

## **Chapter 12: City of Portsmouth Building Code**

### **SECTION 1201 TITLE ADOPTION / STATUTORY AUTHORITY**

**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 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.

#### **1202.2 Permits**

**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.

**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 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 1202.2.3 provided the total of such non-structural repairs do not exceed \$3,000 in construction value.
2. Any painting or wall papering; and tiling when not part of a kitchen or bath remodel.
3. Fences not over 6 (six) feet high not located on corner lots of an intersection or not in the Historic District.
5. Sidewalks, driveways or patios constructed on grade with earth products so long as there is no change in elevation and/or drainage configuration.
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.

**Electrical:**

1. 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)

**Gas:**

1. Portable heating appliances for one and two family occupancies.

**Mechanical:**

1. Portable heating appliances for one and two family occupancies.

**1202.2.3 Ordinary Repairs.** Application or notice to the building official is not required for ordinary repairs to structures. Ordinary repairs are defined as work which is associated with the

normal maintenance of a property and which affects only the surface or finish characteristics of a structure. Types of work, which may be so classified, are:

1. Painting and wallpapering, no matter what the cost. (\$3,000 exception does not apply.)
2. Replacing or repairing flooring or carpeting in-kind.
3. Replacing or repairing interior trim.
4. Repointing masonry unless located in the Historic District.

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

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

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

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

**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 outstanding permit(s) is (are) closed out and/or the non-conformances corrected, shall a new permit be issued.

**Exception:**

When permits are required to correct known non-conformances.

**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 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.

**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.

**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.

**1202.2.8 Minimum progress required to keep permit extension active.** After an extension has been granted under 1202.2.7, 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 1202.2.7. Failure to achieve these milestones, shall cause the permit to become invalid.

**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.

#### **1202.2.10 Qualifications of persons doing trade work.**

**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.

### **1202.2.11 Submittal Documents**

**1202.2.11.1 Approval of construction documents.** The building official shall review and approve all submitted documents. The permit holder is responsible for complying with the comments and notes added during the permit review process. Approved plans and documents shall be maintained as part of the official permit construction documents.

**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.

### **1202.2.13 Fees**

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

**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.

**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.

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 this chapter.

**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.

### **1202.3 Inspections**

**1202.3.1 Inspection requests.** The permit holder shall allow a minimum of three work days (72 hours) from the time the building official is notified to the time the inspection is scheduled.

**1202.3.2 Re-inspection 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 re-inspect said deficiencies. When called to re-inspect, if these deficiencies have been corrected, no further action will be taken. However, if during the first re-inspection, the originally deficient work has not been corrected, there may be a re-inspection 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 re-inspection of the same deficiency or deficiencies, the same 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 re-inspections. Re-inspection fees will not be assessed for items newly found or for their first re-inspection. 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 re-inspection 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 re-inspection fees, until all outstanding fees are paid.

### **1202.4 Certificate of Occupancy**

**1202.4.1 Use and occupancy.** A certificate of occupancy/completion shall be issued upon request, for completed work associated with a valid building permit.

**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, 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.

## **1202.5 Violations**

**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.

## **1202.6 Stop work order**

**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 1202.5.1 of this chapter.

## **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 1203 COMMERCIAL AND RESIDENTIAL CONSTRUCTION**

## **1203.1 Special inspections and tests**

**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.

**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.

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

**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 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.

## **1203.3 Signs**

**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 ordinance for all sign criteria.

## **1203.4 Historic Buildings**

**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.

## **1203.5 Design Criteria**

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

## **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.



### **1203.7 Smoke alarms**

**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 1204 PLUMBING**

**1204.1 Sewage disposal.** Private sewage disposal systems shall meet the requirements of City ordinances, State Law and RSA 485-A:29-44.

**1204.1.1 Floor drains.** Floor drains shall be reviewed and approved by the City Engineer.

### **1204.2 General definitions.**

**Hot Water:** Water having a temperature range between 111 degrees F (43.9 degrees C) and 130 degrees F (54 degrees C).

**Food service establishment.** Any fixed or mobile restaurant, temporary food service establishment, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, industrial food service establishment, catering kitchen, commissary and any other eating or drinking establishment where food or beverages are prepared or served; whether private, public, profit or non-profit.

