

**SOMERSWORTH CODE  
FIRE PREVENTION AND LIFE SAFETY  
CHAPTER 21**

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**ARTICLE I  
FIRE PREVENTION CODE**

**21-1. Statutory Authority**

This Article is enacted pursuant to the authority granted by RSA 47:22 and Chapter 155-A of the New Hampshire Revised Statutes Annotated.

**21-2. Adoption of Standards**

There is hereby adopted by the City of Somersworth, New Hampshire, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion codes known as the NFPA 1 Fire Code and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than one copy has been and now is filed in the office of the City Clerk of the City of Somersworth, New Hampshire, and the same are hereby adopted and incorporated as fully as if set out at length herein, and, from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the City of Somersworth, New Hampshire.

**21-3. Definitions**

- (a) **AUTHORITY HAVING JURISDICTION** : the fire chief of the City of Somersworth
- (b) **FIRE CHIEF**: the fire chief of the City of Somersworth

**21-4. Exceptions to Fire Prevention Code**

- (a) The following sections of NFPA 1 Fire Code shall be excluded from incorporation pursuant to this ordinance:

- (1) Section 1-10 Board of Appeals
- (2) Section 1-13 Certificates of Fitness
- (3) Section 65.2 Fireworks Displays
- (4) Section 65.11.4.4.2 Multiple Tenant Buildings
- (5) Section 65.11.5.1.1; 65.11.5.1.1(1); 65.11.5.1.1(2) General.

- (b) The following permits listed in Section 1.12.7 of NFPA 1 Fire Code shall be excluded from incorporation pursuant to this ordinance:

- (1) Asbestos Removal
- (2) Automotive Fuel Servicing
- (3) Fire Hydrants and Water-Control Valves
- (4) General Storage
- (5) Parade Floats
- (6) Private Fire Hydrants
- (7) Refrigeration Equipment
- (8) Repair Garages and Service Stations

## 21-5. Modifications to Fire Prevention Code

The intent of this section is to align the requirements of the Fire Prevention Code with state statute and the NH State Fire Code adopted pursuant to RSA 153:5.

(a) Section 13.3.2.18.1 of NFPA 1 Fire Code shall be amended to insert the following exception:

“Exception: Detached one- and two-family dwellings are exempt from the automatic fire sprinkler requirements as set forth in 13.3.2.18.1.

(b) Section 65.11.3.6 of NFPA 1 Fire Code shall be amended to read as follows:

“65.11.3.6 Automatic Sprinkler Systems. An approved automatic sprinkler system shall be installed in all permissible firework sales facilities also known as consumer retail fireworks sales (CRFS) facilities and the required system shall be designed to Extra Hazard Group 1 in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems”.

(c) Sections 65.11.3.9, 65.11.5.3.1 and 65.11.5.3.2 of NFPA 1 Fire Code shall be replaced with the following:

“65.11.3.9 Fire Alarm. A fire alarm system shall be provided in all permissible fireworks retail sales facilities. The fire alarm system shall include a public address system and a means for manually activating audible and visible alarm indicating devices located throughout the facility in accordance with NFPA 72, National Fire Alarm and Signaling Code, and shall be provided at a constantly attended location when the facility or store is occupied.”

(d) Section 13.6.2 of NFPA 1 Fire Code shall be amended to read as follows:

“13.6.2 Where Required. Fire Extinguishers shall be provided where required by the code as specified in Table 13.6.2 and the referenced codes and standards listed in Chapter 2. In new construction, the required fire extinguishers shall be electronically monitored in accordance with 13.6.9.1.5. Exception: The electronic monitoring of fire extinguishers shall not apply in occupancies that do not require a fire alarm system.”

(e) Section 7.1.1 and Section 7.1.2 of NFPA 1141, “Standard for Fire Protection Infrastructure for Land Development in Suburban and Rural Areas”, 2008 edition (NFPA 1141), incorporated as a document in NFPA 1 Fire Code, shall be amended to insert the following exception:

“(1) 7.1.1 Exception: Detached one- and two-family dwellings are exempt from the automatic fire sprinkler requirements as set forth in 7.1.1.”

“(2) 7.1.2 Exception: Detached one- and two-family dwellings are exempt from the automatic fire sprinkler requirements as set forth in 7.1.2”

### **21-6. Access Boxes**

For purposes of rapid entry in cases of emergencies or required access to buildings after hours, an access box approved by the fire chief shall be installed in an accessible location on the premises of any new occupancy of the following type if the building or occupancy is equipped with a fire alarm system, fire detection system or fire suppression system:

1. Assembly
2. Educational
3. Mercantile
4. Business
5. Industrial
6. Apartment Complex
7. Health Care
8. Residential Board and Care
9. Hotels and Dormitories

The fire chief shall have authority to require any other type of building, not listed above, to install an access box to meet rapid entry requirements, if in his/her discretion public safety considerations require such installation.

### **21-7. Appeals**

Whenever the fire chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire chief to the zoning board of adjustment pursuant to RSA 676:5.

