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### CHAPTER 12: City of Portsmouth Building Code Part I

#### INTERNATIONAL BUILDING CODE, 2015 (Adopted 12/02/2019)

The International Building Code, 2015 IBC 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 excused 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

##### SECTION 1201

#### TITLE ADOPTION / STATUTORY AUTHORITY

*Insert in blank space:*

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

**1201.1** The New Hampshire Building Code is hereby adopted, together with the local regulations and amendments contained within this Chapter and shall be known as the Building Code of the City of Portsmouth (“City Building Code”). (See RSA 155-A:1,V; RSA 674:51, I; RSA 155-A:2,V and RSA 155-A:3, I, II).

##### SECTION 1202

#### SCOPE AND ADMINISTRATION

**1202.1 Building Official.** The Department of Building Inspection of the City of Portsmouth, New Hampshire is hereby created and the executive official thereof shall be known as the Chief Building Inspector. Other Building Officials include the assistant Building Inspectors, Electrical Inspectors and Plumbing/Mechanical Inspectors. The Chief Building Inspector and Building Officials are appointed by the City Manager based on qualifications established for each position by the City Manager. The Chief Building Inspector and Building Officials are and are authorized to receive, process and approve all building permits, issue building permits and certificates of occupancy, perform inspections necessary to assure compliance with the City Building Code, collect permit fees, maintain records of all applications and enforce all provisions of the City Building Code as more fully set forth below.

##### SECTION 1203

#### COMMERCIAL AND RESIDENTIAL CONSTRUCTION

*Change subsections to read as follows:*

~~**101.4.1 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.**~~ *All plumbing is located in Section 1204 of the new chapter 12*

*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:*

~~**101.4.4 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 105 PERMITS

*Add the following text to end of subsection:*

### 1202.2 Permits

**105.1 1202.2.1 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

### **15. Roofing or re-roofing**

**NH** Licensed trade persons shall secure permits for electrical, plumbing and fuel gas work when required under New Hampshire law.<sup>22</sup>

*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 1202.2.2 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 the **City Building** ~~this~~ Code or any laws or ordinances of this jurisdiction. Permits shall not be required for the following:

### **Building:**

2. Ordinary repairs as defined in Section ~~105.2.2~~ **1202.2.3** 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.
4. Fences not over 6 (six) feet high or not in the Historic District.
5. Sidewalks, driveways or patios constructed on grade with earth products.
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.

7. Swings and other playground equipment accessory to dwellings and which are erected or assembled from a kit.
8. Moveable cases and counters (typical in retail occupancies).
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 Coverings 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~~ **one and two** family occupancies.
- ~~2. No change to printed code text.~~

## Mechanical:

1. Portable heating appliances for ~~1 & 2~~ **one and two** family occupancies.
- ~~2. through 7. No changes to printed code text.~~

~~**Plumbing:** No change to printed code text.~~

**105.2.2 1202.2.3 Ordinary Repairs.** Application or notice to the building official is ~~not~~ **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~~ **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. 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.)~~
- ~~7~~ **4. Repointing masonry unless located in the Historic District.**
- ~~8. 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~~ **individual** replacement or repair

work. When one or more of the above items are included in ~~general renovations~~ **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 1202.2.4 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.”<sup>2</sup>

Exception: When permits are required to correct known non-conformances.

~~Change subsection to read as follows:~~

**105.3.2 1202.2.5 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~~ **pursued** 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 1202.2.6 By whom application is made.** Application for a permit shall be made by the owner 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, applicant and of the responsible officers, if the owner 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 1202.2.7 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 **(no less than 6 months in between)** 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 1202.2.8 Minimum progress required to keep permit extension active.** After an extension has been granted under **1202.2.7 Section 105.5**, work shall begin within the next twelve (12) month period and, shall have progressed 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 1202.2.7**. Failure to achieve these milestones, shall cause the permit to become invalid.

*Change subsection to read as follows:*

**105.7 1202.2.9 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 DOCUMENTS**

### **1202.2.11 Submittal Documents**

*Add new sentences to end of subsection:*

**107.2.1 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 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 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 1202.2.11.1 Approval of construction documents.** The building official shall review and approve all submitted ~~documents~~ 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.

