

~~**101.4.2 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 and commercial 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 **as listed in Chapter 35.**

Edit subsection as follows:

101.4.34 Plumbing.

Delete the last sentence in the subsection:

~~The provisions of the International Private Sewage Disposal Code shall apply to private sewage disposal systems.~~

Change subsection to read as follows:

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 105 PERMITS

Add the following text to end of subsection:

105.1 Required. “New construction and *general renovation* work requires the issuance of a building permit. *General renovation* is defined as work which changes the overall size of a building or portions thereof or which involves the creation of rooms or spaces, which did not previously exist. Expansion of existing electrical, plumbing, mechanical or fire protection systems is also considered general renovation. Types of work, which may be so classified, are:

1. Additions of any size.
2. Enlarging existing structures, rooms or spaces.
3. Creating new rooms or spaces within a structure.
4. Structural changes or structural repairs.
5. Dormers.
6. Renovations to kitchens and bathrooms.
7. Demolition of all or part of a structure.
8. Changing exits or any components of the means of egress in any way.
9. New structures including sheds, gazebos, pools (above and below ground), decks, garages, carports, tents, awnings, etc.
10. Above or below grade flammable and combustible liquid tank removal or installation **shall require separate mechanical and gas permitting**.
11. Changes in Use or Occupancy.
12. Electrical work.
13. Plumbing or mechanical work.
14. Fire sprinkler or fire alarm systems

Licensed trade persons shall secure permits for electrical, ~~and~~ plumbing **and fuel gas** work when required under New Hampshire law.”

Delete the following subsections without substitution:

~~**105.1.1 Annual permits.**~~

~~**105.1.2 Annual permit records.**~~

Change subsections to read as follows:

105.2 Work exempt from permits. Exemptions from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

2. ~~1.~~ Ordinary repairs as defined in Section 105.2.2 provided such repairs do not exceed \$3,000 in construction value.
3. **Any painting or wall papering; and tiling when not part of a kitchen or bath remodel.**
- ~~2.~~4. Fences not over ~~68~~ **six**8 feet high or not in the Historic District.
- ~~3.~~5. Sidewalks, driveways or patios constructed on grade with earth products.
- ~~4.~~6. Prefabricated (including air inflated) swimming pools, accessory to a Group R-3 occupancy which are less than 18 inches deep, **do not exceed 5,000 gallons** and are entirely above grade.

- 5.7. Swings and other playground equipment accessory to dwellings and which are erected or assembled from a kit.
- 6.8. Moveable cases and counters (typical in retail occupancies).
- 7.9. Cabinets, countertops and similar finish work when total construction value does not exceed \$3,000 **including labor and materials.**
10. Re-roofing including repairs to existing roof sheathing without regard to cost. (See also Section 105.2.2, Exception 1.) **Roof coverings shall be applied in accordance with the applicable provisions of the IBC, Section 1507, Requirements for Roof Ceoverings and Chapter 15. Reroofing shall be compliant with the requirements of the IBC, Section 1510.**
11. **All roofing and re-roofing within the Historic District requires prior approval and permitting even if the cost is less than \$3,000.00.**

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles in single family dwellings, or in facilities employing full time maintenance personnel, provided the work is performed or supervised by a licensed electrician employed by the facility owner. **(See NH RSA 319-C)**

Radio and television transmitting stations: *No change to printed code text.*

Temporary testing systems: *No change to printed code text.*

Gas:

1. Portable heating appliances for 1 & 2 family occupancies.
2. *No change to printed code text.*

Mechanical:

1. Portable heating appliances for 1 & 2 family occupancies.
2. through 7. *No changes to printed code text.*

Plumbing: *No change to printed code text.*

105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures. *Ordinary repairs* are defined as work which is associated with the *normal maintenance* of a property and which affects only the surface or finish characteristics of a structure. Types of work, which may be so classified, are:

1. Painting and wallpapering, no matter what the cost. (\$3,000 exception does not apply.)
2. Replacing or repairing flooring or carpeting **in-kind.**
3. Replacing or repairing interior trim.
4. Replacing or repairing cabinets **in kind.**
5. Replacing or repairing countertops **in-kind.**
6. ~~Replacing or repairing windows and doors (no headers involved).~~
7. ~~Replacing or repairing siding.~~
6. **Reroofing no matter what the cost. (\$3,000 exception does not apply **and roof covering shall be applied in accordance with the applicable provisions of the IBC, Chapter 15. Note – This provision does not apply to structures located in the Historic District.**)**

- ~~9. Bathroom renovation (number & location of fixtures & room size not changed).~~
~~710. Repointing masonry.~~
~~11. Insulating no matter what the cost. (\$3,000 exception does not apply.)~~
~~812. Replacing in kind or repairing components of fire protection systems.~~

In general, for a work element to be considered a repair or replacement, the item, which is being repaired, must already exist. The above items are intended to represent individual replacement or repair work. When one or more of the above items are included in *general renovations* to structures, then all such items will be included in the construction cost and a permit is required.

Ordinary repairs do not include the cutting, removing or altering of any structural beam, joist, rafter or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements. Ordinary repairs also do not include additions to, alterations of, replacement or relocation of any fire protection system, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical equipment or other work affecting public health or general safety.

Exceptions: (i.e. permit is required.)

1. Repairs or renovations made to the exterior facade of structures in the Historic District shall require a building permit application review by the Planning Department. When it is determined that Historic District Commission approval is required, then a building permit shall also be required. This shall include reroofing that changes the roof material.

2. When the total cost of ordinary repair work exceeds three thousand dollars (\$3,000). (i.e., a permit is required when repair value is more than \$3,000 **including materials and labor. Homeowner/property owner labor value to be included**)

Delete subsection without substitution:

~~105.2.3 Public service agencies.~~

Add new sentence to end of subsection:

105.3.1 Action on application. “Permits shall not be issued when there is found to be outstanding, non-inspected permit(s) already issued against a given property or when there are known non-conformances on the property. Only when said permit(s) is (are) closed out and/or the non-conformances corrected, shall a new permit be issued.”

Change subsection to read as follows:

105.3.2 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 diligently prosecuted or a permit has been issued, except that 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 application expiration date.

Add new subsection to read as follows:

105.3.3 By whom application is made. Application for a permit shall be made by the owner-~~or lessee~~ of the building or structure, or by the authorized agent of either, or by the authorized contractor, registered design professional, employed by the owner, in connection with the proposed work. The full names and addresses of the owner, ~~lessee~~, applicant and of the responsible officers, if the owner ~~or lessee~~ is a corporate body **it** shall be stated on the application. When the applicant is not the owner, it is assumed by the City that the owner is aware of the proposed work being applied for and that the applicant takes full responsibility for the information represented.

Change subsection to read as follows:

105.5 Expiration. 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 Federal, State or Local laws or ordinances. 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 building permit scope of work.

Add new subsection to read as follows:

105.5.1 Minimum progress required to keep permit active. After an extension has been granted under Section 105.5, work shall begin ~~and~~ within the next twelve (12) month period **and**, shall **have progressed** ~~progress~~ such that a full foundation has been constructed and inspected **in that same twelve (12) months**. If the scope of work does not include a foundation, then within the same (first) twelve month period, framing shall be complete and inspected to a weather tight condition. When work involves a foundation, framing to a weather tight condition shall be complete and inspected within the next (second) twelve (12) month period. If the scope of work does not involve either a foundation or weather tight framing, work progress shall be at a final inspection stage within twenty-four (24) months from the date of granting the permit extension under Section 105.5. Failure to achieve these milestones, shall cause the permit to become invalid.

Change subsection to read as follows:

105.7 Placement of permit. The building permit field copy shall be posted in a window or other suitable location on site, such that said permit is visible from the primary city street. Where such posting is impracticable the building permit field copy shall be available on site for public viewing upon request. The building permit field copy may be removed once the certificate of occupancy has been issued or upon expiration of the building permit.

Delete the following section without substitution:

~~SECTION 106 FLOOR AND ROOF DESIGN LOADS~~

~~SECTION 107 SUBMITTAL CONSTRUCTION DOCUMENTS~~

Add new sentences to end of subsection:

107.2.2106.1.1.1 Fire protection system shop drawings. “Plans, specifications, flow calculations and drawings for the installation of fire protection systems shall be submitted to the Inspection Department, along with an application for said work. The Inspection Department will coordinate with the Fire and ~~Water~~ **Public Works** Departments in the review of the design material submitted. Permits shall be issued for fire protection systems which have been approved by the Fire and ~~Water~~ **Public Works** Department officials. **Shop drawings shall contain all information required by the referenced standards in the IBC, Chapter 9.”**

Change subsection to read as follows:

107.3.1 Approval of construction documents. The building official shall review and approve all submitted documents. The permit holder is responsible for complying with the comments

and notes added during the permit review process. Approved plans and documents shall be maintained as part of the official permit construction documents.

