

**CHAPTER 4**

**FOOD LICENSING AND REGULATIONS**

|             |                    |               |
|-------------|--------------------|---------------|
| Article I   | Milk               | 4.101 - 4.102 |
| Article II  | Meat Inspections   | 4.201         |
| Article III | Slaughter Houses   | 4.301 - 4.311 |
| Article IV  | Butchers           | 4.401 - 4.406 |
| Article V   | Common Victuallers | 4.501 - 4.509 |

**Article I: MILK**

**Section 4.101: MILK LAW ADOPTED**

The provisions of Sections 1, 2, 4, 5, 6, 7, 8 and 9 of Chapter 184 of the N.H. RSA relating to the inspection of milk are hereby adopted and declared to be in force in the City.

**Section 4.102: MILK INSPECTIONS**

The Health Officer shall be in charge of the inspection of milk, skim milk and cream and shall report to the City Council the violation of any laws relating hereto.

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**Article II: MEAT INSPECTION**

**Section 4.201: PENALTY - UNINSPECTED MEAT OR MEAT PRODUCTS**

Any person, firm or corporation selling or offering for sale for human consumption, any meats or meat products not guaranteed by Federal or State of N.H. inspection, or the inspection of an inspector duly authorized by any city or town within the State of N.H., which have not been inspected and approved by the Meat Inspector shall be fined not less than ten (\$10) dollars and not more than one hundred (\$100) dollars for each offense.

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## **ARTICLE III: SLAUGHTER HOUSES**

### **Section 4.301: LICENSE REQUIRED**

The slaughtering, dressing or killing of cattle, swine, goats or sheep except for private use is prohibited within the City of Portsmouth, except in slaughter houses licensed by the Department of Health of said City in accordance with the provisions of this Ordinance.

### **Section 4.302: APPLICATIONS**

Applications for such licenses shall be made to the Department of Health. Licenses under the provisions of this Ordinance shall be issued by the Department of Health and may be revoked by said Department for cause after hearing.

### **Section 4.303: LOCATION**

No slaughter house shall be licensed by the Department of Health in said City, unless it shall be located outside the compact part of the City, and in no case within four hundred feet of any dwelling house or within fifty feet of any dairy barn.

### **Section 4.304: REQUIREMENTS**

Every slaughter house shall be furnished with a sufficient supply of pure water and suitable drainage shall be provided. The floors shall be paved with asphalt, cement or other impervious matter in which no leaks shall be permitted to exist, shall be washed at least once a week with hot water, and shall be disinfected, from time to time in such a manner as said Department of Health shall direct. No blood, manure, offal, or other refuse shall be allowed to accumulate in or around any slaughter house, where the same might or does become offensive and a menace to health.

### **Section 4.305: INSPECTION**

All slaughter houses shall be open to inspection at all times by the Meat Inspector or other officer of the Department of Health, and any orders or instructions issued by said Department regarding the same must be obeyed promptly by the owner of said slaughter house or the person in charge thereof.

### **Section 4.306: UNSOUND MEATS**

No person or persons licensed to maintain a slaughter house in said City of Portsmouth shall have, keep or offer for sale, in said slaughter house, or permit to be had, kept or offered for sale in said slaughter house, any putrid or unsound meat, hides or skins.

**Section 4.307: LICENSEE**

In order to obtain a license to maintain a slaughter house in said City, the person or person applying for such license must be citizens of the United States, over twenty one years of age, never having been convicted of any crime, and must have been a resident of said Portsmouth for at least one year preceding the first day of April last preceding the date of their application of such license. No license issued by said Department of Health under the provisions of this Ordinance shall be valid unless signed by the Health Officer and countersigned by the Meat Inspector.

**Section 4.308: WEIGHT OF SLAUGHTERED CALVES**

No person shall kill, or cause to be killed, for the purpose of sale, a calf less than four weeks old and of a net dressed weight of less than forty pounds not including the head and feet, or shall knowingly sell, or have in possession with intent to sell for food, the meat of any such calf.

**Section 4.309: TIME OF SLAUGHTERING**

All slaughtering shall be done between the hours of 8:00 a.m. and 5:00 p.m. on weekdays, except by special permit of the Meat Inspector and no animal shall be killed for human consumption until it has been inspected by the Meat Inspector and found to be suitable.