*Add new sentence to end of subsection:*

**107.3.3 1202.2.12 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.”

*Add new subsection to read as follows:*

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

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

~~The contractual agreement for the third party review service shall be between the permit applicant and the outside plan review agency or firm. The permit applicant shall pay all fees associated with the third party plan review process directly to the outside plan review agency or firm. The applicable building permit fee(s), paid by the permit applicant to the City of Portsmouth, shall be adjusted based on the fee schedule 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. For the purposes of this section, the applicable building permit shall mean any building, electric, plumbing, mechanical or fire protection system permit issued against the design documents that have been reviewed by the outside plan review agency or firm.~~

## **SECTION 108 TEMPORARY STRUCTURES**

### **1203.2 Temporary Structures, as applicable**

*Change subsection to read as follows:*

**108.1 1203.2.1 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 **the City Building this** Code. Any temporary structure shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant one (1), 180 day extension for demonstrated cause.

## **SECTION 109 FEES**

### **1202.2.13 Fees**

*Change subsection to read as follows:*

**109.2 1202.2.13.1 Schedule of permit fees.** Fees shall be determined **by budget resolution** in accordance with Chapter 1, Article XVI ~~or similar wording,~~ of the Ordinances of the City of Portsmouth, NH.

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

*Change subsection to read as follows:*

**109.4 1202.2.14 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.

*Change subsection to read as follows:*

**109.6 1202.2.15 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~~ this chapter.

*Add new subsection to read as follows:*

**109.7 1202.2.16 City construction projects.** Fees shall not be assessed for work associated with projects undertaken by the City of Portsmouth. These projects may also include contract work done by private contracting firms hired directly by the City. This exemption shall not apply to projects done by the State Department of Public Works, Pease Development Authority, State Port Authority or the Portsmouth Housing Authority.

## **SECTION 110 INSPECTIONS**



## 1202.3 Inspections

*Add new sentence to end of subsection:*

**110.5 Inspection requests.** “The permit holder shall allow a minimum of ~~two~~**three** work days (48 ~~72~~ hours) from the time the building official is notified to the time the inspection is scheduled.”

*Add new subsection to read as follows:*

**110.7 1202.3.3 Reinspection fee.** If, upon being called for any inspection, the work is not in compliance with this Code, written notice (including the specific code sections) will be provided clearly identifying the deficiencies. 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, ~~if~~ these deficiencies **have been corrected**, ~~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, 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, ~~the same 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 111 CERTIFICATE OF OCCUPANCY**

### 1202.4 Certificate of Occupancy

*Add new sentences to beginning of subsection:*

**111.1 1202.4.1 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 in Sections 111.2 and 111.3 of this code. Certificates are not required for work outlined in Section 105.2.”~~

*Edit subsection as follows:*

**111.2 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:*

**111.5 1202.4.2 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, 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. a Certificate of Occupancy fee will be assessed for the third inspection, and each subsequent inspection for the same item(s). The fee will be paid prior to the building official performing the additional 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 VIOLATIONS**

### **1202.5 Violations**

*Change subsection to read as follows:*

~~114.4~~ **1202.5.1 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 STOP WORK ORDER**

### **1202.6 Stop work order**

*Change subsection to read as follows:*

~~115.3~~ **1202.6.1 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 ~~114.4 of these amendments~~ **1202.5.1 of this chapter.**

*Delete the Entire Section 421 Live/Work Units without substitution.*

## **SECTION 421 LIVE/WORK UNITS**

~~**SECTION 502 DEFINITIONS**~~ *There are definitions in sections 1204.2, 1207.1, and 1207.7*

*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.

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

## **SECTION 506 BUILDING AREA**

*Change subsections 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.

**~~506.3 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.

**~~506.3.1 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:*

**507.4 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 section in subsection as follows:*

**507.3.1 Mixed-occupancy buildings with A-1 and A-2 of Type I and II.**

*Change subsection to read as follows:*

**507.5 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.

## **SECTION 706 FIRE WALLS**

*Change subsection to read as follows:*

**706.1.1 Party walls.** Any wall located on a property line between adjacent buildings which is used or adapted for joint service between the two buildings, shall be constructed as a fire wall in accordance with Section 706 and shall create separate buildings.

*Exceptions to remain unchanged.*

*Edit subsection as follows:*

**706.8 Openings.**

*Delete Exception 1 without substitution:*

*Edit Exception 2 as follows:*

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

## **SECTION 716 OPENING PROTECTIVES**

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

**716.5.9 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**

### **1203.6 Automatic fire sprinkler systems**

**1203.6.1 Design and installation.** Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with NFPA 13R or 13D as determined by the Authority Having Jurisdiction.