106.3.1 Approval of construction documents. ~~The building official shall mark up one (1) set of plans with the necessary comments. This set shall become the official permit plan set. It is the responsibility of the permit holder to transfer these comments to whatever medium he/she wishes. The permit holder is responsible for complying with the comments as shown on the official permit construction documents kept by the building official.~~

282 *Add new sentence to end of subsection:*

283
284 **107106.3.3 Phased approval.** “A phased building permit shall not be issued until such time as
285 the permit application is approved by the City Planning Department and all necessary bonds are
286 posted.”

287
288 *Add new subsection to read as follows:*

289
290 **107106.3.56 Outside Plan Review Services.** When a project is determined by the building official
291 to be of a scope which exceeds available staff time or expertise, the option to utilize a third party
292 plan review agency shall be exercised. The building official shall determine the scope of review,
293 the agency or qualified firm to conduct the review; and shall direct the permit applicant to submit
294 all plans, specifications and required calculations to the selected agency or firm.

295
296 The design professional of record shall work directly with the third party plan review agency or
297 firm to resolve all code deficiencies or omissions on the design documents. The outside plan review
298 agency or firm shall copy all correspondence relevant to the plan review process to the building
299 official. When the plan review process is complete the outside review agency or firm shall certify
300 in writing to the building official that, to the best of their knowledge and belief, the project design
301 documents conform to the adopted construction codes. One set of agency approved design
302 documents shall be forwarded to the building official. The building official, on a case by case
303 basis, may require additional drawing/specification sets or partial sets. All required copies shall be
304 provided to the building official at no charge.

305
306 The contractual agreement for the third party review service shall be between the permit applicant
307 and the outside plan review agency or firm. The permit applicant shall pay all fees associated with
308 the third party plan review process directly to the outside plan review agency or firm. The
309 applicable building permit fee(s), paid by the permit applicant to the City of Portsmouth, shall be
310 adjusted based on the fee schedule **as determined by the adoption of fees by budget resolution**
311 **of the City Council** in accordance with Chapter 1, Article XVI ~~or similar wording~~, of the
312 Ordinances of the City of Portsmouth, NH. For the purposes of this section, the applicable building
313 permit shall mean any building, electric, plumbing, mechanical or fire protection system permit
314 issued against the design documents that have been reviewed by the outside plan review agency
315 or firm.

316 317 **SECTION 108107 TEMPORARY STRUCTURES**

318
319 *Change subsection to read as follows:*

320
321 **107.1 General.** Pursuant to the approval by the City's Planning Department, the building official
322 may issue a permit for temporary structures or uses. Such permit will be limited to the regulations
323 set forth in the City's Zoning Ordinance and this Code. Any temporary structure shall be limited
324 as to time of service, but shall not be permitted for more than 180 days. The building official is
325 authorized to grant one (1), 180 day extension for demonstrated cause.

327 SECTION **109108** FEES
328

329 *Change subsection to read as follows:*
330

331 **109108.2 Schedule of permit fees.** Fees shall be determined in accordance with Chapter 1, Article
332 XVI or similar wording, of the Ordinances of the City of Portsmouth, NH.
333

334 **Flat Rate Permits are:** Siding, - buried-tank removal or installation, sheds, replacement
335 windows, temporary structures, **pad mounted generators**, fences (in Historic District),
336 change-in-use/occupancy with no construction.
337

338 *Change subsection to read as follows:*
339

340 **109108.4 Work commencing before permit issuance.** Any person who is found to have
341 demolished, constructed, altered, removed, or changed the use of a building or structure without
342 the benefit of a building, electrical, plumbing, mechanical, or change in use permit shall, upon
343 issuance of said permit(s), be assessed a fee **as determined by the adoption of fees by budget**
344 **resolution of the City Council** in accordance with Chapter 1, Article XVI ~~or similar wording~~, of
345 the Ordinances of the City of Portsmouth, NH.
346

347 *Change subsection to read as follows:*
348

349 **109108.6 Refunds.** The building official shall authorize the refunding of fees as follows:
350

- 351 1. The full amount of any fee paid hereunder which was erroneously paid or collected.
352
353 2. Not more than 50% of the permit fee paid when no work has been done under a permit
354 issued in accordance with this Code.
355
356 3. Not more than 50% of the plan review fee paid when an application for a permit for
357 which a plan review fee has been paid, is withdrawn or canceled before any plan review
358 effort has been expended.
359

360 The building official shall only authorize a fee refund when a written request is filed by the original
361 permittee not later than one year after the date of fee payment. Refunds shall not be issued on
362 permits that have expired under the conditions of Section 105.5.
363

364 *Add new subsection to read as follows:*
365

366 **109108.7 City construction projects.** Fees shall not be assessed for work associated with projects
367 undertaken by the City of Portsmouth. These projects may also include contract work done by
368 private contracting firms hired directly by the City. This exemption shall not apply to projects done
369 by the State Department of Public Works, Pease Development Authority, State Port Authority or
370 the Portsmouth Housing Authority.
371

SECTION ~~110109~~ INSPECTIONS

Add new sentence to end of subsection:

~~110109.5~~ Inspection requests. “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 scheduled.”

Add new subsection to read as follows:

~~110109.7~~ 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. 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 ~~or similar wording~~, 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 ~~111110~~ CERTIFICATE OF OCCUPANCY

Add new sentences to beginning of subsection:

~~111110.1~~ Use and occupancy. “A certificate of occupancy/completion shall be issued upon request, for work associated with a valid building permit and under the criteria ~~set forth~~ **set forth** in Sections ~~111110.2~~ and ~~111110.3~~ of this code. Certificates are not required for work outlined in Section 105.2.”

Edit subsection as follows:

~~111110.2~~ Certificate issued.

Add new item 13 to read as follows:

13. The city zoning map and lot numbers associated with the street address.

Add new subsection to read as follows:

~~111110.5~~ Fee for Certificate of Use and Occupancy. There shall be a fee assessed as determined **by the adoption of fees by budget resolution of the City Council** in accordance with Chapter 1, Article XVI ~~or similar wording~~, assessed to the holder of a permit for the issuance of a Certificate of Use and Occupancy when the following condition exists: When, during the final inspection phase, the building official is required to make a third inspection on a nonconforming item or items; then this third inspection, and any subsequent inspections for the same item(s) will cause

the above mentioned fee to be assessed. The fee shall be repetitive for each new inspection and will be paid prior to the building official making said inspections. This procedure shall apply to building, electrical, plumbing, gas, mechanical, and fire inspections, independently. The specific procedure for implementing this subsection is outlined in Section 109.7 of these amendments.

SECTION ~~114~~**113** VIOLATIONS

Change subsection to read as follows:

~~Change subsection to read as follows:~~

114113.4 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 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 ~~115~~**114** STOP WORK ORDER

~~Change subsection to read as follows:~~

114

Change subsection to read as follows:

115.3 Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to the fines outlined in Section ~~114~~**113.4** of these amendments.