**Section 4.310: PENALTY - FAILURE TO LICENSE**

Any person, firm or corporation, who maintains a slaughterhouse in the City of Portsmouth without being licensed as herein provided, shall be fined not more than one hundred (\$100) dollars each day the slaughter house is so maintained.

**Section 4.311: PENALTY - VIOLATIONS BY LICENSEE**

If any licensee shall violate any of the provisions of this Ordinance relative to slaughterhouses, he shall upon conviction be fined not exceeding one hundred dollars (\$100) and his license shall be revoked.

## **ARTICLE IV: BUTCHERS**

### **Section 4.01: LICENSE**

No person, firm or corporation shall carry on a store or place of business for the sale of meat, fish or poultry at wholesale or retail within the City of Portsmouth without first having obtained a license to do so from the Department of Health of the City.

### **Section 4.402: AGE**

No person shall be eligible to receive a butcher's license unless he is over twenty-one (21) years of age.

### **Section 4.403: APPLICATIONS**

The applications for such license shall be made to the Department of Health, and shall contain the name, the place of business of the applicant and the business to be carried on by him. Licenses shall be granted by the Department of Health, if it appears that the applicant has the qualifications required by Section 4:402 of this Ordinance, and may be revoked by said Department for cause after hearing.

### **Section 4.404: INSPECTIONS**

It shall be the duty of the Meat Inspector to make regular inspections of the premises of all licensees, and he shall report all violations of this Ordinance to the Health Officer and shall seize, condemn and destroy all meats, fish or poultry offered for sale therein that he finds to be unfit or unsuitable for human consumption.

### **Section 4.405: REVOCATION OF LICENSE**

If any licensee shall be convicted twice within one year under the provisions of Section 4:406 of this Ordinance, the Department of Health shall immediately revoke his license and he shall be ineligible to receive any such license for a period of three (3) years from the date of revocations.

### **Section 4.406: PENALTY - KEEPING UNFIT MEAT, FISH OR POULTRY**

If any licensee shall keep for sale or sell any meat, fish or poultry that is not suitable for human consumption, he shall be fined not exceeding one hundred (\$100) dollars.

## **ARTICLE V: COMMON VICTUALLERS**

### **Section 4.501 LICENSE**

No person or persons shall carry on and operate a restaurant or public eating house within the City of Portsmouth without first having obtained a common victualler's license from the Department of Health of said City.

### **Section 4.502: APPLICATION**

The application shall state the name of the applicant, the place where his business is to be carried on. Upon filing of such application, the Sanitary Inspector shall at once examine the applicant's premises to see if they are in a clean and sanitary condition and well-lighted; and if his findings be favorable, the Department shall grant the license subject to the provisions of the laws of the State, the regulations of the State Board of Health, and the Ordinances of the City pertaining hereto.

### **Section 4.503: TERM OF LICENSE**

Such license shall be granted for one year from the first day of July next preceding the date of application; and may be renewed from time to time by said Department. No person shall be refused a common victualler's license except upon an unfavorable report by the Sanitary Inspector as to the sanitary condition of his premises, unless otherwise herein provided.

### **Section 4.504: SANITARY REQUIREMENTS**

Every holder of a common victualler's license shall keep his premises clean and well lighted, shall see to it that all refrigerators or other receptacles for food are kept clean, that the room where foods are prepared and cooked shall be kept clean and sanitary to the satisfaction of the Sanitary Inspector; and that no meats, vegetables, or other food shall be prepared or served therein except such as are clean and sanitary for human consumption. No person who has active syphilis or gonorrhoea shall be employed by any holder of a common victualler's license in the preparation or cooking of food.

### **Section 4.505: PERSONNEL**

All personnel of restaurants, grill rooms, soda fountains, hotel dining rooms, and other public dining places shall file a health certificate with the Department of Health once every year.

### **Section 4.506: INSPECTION - SUSPENSION AND REVOCATION OF LICENSES**

The Sanitary Inspector shall inspect the premises of all common victualler's weekly, and shall report any violations of the condition of the license to the Department of Health, and said Department shall thereupon suspend said license for a period not exceeding one week, and

thereafter if a second violation shall be made by any licensee during the term of his license, he shall be ineligible to receive a common victualler's license for a period of three years.

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**Section 4.507: PENALTY - FAILURE TO LICENSE**

No person or persons who shall carry on or operate a restaurant or public eating place with the City of Portsmouth without being licensed to do so as herein before provided, shall be fined not exceeding one hundred (\$100) dollars for each day such violation continues.