**[Refer to City Ordinance, Chapter 5, Fire Department and Prevention Regulations]**

**[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 or as required by NFPA 101 as listed in Chapter 35.

## **SECTION 907 FIRE ALARM AND DETECTION SYSTEMS**

**[Refer to City Ordinance, Chapter 5, Fire Department and Prevention Regulations]**

## **SECTION 917 FIRE SERVICE BUILDING ACCESS**

**917 General.** Where required by Chapter 9, IBC, key storage access boxes shall be installed at buildings in the required quantities, and in the required locations as specified by the fire code official.

## **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 1013 EXIT SIGNS**

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

**1013.3 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:*

**1013.6 Externally illuminated exit signs.** When approved by the building official, externally illuminated exit signs shall comply with Sections 1011.5.1 through 1011.5.3.

## **SECTION 1030 EMERGENCY ESCAPE AND RESCUE**

*Change exception 1 in subsection to read as follows:*

### **1030.1 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:*

## **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.

## **SECTION 1208 INTERIOR SPACE DIMENSIONS**

*Add new exception 5 to subsection to read as follows:*

### **1208.2 Minimum ceiling heights.**

**Exception 5:** Within dwelling units, the minimum ceiling height above lavatories and water closets shall be 6 foot 8 inches (6' 8"), as measured vertically from the ceiling to the floor at the operating handle end of the fixture. The minimum ceiling height above bathtubs and shower stalls shall be 6 foot 8 inches (6' 8"), as measured vertically from the ceiling to the floor or tub bottom at the operating handle end of the fixture and shall be maintained for a 30 inch by 30 inch clear area from the walls adjacent to the operating handles.

## SECTION 1612 FLOOD LOADS

*Insert in two blank spaces:*

**1612.3 Establishment of flood hazard areas.** “The City of Portsmouth, New Hampshire”; and

“Sep 30, 2002”

## SECTION 1705 SPECIAL INSPECTIONS AND TESTS

### 1203.1 Special inspections and tests

*Change subsections to read as follows:*

**1705.2.4 1203.1.1 Cold-formed steel trusses.** Special inspections shall be required for all light gauge metal roof or floor truss installations. The special inspection shall verify and document the proper installation of all required bracing, both temporary and permanent, and any special connection details required by either the design professional or the truss manufacturer.

**1705.5.2 1203.1.2 Metal-plate-connected wood trusses.** Special inspections shall be required for all metal-plated-wood roof or floor truss installations. The special inspection shall verify and document the proper installation of all required bracing, both temporary and permanent, and any special connection details required by either the design professional or the truss manufacturer.

*Add new subsections to read as follows:*

~~**1705.17 Fire-resistant penetrations and joints.** In buildings of four or more stories above grade plane, special inspections for through penetrations, membrane penetration firestops, fire-resistant joint systems, and perimeter fire barrier systems that are tested and listed in accordance with Sections 714.3.1.2, 714.3.1.1.2, 715.3 and 715.4 shall be in accordance with Section 1704.17.1 or 1704.17.2~~

~~—— **1705.17.1 Penetration firestops.** Inspections of penetration firestop systems that are tested and listed in accordance with Sections 713.3.12. and 713.4.1.1.2 shall be conducted by an approved inspection agency in accordance with ASTM E 2174.~~

~~—— **1705.17.2 Fire-resistant joint systems.** Inspection of fire-resistant joint systems that are tested and listed in accordance with Sections 714.3.1.2 and 714.4.2 shall be conducted by an approved inspection agency in accordance with ASTM E 2393.~~

## SECTION 1809 SHALLOW FOUNDATIONS

*Amend Item 1 of subsection to read as follows:*

~~**1809.5 Frost protection.** 1. Extending to 4 feet (1219 mm), as measured to the bottom of the footing from the adjoining finish grade.~~

## SECTION 2701 GENERAL

~~[Refer to National Electrical Code, City Ordinance Chapter 15 Part IV]~~

## 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**

~~[Refer to City Ordinance, Chapter 15 Part I International Plumbing Code]~~

## **SECTION 3107 SIGNS**

### **1203.3 Signs**

*Add new subsection to read as follows*

**3107.2 1203.3.1 Zoning ordinance.** The City's Zoning Ordinance, Chapter 10, **Article 12** of the City's Ordinances, regulates all signs., permanent signs, sign size, letter size and sign illumination. Refer to that ~~document~~ **ordinance** for all sign 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 113.~~

General note pertaining to Chapter 34:



~~The State of New Hampshire Building Code Review Board has adopted the 2015 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 follow amemdments 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).~~

## **~~SECTION 3409 HISTORIC BUILDINGS~~**

### **1203.4 Historic Buildings**

*Change subsection to read as follows:*

~~**3409.1 Historic buildings.** The provisions of this Code relating to the construction, repair, alteration, enlargement, restoration and movement of buildings or structures shall not be mandatory for historic buildings or structures classified or qualify for classification on the *National Register of Historic Places* as listed by the National Park Services, Interagency Resources Division; when such buildings are judged by the building official to be safe and in the interest of public health, safety and welfare regarding any proposed construction, repair, alteration, enlargement, restoration and relocation. All such approvals shall be based on the applicant's complete submission of professional architectural and engineering plans and specifications bearing the professional seal of the designer of record.~~

*Add new subsection to read as follows:*

~~**3409.3**~~ **1203.4.1 Historic District.** The City of Portsmouth has delineated a special Zoning Overlay Historic District, which regulates all work done to the exterior facade of structures within said district. All such work requires a City Building Permit. Refer to the City Zoning Ordinance **Chapter 10, Article 6** for specific details.

## **~~SECTION 3411.0 ACCESSIBILITY FOR EXISTING BUILDINGS~~**

*Change subsection to read as follows:*

~~**3411.9 1203.4 Historic buildings.** These provisions shall apply to buildings and facilities designated as historic structures as defined in Section 3409.1 of these Code amendments, that undergo alterations or a change in occupancy, unless technically infeasible. Where compliance with the requirements for accessible routes, ramps, entrances or toilet facilities would threaten or destroy the historic significance of the building or facility, as determined by the authority having jurisdiction, the alternative requirements of Section 3409.9.1 through 3409.9.4 for that element shall be permitted.~~

## **~~SECTION 3412 COMPLIANCE ALTERNATIVES~~**

*Insert in blank space:*

~~**3412.2 Applicability.** "the effective date of the adoption of this Code"~~

## **~~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) 271-7965~~

**~~New Hampshire Architectural Barrier Free Design Code~~**

~~Governor's Commission on Disability  
121 South Fruit Street, Suite 101  
Concord, NH 03301-8518  
(603) 271-2773  
1-800-852-3405 (NH)~~

**~~New Hampshire Energy Code~~**

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

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

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

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

~~**54-15** National Fuel Gas Code 101.4.1, 2801.1, 3401.3~~

~~**70-17** National Electric Code 101.4.1, 2701.1~~

~~**101-09** Life Safety Code (Or as Adopted by the SFM) 903.2, 907.2, 1003.2,  
1008.5.2~~

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

~~Change **13-07** to **13-13** Design & Installation of Sprinkler Systems~~

~~Change **13D-07** to **13D-13** Design & Installation of Sprinkler Systems in 1 & 2 Family Dwellings~~

~~Change **13R-07** to **13R-13** Design & Installation of Sprinkler Systems in  
Residential Occupancies 4 Stories in Height or Less~~

~~Change **72-07** to **72-13** National Fire Alarm Code~~

**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:~~

## **1202.7 Appeals**

**1202.7.1 Appeal process.** The City of Portsmouth Building Code Board of Appeals will hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of the City Building Code. The appeal process is set forth in the Rules and Procedures adopted by the City's Building Code Board of Appeals which are incorporated by reference and adopted herein. See <https://www.cityofportsmouth.com/cityclerk/building-code-board-appeals>

## **~~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.~~

## **~~APPENDIX C – AGRICULTURAL BUILDINGS~~**

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

## **~~APPENDIX D THROUGH APPENDIX J~~**

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

## **~~APPENDIX K – ADMINISTRATIVE PROVISIONS~~**

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

## **~~APPENDIX L-M~~**

~~Appendix L and M are not adopted as part of this ordinance.~~

~~CITY ORDINANCE – CHAPTER 12~~  
~~Part II~~

~~INTERNATIONAL RESIDENTIAL CODE, 2015~~  
~~(Adopted 12/02/2019)~~

The International Residential Code, 2015 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 SCOPE AND ADMINISTRATION**

*Insert in blank space:*

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

**SECTION R102 APPLICABILITY**

*Add new subsections to read as follows:*

**R102.4.3 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.~~

**R102.4.4 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.~~

**R101.4.5 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.~~

**R102.4.6 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:*

**R105.10 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 trade persons shall secure permits for electrical, 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.~~
- ~~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.~~

**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. Reroofing no matter what the cost. (\$3,000 exception 2 below does not apply.) (Note: This provision does not apply if the structure is located within the Historic District.)~~
- ~~7. Repointing masonry unless located in the Historic District.~~
- ~~8. 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.