~~Delete the Entire Setion 421 LIVE/WORK UNITS without substitution.~~

~~Add new section to read as follows:~~

~~SECTION 421 LIVE/WORK UNITS~~

~~**421.1 General.** A live/work unit is a dwelling unit or sleeping unit in which a significant portion of the space includes a nonresidential use that is operated by the tenant and shall comply with Sections 421.1 through 421.8.~~

~~**Exception:** Dwelling or sleeping units that include an office that is less than 10 percent of the area of the dwelling unit shall not be classified as a live/work unit.~~

~~**421.1.1 Limitations.** The following shall apply to all live/work areas:~~

- ~~1. The live/work unit is permitted to be a maximum of 3,000 square feet (279 m2);~~
- ~~2. The nonresidential area is permitted to be a maximum 50 percent of the area of each live/work unit;~~

~~3. The nonresidential area function shall be limited to the first or main floor only of the live/work unit; and~~

~~4. A maximum of five nonresidential workers or employees are allowed to occupy the nonresidential area at any one time.~~

~~**421.2 Occupancies.** Live/work units shall be classified as a Group R-2 occupancy. Separation requirements found in Sections 420 and 508 shall not apply within the live/work unit when the live/work unit is in compliance with Section 421. High hazard and storage occupancies shall not be permitted in a live/work unit. The aggregate area of storage in the nonresidential portion of the live/work unit shall be limited to 10 percent of the space dedicated to nonresidential activities.~~

~~**421.3 Means of egress.** Except as modified by this section, the provisions for Group R-2 occupancies in Chapter 10 shall apply to the entire live/work unit.~~

~~**421.3.1 Egress capacity.** The egress capacity for each element of the live/work unit shall be based on the occupant load for the function served in accordance with Table 1004.1.1.~~

~~**421.3.2 Sliding doors.** Where doors in a means of egress are of the horizontal-sliding type, the force to slide the door to its fully open position shall not exceed 50 pounds (220 N) with a perpendicular force against the door of 50 pounds (220 N).~~

~~**421.3.3 Spiral stairways.** Spiral stairways that conform to the requirements of Section 1009.8 shall be permitted.~~

~~**421.3.4 Locks.** Egress doors shall be permitted to be locked in accordance with Exception 4 of Section 1008.1.8.3.~~

~~**421.4 Vertical openings.** Floor openings between floor levels of a live/work unit are permitted without enclosure.~~

~~**421.5 Fire protection.** The live/work unit shall be provided with a monitored fire alarm system where required by Section 907.2.9 and an automatic sprinkler system in accordance with Section 903.2.7.~~

~~**421.6 Structural.** Floor loading for the areas within a live/work unit shall be designed to conform to Table 1607.1 based on the function within the space.~~

~~**421.7 Accessibility.** Accessibility shall be designed in accordance with Chapter 11.~~

~~**421.8 Ventilation.** The applicable requirements of the International Mechanical Code shall apply to each area within the live/work unit for the function within that space.~~

SECTION 502 DEFINITIONS

Add new sentence to end of definition:

GRADE PLANE. “Grade points shall be taken at 5 foot intervals around the building perimeter.”

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, ~~1999 Edition~~**2009**. ~~(Copy attached to these amendments.)~~

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

SECTION 506 AREA MODIFICATIONS

Change ~~subsection~~ 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.

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

~~**506.1.1 Basements.**~~

~~**1.**~~

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

506.2 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.

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

~~**506.2.1 Width limits.**~~

~~**506.2.2 Open space limits.**~~

Change subsection to read as follows:

506.3 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.

Change subsection to read as follows:

506.4 Multistory buildings. The area limitations for buildings two stories in height shall be the same as the area limitations provided in Table 503 for one story buildings. In buildings over two stories in height, the area limitations of Table 503 for one story buildings shall be reduced as specified in Table 506.4.

Table 506.4 Reduction of Area Limitations

No. of Stories	Types of Construction		
	1A	1B	All Others
1	None	None	None
2	None	None	None
3	None	5%	20%
4	None	10%	20%
5	None	15%	30%
6	None	20%	40%
7	None	25%	50%
8	None	30%	60%
9	None	35%	70%
10	None	40%	80%

End of State of New Hampshire Building Code Review Board amendments

SECTION 507 UNLIMITED AREA BUILDINGS

Change subsection to read as follows:

507.3 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 sentence in subsection~~Change exception 3 to read~~ as follows:

507.3.1 Mixed occupancy buildings with Group A-1 and A-2. ~~occupancies~~

~~3. Delete: “of other than Type V” and Replace with: “of Type I and/or II”. -construction shall be permitted, provided:~~

~~Exceptions 3.1, 3.2 and 3.3 remain unchanged.~~

Change subsection to read as follows:

507.4 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.

627
628 **SECTION 508 MIXED USE AND OCCUPANCY**
629

630 *Add new exception to*

631 *Delete the following subsection without substitution:*

632
633 **506.7.7 Group A 3 buildings of Types III and IV construction.**

634
635 **508.3 Mixed occupancies.**
636

637 **Exception 3.** ~~Uses within live/work units, complying with Section 421 of these~~
638 ~~amendments, are not considered separate occupancies.~~

639
640 *Add new exception to subsection:*

641
642 **508.3.1.3 Separation.**
643

644 **Exception 2.** ~~Group I-1, R-1, R-2 and R-3 dwelling units and sleeping units shall be~~
645 ~~separated from other dwelling or sleeping units and from accessory occupancies contiguous~~
646 ~~to them in accordance with the requirements of Section 421.~~

647
648 **SECTION 706705 FIRE WALLS**
649

650 *Change subsection to read as follows:*

651
652 **706705.1.1 Party walls.** Any wall located on a property line between adjacent buildings which is
653 used or adapted for joint service between the two buildings, shall be constructed as a fire wall in
654 accordance with Section **706705** and shall create separate buildings.

655
656 **Exception to remain unchanged.**

657
658 *Edit subsection as follows:*

659
660 **706**

661
662 *Edit subsection as follows:*

663
664 **705.8 Openings.**

665
666 *Delete Exception 1 without substitution:*

667
668 ~~**1. 1.** Openings are not permitted in party walls constructed in accordance with Section~~
669 ~~**706.1705.1.**~~

670
671 *Edit Exception 2 as follows:*

672
673 **2. Openings shall not be limited to 156 square feet where both buildings are equipped**
674 **throughout with and automatic sprinkler system installed in accordance with Section**
675 **903.3.1.1 and the wall is not a party wall.**

676
677 **SECTION 715 OPENING PROTECTIVES**
678

679 *Add new sentences to end of subsection. Exceptions remain unchanged:*
680

715.4.87 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 901 GENERAL

Add new sentence to end of subsection:

[F] 901.4 Threads. “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 903 AUTOMATIC SPRINKLER SYSTEMS

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

[F] 903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in **Sections 903.2.1 through 903.2.12**~~this section~~ or as required by NFPA 101 **as listed in Chapter 35.**

~~Add new item 4 to subsection:~~

~~**[F] 903.2.6 Group M.**~~

~~4. A Group M occupancy greater than 4800 sf and used for the display and sale of upholstered furniture.~~

Change subsection to read as follows, with exceptions remaining unchanged:

[F] 903.4.1 MonitoringSignals. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station, ~~auxiliary fire alarm system,~~ 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.

SECTION 907 FIRE ALARM AND DETECTION SYSTEMS

Add new sentence to end of 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.**”

Edit subsections as follows:

~~Edit subsection as follows:~~

[F] 907.2.1 Group A.

Delete Exception without substitution.

~~Edit subsection as follows:~~

[F] 907.2.2 Group B.

Delete Exception without substitution.

~~*Edit subsection as follows:*~~

[F] 907.2.3 Group E.

Delete Exception 3 without substitution.

~~*Edit subsection as follows:*~~

[F] 907.2.4 Group F.

Delete Exception without substitution.

~~*Edit subsection as follows:*~~

~~[F] 907.2.6. Group I.~~

~~*Delete Exception without substitution.*~~

~~*Edit subsection as follows:*~~

[F] 907.2.6.1 Group I-1.

Delete Exception 1 without substitution.

~~*Edit subsection as follows:*~~

[F] 907.2.6.2 Group I-2.

Delete Exceptions 1 and 2 without substitution.

~~*Edit subsection as follows:*~~

~~[F] 907.2.6.3.3 Smoke detectors.~~

~~*Delete Exceptions 2 and 3 without substitution.*~~

~~*Edit subsection as follows:*~~

[F] 907.2.7 Group M.

Delete Exceptions 1 and 2 without substitution.

~~*Edit subsection as follows:*~~

[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~~device.

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~~This exception remains unchanged.~~

~~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 4.2. Delete this exception without substitution.~~

~~3. This exception remains unchanged.~~

2. Add new

Change subsection to read as follows:

[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] 907.2.1140.1.1 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-Single-or~~ multiple-station smoke ~~alarmsdetectors~~ in common areas shall be interconnected but shall not be interconnected with guest room smoke ~~alarmsdetectors~~.

Add new item 4 to end of subsection:

[F] 907.2.1140.1.2 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/or~~ multiple-station smoke ~~alarmsdetectors~~ in common areas shall be interconnected but shall not be interconnected with dwelling unit smoke ~~alarmsdetectors~~. In some Group R-2 or R-3 occupancies, as determined by the building official, additional single-~~and/or~~ multiple-station smoke ~~alarmsdetectors~~ may be required in the basement, interconnected with a dwelling unit(s) ~~alarmsdetector~~(s).