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## CHAPTER 5

### FIRE DEPARTMENT AND PREVENTION REGULATIONS

|              |  |               |
|--------------|--|---------------|
| Article I    | Fire Department  | 5.101 - 5.104 |
| Article II   | Reserved for future use                                    | 5.201         |
| Article III  | Reserved for future use                                    | 5.301         |
| Article IV   | Petroleum and its Products                                 | 5.401 - 5.409 |
| Article V    | Municipal Fire Alarm and Communication Systems             | 5.501 - 5.504 |
| Article VI   | Ambulance Service Costs                                    | 5.601         |
| Article VII  | Blasting   | 5.702         |
| Article VIII | Unfounded Emergency Calls - Alarm Systems on City Premises | 5.801 - 5.806 |
| Article IX   | International Fire Code / 2000 Edition                     | Sec. F-100.0  |

#### **ARTICLE I: FIRE DEPARTMENT**

##### **Section 5.101: PERSONNEL**

The Fire Department shall consist of the Fire Chief, permanent firemen, call firemen and such substitutes as may be provided. Of the permanent firemen, three shall be chosen as first, second and third Deputy Chiefs, respectively, two as Captains, and two as Lieutenants, and shall devote their full time to such offices.

##### **Section 5.102: RESIDENTS OF THE CITY**

All members of the Fire Department, except the Department Head, may establish residence anywhere within a ten mile direct line radius of the Central Fire Station provided further, that such residence shall require not more than twenty minutes travel time as ordinarily experienced by a prudent driver obeying all traffic regulations. If any employee is aggrieved with the Chief's decision on the determination of the twenty-minute travel time, he may appeal to the Board of Fire Commissioners whose decision shall be final and binding on all parties. (Amended 8/15/88)

##### **Section 5.103: AGE LIMIT**

No person under the age of twenty-one years or over the age of thirty-five years shall be appointed a permanent fireman, nor shall any person under eighteen years of age be appointed a call fireman. (Amended 8/15/88)

##### **Section 5.104: APPARATUS TO BE KEPT IN CITY**

No engine, horn, wagon or hook and ladder truck or other piece of fire apparatus shall be taken to a fire out of the City, without permission of the Fire Chief, or in his absence the officer in charge, nor shall any of the apparatus of the Fire Department be taken from the City, except in case of fire, without permission from the Board of Fire Commissioners. (Amended 8/15/88)

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**ARTICLE IV: PETROLEUM AND ITS PRODUCTS, Burn Permits (Amended 4/1/96)**

**Section 5:401: LICENSE**

No person shall store or handle any gasoline or similar fluids within the City without first obtaining a license from the City License Officer for the purpose and without said license having been endorsed by the Fire Chief and Building Inspector.

**Section 5:402: FEE**

Fees to be determined in accordance with Chapter 1, Article XVI or similar wording. (Amended 3/18/2002)

**Section 5:403: LIMITATIONS**

For the purpose of preventing excessive fire hazards, no license, other than a renewal of an existing license, for the storage of more than 300 gallons of crude petroleum or any of the products thereof within the district described in Section 5:404 hereof, shall be granted unless such storage is to be in underground tanks.

**Section 5:404: STORAGE DISTRICT**

Section 5:403 of this ordinance shall apply to the area bounded as follows:

Commencing at the Piscataqua River opposite the easterly end of Court Street; and running westerly to said easterly end of Court Street; thence westerly through Court Street to Middle Street; thence northeasterly through Middle Street to Islington Street; thence westerly through Islington Street to the westerly boundary of said land of the Morley Company to the Boston and Maine Railroad tracks; thence easterly along said tracks to a point opposite the westerly end of the North Mill Pond; thence northerly to the westerly end of the North Mill Pond; thence following the northerly boundary of the North Mill Pond to the Piscataqua River; thence by the Piscataqua River to the point of beginning.

**Section 5:405: DUTIES OF THE PETROLEUM INSPECTOR**

The duties of the Petroleum Inspector shall be those prescribed for the duties of such officers in Chapter 339 of the N.H. RSA.

**Section 5:406: FEE OF INSPECTOR**

Fees to be determined in accordance with Chapter 1, Article XVI or similar wording. (Amended 3/18/2002)

**Section 5:407: ANNUAL REPORT**

Said inspector shall annually as early as practical in January, but not later than the second Thursday, report in writing to the City Council all inspections made by him during the preceding year.