### **1204.3 Protection of pipes and plumbing system components.**

**1204.3.1 Freezing.** Water, soil and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subject to freezing temperature unless adequate provisions are made to protect such pipes from freezing by insulation or heat or both. The Portsmouth Water/Sewer Ordinance requires building water service pipes to be 4 feet below grade, or adequately insulated to afford the same protection whenever a condition arises that the 4 feet cannot be attained.

**1204.3.2 Sewer depth.** Building sewers that connect to private sewage disposal systems shall conform to RSA 485-A relative to minimum depth below finish grade. Building drains that connect to public sewers shall be a minimum depth of 48 inches (1219 mm) below grade or be adequately insulated to afford the same protection whenever a condition arises that the 48 inches (1219 mm) cannot be attained.

**1204.4 Minimum water heater temperatures.** Tank type water heaters and indirect fired hot water storage tanks shall be maintained at a minimum temperature of 140 degrees F (60 degrees C) and shall be equipped with a temperature controlling device conforming to ASSE 1017 to limit the maximum “hot water temperature” to faucets as required by this code. 1204.2 restricts the upper end temperature of hot water to 130 degrees Fahrenheit.

**1204.5 Water Service.**

**1204.5.1 Size of water service pipe.** The water service pipe shall be sized to supply water to the structure in quantities and at the pressures required in the City Building Code. The minimum diameter of water service pipe shall be 1 inch.

**1204.5.2 Materials, joints and connections.** For water service pipe up to and including 3 inches (3”) in diameter only type K copper or CT Pex shall be used. For water service pipe over 3 inches (3”) in diameter only cement lined ductile iron shall be used.

**1204.6 Hot water supply systems.**

**1204.6.1 Child care and Group E water temperatures.** Water for hand washing sinks in child care and Group E occupancies shall be between 100 degrees F (37 degrees C) and 120 degrees F (49 degrees C).

**1204.7 Protection of potable water supply.**

**1204.7.1 Portsmouth Water Department backflow prevention criteria.** Backflow prevention at the water meter shall be accordance with 1204.7.1.1 through 1204.7.1.7.

**1204.7.1.1 Multiple tenant spaces.** All buildings that have more than three tenants or tenant spaces being served by one water service shall have two backflow preventers installed in parallel for uninterrupted service. When the building or tenant space does not have a known tenant, the water service to that building or tenant space shall have a reduced pressure zone backflow preventer installed on the building side of the water meter.

**1204.7.1.2 Dual check valve assemblies.** All new residential water services of less than or equal to 1 inch in size shall have at a minimum, a dual check valve backflow prevention assembly conforming to ASSE 1024. Said assembly shall be installed on the water distribution side of the water meter, without a water meter bypass feature. Thermal expansion of water shall be addressed per the New Hampshire Building Code.

**1204.7.1.3 Existing water service.** When replacing or upgrading an existing water distribution piping system, a dual check valve backflow prevention assembly shall be installed on the water distribution side of the water meter, without a water meter bypass feature. Thermal expansion of water shall be addressed per the New Hampshire Building Code.

**1204.7.1.4 Double check-valve assemblies.** All new residential water services greater than 1 inch in size shall have at a minimum, a double check-valve assembly in accordance with the City of Portsmouth Backflow Prevention Ordinance listed in Chapter 16.

**1204.7.1.5 Bypass lines.** Bypass lines around required backflow preventers shall be protected with a backflow preventer of the same type in the bypass line. Refer to the City of Portsmouth Backflow Prevention Ordinance listed in Chapter 16 for additional backflow prevention requirements.

**1204.7.1.6 Auxiliary wells or water supplies.** Whenever an auxiliary well or water supply serves property that also has a domestic water service, the domestic water service shall have a reduced pressure principle backflow preventer installed on the water distribution side of the water meter in accordance with the City of Portsmouth Backflow Prevention Ordinance listed in Chapter 16:

Cross Connections. No Cross Connection shall be permitted between the public water supply and any other water supply, or between the public water supply and any plumbing fixture, device, or appliance capable of contaminating the public water supply unless the connection is protected at the metering point by a backflow prevention device as required by this ordinance. The connection shall be approved by the Utility and the New Hampshire Department of Environmental Services, and shall satisfy in all respects the laws of the State of New Hampshire.