Add new subsection to read as follows:

[F] 907.2.1140.1.4.1 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/or~~ multiple-station smoke ~~alarmsdetectors~~ 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/or~~ multiple-station smoke ~~alarmsdetectors~~ shall not be required when the building is equipped with an automatic fire alarm system with smoke detection in all **common areas and** sleeping rooms.

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

SECTION 916 FIRE SERVICE BUILDING ACCESS

[F] 916.1 General. Where required by Chapter 9, IBC Sections 916.2 through 916.XX, key storage access boxes shall be installed at buildings in the required quantities, and in the required locations as specified ~~at locations approved by the fire code official. Access boxes shall be XXXXXX~~

[F] 916.2 Buildings requiring access boxes. ~~XXXXXXXXXXXXXXXXXX~~

[F] 916.3 Access box make. ~~XXXXXXXXXXXXXXXXXX~~

~~**[F] 907.2.10.3.1 Smoke detector circuits.** Smoke detectors in individual units shall be wired to a branch circuit containing lighting loads of the dwelling unit or guestroom. Smoke detectors in common spaces shall be wired to a circuit used for common habitable space lighting. All smoke~~

detectors shall be wired ahead of any switch on the circuit. The electric panel shall be clearly labeled as to which circuit the smoke detectors are wired.

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 1001 ADMINISTRATION

Add new sentences to end of subsection:

1001.1 General. “The building official shall utilize the exit criteria and building fire safety system provisions of the Life Safety Code, NFPA 101, as adopted by the New Hampshire State Fire Marshal’s office, when evaluating the adequacy of means of egress in new or existing buildings. When there are conflicts between this Code and NFPA 101, the building and fire officials shall make the final exit and fire safety system criteria determination.”

SECTION 1003 GENERAL MEANS OF EGRESS

Change Exception 1 in subsection to read as follows:

1003.5 Elevation change.

Exception 1: A single step with a maximum riser height of 7 inches (178 mm) is permitted for buildings of any occupancy at exterior means of egress doors which are not required to be accessible by Chapter 11 **of the IBC**.

~~SECTION 1005 EGRESS WIDTH~~

Table 1005.1 Cautionary Note:

~~The design professional should consult the capacity factor provisions of the Life Safety Code, NFPA 101, Table 7.3.3.1 in the 2003 & 2006 editions, for more restrictive factors that supersede the Table 1005.1 factors of this code.~~

~~SECTION 1007 ACCESSIBLE MEANS OF EGRESS~~

Change and Add exceptions to read as follows with Section text remaining unchanged:

1007.4 Elevators.

Exceptions:

1. ~~Elevators are not required to be accessed from an area of refuge or horizontal exit in open parking structures.~~

~~2. Elevators are not required to be accessed from an area of refuge or horizontal exit in buildings and facilities equipped throughout by an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.~~

SECTION 1011 EXIT SIGNS

Change subsection to read as follows with exception remaining unchanged:

1011.2 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:

1011.5 Externally illuminated exit signs. When approved by the **buildingcode** official, externally illuminated exit signs shall comply with Sections 1011.5.1 through 1011.5.3.

SECTION ~~1029~~**1026** EMERGENCY ESCAPE AND RESCUE

Change exception 1 in subsection to read as follows:

~~1029~~1026.1** 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:~~

~~1026.2.1~~ Minimum dimensions.

~~**Exception:** Double hung, tilt-clean style windows shall be acceptable when their size and operation satisfy the criteria stipulated in Sections 1026.2, 1026.3, 1026.4, 1026.5 and this Section. The minimum net clear opening area and net clear opening height shall be computed with both upper and lower sashes removed. Said sash removal shall not require any tools and shall not constitute special knowledge.~~

Add new subsection to read as follows:

~~**1026.6 Access through garage.** The basement emergency escape route is allowed to be through an attached garage via a side-hinged swinging door complying with Section 1008.1.1 or door and stair combination, provided this route is not the only door or stair out of the basement. There shall also be a side-hinged swinging door complying with Section 1008.1.1 from the garage to the exit discharge in accordance with Section 10271024.~~

SECTION 1109 OTHER FEATURES AND FACILITIES

Add new subsection to read as follows:

1109.5.3 Occupancies with limited occupants. In any occupancy classification with a design occupant load of less than 50 persons, a single point of use water cooler may be substituted for the required drinking fountain. The access approach clearances at the cooler shall be maintained based on the dimensions stipulated in ICC/ANSI A117.1.

1002 **SECTION 1208 INTERIOR SPACE DIMENSIONS**

1003

1004 *Add new exception 4 to subsection to read as follows:*

1005

1006 **1208.2 Minimum ceiling heights.**

1007

1008 **Exception 4: Within dwelling units the** ~~The~~ minimum ceiling height above
1009 ~~lavatories~~ **lavatories** and water closets shall be 6 foot 8 inches (6'-8"), as measured
1010 vertically from the ceiling to the floor at the operating handle end of the fixture. The
1011 minimum ceiling height above bathtubs and shower stalls shall be 6 foot 8 inches (6'-8"),
1012 as measured vertically from the ceiling to the floor or tub bottom at the operating handle
1013 end of the fixture and shall be maintained for a 30 inch by 30 inch clear area from the walls
1014 adjacent to the operating handles.

1015

1016 **SECTION 1612 FLOOD LOADS**

1017

1018 *Insert in two blank spaces:*

1019

1020 **1612.3 Establishment of flood hazard areas.** ~~"the~~ **The** City of Portsmouth, New Hampshire";
1021 ~~and"~~
1022 "Sep 30, 2002"

1023

1024

1025

1026

1027

1028

1029 **SECTION 1704 SPECIAL INSPECTIONS**

1030

1031 ~~Change subsections~~ *Add new subsection to read as follows:*

1032

1033 **1704.3.4 Cold-formed steel** ~~15-Installation of~~ **trusses.** Special inspections shall be required for
1034 all ~~wood or~~ light gauge metal roof or floor truss installations. The special inspection shall verify
1035 and document the proper installation of all required bracing, **both temporary and permanent,**
1036 **and any special connection details required by either the design professional or the truss**
1037 **manufacturer.**

1038

1039 **1704.6.2 Metal-plate-connected wood trusses.** Special inspections shall be required for all
1040 **metal-plated-wood roof or floor truss installations. The special inspection shall verify and**
1041 **document the proper installation of all required bracing, both temporary and permanent,**
1042 and any special connection details required by either the design professional or the truss
1043 manufacturer.

1044

1045 *Add new subsections to read as follows:*

1046

1047 **1704.17 Fire-resistant penetrations and joints.** In buildings of four or more stories above
1048 grade plane, special inspections for through-penetrations, membrane penetration firestops,
1049 fire-resistant joint systems, and perimeter fire barrier systems that are tested and listed in
1050 accordance with Sections 713.3.1.2, 713.4.1.1.2, 714.3 and 714.4 shall be in accordance with
1051 Section 1704.17.1 or 1704.17.2.

1052

1704.17.1 Penetration firestops. Inspections of penetration firestop systems that are tested and listed in accordance with Sections 713.3.1.2 and 713.4.1.1.2 shall be conducted by an approved inspection agency in accordance with ASTM E 2174.

1704.17.2 Fire-resistant joint systems. Inspection of fire-resistant joint systems that are tested and listed in accordance with Sections 714.3 and 714.4 shall be conducted by an approved inspection agency in accordance with ASTM E 2393.

SECTION 1809 SHALLOW ~~1805~~ FOOTINGS AND FOUNDATIONS

Amend Item 1 ~~Add new sentence to end~~ of subsection to read as follows:

1809.5 ~~1805.2.1~~ Frost protection. “~~1. Extending to Frost line depth for Portsmouth shall be 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:

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 2705 APPENDIX K

2705.1 General. Refer to Appendix K for additional administrative provisions for enforcement of the National Electric Code, NFPA 70.

SECTION [M] 2801 GENERAL

Change subsection to read as follows:

[M] 2801.1 Scope. Mechanical appliances, equipment and systems shall be designed, constructed, installed and maintained in accordance with the *International Mechanical Code*; the *National Fuel Gas Code*, NFPA 54 and *Installation of Oil-Burning Equipment*, NFPA 31. Refer to Chapter 15, Part II of the City Ordinances (Mechanical Code), for required qualifications of persons installing **fuel** gas piping.

SECTION [P] 2901 GENERAL

Change subsection to read as follows:

[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. ~~See Section [P] 2902.4.4 of these amendments for mercantile occupancy fixture requirements.~~

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.”