**Section 5:408: PENALTY**

If any person shall violate any of the provisions of Sections 5:401 or 5:403 of this Chapter, he shall be fined not less than \$1.00 nor more than \$100.00 for each day the violation shall continue.

**Section 5:409: BURNING PERMITS**

All burning permits shall be issued by the Fire Department; the licensing process and fees required are governed by New Hampshire State Law, currently designated as RSA 244. (Adopted 4/1/96)

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**ARTICLE V: MUNICIPAL FIRE ALARM AND COMMUNICATION SYSTEMS**

**Section 5.501: RESPONSIBILITY**

The Chief of the Fire Department or his designee shall be responsible for the proper installation, maintenance and supervision of the municipal fire alarm and communication systems.  
(Adopted 1/26/87)

**Section 5.502: POLE AND DUCT SYSTEMS**

It shall be the responsibility of the Chief of the Fire Department or his designee to coordinate with the Public Utilities for the supply and spacing of poles or ducts for municipal use.  
(Adopted 1/26/87)

**Section 5.503: LOCATION OF FIRE ALARM BOXES AND SIGNALS**

The Chief of the Fire Department or his designee shall located fire alarm call boxes, and other signaling devices as public interest may require. However, permanent removal of fire alarm boxes shall only be at the direction of the City Council. (Adopted 1/26/87)

**Section 5.504: PENALTY FOR INJURE OR POSTING**

If any person shall willfully injure, or attempt to injure; or post any paper or placard; paint or deface any pole, fire alarm box, signal pole, pedestal, manhole, pull box, gong, wire or other component of the Municipal Signal Systems, shall be fined \$100 plus the costs of repair or replacement. (Adopted 1/26/87)

**ARTICLE VI: FIRE DEPARTMENT EMERGENCY MEDICAL SERVICE COSTS**

**Section 5.601: FIRE DEPARTMENT EMERGENCY MEDICAL SERVICE COSTS**

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

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

(Article VI deleted in its entirety and replaced 6/1/98)

## **ARTICLE VII: BLASTING**

### **Section 5:702 BLASTING PERMIT REQUIRED**

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

- A. All abutters within five hundred (500) feet of the area where the blasting will occur shall receive notice by certified mail two full business days (excluding Saturday, Sunday and holidays) in advance of the blasting. The term “abutter” shall be defined in the manner used for the notification of zoning abutters. (Amended 9/17/2001)
- B. That the City Engineer’s office as well as the Building Inspector shall receive the same notice, also sent by certified mail, at least two full business days (excluding Saturday, Sunday and holidays) in advance of the blasting.
- C. The name and address of the blasting company be provided.
- D. The name of a company representative be provided and the twenty-four (24) hour telephone number of the representative; such representative being a person who is capable of responding to claims and issues arising from the blasting performed.
- E. A pre-blast survey shall be completed by the blasting company for an area within five hundred (500) feet of the proposed blasting. (Amended 9/17/2001)
- F. Any reports, measurements or video tapes made in connection with this pre-blast survey or with the subsequent blasting shall be made available upon request to all abutters within five hundred (500) feet of the area. (Amended 9/17/2001)
- G. That the cost of such a pre-blast survey shall be borne by the blasting company.
- H. The Use and Transport License of the hauler shall be designated.
- I. The route of removing blasting material shall be designated.
- J. The location of the blasting shall be designated.
- K. The blasting shall take place within the hours of 8:00 A.M. to 5:00 P.M. Monday through Friday.
- L. An Insurance Certificate shall be posted with the City Engineer in an amount and type deemed appropriate by the City Engineer and the City Attorney. (Amended 9/20/93)
- M. The Public Works Director is hereby authorized to promulgate blasting rules consistent with the intent of this ordinance, such rules shall become effective on acceptance by the City Council. (Item M. adopted 9/17/2001)

## **ARTICLE VIII: ALARM SYSTEMS MONITORED BY THE CITY**

### **Section 5.801: DEFINITIONS**

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

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

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

### **Section 5.802: SERVICE CHARGE**

The owner of any premises served by an alarm system shall be obligated to pay a service charge to the City of Portsmouth for all unfounded emergency calls to that premises in excess of the number of such calls permitted by this Article. This service charge shall be in the amount of \$20.00 per unfounded emergency call to the police for the 6th through 9th call per calendar year and \$50.00 per call in excess of 9 calls. The service charge for unfounded emergency calls to fire officials shall be \$50.00. Said service charge is to be paid within 30 days of billing, payment to be made to the department issuing the bill. (Amended 1/25/88)