### **21-8. Permit fees.**

A. The fee for permits required by this ordinance shall be fifty dollars (\$50.00) per permit.

*Exception:* No fee shall be charged for the following permits:

- (1) Open burning and open fires
- (2) Places of assembly

B. With the approval of the city manager, the fire chief is authorized to waive the fees for permits issued to non-profit, charitable, or religious organizations.

**21-9. Violations and penalties**

A. Any person who shall violate any of the provisions of Somersworth Code 21 Article I, as hereby adopted or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plan submitted and approved thereunder and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the chief of the fire department or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and noncompliance respectively, be guilty of a violation, punishable by a fine of not one thousand dollars (\$1,000) for each offense. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**21-10. Availability of copies**

Copies of the NFPA 1 Fire Code are available from the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts 02269

**ARTICLE II  
LIFE SAFETY CODE**

**21-11. Statutory authority**

This Article is enacted pursuant to the authority granted by RSA 47:22 of the New Hampshire Revised Statutes Annotated.

**21-12. Adoption of standards**

In the interest of public safety, the standards set forth in the National Fire Protection Association code for safety to life from fire in buildings and structures known and referred to as the NFPA 101 Life Safety Code, 2009 edition are hereby adopted as set forth herein by the City of Somersworth save and except such portions as are hereinafter deleted, modified or amended, of which not less than one (1) copy has been and now is filed in the office of the City Clerk of the City of Somersworth, New Hampshire, and the same are hereby adopted and incorporated as fully as if set out at length herein, and, from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the City of Somersworth, New Hampshire.

### **21-13. Definitions**

(1) **AUTHORITY HAVING JURISDICTION (AHJ):** the fire chief of the City of Somersworth

(2) **FIRE CHIEF:** the fire chief of the City of Somersworth or his/her designee

### **21-14. Modifications to Life Safety Code**

The intent of this section is to align the requirements of the NFPA 101 Life Safety Code with state statute and the NH State Fire Code adopted pursuant to RSA 153:5.

(a) Section 14.7.2.3 and Section 15.7.2.3 of NFPA 101 Life Safety Code shall be amended to read as follows:

“Emergency egress and relocation drills shall be conducted as follows:

(1) At least one emergency egress and relocation drill shall be conducted every month the facility is in session, including summer school;

(a) Exception No. 1: During winter months, the monthly emergency egress and relocation drills shall be permitted to be deferred provided that the required number of emergency egress and relocation drills is achieved and at least 4 are conducted before the drills are deferred; and

(b) Exception No. 2: With the approval of the fire chief and in concert with RSA 189:64, no more than 2 of the required emergency egress and relocation drills may be eliminated and replaced by drills that test emergency response to hazards such as earthquakes, hurricanes, floods, bomb threats and domestic terrorism. No required emergency egress and relocation drills shall be replaced by hazard drills unless an emergency response plan is submitted to the fire chief and the New Hampshire Division of Homeland Security and Emergency Management.

(2) All occupants of the building shall participate in the drill; and

(3) One additional emergency egress and relocation drill, other than for educational occupancies that are open on a year-round basis, shall be required within the first 30 days of operation.”

(b) Section 14.3.2.4 and Section 15.3.2.4 of NFPA 101 Life Safety Code shall be amended by adding the following:

“(7) Dispensers installed over carpeted floors in non-sprinklered rooms and spaces shall be permitted, provided that there is an impervious, non-combustible surface of at least two feet by two feet in size installed directly below each dispenser that has been permanently affixed to the floor of the structure.”

(c) Section 18.3.2.6(5) of NFPA 101 Life Safety Code shall be amended to read as follows:

“(5) Not more than an aggregate of 10 gal (37.8L) of alcohol-based rub solution or 1135 oz (32.2 kg) of Level I aerosols, or a combination of liquids and Level I aerosols not to exceed, in total, the equivalent of 10 gal (37.8L) or 1135 oz (32.2 kg), shall be in use outside of a storage cabinet in a single smoke compartment except as otherwise provided in 18.3.2.6(6).”

(d) Section 18.3.2.6(6) of NFPA 101 Life Safety Code shall be amended to insert a new section 18.3.2.6(6) and renumber the existing sections 18.3.2.6(6) through 18.3.2.6(8) accordingly as sections 18.3.2.6(7) through 18.3.2.6(9), to read as follows:

“(6) One dispenser complying with 18.3.2.6(2) or (3) per room and located in that room shall not be included in the aggregate quantity addressed in 18.3.2.6(5).”

(e) Section 19.3.2.6(5) of NFPA 101 shall be amended to read as follows:

“(5) Not more than the aggregate of 10 gal (37.9L) of alcohol-based rub solution or 1135 oz (32.2kg) of Level I aerosols, or a combination of liquids and Level I aerosols not to exceed, in total, the equivalent of 10 gal (37.8L) or 1135 oz (32.2 kg), shall be in use outside of a storage cabinet in a single smoke compartment except as otherwise provided in 19.3.2.6(6).”

(f) Section 19.3.2.6(6) of NFPA 101 Life Safety Code shall be amended to insert a new section 19.3.2.6(6) and renumber the existing sections 19.3.2.6(6) through 19.3.2.6(8) accordingly as sections 19.3.2.6(7) through 19.3.2.6(9), to read as follows:

“(6) One dispenser complying with 19.3.2.6(2) or (3) per room and located in that room shall not be included in the aggregate quantity addressed in 19.3.2.6(5).”