Change subsection to read as follows:

~~**[P] 2902.4 Require public toilet facilities.** Customers, patrons and visitors shall be provided with public toilet facilities in structures and tenant spaces intended for public utilization. The accessible route to public facilities shall not pass through kitchens, store rooms, closets or similar spaces. Public toilet facilities shall be available to the public at all times the building or tenant space is open for business. Employees shall be provided with toilet facilities in all occupancies. Employee toilet facilities shall be either separate or combined with public facilities. The minimum number of plumbing fixtures shall be calculated by [P] Table 2902.1, Section [P] 2902.2 and Section [P] 2902.4.4. Plumbing fixtures shall also comply with the accessibility requirements of Chapter 11.~~

~~**[P] 2902.4.4 Group M occupancies.** A minimum of one public single-occupant toilet room shall be provided in~~

Add new subsection to read as follows:

~~**[P] 2902.5 Renovations to existing 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 [P] Table 2902.1 would require more than two fixtures.~~

~~**Exception:** Where an existing toilet room or rooms is (are) present and renovations are being undertaken, the existing toilet room(s) shall not be removed even if said removal will cause the new occupancy to have less fixtures than what is required under this code for new installations 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.~~

SECTION 3001 GENERAL

Add new sentence to end of subsection:

~~**3001.1 Scope.** Wherever the provisions of this chapter refer to the building official for purposes of permitting, tests and inspections, certificates of compliance, and maintenance and accidents; said official shall be the State Elevator Inspector as appointed by the New Hampshire Department of Labor, Boiler and Elevator Division. Refer to Chapter 35 for the referenced elevator law.~~

[F] SECTION 3003 EMERGENCY OPERATIONS

Add new subsection to read as follows:

[F] 3003.2.13 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 3107 SIGNS

Add new subsection to read as follows

3107.2 Zoning ordinance. The City's Zoning Ordinance, Chapter 10 of the City's Ordinances, regulates ~~all thingstemporary signs. , permanent signs, sign size, letter size and sign illumination.~~ Refer to ~~thatthis~~ document for ~~all signthese~~ criteria.

SECTION 3304 SITE WORK

Add new subsection to read as follows:

3304.2 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 access, as deemed necessary by the fire department, for the protection of life and property.

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 ~~113412~~.

General note pertaining to Chapter 34:

The **State of New Hampshire Building Code Review Board has adopted the 2009 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 following amendments to chapter 35 of the IBC apply.**

SECTION 3401 GENERAL

Change subsection to read as follows:

3401.3 Compliance with other codes. Alterations, repairs, additions and changes in occupancy to existing structures shall comply with the provisions for alterations, repairs, additions and changes in occupancy in the *International Fire Code, National Fuel Gas Code (NFPA 54), International Plumbing Code, International Mechanical Code, International Residential Code and the National Electric Code (NFPA 70)*.

1265 SECTION ~~34093407~~ HISTORIC BUILDINGS

1266

1267 Change subsection to read as follows:

1268

1269

1270 ~~Change subsection to read as follows:~~

1271

1272 **~~34093407.1~~ Historic buildings.** The provisions of this Code relating to the construction, repair,
1273 alteration, enlargement, restoration and movement of buildings or structures shall not be
1274 mandatory for historic buildings or structures classified or qualify for classification on the *National*
1275 *Register of Historic Places* as listed by the National Park Services, Interagency Resources
1276 Division; when such buildings are judged by the building official to be safe and in the interest of
1277 public health, safety and welfare regarding any proposed construction, repair, alteration,
1278 enlargement, restoration and relocation. All such approvals shall be based on the applicant's
1279 complete submission of professional architectural and engineering plans and specifications bearing
1280 the professional seal of the **designer of record** ~~designers~~.

1281

1282 *Add new subsection to read as follows:*

1283

1284 **~~34093407.3~~ Historic District.** The City of Portsmouth has delineated a special Zoning Overlay
1285 Historic District, which regulates all work done to the exterior facade of structures within said
1286 district. All such work requires a City Building Permit. Refer to the City Zoning Ordinance for
1287 specific details.

1288

1289 SECTION ~~34113409.0~~ ACCESSIBILITY FOR EXISTING BUILDINGS

1290

1291 ~~Change subsection to read as follows:~~

1292

1293

1294 *Change subsection to read as follows:*

1295

1296 **~~34113409.9~~ Historic buildings.** These provisions shall apply to buildings and facilities designated
1297 as historic structures as defined in Section ~~34093407.1~~ of these Code amendments, that undergo
1298 alterations or a change in occupancy, unless technically infeasible. Where compliance with the
1299 requirements for accessible routes, ramps, entrances or toilet facilities would threaten or destroy
1300 the historic significance of the building or facility, as determined by the authority having
1301 jurisdiction, the alternative requirements of Section 3409.9.1 through 3409.9.4 for that element
1302 shall be permitted.

1303

1304 ~~[EB]~~ SECTION ~~34123410~~ COMPLIANCE ALTERNATIVES

1305

1306 *Insert in blank space:*

1307

1308 **~~34123410.2~~ Applicability.** "the effective date of the adoption of this Code"

1309

1310 CHAPTER 35 REFERENCED STANDARDS

1311

1312 *Insert the following Codes and Standards:*

1313

1314 **New Hampshire State Building Code**
1315 Department of Safety
1316 33 Hazen Drive Drive
1317 Concord, NH 03305

1318
1319
1320
1321
1322
1323
1324
1325
1326
1327
1328
1329
1330
1331
1332
1333
1334
1335
1336
1337
1338
1339
1340
1341
1342
1343
1344
1345
1346
1347
1348
1349
1350
1351
1352
1353
1354
1355
1356
1357
1358

Governor's Commission on Disability

Concord, NH 03301-8518

1-800-852-3405 (NH)

Public Utilities Commission

Concord, NH 03301-2429

~~www.puc.nh.gov~~

1. 2. 3. 4.

NH Labor Department

PO Box 2076

(603) 271-6294

101-03 Life Safety Code (Or as Adopted by the **SFMFMO**) 903.2, 907.2, 1003.2,

~~211-06~~ — ~~Chimneys, Fireplaces,~~ — ~~2111, 2113~~
~~Vents, and Solid~~
~~Fuel-Burning Appliances~~

Amend in the NFPA section the following referenced Standards:

Change 13-0702 to 13-1307 Design & Installation of Sprinkler Systems

Change 13D-0702 to 13D-1307 Design & Installation of Sprinkler Systems in 1 & 2 Family Dwellings

Change 13R-0702 to 13R-1307 Design & Installation of Sprinkler Systems in Residential Occupancies 4 Stories in Height or Less

Change 72-0702 to 72-1307 National Fire Alarm Code

Change 409-01 to 409-04 Aircraft Hangers — 412.2.6, 412.4.5

APPENDIX A - EMPLOYEE QUALIFICATIONS

Appendix A is not adopted as part of this ordinance. Refer to the City of Portsmouth Human Resource Department employee job descriptions for employee qualifications.

APPENDIX B - BOARD OF APPEALS

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

SECTION B 101 GENERAL

Change subsection to read as follows:

B101.2.2 Qualifications. The board of appeals shall consist of five individuals, one from each of the following professions or disciplines:

1. Registered design professional that is a registered architect.
2. Registered design professional that is a registered civil or structural engineer.
3. Registered design professional that is a registered mechanical engineer; or a licensed master plumber with at least ten years experience in building plumbing and/or HVAC systems.
4. Registered design professional that is a registered electrical engineer; or a licensed master electrician with at least ten years experience in building electrical systems.
5. A building contractor with at least ten years experience in construction.

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

~~**B101.2.7 Compensation of members.**~~

APPENDIX C - AGRICULTURAL BUILDINGS

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

APPENDIX D THROUGH APPENDIX ~~JK~~

Appendix D through K are not adopted as part of this ordinance.

1412
1413
1414
1415
1416
1417
1418

APPENDIX K – ADMINISTRATIVE PROVISIONS

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

ADOPTED XX Xxx 2013

CITY ORDINANCE - CHAPTER 12
Part II

INTERNATIONAL RESIDENTIAL CODE, 2006
(Adopted 10/19/2009)

The International Residential Code, 20092006 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 R101-TITLE, SCOPE AND ADMINISTRATIONPURPOSE

Insert in blank space:

R101.1 Title. “the City of Portsmouth, New Hampshire”

SECTION R102 APPLICABILITY

Add new subsections to read as follows:

R102.4.1 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.

R102.4.2 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.