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

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

#### **A. Unfounded Emergency Calls to Police Offices**

Five calls per calendar year (Amended 1/25/88)

#### **B. Unfounded Emergency Calls to Fire Officials**

Two calls per six calendar month period (January to June inclusive or July to December inclusive)

### **Section 5.804: ALARM SYSTEMS MONITORED BY THE CITY**

Any person, firm, or corporation maintaining an alarm system located wholly or in part on City premises shall be subject to the following provisions:

- A. Such alarm systems shall be maintained in strict conformance to any operating standards that may be from time to time promulgated by the Department Head with jurisdiction over the premises in which the alarm system is located.

- B. A service charge shall be paid to the City department which monitors any alarm system. The rates to be charged for these alarm systems shall be established and adjusted as necessary by the City Manager with the approval of the Police Commission or Fire Commission, in the event the system is monitored by either department. This fee shall be payable in advance and no part thereof may be refunded or transferred.

(Amended title of Ordinance & Section 5.804 and replaced Item B in its entirety 5/3/99)

**Section 5.805: PROHIBITIONS**

Direct Dialers: The use of so-called direct dialer tape alarm systems, which automatically engage available telephone lines, is prohibited within the City of Portsmouth

**Section 5.806: PENALTY**

Any person, firm or corporation who violates any provision of Section 5.805 of this Ordinance shall be subject to a fine of not more than \$100.00 upon conviction.

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## ARTICLE IX: INTERNATIONAL FIRE CODE, 2000

The International Fire Code, 2000 Edition as published by the International Code Council, is hereby adopted as Chapter 5, Article IX, of the ordinances of the City of Portsmouth, New Hampshire, subject to the following amendments, additions and deletions:

### SECTION 101 GENERAL

*Insert in blank space:*

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

### SECTION 102 APPLICABILITY

*Add new subsections to read as follows:*

**102.6.1 Specific electrical code reference.** Wherever this Code references the International Electric Code the reader shall substitute that reference with the National Electric Code, NFPA 70 as adopted by the State of New Hampshire.

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

*Change section title to read as follows:*

### SECTION 103 BUREAU OF FIRE PREVENTION

*Change subsection to read as follows:*

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

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

**103.3 Deputies.** Deputy officials shall include but not be limited to: the Deputy Fire Chief, Fire Prevention/Safety Officer, Fire Marshal, all Fire Officers, Chief Building Inspector, Assistant Building Inspector, Electrical Inspector, Plumbing/Mechanical Inspector, Health Officer, Zoning Officer, Housing Code Inspector, Public Works Director or City Engineer.

### SECTION 105 PERMITS

*Change subsections to read as follows:*

**105.1.1 Permits required.** All permits required by this Code, or any other ordinance or state law shall be obtained through the Building Inspection Department or Fire Prevention Bureau. Issued permits shall be kept on the premise designated therein at all times and shall be subject to inspection by the code official.

**105.2 Application.** Application for permits shall be made to the Building Inspection Department or Fire Prevention Bureau on the appropriate form provided. Applications for permits shall be accompanied by construction documents as required by the code official for evaluation of the application.

*Change subsections to read as follows:*

**105.2.3 Time limitation of application.** An application for a permit shall be deemed to have been abandoned one year after the date of filing, unless such application has been diligently prosecuted or a permit has been issued, except that the code official shall grant one (1) extension of time not exceeding twelve (12) months if there is reasonable cause and only when requested in writing prior to the application expiration date.

*Change subsections to read as follows:*

**105.3.1 Expiration.** An operational permit shall remain in effect until reissued, renewed, revoked or for such a period of time as specified on the permit. Construction/installation permits issued shall become invalid if the authorized work is not commenced within one year after issuance of the permit, or if the authorized work is suspended or abandoned for a period of one year after the time of commencing work

**105.3.2 Extensions.** The code official shall grant one (1) extension of time not exceeding twelve (12) months, if there is reasonable cause and only when requested in writing prior to the expiration date. Said extension will only be authorized when it does not conflict with any Federal, State, Local Laws or Ordinances.

**105.6 Required operational permits.** Permits shall be required by the code official in accordance with Sections 105.6.1 through 105.6.3.

