

**CITY ORDINANCE - CHAPTER 12**  
**Part I**

**INTERNATIONAL BUILDING CODE, 2006**

The International Building Code, 2006 Edition as published by the International Code Council, Inc. is hereby adopted as **Chapter 12, Part I** of the Ordinances of the City of Portsmouth, New Hampshire subject to the following amendments, additions and deletions:

**SECTION 101 GENERAL**

*Insert in blank space:*

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

*Change subsections to read as follows:*

**101.4.1 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.

**101.4.2 Gas.** The provisions of the National Fuel Gas Code, NFPA 54, shall apply to the installation of gas piping from the point of delivery to gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of the appliances and the installation and operation of residential and commercial gas appliances and related accessories. Wherever this Code references the International Fuel Gas Code the reader shall substitute that reference with the National Fuel Gas Code, NFPA 54.

*Edit subsection as follows:*

**101.4.4 Plumbing.**

*Delete the last sentence in the subsection:*

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

*Change subsection to read as follows:*

**101.4.5 Property maintenance.** The City of Portsmouth does not adopt the International Property Maintenance Code and any reference to it in this Code shall not direct the reader to its contents or requirements.

## SECTION 105 PERMITS

*Add the following text to end of subsection:*

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

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

Licensed trade persons shall secure permits for electrical and plumbing work when required under New Hampshire law.”

*Delete the following subsections without substitution:*

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

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

*Change subsections to read as follows:*

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

### **Building:**

1. Ordinary repairs as defined in Section 105.2.2 provided such repairs do not exceed \$3,000 in construction value.
2. Fences not over 8 feet high or not in the Historic District.
3. Sidewalks, driveways or patios constructed on grade with earth products.
4. Prefabricated (including air inflated) swimming pools, accessory to a Group R-3 occupancy which are less than 18 inches deep and are entirely above grade.
5. Swings and other playground equipment accessory to dwellings and which are erected or assembled from a kit.
6. Moveable cases and counters (typical in retail occupancies).

7. Cabinets, countertops and similar finish work when total construction value does not exceed \$3,000.
8. Re-roofing including repairs to existing roof sheathing without regard to cost. (See also Section 105.2.2, Exception 1.)

**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.

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

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

**Gas:**

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

**Mechanical:**

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

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

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

1. Painting and wallpapering, no matter what the cost. (\$3,000 exception does not apply.)
2. Replacing or repairing flooring or carpeting.
3. Replacing or repairing interior trim.
4. Replacing or repairing cabinets.
5. Replacing or repairing countertops.
6. Replacing or repairing windows and doors (no headers involved).
7. Replacing or repairing siding.
8. Reroofing no matter what the cost. (\$3,000 exception does not apply.)
9. Bathroom renovation (number & location of fixtures & room size not changed).
10. Repointing masonry.
11. Insulating no matter what the cost. (\$3,000 exception does not apply.)
12. Replacing in kind or repairing components of fire protection systems.

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

*Delete subsection without substitution:*

**~~105.2.3 Public service agencies.~~**

*Add new sentence to end of subsection:*

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

*Change subsection to read as follows:*

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

*Add new subsection to read as follows:*

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

*Change subsection to read as follows:*

**105.5 Expiration.** Every permit issued shall become invalid if the authorized work is not commenced within one year after issuance of the permit, or if the authorized work is suspended or abandoned for a period of one year after the time of commencing the work. The building official may grant one (1), extension of time not exceeding twelve (12) months if there is reasonable cause and only when requested in writing prior to the permit expiration date. Said extension will only be authorized when it does not conflict with any Federal, State or Local laws or ordinances. For a permit to be considered active, periodic inspections must be requested and work progress documented by inspections. Work elements shall be items associated with the building permit scope of work.

*Add new subsection to read as follows:*

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

*Change subsection to read as follows:*

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

## **SECTION 106 CONSTRUCTION DOCUMENTS**

*Add new sentences to end of subsection:*

**106.1.1.1 Fire protection system shop drawings.** “Plans, specifications, flow calculations and drawings for the installation of fire protection systems shall be submitted to the Inspection Department, along with an application for said work. The Inspection Department will coordinate with the Fire and Water Departments in the review of the design material submitted. Permits shall be issued for fire protection systems which have been approved by the Fire and Water Department officials.”