**1204.7.1.7 Connection to lawn irrigation systems.** The potable water supply to lawn irrigation systems shall be protected against backflow by a pressure-type vacuum breaker or a reduced pressure principle backflow preventer. Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

## **1204.8 Sanitary drainage.**

**1204.8.1 Sewer required.** Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer where available or an approved private disposal system. A building is considered available to a public sewer when said building is within 150 feet of a public sewer line. When a private subsurface disposal system is provided, a site plan shall document its location on the lot. Subsurface systems shall meet the requirements of RSA 485-A:29-44. A backwater valve shall be added to existing structures undergoing remodels or adding/finishing basement levels.

## **1204.9 Vent connections and grades.**

**1204.9.1 Vent for future fixtures.** Within a habitable or occupiable space at the lowest level of a structure where plumbing fixtures are not installed, there shall be made available an accessible

vent connection, not less than 2" inch diameter, which is properly connected to the vent system to provide for future venting.

#### **1204.10 Interceptors and Separators.**

**1204.10.1 Approval.** All interceptors and separators shall be of the type and capacity approved by the City Engineer. Each interceptor and each separator shall be designed and installed in accordance with the manufacturer's instructions and the requirements of this section based on the anticipated conditions of use. When exceptions are granted under the conditions of 1204.10.2, the applicant shall obtain in writing, approval from the City Engineer for said exceptions. Waste exempted from treatment by the City Engineer, shall not be discharged into separators or interceptors.

**1204.10.2 Food service grease interceptors required.** New and remodeled food service establishments shall install a 1000 gallon in-ground grease interceptor located outside the building envelope in addition to all required grease interceptors at fixtures inside the building. The grease interceptor shall receive drainage from fixtures and equipment with grease laden waste.

**Exception 1:** When adequate in-ground space is not available outside on the lot, a grease interceptor approved by the City Engineer and sized in accordance with the State Building Code shall be installed inside.

**Exception 2:** When the Health officer and City Engineer do not feel the type of food service establishment warrants such protection.

**Exception 3:** If the drain line connecting a grease laden fixture(s) to the in-ground interceptor exceeds 50 liner feet, then said fixture or fixtures, shall also be protected with a grease removal device as listed in the New Hampshire Building Code.

**1204.10.3 Oil separators required.** The City Engineer shall approve all oil separator designs.

**1204.10.4 Access and maintenance of interceptors and separators.** All interceptors and separators shall be located to provide easy access for cleaning and inspection. Interceptors shall not be located in a pit below a slab on grade. Interceptors and separators shall be inspected cleaned and repaired regularly as needed by the building owner at their expense. The building owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal. Said records shall be subject to periodic review by the City Engineer, City Health Officer or Building Official. Only licensed waste disposal companies shall perform removal and disposal operations of the collected materials.

#### **1204.11 Exterior showers.**

**1204.11.1 Exterior showers.** Exterior showers require a roof and an enclosure that is approved by the Building Official.

**1204.11.2 Rinse stations.** Exterior rinse stations do not require a roof and shall not include a drain that discharges into the City sewer. The discharge of grey water while using a rinse station

is strictly prohibited. Greywater refers to laundry, dish, and bath/shower water; Greywater has adverse effects on aquatic life and public health by negatively impacting drinking water supplies, recreational activities, and wildlife.

## **SECTION 1205 MECHANICAL**

### **1205.1 Equipment and appliance location.**

**1205.1.1 Equipment noise.** Refer to the City of Portsmouth Zoning Ordinance, Chapter 10, Article 13 for the limitations of excessive noise from mechanical equipment operations. Noise from mechanical equipment shall not exceed the levels so stated.

### **1205.6 Exhaust system.**

**1205.6.1 Mechanical equipment and terminations in the Historic District.** Mechanical equipment and equipment terminations shall comply with the City of Portsmouth Zoning Ordinance with respect to the allowable size of equipment and termination devices, without having to receive Historic District Commission approval.