**105.6.1 Open Burning.** The City of Portsmouth Fire Department shall issue open burning permits under the requirements of City Ordinance Chapter 5, Section 5:409.

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

**105.6.3 Pyrotechnic special effects material or performances.** The City of Portsmouth Fire Department shall issue permits for the outdoor display of 1.3G fireworks. Refer to Section 3308 (as amended) of this Code and State RSA 160-B for further requirements of outdoor fireworks displays. Pursuant to State RSA 153:5, the State Fire Code, Part Saf-C 6022:03, any person engaged in the discharge of proximate audience pyrotechnic displays shall first obtain a permit from the State Fire Marshal.

**105.7 Required construction permits.** Permits shall be required by the code official in accordance with Sections 105.7.1 through 105.7.3.

**105.7.1 Automatic fire-extinguishing systems including fire pumps.** Applications for fixed fire-extinguishing systems may be obtained from the fire prevention bureau or the city building inspection office.

**105.7.2 Fire alarm systems.** Applications for fire alarm systems may be obtained from the fire prevention bureau or the city building inspection office.

**105.7.3 Standpipe systems.** Applications for standpipe systems may be obtained from the fire prevention bureau or the city building inspection office.

## **SECTION 108 BOARD OF APPEALS**

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

**108.1 Board of appeals established.** Refer to Appendix A of this Code and Chapter 12 of the Portsmouth City Ordinances (International Building Code) for the establishment of the Board of Appeals.

## SECTION 109 VIOLATIONS

*Change subsection to read as follows:*

**109.3 Violations penalties.** Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor if by a natural person or a felony if by any other person, punishable by a fine of not more than \$1,000. Each day that the violation continues shall be deemed a separate offense. Reference New Hampshire RSA's 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty provisions.

## SECTION 307 OPEN BURNING

*Change subsections to read as follows:*

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

**307.2 Permit required.** Open burning shall be allowed after obtaining a permit from the Fire Department and paying the appropriate fee as set forth by the City of Portsmouth, NH.

*Delete the following subsections without substitution:*

~~**307.2.1 Authorization.**~~

~~**307.2.2 Prohibited open burning.**~~

~~**307.3 Location.**~~

## SECTION 503 FIRE APPARATUS ACCESS ROADS

*Add new subsection to read as follows:*

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

## SECTION 903 AUTOMATIC SPRINKLER SYSTEMS

*Change subsection to read as follows:*

**903.2 Where required.** Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section and as required by NFPA 101.

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

**903.4.1 Signals.** 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

Edit first sentence in subsection to read as follows with remainder of subsection unchanged:

**907.2 Where required-new buildings and structures.** An approved manual, automatic or combination manual and automatic fire alarm system shall be provided in accordance with Sections 907.2.1 through Section 907.2.23 and as required by NFPA 101.

*Edit subsection as follows:*

### **907.2.8 Group R-1.**

*Delete Exception 3 without substitution.*

*Add new subsection to read as follows:*

**907.2.8.2 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.

*Change subsection to read as follows:*

**907.2.9 Group R-2.** An 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 buildings contain more than 11 dwelling units.

#### **Exceptions:**

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

*Add new subsection to read as follows:*

**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:*

#### **907.2.10.1.1 Group R-1.**

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

*Add new item 4 to end of subsection:*

#### **907.2.10.1.2 Groups R-2, R-3, R-4, and I-1.**

4. In all exit access corridors; and on each floor level, including basements, of all exit enclosure stairs, when the building is not equipped with an automatic fire alarm system. Single- and

multiple-station smoke detectors in common areas shall be interconnected but shall not be interconnected with dwelling unit smoke detectors. In some Group R-2 or R-3 occupancies, as determined by the building or fire official, an additional single- and multiple-station smoke detector may be required in the basement, interconnected with a dwelling unit(s) detector(s).

*Add new subsection to read as follows:*

**907.2.10.1.5 Groups E and I-4:** Single- and multiple-station smoke detectors shall be installed and maintained on all stories and in all sleeping rooms of Group E Day Care occupancies and Group I-4 Child Care occupancies as defined in Section 202.

*Add new subsection to read as follows:*

**907.2.10.3.1 Wiring method.** Smoke detectors in individual units shall be wired to a commonly used electric circuit of the dwelling unit or guestroom, such as a hall or bathroom lighting circuit. Smoke detectors in common spaces shall be wired to a circuit used for common space lighting. The electric panel shall be clearly labeled as to which circuit the smoke detectors are on. All smoke detectors shall be wired ahead of any switch on the circuit.