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 the authorized agent, 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 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 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 shall be available on site for public viewing upon request. The building permit 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:*

**~~R105.10 1202.2.10 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 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.

**1202.2.10.1 Fuel Gas/Plumbing.** Pursuant to RSA 153:36, licensing requirements shall not apply to a homeowner from making fuel gas fitting and plumbing installations in or about a single family residence owned and occupied by him or her or to be occupied by him or her as his or her bona fide personal abode.

An affidavit from the property owner confirming the address is the bona fide personal abode of the property owner proposing to perform the electrical work shall be provided by the applicant prior to permit approval.

**1202.2.10.2 Electrical.** Pursuant to RSA 319-C, licensing requirements shall not apply to a homeowner from making electrical installations in or about a single family residence owned and occupied by him or her or to be occupied by him or her as his or her bona fide personal abode.

An affidavit from the property owner confirming the address is the bona fide personal abode of the property owner proposing to perform the electrical work shall be provided by the applicant prior to permit approval.

## **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. The permit holder is responsible for complying with the comments 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 AND USES**

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

## **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 or similar wording, 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 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:*

**~~R108.7 City construction projects.~~** ~~Fees shall not be assessed for work associated with projects undertaken by the City of Portsmouth. These projects may also include contract work done by private contracting firms hired directly by the City. This exemption shall not apply to projects done by the State Department of Public Works, Pease Development Authority, State Port Authority or the Portsmouth Housing Authority.~~

## **SECTION 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, written notice (including the specific code section) will be provided clearly identifying the deficiencies. The permit holder shall be responsible for correcting the item(s) and for notifying the 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, 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 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, 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~~**

### **1203.5 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

**Winter Design Temp.:** (-)3 degree days

**Ice Barrier Underlayment Required:** Yes

**Flood Hazard:** Flood Insurance Rate Map May 17, 2005

**Air Freezing Index:** 1000

**Mean Annual Temperature:** 47 degrees F

## **~~SECTION R302 FIRE-RESISTANT CONSTRUCTION~~**

*~~Amend Exception 1 in subsection to read as follows:~~*

### **~~R302.3 Two-family dwellings.~~**

**~~Exception 1:~~** ~~A fire resistance rating of ½ hour shall be permitted in two family dwellings protected throughout with an automatic fire sprinkle system in accordance with NFPA 13R or NFPA 13D as listed in Chapter 44.~~

## **~~SECTION R310 EMERGENCY ESCAPE AND RESCUE OPENINGS~~**

### **~~R310.1 Emergency escape and rescue openings required.~~**

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

*~~Add new exception 2 to read as follows:~~*

**~~Exception 2:~~** ~~Emergency escape and rescue openings are not required when the entire structure is protected throughout with an automatic fire suppression system conforming to Section 290, NFPA 13R or NFPA 13D as listed in Chapter 44.~~

*Change section to read as follows:*

## **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 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 by 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 visible location.~~

**Exception.** ~~When approved by the fire official, townhouse fire sprinkler systems shall sound an audible notification within the dwelling and unit and an audible and visual signal on the building exterior in a publicly 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**

### **1203.7 Smoke alarms**

*Add new sentence to end of subsection:*

**R314.6 1203.7.1 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 "Smoke Alarms" in a manner that distinguishes it from other overcurrent protective devices.

## **SECTION R315 CARBON MONOXIDE ALARMS**

*Change section to read as follows:*

**~~R315.2.3 Where required 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 315.2.~~

**~~R315.5 Power source.~~** ~~Single station carbon monoxide alarms shall be hard wired to the building's electric system in the same manner as required in Section R314 for smoke alarms. 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 and carbon monoxide alarm 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**

*Add new subsection 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 ½ 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 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.~~

## **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.~~”

## **SECTION M1201 GENERAL**

*Add new subsection to read as follows:*

**~~M1201.3 Additional codes and standards.~~** In addition to the requirements of Chapters 12 through 24 of this Code; the design, installation, maintenance, alteration and inspection of new mechanical systems and new gas delivery systems shall also be in accordance with the *International Mechanical Code (IMC)* as adopted and amended by the City of Portsmouth. The Portsmouth Mechanical Code is found in Chapter 15, Part 2 of the City Ordinances. When there is a conflict between this code and the IMC in the design or installation of mechanical systems, the requirements of the IMC shall take precedence.