*Change subsection to read as follows:*

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

*Add new sentence to end of subsection:*

**106.3.3 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.”

*Add new subsection to read as follows:*

**106.3.6 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 in accordance with Chapter 1, Article XVI or similar wording, 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 107 TEMPORARY STRUCTURES**

*Change subsection to read as follows:*

**107.1 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 108 FEES

*Change subsection to read as follows:*

**108.2 Schedule of permit fees.** Fees shall be determined 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, fences (in Historic District), change-in-use/occupancy with no construction.

*Change subsection to read as follows:*

**108.4 Work commencing before permit issuance.** Any person who is found to have demolished, constructed, altered, removed, or changed the use of a building or structure without the benefit of a building, electrical, plumbing, mechanical, or change in use permit shall, upon issuance of said permit(s), be assessed a fee in accordance with Chapter 1, Article XVI or similar wording, of the Ordinances of the City of Portsmouth, NH.

*Change subsection to read as follows:*

**108.6 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.

*Add new subsection to read as follows:*

**108.7 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 109 INSPECTIONS

*Add new sentence to end of subsection:*

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

*Add new subsection to read as follows:*

**109.7 Reinspection fee.** If, upon being called for any inspection, the work is not in compliance with this Code, verbal notice will be given as to the deficiencies and such deficiencies shall be noted on the building official's report. The permit holder shall be responsible for correcting the item(s) and for notifying the building official to reinspect said deficiencies. If when called to reinspect these deficiencies, all is correct, no further action will be taken. However, if during the first reinspection, the originally deficient work has not been corrected, there will be a reinspection fee assessed as determined in accordance with Chapter 1, Article XVI or similar wording, which must be paid at the Inspection Office before a third inspection will be made. For each subsequent reinspection of the same deficiency or deficiencies, a like procedure and fee shall be assessed.

During any inspection, the building official may find new item(s), not previously discovered, to be nonconforming. These item(s) will be noted on the building official's report, and will require reinspections. Reinspection fees will not be assessed for items newly found or for their first reinspection. However, said fees shall be assessed for these items if a third inspection is required. The same procedures as outlined above shall govern. Failure to pay any reinspection fees shall be just cause to revoke the permit under which the work was being done. Furthermore, no future permits will be issued to any person who owes the City of Portsmouth said reinspection fees, until all outstanding fees are paid.

## SECTION 110 CERTIFICATE OF OCCUPANCY

*Add new sentences to beginning of subsection:*

**110.1 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 110.2 and 110.3 of this code. Certificates are not required for work outlined in Section 105.2.”

*Edit subsection as follows:*

**110.2 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:*

**110.5 Fee for Certificate of Use and Occupancy.** There shall be a fee assessed as determined in accordance with Chapter 1, Article XVI or similar wording, assessed to the holder of a permit for the issuance of a Certificate of Use and Occupancy when the following condition exists: When, during the final inspection phase, the building official is required to make a third inspection on a nonconforming item or items; then this third inspection, and any subsequent inspections for the same item(s) will cause the above mentioned fee to be assessed. The fee shall be repetitive for each new inspection and will be paid prior to the building official making said inspections. This

procedure shall apply to building, electrical, plumbing, gas, mechanical, and fire inspections, independently. The specific procedure for implementing this subsection is outlined in Section 109.7 of these amendments.

## SECTION 113 VIOLATIONS

*Change subsection to read as follows:*

**113.4 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 114 STOP WORK ORDER

*Change subsection to read as follows:*

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

*Add new section to read as follows:*

## SECTION 421 LIVE/WORK UNITS

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

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

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

1. The live/work unit is permitted to be a maximum of 3,000 square feet (279 m<sup>2</sup>);
2. The nonresidential area is permitted to be a maximum 50 percent of the area of each live/work unit;
3. The nonresidential area function shall be limited to the first or main floor only of the live/work unit; and
4. A maximum of five nonresidential workers or employees are allowed to occupy the nonresidential area at any one time.