## CHAPTER 10 MEANS OF EGRESS

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

### SECTION 1001 GENERAL

*Change subsections to read as follows:*

**1001.1 Scope.** The provisions of the International Building Code, Chapter 10, as amended by the City of Portsmouth, shall govern the means of egress requirements in new construction. The provisions of the Life Safety Code, NFPA 101, shall govern the minimum means of egress requirements in all existing buildings and structures.

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

### SECTION 3301 GENERAL

*Amend subsection as follows:*

**3301.1.3 Fireworks.** *Delete exception 4 with remainder of subsection unchanged.*

*Change subsection to read as follows:*

**3301.2.4.1 Blasting.** Blasting operations are regulated in Chapter 5, Article VII, Section 5:702 of the Portsmouth City Ordinances. Refer to this ordinance for additional blasting regulations and the permitting process.

### SECTION 3308 FIREWORKS DISPLAYS

*Add sentences to end of subsections to read as follows:*

**3308.1 General.** The display, sale and discharge of 1.4G fireworks is prohibited within the City of Portsmouth, NH. The display and discharge of 1.3G fireworks shall meet the requirements of all Federal, State, Local Laws, Ordinances and Administrative Rules.

**3308.2.1 Outdoor displays.** Application for fireworks displays shall be made in writing at least 15 working days in advance of the date of the display or discharge of 1.3G fireworks, on the current version of the State of NH approved form. The discharge of fireworks shall be lawful under the terms and conditions approved. Approval granted hereunder shall not be transferable, nor shall any approval be extended beyond the dates set out therein.

*Delete following subsection without substitution:*

~~**3308.11 Retail display and sale.**~~

## CHAPTER 44 REFERENCED STANDARDS

*Amend in the ICC section the following referenced Code:*

Change **IRC-2000** to **IRC-2003** International Residential Code

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

Change **13-96** to **13-02** Design & Installation of Sprinkler Systems

Change **13D-96** to **13D-02** Design & Installation of Sprinkler Systems in 1 & 2 Family Dwellings

Change **13R-96** to **13R-02** Design & Installation of Sprinkler Systems in Residential Occupancies 4 Stories in Height or Less

Change **30-96** to **30-00** Flammable and Combustible Liquids Code

Change **31-97** to **31-01** Installation of Oil-Burning Equipment

Change **58-98** to **58-01** Liquefied Petroleum Gas Code

Change **72-96** to **72-02** National Fire Alarm Code

Change **96-98** to **96-01** Ventilation Control and Fire Protection of Commercial Cooking Operations

Change **NFPA 101-97** to **NFPA 101-00** Life Safety Code

Change **211-96** to **211-03** Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances

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

**54-02** National Fuel Gas Code

**70-02** National Electric Code

## APPENDIX A - BOARD OF APPEALS

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

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

## SECTION A101 GENERAL

**A101.1 Scope.** Refer to City Ordinance Chapter 12, Part 1, Appendix B as amended, (City Building Code), for the establishment of the Board of Appeals.

### APPENDIX B – FIRE-FLOW REQUIREMENTS FOR BUILDINGS

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

### APPENDIX C – FIRE HYDRANT LOCATIONS AND DISTRIBUTION

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

### APPENDIX D - FIRE APPARATUS ACCESS ROADS

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

### APPENDIX E – HAZARD CATEGORIES

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

### APPENDIX F – HAZARD RANKING

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

### APPENDIX G – CRYOGENIC FLUIDS-WEIGHT AND VOLUME EQUIVALENTS

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

**ADOPTED 14 July 2003**

Whenever there shall be any stalls or booths in any restaurant, cafe, dining room or lunch room in the City of Portsmouth, there shall be no screens, blinds, or curtains of any kind covering any part of said stalls or booths in such a manner as to prevent any person passing such stalls from having a clear and unobstructed view of the interior of such stalls or booths of occupants thereof.

**Section 4.509: PENALTY - VIOLATION OF BOOTH REQUIREMENTS**

If the manager or proprietor of any restaurant, cafe, dining room or lunchroom shall violate Section 4:508 of this Ordinance, he shall be fined not exceeding one hundred (\$100) dollars for such offense.

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