*Delete entire chapter and replace with the following:*

## **CHAPTER 24 FUEL GAS**

*Change subsection to read as follows:*

~~**G2401.1 Application.** The provisions of the *National Fuel Gas Code*, NFPA 54, shall apply to the installation of new gas piping and gas appliances. 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.~~

## **SECTION P2501 GENERAL**

*Add new subsection to read as follows:*

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

## **SECTION E3401 GENERAL**

*Add new sentence to end of subsection:*

~~**E3401.1 Applicability.** “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 installation shall govern the requirements of that installation.”~~

## 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) 271-7965

### **New Hampshire Architectural Barrier Free Design Code**

Governor's Commission on Disability  
121 South Fruit Street, Suite 101  
Concord, NH 03301-8518  
(603) 271-2773  
1-800-852-3405 (NH)

### **New Hampshire Energy Code**

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

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

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

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

**13D-13** Design & Installation of Sprinkler Systems in 1 & 2 Family Dwellings R 302.3, R310.1

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

**54-15** National Fuel Gas Code R102.4.2, G2501.1

**211-13** Chimneys, Fireplaces,  
Vents, and Solid  
Fuel Burning Appliances R1001.1, R1003.1

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

*Change: ~~70-08 to 70-11~~ National Electric Code ————— R102.4.1, E3401.1*

*Change: ~~72-07 to 72-13~~ National Fire Alarm Code ————— R313.1.2*

**~~APPENDIX A THROUGH APPENDIX F~~**

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

**~~SEE 2015 INTERNATIONAL SWIMMING POOL AND SPA CODE~~**

**~~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~~**

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



## SECTION 1210 PROCEDURAL HISTORY OF ORDINANCE, CHAPTER 12

ADOPTED	YEAR	SECTION	AMENDED
7/09/90	1990		BOCA Basic Nat'l Bldg Code, 1990 Edition (replaces 1984 edition)
4/1/96	1996	114.3.1	Building Permit Fee Schedule
4/1/96	1996	2704.5	Electrical Permit Fees
5/5/97	1997		BOCA Nat'l Bldg Code, 1996 (replaces 1990 edition)
3/18/02	2002	112.31	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	2002	113.2.3	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	2002	116.6	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	2002	118.5	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	2002	2703.5	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	2002	2704.6	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
7/14/03	2003	Chapter 12	Amended Chapter 12 in its entirety and replaced with the 2000 International Building Code
10/4/04	2004	Chapter 12	Amend Chapter 12 by addition of a new sub-section R317 entitled Dwelling Unit Separation
10/19/09	2009	Chapter 12	Amend Chapter 12 Parts I in its entirety and replaced with 2006 International Building code
10/19/09	2009	Chapter 12	Amend Chapter 12 Part II in its entirety and replace with 2006 Residential Code
12/04/17	2017	Chapter 12	Amend Chapter 12 Parts I and II in entirety and replace with 2009 International Building Code
12/02/19	2019	Chapter 12	Update various sections in accordance with International Building Code 2015

## SECTION 1210 PROCEDURAL HISTORY OF ORDINANCE, CHAPTER 15

ADOPTED	YEAR	SECTION	AMENDED
5/2/88	1988		Adopted 1987 Plumbing Code
4/1/96	1996	P114.0	Fees
5/5/97	1997		BOCA National Plumbing Code (1993) Part I, replaces the 1987 version; and International Mechanical Code (1996) Part II
3/18/02	2002	P113.2	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
3/18/02	2002	P114.5	Fees to be determined in accordance with Chapter 1, Article XVI or similar wording
7/14/03	2003	Chapter 15	Replaced Chapter 15 in its entirety with the 2000 International Plumbing Code, and 2000 International Mechanical Code
10/19/09	2009	Chapter 15	Replaced Chapter 15 in its entirety with the 2006 International Plumbing Code, and 2006 International Mechanical Code
12/04/17	2017	Chapter 15	Replace Chapter 15 in its entirety with 2009 Part I, Plumbing code and Part II Mechanical Code, Part II Fuel Gas Installations
12/04/17	2017	Chapter 15	Add Part IV, National Electrical Code 2017
12/02/17	2019	Chapter 15	Replace Chapter 15 in its entirety with 2015 International Plumbing Code, International Mechanical Code, National Fuel Gas Code, update Part IV National Electrical Code