### **1205.7 Commercial kitchen hoods.**

#### **1205.7.1 Reserved.**

### **1205.8 Chimneys and vents.**

**1205.8.1 Masonry chimneys.** Masonry chimneys shall be constructed in accordance with the New Hampshire Building Code and New Hampshire Fire Code (NFPA 211, the Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances).

### **1205.9 Masonry fireplaces.**

**1205.9.1 General.** Masonry fireplaces shall be constructed in accordance with the New Hampshire Building Code and the New Hampshire Fire Code (NFPA 211, the Standard for Chimneys, Fireplaces, Vents, and Solid Fuel Burning Appliances).

## **SECTION 1206 FUEL GAS**

### **1206.1 Installation of piping.**

#### **1206.1.1 Reserved.**

## **1206.2 Type of venting systems to be used.**

**1206.2.1 Through-the-wall vent termination.** Through-the-wall vents for mechanical draft vented appliances shall terminate a minimum of 5 ft from property lines.

## **SECTION 1207 ELECTRICAL**

### **1207.1 Definitions**

**1207.1.1 Townhouse.** A single-family dwelling unit constructed in a group of three or more attached units in which each unit demising wall extends from foundation to roof and with a yard or public way on not less than two sides. The fire rated wall from the concrete basement floor or slab shall be unbroken to the underside of the roof sheathing without any electrical through penetration.

**1207.1.2 Enclosed interior exit stairway (stair tower).** Interior exit stairways not located in townhouses and one and two family dwellings serving as an exit component shall be enclosed and fire rated and lead directly to the exterior of the building. The stairway shall not be used other than for means of egress (i.e. storage, seating, etc.).

### **1207.2 NM/NMC (Romex)**

**1207.2.1 Uses permitted.** Type NM and Type NMC cables shall be allowed in one- and two-family dwellings and townhouses, their attached or detached garages, and their storage buildings except as prohibited by NFPA 70.

**1207.2.2 Uses not permitted.** Type NM and Type NMC cables shall not be exposed within a dropped or suspended ceiling cavity in other than one and two family and townhouses

### **1207.3 SER/SE (service entrance cable)**

#### **1207.3.1 Uses permitted.**

**1207.3.1.1 Service-Entrance conductors.** Service-entrance cable shall be permitted to be used as service-entrance conductors in townhouses and one and two family dwellings and shall be installed in accordance with NFPA 70

**1207.3.1.2 Use of uninsulated conductor.** Type SE service-entrance cable shall be permitted for use where the insulated conductors are used for circuit wiring and the uninsulated conductor is used only for equipment grounding purposes in townhouses and one and two family dwellings.

### **1207.3.2 Uses not permitted.**

**1207.3.2.1 Service-entrance cable (SE).** Service-entrance cable shall not be used in any type of building or structure other than townhouses and one and two family dwellings.

### **1207.4 GFCI protection**

**1207.4.1 Dwelling units.** All 125-volt through 250-volt outlets and receptacles installed in the locations specified in NFPA 70 and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel.

**1207.4.2 Other than dwelling units.** All 125-volt through 250-volt outlets and receptacles supplied by single-phase branch circuits rated 150 volts or less to ground, 50 amperes or less, and all receptacles supplied by three-phase branch circuits rated 150 volts or less to ground, 100 amperes or less, installed in the locations specified in NFPA 70 shall have ground-fault circuit-interrupter protection for personnel.

**1207.4.3 General.** The following appliances rated 120 thru 250 volts and 60 amperes or less, single- or 3-phase, shall be provided with class-A GFCI protection for personnel. Multiple class-A GFCI protective devices shall be permitted but shall not be required.

1. Automotive vacuum machines
2. Drinking water coolers and bottle fill stations
3. Cord-and-plug-connected high-pressure spray washing machines
4. Tire inflation machines
5. Vending machines
6. Sump pumps
7. Dishwashers
8. Ranges, ovens, and grills
9. Electric dryers
10. Mixers in commercial kitchens
11. Any cooking appliance in commercial kitchens
12. Hotplates, crock pots

### **1207.5 Arc fault protection. Reserved**

### **1207.6 Identification of electrical systems.**

**1207.6.1 Emergency system.** Emergency circuits shall be permanently marked **in yellow** so they will be readily identified as a component of an emergency circuit or system by the following methods:

1. All boxes and enclosures (including transfer switches, generators, and power panels) for emergency circuits shall be permanently marked **in yellow** as a component of an emergency circuit or system.