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

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

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

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

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

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

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

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

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

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

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

## SECTION 502 DEFINITIONS

*Add new sentence to end of definition:*

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

## SECTION 503 GENERAL HEIGHT AND AREA LIMITATIONS

*General note pertaining to Table 503:*

**Table 503** as published in this Code has been *replaced* with **Table 503** as published by the State of New Hampshire Building Code Review Board. Said new Table 503 is a modified version of the former BOCA Table 503, 1999 Edition. *(Copy attached to these amendments.)*

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

### SECTION 506 AREA MODIFICATIONS

*Change subsection to read as follows:*

**506.1 General.** The provisions of this section shall modify the area limitations of the amended Table 503 as herein specified.

*Delete the following subsection without substitution:*

#### **~~506.1.1 Basements.~~**

*Change subsection to read as follows:*

**506.2 Frontage increase.** Where a building or structure has more than 25 percent of the building perimeter fronting on a street or other unoccupied space, the area limitations specified in Table 503 shall be increased 2 percent for each 1 percent of such excess frontage. The unoccupied space shall be on the same lot or dedicated for public use, shall not be less than 30 feet (9144 mm) in width and shall have access from a street or posted fire lane not less than 18 feet (5486 mm) in width.

*Delete the following subsections without substitution:*

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

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

*Change subsection to read as follows:*

**506.3 Automatic sprinkler system increase.** Where a building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1, the area limitations specified in Table 503 shall be increased 200 percent for one- and two-story buildings and 100 percent for buildings more than two stories in height.

#### **Exceptions:**

1. The automatic sprinkler system increase shall not apply buildings with an occupancy of Group H-1.
2. The automatic sprinkler system increase shall not apply to any fire area with an occupancy of Group H-2 or H-3.

*Change subsection to read as follows:*

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

**Table 506.4 Reduction of Area Limitations**

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

*End of State of New Hampshire Building Code Review Board amendments*

## **SECTION 507 UNLIMITED AREA BUILDINGS**

*Change subsection to read as follows:*

**507.3 Sprinklered, one story.** The area of a one-story, Group A-4, B, F, M or S building, of Type I or II construction, shall not be limited when the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, and is surrounded and adjoined by public ways or yards not less than 60 feet (18,288 mm) in width.

### **Exceptions:**

*Exceptions 1 and 2 remain unchanged.*

*Change exception 3 to read as follows:*

3. Group A-1 and A-2 occupancies of Type I or II construction shall be permitted, provided:

*Exceptions 3.1, 3.2 and 3.3 remain unchanged.*

*Change subsection to read as follows:*

**507.4 Two story buildings.** The area of a two story, Group B, F, M or S building, of Type I or II construction, shall not be limited when the building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1, and is surrounded and adjoined by public ways or yards not less than 60 feet (18,288 mm) in width.

## SECTION 508 MIXED USE AND OCCUPANCY

*Add new exception to subsection:*

### **508.3 Mixed occupancies.**

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

*Add new exception to subsection:*

### **508.3.1.3 Separation.**

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

## SECTION 705 FIRE WALLS

*Change subsection to read as follows:*

**705.1.1 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 705 and shall create separate buildings.

*Edit subsection as follows:*

### **705.8 Openings.**

*Delete Exception 1 without substitution:*

~~1. Openings are not permitted in party walls constructed in accordance with Section 705.1.1.~~

## SECTION 715 OPENING PROTECTIVES

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

**715.4.7 Door closing.** “The building or fire official shall approve the type of closing device to be used and when magnetic hold-open devices shall be required based on the occupancy classification, door use and location within the building. In Group E Occupancies and in Group B educational occupancies, magnetic hold-open devices shall be installed on all fire doors leading into enclosed exit stairs.”

## SECTION 901 GENERAL

*Add new sentence to end of subsection:*

**[F] 901.4 Threads.** “Hand line hose threads for 2-1/2” diameter hose shall be National Standard thread. Hand line hose threads for 1-1/2” or 1-3/4” diameter hose shall be Iron Pipe thread.”