R101.4.3 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 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

Add the following text to end of subsection:

R105.1 Required. “New construction and *general renovation* work requires the issuance of a building permit. *General renovation* is defined as work which changes the overall size of a building or portions thereof or which involves the creation of rooms or spaces, which did not previously exist. Expansion of existing electrical, plumbing, mechanical or fire protection systems is also considered general renovation. Types of work, which may be so classified, are:”

1. Additions of any size.
2. Enlarging existing structures, rooms or spaces.
3. Creating new rooms or spaces within a structure.
4. Structural changes or repairs.
5. Dormers.
6. Demolition of all or part of a structure.
7. Changing exits or exit components in any way.
8. New structures including sheds, gazebos, pools (above and below ground), decks, garages, carports, tents, awnings, etc.
9. Above or below grade flammable and combustible liquid tank removal or installation **shall require separate mechanical and gas permitting-**
10. Changes--in--Use or Occupancy.
11. Electrical work.
12. Plumbing or mechanical work.
13. Fire sprinkler systems
14. Fire alarm systems.

“NH licensed~~Licensed~~ trade persons shall secure permits for electrical,~~and~~ plumbing **and gas piping** work when required under New Hampshire law.”

Change subsections to read as follows:

R105.2 Work exempt from permits. Exemption from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. Ordinary repairs as defined in Section R105.2.2 provided such repairs do not exceed \$3,000 in construction value **including materials and labor.**
2. Fences not over 6 feet high or not in the Historic District.
3. Sidewalks, driveways or patios constructed on grade.
4. Prefabricated (including air inflated) swimming pools which are less than 18 inches deep and are entirely above grade.
5. Swings and other playground equipment.
6. Cabinets, countertops and similar finish work when total construction value does not exceed \$3,000.
7. Re-roofing including repairs to existing roof sheathing without regard to cost. (See also Section R105.2.2, Exception 1.) **Re-roofing and Roof coverings shall be applied in accordance with IRC, Chapter 9.]**

1514
1515
1516

- 8. All roofing and re-roofing within the Historic District requires prior approval and permitting even if the cost is less than \$3,000.00.**

Electrical:

A permit is not required for minor repair work, including the replacement of lamps or the connection of portable electrical equipment to permanent receptacles. Contact the electrical inspector for specific questions concerning the need for a permit.

Gas, Mechanical, Plumbing:

~~A permit is not required for minor repair work, including the replacement of fixtures. Refer to the City Plumbing and Mechanical Codes for details on permits and inspections. Contact the plumbing/mechanical inspector for specific questions concerning the need for a permit.~~

R105.2.2 Repairs. Application or notice to the building official is not required for ordinary repairs to structures. *Ordinary repairs* are defined as work which is associated with the *normal maintenance* of a property and which affects only the surface or finish characteristics of a structure. Types of work, which may be so classified, are:

1. Painting and wallpapering. ~~no matter what the cost.~~ (\$3,000 exception **2 below** does not apply.)
2. Replacing or repairing flooring or carpeting **in-kind**.
3. Replacing or repairing interior trim.
4. Replacing or repairing cabinets **in-kind**.
5. Replacing or repairing countertops **in-kind**.
6. ~~Replacing or repairing windows and doors (no headers involved).~~
7. ~~Replacing or repairing siding.~~
8. Reroofing ~~no matter what the cost.~~ (\$3,000 exception **2 below** does not apply.)**(Note: This provision does not apply if Unless the structure is located within the Historic District)-)**
9. ~~Bathroom renovation (number & location of fixtures & room size not changed).~~
10. Repointing masonry **unless located in the Historic District**.
11. ~~Insulating no matter what the cost. (\$3,000 exception does not apply.)~~
12. Replacing in kind or repairing components of fire protection systems.

In general, for a work element to be considered a repair or replacement, the item, which is being repaired, must already exist. The above items are intended to represent individual replacement or repair work. When one or more of the above items are included in *general renovations* to structures, then all such items will be included in the construction cost.

Ordinary repairs do not include the cutting, removing or altering of any structural beam, joist, rafter or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements. Ordinary repairs also do not include additions to, alterations of, replacement or relocation of any fire protection system, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical equipment or other work affecting public health or general safety.

Exceptions: (i.e. permit **is** required.)

1. Repairs or renovations made to the exterior facade of structures in the Historic District shall require a building permit application review by the Planning Department. When it is determined that Historic District Commission approval is required, then a building permit shall also be required. This shall include reroofing that changes the roof material.

1569
1570
1571

2. When the total cost of ordinary repair work exceeds three thousand dollars (\$3,000).
(i.e., a permit is required when repair value is more than \$3,000)

Delete subsection without substitution:

~~R105.2.3 Public service agencies.~~

Add new sentence to end of subsection:

R105.3.1 Action on application. “Permits shall not be issued when there is found to be outstanding, non-inspected permit(s) already issued against a given property or when there are known non-conformances on the property. Only when said permit(s) is (are) closed out and/or the non-conformances corrected, shall a new permit be issued.”

Change subsection to read as follows:

R105.3.2 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 diligently prosecuted or a permit has been issued, except that 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 application expiration date.

Add new subsection to read as follows:

R105.3.3 By whom application is made. Application for a permit shall be made by the owner or ~~lessee of the building or structure or bby~~ by the authorized agent, ~~of either,~~ or by the authorized contractor, registered design professional, employed by the owner, in connection with the proposed work. The full names and addresses of the owner, ~~lessee,~~ applicant and of the responsible officers, if the owner or lessee is a corporate body shall be stated on the application. When the applicant is not the owner, it is assumed by the City that the owner is aware of the proposed work being applied for and that the applicant takes full responsibility for the information represented.

Change subsection to read as follows:

R105.5 Expiration. 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 Federal, State or Local laws or ordinances. For a permit to be considered active, periodic inspections must be requested and work progress documented by inspections, within any twelve month period. Work elements shall be items associated with the building permit scope of work.

Add new subsection to read as follows:

R105.5.1 Minimum progress required to keep permit active. After an extension has been granted under Section R105.5, work shall begin and within the next twelve (12) month period shall progress such that a full foundation has been constructed and inspected. If the scope of work does not include a foundation, then within the same (first) twelve month period, framing shall be complete to a weather tight condition and inspected. When work involves a foundation, framing to a weather tight condition shall be complete and inspected within the next (second) twelve (12) month period. If the scope of work does not involve either a foundation or weather tight framing,

work progress shall be at a final inspection stage within twenty-four (24) months from the date of granting the permit extension under Section 105.5. Failure to achieve these milestones, shall cause the permit to become invalid.

Change subsection to read as follows:

R105.7 Placement of permit. The building permit ~~field-copy (card)~~ shall be posted in a window or other suitable location on site, such that said permit is visible from the primary city street **which the permit is issued to.** Where such posting is impracticable the building permit ~~field-copy~~ shall be available on site for public viewing upon request. The building permit ~~field-copy~~ may be removed once the certificate of occupancy has been issued or upon expiration of the building permit.

Add new subsection to read as follows:

R105.9 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~~**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 R106 CONSTRUCTION DOCUMENTS

Change subsection to read as follows:

R106.3.1 Approval of construction documents. The building official shall **review and approve all submitted documents** ~~mark-up one (1) set of plans with the necessary comments. This set shall become the official permit plan set. It is the responsibility of the permit holder to transfer these comments to whatever medium he/she wishes.~~ The permit holder is responsible for complying with the comments ~~as shown on the~~ **and notes added during the permit review process as part of the** official permit construction documents.

Add new sentence to end of subsection:

R106.3.3 Phased approval. “A phased building permit shall not be issued until such time as the permit application is approved by the City Planning Department and all necessary bonds are posted.”

SECTION R107 TEMPORARY STRUCTURES

Change subsection to read as follows:

R107.1 General. Pursuant to the approval by the City's Planning Department, the building official may issue a permit for temporary structures or uses. Such permit will be limited to the regulations set forth in the City's Zoning Ordinance and this Code. Any temporary structure shall be limited

1675 as to time of service, but shall not be permitted for more than 180 days. The building official is
1676 authorized to grant one (1), 180 day extension for demonstrated cause.
1677

SECTION R108 FEES

Change subsection to read as follows:

R108.2 Schedule of permit fees. 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.

Flat rate type permits are: Siding, buried tank removal or installation, sheds, **pad mounted generators**, replacement windows, temporary structures, fences (in Historic District), change-in-use/occupancy with no construction.