(g) Section 24.2.5.1 of NFPA 101 Life Safety Code shall be amended to read as follows:

“Section 24.2.5.1 Stairs, ramps, guards and handrails shall be in accordance with 7.2.2 for stairs, 7.2.2.4 for guards and 7.2.5 for ramps, as modified by 24.2.5.1.1 through 24.2.5.1.7.”

(h) Section 24.2.5 of NFPA 101 Life Safety Code shall be amended to insert new section 24.2.5.1.4, 24.2.5.1.5, 24.2.5.1.6 and 24.2.5.1.7 to read as follows:

“Section 24.2.5.1.4 Riser heights not exceeding 209 mm (8 ¼ in.) and tread depths of not less than 229mm (9 in.) shall be permitted for stairs in new construction;

Section 24.2.5.1.5 Porches, balconies or raised floor surfaces located more than 762mm (30 in.) above the floor or grade below shall have guards not less than 914mm (36 in.) in height. Open sides of stairs with a total rise of more than 762mm (30 in.) above the floor or grade below shall have a guard not less than 864 mm (34 in.) in height measured vertically from the nose of the treads;

Section 24.2.5.1.6 Handrails shall be permitted to be on one side of the stairs in new construction when the stair width is 965mm (38 in.); and

Section 24.2.5.1.7 New handrails shall be installed to provide a clearance of not less than 2 ¼ inches (57mm) between the handrail and the wall to which it is fastened.”

(i) Section 24.3.4.3 of NFPA 101 Life Safety Code shall be amended to insert a new exception to read as follows:

“*Exception:* When housing up to 3 outsiders in rental rooms, section 24.3.4.1(1), (2) and (3) shall apply and smoke alarms shall be interconnected 120 volts electrically powered with battery back-up.”

(j) Section 30.2.2.3.1 and Section 31.2.2.3.1 of NFPA 101 Life Safety Code shall be amended to insert the following exception:

“*Exception:* Within any individual dwelling unit stairs complying with Section 24.2.5.1 as amended shall be permitted.”

(k) Section 36.4.4.4.3.2 of NFPA 101 Life Safety Code shall be amended, by removing the section.

(l) Section 24.3.5.1 of NFPA 101 Life Safety Code shall be amended to insert the following exception:

“*Exception:* Detached one and 2-family dwellings are exempt from the automatic fire sprinkler requirements as set forth in 24.3.5.1.”

**21-15. Tenant's Responsibilities**

It shall be the responsibility of the tenant(s) of a rented or leased residential dwelling or complex to ensure that the smoke detector(s) installed in accordance with state and local codes are not rendered inoperative by damaging or disconnecting said detector. Any person found to have disconnected a smoke detector, damaged a smoke detector or otherwise cause a smoke detector to be rendered inoperative, in a rented or leased residential dwelling or complex, shall be guilty of a violation.

**21-16. Availability of copies**

Copies of the NFPA 101 Life Safety Code are available from the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts 02269.

**21-17. Administration and enforcement**

The authority having jurisdiction for the administration and enforcement of this chapter shall be the fire chief.

**21-18. Appeals**

Whenever the fire chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire chief to the zoning board of adjustment pursuant to RSA 676:5.

**21-19. Violations and penalties**

A. Any person who shall violate any of the provisions of Somersworth Code 21 Article II, as hereby adopted or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plan submitted and approved thereunder and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the chief of the fire department or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and noncompliance respectively, be guilty of a violation, punishable by a fine of not more than one-thousand dollars (\$1,000) for each offense. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**ARTICLE III  
REIMBURSEMENT FOR FIRE DEPARTMENT SERVICES**

**21-20. Reimbursement Costs.**

(A) In the event that the cost for fire department apparatus and/or equipment use is reimbursable under city ordinance or state statute, the following rates for the use of apparatus and equipment shall apply:

Aerial Apparatus: \$250 per hour/ one hour minimum  
Pumper apparatus: \$100 per hour/ one hour minimum  
Boat: \$ 50 per hour/ one hour minimum  
Support Units: \$ 25 per hour/ one hour minimum  
Firefighting supplies, such as foam or absorbent material: actual replacement cost  
Food: actual cost  
Replacement of damaged or destroyed equipment, protective clothing or uniforms, other than routine wear and tear: actual replacement cost

(B) In the event that the cost for fire department personnel is reimbursable under city ordinance or state statute, the following formula shall be applied:

Personnel costs shall be billed at the minimum of one hour for on-duty personnel and two hours for recalled personnel based on the city's actual costs, to include applicable hourly rate or overtime rate, and the city's portion of employee benefits, including but not limited to retirement and health care.

(C) An administration fee of 5% shall be added to all reimbursement charges.

**22-21. Separability**

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct independent provision and such holding shall not affect the validity of the remaining portions thereof.

(Chapter 21 replaced in it's entirety with amended Chapter 21 on 06/18/2012.)