2. Where boxes or enclosures are not encountered, exposed cable or raceway systems shall be permanently marked **in yellow** to be identified as a component of an emergency circuit or system, at intervals not to exceed 7.6 m (10 ft).
3. Receptacles supplied from the emergency system shall have a distinctive color or marking on the receptacle cover plates or the receptacles identified **in yellow**.

Note: If a system for an existing building has a different color for the system than this section, then existing color shall be continued in the building

**1207.6.2 Boxes, enclosures, raceways.** In a building or at a structure where a critical operations power system and any other type of power system are present, all boxes and enclosures (including transfer switches, generators, and power panels) for critical operations power system circuits shall be permanently marked **in blue** so they will be readily identified as a component of the critical operations power system. All raceways must be permanently marked every 10' in blue so will be readily identified as a component of a critical operation power system.

**1207.6.3 Receptacles.** In a building in which critical operations power systems (COPS) are present with other types of power systems described in other sections in this article, the cover plates for the receptacles or the receptacles themselves supplied from the COPS shall have a distinctive **blue** color or marking so as to be readily identifiable. Non-locking-type, 125-volt, 15- and 20-ampere receptacles supplied from the COPS shall have an illuminated face or an indicator light to indicate that there is power to the receptacle

**1207.6.4 Life safety and critical.** The life safety branch and critical branch [of the essential electrical system] shall be kept independent of all other wiring and equipment. Raceways, cables, or enclosures of the life safety branch must be identified **in yellow** and critical branch shall be readily identified **in orange** as a component of the essential electrical system (EES). Boxes and enclosures (including transfer switches, generators, and power panels) shall be field- or factory-marked and identified as a component of the EES. Raceways and cables shall be field- or factory-marked as a component of the EES at intervals not to exceed 7.6 m (10 ft).

**1207.6.5 Photovoltaic** Unless located and arranged so the purpose is evident, the following wiring methods and enclosures that contain PV system AC and DC circuit conductors shall be marked with the wording PHOTOVOLTAIC POWER SOURCE or SOLAR PV DC CIRCUIT, or SOLAR PV AC CIRCUITS by means of permanently affixed labels or other approved permanent marking:

1. Exposed raceways, cable trays, and other wiring methods
2. Covers or enclosures of pull boxes and junction boxes
3. Conduit bodies in which any of the available conduit openings are unused

The labels or markings shall be visible after installation. All letters shall be capitalized and shall be a minimum height of 9.5 mm ( $\frac{3}{8}$  in.) in white on a red background. Labels shall appear on every section of the wiring system that is separated by enclosures, walls, partitions, ceilings, or floors. Spacing between labels or markings, or between a label and a marking, shall not be more



than 3 m (10 ft). Labels required by this section shall be suitable for the environment where they are installed.

#### **1207.7 Definitions specific to 1207.6 thru 1207.6.4**

**1. Critical Branch.**

A system of feeders and branch circuits identified in orange supplying power for task illumination, fixed equipment, select receptacles, and select power circuits serving areas and functions related to patient care that are automatically connected to alternate power sources by one or more transfer switches during interruption of the normal power source.

**2. Equipment Branch.**

A system of feeders and branch circuits identified in green arranged for delayed, automatic, or manual connection to the alternate power source and that serves primarily 3-phase power equipment.

**3. Essential Electrical System.**

A system comprised of alternate sources of power and all connected distribution systems and ancillary equipment, designed to ensure continuity of electrical power to designated areas and functions of a health care facility during disruption of normal power sources, and also to minimize disruption within the internal wiring system.

**4. Life Safety Branch.**

A system of feeders and branch circuits identified in yellow supplying power for lighting, receptacles, and equipment essential for life safety that is automatically connected to alternate power sources by one or more transfer switches during interruption of the normal power source.