Change subsection to read as follows:

R108.5 Refunds. The building official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder which was erroneously paid or collected.
2. Not more than 50% of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
3. Not more than 50% of the plan review fee paid when an application for a permit for which a plan review fee has been paid, is withdrawn or canceled before any plan review effort has been expended.

The building official shall only authorize a fee refund when a written request is filed by the original permittee not later than one year after the date of fee payment. Refunds shall not be issued on permits that have expired under the conditions of Section 105.5.

~~Change subsection~~Add new subsections to read as follows:

R108.6 Work commencing before permit issuance. Any person who is found to have demolished, constructed, altered, removed, or changed the use of a building or structure without the benefit of a building, electrical, plumbing, mechanical, or change-in-use permit shall, upon issuance of said permit(s), be assessed a fee as 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.

Add new subsection to read as follows:

R108.7R108.6 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.

~~**R108.7 Work commencing before permit issuance.** Any person who is found to have demolished, constructed, altered, removed, or changed the use of a building or structure without the benefit of a building, electrical, plumbing, mechanical, or change in use permit 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.~~

SECTION R109 INSPECTIONS

Add new sentence to end of subsection:

R109.3 Inspection requests. “Furthermore, the permit holder(s) shall allow a minimum of two work days (48 hours) from the time the building official is notified to the time the inspection is scheduled.”

Add new subsection to read as follows:

R109.5 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. 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 ~~or similar wording~~, 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 R110 CERTIFICATE OF OCCUPANCY

Add new sentence to beginning of subsection:

R110.1 Use and occupancy. “A certificate of occupancy/completion shall be issued upon request, for work associated with a valid building permit and under the criteria ~~set forth~~ **set forth** in Sections R110.3 and R110.4 of this code.”

Edit subsection as follows:

R110.3 Certificate issued.

Add new item to read as follows:

10. The City zoning map and lot numbers associated with the street address.

Add new subsection to read as follows:

R110.6 Fee for Certificate of Use and Occupancy. There shall be a fee assessed as determined **by the adoption of fees by budget resolution of the City Council** in accordance with Chapter 1, Article XVI ~~or similar wording~~, assessed to the holder of a permit for the issuance of a Certificate of Use and Occupancy when the following condition exists: When, during the final inspection phase, the building official is required to make a third inspection on a nonconforming item or items; then this third inspection, and any subsequent inspections for the same item(s) will cause the above mentioned fee to be assessed. The fee shall be repetitive for each new inspection and will be paid prior to the building official making said inspections. This procedure shall apply to building, electrical, plumbing, gas, mechanical, and fire inspections, independently. The specific procedure for implementing this subsection is outlined in Section R109.5 of this Code.

SECTION R113 VIOLATIONS

Change subsection to read as follows:

R113.4 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 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 R114 STOP WORK ORDER

Change subsection to read as follows:

R114.2 Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to the fines outlined in Section R113.4 of these amendments.

SECTION R301 DESIGN CRITERIA

Insert in blank spaces in Table R301.2(1):

Ground snow load: 50 pounds per square foot (PSF)

Wind speed: 100 miles per hour (MPH)

Seismic Design Category: C

Weathering: Severe

Frost Line Depth: 4 feet to bottom of footing.

Termite: Slight to Moderate

1834
1835 **Winter Design Temp.:** (-)3 degree days
1836
1837 **Ice Barrier Underlayment Required:** Yes
1838
1839 **Flood Hazard:** Current Flood Insurance Study, Sep. 2002
1840
1841 **Air Freezing Index:** 1000
1842
1843 **Mean Annual Temperature:** 47 degrees F
1844

1845 **SECTION R302 FIRE-RESISTANT CONSTRUCTION**~~R305 CEILING HEIGHTS~~

1846
1847 ~~Amend~~*Change* **Exception 14** in subsection to read as follows:

1848
1849 **R302.3 Two-family dwellings.**

1850
1851 **Exception 1:** A fire-resistance rating of ½ hour shall be permitted in two-family dwellings
1852 protected throughout with an automatic fire sprinkler system in accordance with Section
1853 2904, NFPA 13R or NFPA 13D as listed in Chapter 44.~~R305.1 Minimum height.~~

1854
1855 ~~**Exception 4:** Bathrooms and kitchens sink areas shall have a minimum ceiling height of 6~~
1856 ~~feet 8 inches (6'-8") at the front clearance area for fixtures as shown in Figure R307.1. The~~
1857 ~~ceiling height above fixtures shall be such that the fixture is capable of being used for its~~
1858 ~~intended purpose. A shower or bathtub equipped with a showerhead shall have a minimum~~
1859 ~~ceiling height of 6 feet 8 inches (6'-8") above a minimum area 30 inches by 30 inches at~~
1860 ~~the showerhead.~~

1861
1862
1863
1864
1865
1866
1867
1868 **SECTION R310 EMERGENCY ESCAPE AND RESCUE OPENINGS**

1869
1870 **R310.1 Emergency escape and rescue required.**

1871
1872 **All Emergency Escape and Rescue openings on new construction shall meet the requirements**
1873 **outlined in IRC, Section R310. However, Emergency Escape and Rescue openings for**
1874 **structures located within the Historic District will be reviewed on a case by case basis.**
1875 **Change of occupancy shall be considered new construction.**

1876
1877 Add new ~~exception 2~~*exceptions* to read as follows:

1878
1879 ~~**Exception 2:** Double hung, tilt-clean style windows shall be an acceptable~~
1880 ~~element in an emergency means of escape route, when their size and operation satisfy the~~
1881 ~~criteria stipulated in Sections R310.1.1, R 310.1.2, R310.1.3 and R310.1.4. The minimum~~
1882 ~~net clear opening area and net clear opening height shall be computed with both upper and~~
1883 ~~lower sashes removed. Sash removal shall not constitute special knowledge and shall not~~
1884 ~~require use of any tools.~~

1885
1886 ~~**Exception 3:** Emergency escape and rescue openings are not required when the entire~~
1887 ~~structure is protected throughout with an automatic fire suppression system conforming to~~
1888 ~~**Section 2904**~~~~NFPA 13~~, NFPA 13R or NFPA 13D as listed in Chapter ~~44~~~~43~~.

1889
1890 Add new subsections to read as follows:

1891
1892 ~~**R310.6 Access through garage.** The basement emergency escape route is allowed to be through~~
1893 ~~an attached garage via a door complying with Section R311.4.2 or door and stair combination,~~
1894 ~~provided this route is not the only door or stair out of the basement. There shall also be a door~~
1895 ~~complying with Section R311.4.2 from the garage directly to a public way, or to a yard or court~~
1896 ~~that opens to a public way.~~

R310.7 Renovations to existing finished basements areas. When existing basements 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~~~~detectors~~ shall be installed in accordance with Section ~~R314R313.2.1~~ and ~~R315313.5~~ of these amendments.

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 for water flow, supervisory and trouble conditions and shall automatically transmit signals to an approved central station, remote 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 ~~visable~~visible location.

Exception. When approved by the fire official, townhouse fire sprinkler systems shall sound an audible and visual signal on the building exterior in a publicly ~~visable~~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:

R314.4 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—“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:

SECTION R313 ALARMS

~~*Add new sentence to end of subsection:*~~

~~R313.3 Power source.~~ “Smoke detectors shall not be the only load on a branch circuit and shall be wired to a branch circuit consisting of lighting loads serving habitable spaces. Smoke detector circuit(s) shall be clearly labeled in the electric panel.”

Add new subsections to read as follows:

~~R313.2~~ R315.2 Where required ~~4 Carbon monoxide alarms in new construction.~~ In new construction, dwelling units within which fuel-fired appliances are installed or which have attached garages, shall be provided with carbon monoxide alarms installed outside each separate sleeping area in the immediate vicinity of the bedroom(s), and in each room(s) as the fuel-fire appliance(s) is (are) located.

—— **Exception:** Rooms containing kitchen appliances or cloths dryers.

R313.5 Carbon monoxide alarms 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 R315.1** ~~for new construction.~~ The exceptions of Section **R314.4** ~~R313.2.1~~ shall also apply to retrofitting interconnected hard-wired carbon monoxide alarms.

Add new subsection to read as follows:

R315.4 ~~R313.6 Alarm requirements.~~ Single-station carbon monoxide alarms shall be listed as complying with UL 2034-08 and shall be installed in accordance with this code and the manufacture’s installation instructions.