#### **1207.8 Generators.**

##### **1207.8.1 Location.**

1. Generator shall not be installed within 5' of any building or structure without manufacturer's approval and as specified in the New Hampshire Fire Code.
2. Generator exhaust shall not be located within 5' of any building or structure.
3. Generator shall be located at least 10' from openings in walls. This section recognizes the potential danger of deadly carbon monoxide gas entering the structure and injuring the occupants. Building openings could be, but are not limited to, the following:
  1. Basement doors & bulkhead openings
  2. Basement windows
  3. Exit doors or sliding glass openings
  4. Operable windows
  5. Dryer vents
  6. Kitchen appliance vents
  7. Mechanical exhaust vents for heating or hot water appliances
  8. Air intake openings or screens

#### **1207.9 Electrical system disconnecting means.**

**1207.9.1 Remote emergency shutdown.** Generators with greater than 8 KW rating, other than cord connected portable generators shall be provided with a remote emergency stop switch to

shut down the prime mover. The remote emergency stop switch shall be located outside the equipment room or generator enclosure, an additional remote emergency shutdown device shall be installed next to the service disconnect, said device shall also meet the requirements of the NFPA 70.

**1207.9.2 Emergency shutdown for One- and Two-Family dwelling units.**

For other than cord-and-plug-connected portable generators, an emergency shutdown device shall be located outside the dwelling unit at a readily accessible location next to the service disconnect outside the dwelling, or next to the meter in existing dwelling where the service conductors enter the dwelling.

**1207.9.3 Emergency disconnect - battery system.** For one family and two family dwellings, a disconnecting means or its remote control for a stationary battery system shall be located at a readily accessible location outside the building next to the service disconnecting means or meter for emergency use. The disconnect shall be labeled “EMERGENCY DISCONNECT FOR BATTERY SYSTEM”

**1207.9.4 Rapid shutdown of PV systems on buildings.** PV system circuits installed on or in buildings shall include a rapid shutdown function to reduce shock hazard for firefighters in accordance with the NFPA 70. The rapid shutdown device shall be located at the service disconnect or meter location for a townhouse or one and two family dwelling.

**1207.10 Device or equipment fill.** For each yoke or strap containing large devices such as GFCI's, dimmer switches, motion sensors, and large 2-gang devices capable of containing one or more devices or equipment, 4 times the volume allowance.

**1207.11 Marina protection.** Where more than three receptacles supply shore power to boats, a leakage current measurement device shall be available (a meter specially designed for measuring leakage currents), and be used to determine leakage current from each boat that will utilize shore power. An automatic measuring device shall be installed on the docks that will trip the GFPE device feeding the docks. This device shall be installed in the water to measure the current introduced by the boats, and will disconnect the feeders from the utility source. This automatic device must run through a shunt trip breaker or other means that will disconnect the feeders to the docks. This device must be protected by a class-A GFCI for personal protection and shall not be installed on the shore power overcurrent device. The automatic measuring device must be protected from physical damage and be listed for its use. A visual strobe light and a horn shall be located on the device as this will warn personal that may be on the docks or in the water to the presence of electrical current. This device must be approved by the Building Official and installed in accordance with the manufacturers specifications.

**1207.12 NFPA adoption.** Pursuant to RSA 674:51-a, the City of Portsmouth, New Hampshire, hereby adopts the current final revised printed edition of the NFPA 70 / NEC, a Code promulgated by the International Code Conference.

**SECTION 1208  
GREEN BUILDING**

**1208.1 Incentives.** This section is intended to incentivize and encourage the use of green building practices and materials.

1. Photovoltaic- Reserved
2. Electric Vehicle Chargers- Reserved
3. Mini-split Heat Pumps- Reserved
4. Insulation- Reserved
5. Water conservation including the use of reclaimed or recycled water- Reserved

**1208.2 Allowance for future PV panels or EV charging station.**

**1208.2.1 New Construction- Reserved**

**1208.2.2 Existing Buildings- Reserved**

**SECTION 1209**

**SEPERABILITY** Should any section, clause, or provision of this City Building Code be declared by a court of competent jurisdiction to be invalid, such invalidity shall not affect other provisions or applications of the City Building Code which can be given effect without the invalid provision or application, and to this end the provisions of the City Building Code are declared to be severable.

**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