~~R313.6.1~~ Power source and alarm types. Single-station carbon monoxide alarms shall be hard wired to the building’s electric system in the same ~~manor~~ **manner** as required in Section **R314.4** ~~R313.3~~ for smoke ~~alarms~~ **detectors**. 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~~ **detection** and carbon monoxide ~~alarm~~ **detection** 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 ~~R317 DWELLING UNIT SEPARATION~~

Add new subsections 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 1/2-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.

~~**R317.2.5 Dwelling unit separation with sprinkler protection.** When a townhouse is protected with a suppression system conforming to NFPA 13 or NFPA 13R as listed in Chapter 43, dwelling unit separation walls shall be a minimum 1-hour fire resistance-rated assembly, constructed continuous per Section R317.2.1. The wall parapet requirements of Sections R317.2.2 and R317.2.3 and the structural independence requirement of Section R317.2.4 shall not be required. The dwelling unit separation wall shall be constructed in conformance with its listing as tested in accordance with ASTM E 119.~~

~~**R317.2.5.1 Allowed utility systems within dwelling unit separation walls.** Plumbing, mechanical, fire protection and electrical systems shall be allowed in the dwelling unit separation wall except as prohibited in Section R317.2.5.2. Penetrations of the dwelling unit separation wall by these systems shall be in accordance with Section R317.3.~~

~~**R317.2.5.2 Prohibited utility systems within dwelling unit separation walls.** Clothes dryer vents, chimneys and flue gas vents shall not be installed in dwelling unit separation walls. Fire dampers shall not be installed in clothes dryer vents, chimneys or flue gas vents.~~

~~**R317.3.3 Fire damper listing.** Fire dampers used as a method to maintain the rating of a fire resistance-rated assembly shall comply with the requirements of Underwriters Laboratory Standard, UL 555, *Fire Dampers* and shall be installed based on the fire damper listing. Fire dampers shall have a minimum fire protection rating of 1-hour.~~

~~**R317.3.4 Alarm monitoring.** Water flow, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station, auxiliary fire alarm system, or proprietary supervising station as defined in NFPA 72 or, when approved by the fire official, shall sound an audible and visual signal on the building exterior in a publicly visible location.~~

Add new section to read as follows:

SECTION R325 TOWNHOUSE FIRE SPRINKLER SYSTEMS

~~**R325.1 Where required.** When a townhouse structure contains four (4) or more dwelling units, the structure shall be protected with an automatic fire sprinkler system designed in accordance with NFPA 13 or NFPA 13R.~~

~~**R325.2 Alarm monitoring.** Sprinkler systems shall be monitored by a fire alarm system complying with Section R317.3.4 of these amendments.~~

~~**R325.3 Separation walls and mechanical penetrations.** Townhouse unit separation walls, parapets, mechanical system penetrations and fire dampers shall have minimum construction features as stipulated in Sections R317.2.5, R317.2.5.1 R317.2.5.2 and R317.3.3 of these amendments.~~

SECTION R1001 MASONRY FIREPLACES

Add new sentence to end of subsection:

R1001.1 General. “The *Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances*, NFPA 211, is also allowed by this code to be used for the design and installation of masonry fireplaces.”

SECTION R1003 MASONRY CHIMNEYS

Add new sentence to end of subsection:

R1003.1 Definitions. “The *Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances*, NFPA 211 is also allowed by this code to be used for the design and installation of masonry chimneys.”

2071 **CHAPTER 11 ENERGY EFFICIENCY**

2072
2073 *Change Table N1101.2 to read as follows:*

2074
2075 ~~New Hampshire. Zone 6 for entire State.~~

2076
2077 **SECTION M1201 GENERAL**

2078
2079 *Add new subsection to read as follows:*

2080
2081 **M1201.3 Additional codes and standards.** In addition to the requirements of Chapters ~~1213~~
2082 through ~~2423~~ of this Code; the design, installation, maintenance, alteration and inspection of new
2083 mechanical systems and new gas delivery systems shall also be in accordance with the
2084 *International Mechanical Code* (IMC) as adopted and amended by the City of Portsmouth. The
2085 Portsmouth Mechanical Code is found in Chapter 15, Part 2 of the City Ordinances. When there
2086 is a conflict between this code and the IMC in the design or installation of mechanical systems,
2087 the requirements of the IMC shall take precedence.

2088
2089
2090
2091
2092
2093 *Delete entire chapter and replace with the following:*

2094
2095 **CHAPTER 24 FUEL GAS**

2096
2097 *Change subsection to read as follows:*

2098
2099 **G2401.1 Application.** The provisions of the *National Fuel Gas Code*, NFPA 54, shall apply to
2100 the installation of new gas piping and gas appliances. These requirements apply to gas piping
2101 systems extending from the point of delivery to the inlet connections of the appliances and the
2102 installation and operation of residential gas appliances and related accessories.

2103
2104 **SECTION P2501 GENERAL**

2105
2106 *Add new subsection to read as follows:*

2107
2108 **P2501.3 Additional codes and standards.** In addition to the requirements of Chapters 25 through
2109 32 of this Code; the design, installation, maintenance, alteration and inspection of new plumbing
2110 systems and fixtures shall also be in accordance with the *International Plumbing Code* (IPC) as
2111 adopted and amended by the City of Portsmouth. The Portsmouth Plumbing Code is found in
2112 Chapter 15, Part 1 of the City Ordinances. When there is a conflict between this Code and the IPC
2113 in the design or installation of plumbing systems, the requirements of the IPC shall take
2114 precedence.

2115 **SECTION ~~E3401E3301~~ GENERAL**

2116
2117 *Add new sentence to end of subsection:*

2118
2119 **~~E3401E3301.1~~ Applicability.** “The State of New Hampshire adopts new editions of NFPA 70 on
2120 a three year cycle. The edition that is State adopted at the time of a new electrical installation shall
2121 govern the requirements of that installation.”

2123
2124
2125
2126
2127
2128
2129
2130
2131

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
bldgcodebrd@dos.nh.gov

New Hampshire Architectural Barrier Free Design Code

Governor's Commission on Disability
~~57 Regional Drive~~ **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.nh.gov/EnergyCodes/energypg.htm ~~index.htm~~
puc@puc.nh.gov

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

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

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

13D-1307 Design & Installation of Sprinkler Systems in 1 & 2 Family Dwellings **R302.3,**
R310.1

13R-1307 Design & Installation of Sprinkler Systems in
Residential Occupancies 4 Stories in Height or Less **R310.1, R313.1.1R317.2.5,**
~~**R325.1**~~

54-1209 National Fuel Gas Code **R102.4.2, G2501.1**

211-1306 Chimneys, Fireplaces,
Vents, and Solid **R1001.1, R1003.1**
Fuel-Burning Appliances

Amend in the *NFPA* section the following referenced Standards:

~~Change: 13-02 to 13-07 Design & Installation of Sprinkler Systems R310.1, R317.1, R317.2.5, R325.1~~

Change: 70-0805 to 70-1108 National Electric Code R102R101.4.1,
E3401E3301.1

Change: 72-0702 to 72-1307 National Fire Alarm Code R313.1, R317.3.4, R325.2

APPENDIX A THROUGH APPENDIX F

Appendix A through Appendix F are **not** adopted as part of this ordinance.

APPENDIX G – SWIMMING POOLS, SPAS AND HOT TUBS

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

APPENDIX H THROUGH APPENDIX L

Appendix H through Appendix L are **not** adopted as part of this ordinance.

APPENDIX M – HOME DAY CARE, — R-3 OCCUPANCY

Appendix M **is** adopted as part of this ordinance as amended below:

Edit subsection as follows:

AM103.1.1 Exits access prohibited.

Add new exception 2 to read as follows:

Exception 2: Exit access passing through an attached garage complying with Section R310.6 of these code amendments.

Change subsection to read as follows with exception remaining unchanged:

AM103.1.2 Basements. If the basement of a dwelling is to be used in the day-care operation, two exits are required from the basement regardless of the occupant load. One of the exits may pass through the dwelling and the other must lead directly to the exterior of the dwelling or lead through an attached garage that complies with Section R310.6 of these code amendments. Stairs leading from the basement are not required to be enclosed.

APPENDIX N - VENTING METHODS

APPENDIX O - GRAY WATER RECYCLING SYSTEMS

Appendix N and Appendix O **are** adopted as part of this ordinance without amendments.

APPENDIX P – SIZING OF WATER PIPING SYSTEM—SPRINKLING

Appendix P is **not** adopted as part of this ordinance.

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

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

2234
2235

ADOPTED XX XXX 20XX