## SECTION 903 AUTOMATIC SPRINKLER SYSTEMS

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

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

*Add new item 4 to subsection:*

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

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

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

**[F] 903.4.1 Signals.** Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station, auxiliary fire alarm system, or proprietary supervising station as defined in NFPA 72 or, when approved by the building or fire official, shall sound an audible and visual signal at a constantly attended location.

## SECTION 907 FIRE ALARM AND DETECTION SYSTEMS

*Add new sentence to end of first paragraph in subsection.*

**[F] 907.2 Where required.** “A manual, automatic or combination manual and automatic fire alarm system shall also be provided in accordance with NFPA 101.”

*Edit subsection as follows:*

### **[F] 907.2.1 Group A.**

*Delete Exception without substitution.*

*Edit subsection as follows:*

### **[F] 907.2.2 Group B.**

*Delete Exception without substitution.*

*Edit subsection as follows:*

### **[F] 907.2.3 Group E.**

*Delete Exception 3 without substitution.*

*Edit subsection as follows:*

### **[F] 907.2.4 Group F.**

*Delete Exception without substitution.*

*Edit subsection as follows:*

**[F] 907.2.6. Group I.**

*Delete Exception without substitution.*

*Edit subsection as follows:*

**[F] 907.2.6.1 Group I-1.**

*Delete Exception 1 without substitution.*

*Edit subsection as follows:*

**[F] 907.2.6.2 Group I-2.**

*Delete Exceptions 1 and 2 without substitution.*

*Edit subsection as follows:*

**[F] 907.2.6.3.3 Smoke detectors.**

*Delete Exceptions 2 and 3 without substitution.*

*Edit subsection as follows:*

**[F] 907.2.7 Group M.**

*Delete Exceptions 1 and 2 without substitution.*

*Edit subsection as follows:*

**[F] 907.2.8.1 Manual fire alarm system.**

*Delete Exception 2 without substitution.*

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

**[F] 907.2.8.2 Automatic fire alarm system.** System smoke detectors shall be installed in all common spaces and in means of egress components such as exit access corridors, exit enclosure stairs and basements and shall be installed to provide coverage based on the manufacturers listing for the device.

*Change subsection to read as follows:*

**[F] 907.2.9 Group R-2.** A manual and automatic fire alarm system shall be installed and maintained in all Group R-2 occupancies where any dwelling unit is located three or more stories

above the lowest level of exit discharge; or where any dwelling unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit; or when said building contain more than 11 dwelling units.

**Exceptions:**

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

*Add new subsection to read as follows:*

**[F] 907.2.9.1 Smoke detector coverage.** System smoke detectors shall be installed in all common spaces and in means of egress components such as exit access corridors, exit enclosure stairs and basements and shall be installed to provide coverage based on the manufacturers listing for the device.

*Add new item 4 to end of subsection:*

**[F] 907.2.10.1.1 Group R-1.**

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

*Add new item 4 to end of subsection:*

**[F] 907.2.10.1.2 Groups R-2, R-3, R-4, and I-1.**

4. In all exit access corridors, all exit enclosure stairs and in common areas on each floor level, including basements, when the building is not equipped with an automatic fire alarm system. Single-or multiple-station smoke detectors in common areas shall be interconnected but shall not be interconnected with dwelling unit smoke detectors. In some Group R-2 or R-3 occupancies, as determined by the building official, additional single-or multiple-station smoke detectors may be required in the basement, interconnected with a dwelling unit(s) detector(s).

*Add new subsection to read as follows:*

**[F] 907.2.10.1.4 Groups E, I-2 and I-4.** Single-or multiple-station smoke detectors shall be installed and maintained on all stories and all sleeping rooms of Group E day care facilities, Group I-2 child care facilities, Group I-4 day care facilities and Group I-4 child care facilities as defined in Sections 305.2, 308.3.1, 308.5 and 308.5.2 respectively.

**Exception:** Single-or multiple-station smoke detectors shall not be required when the building is equipped with an automatic fire alarm system with smoke detection in all sleeping rooms.

*Add new subsection to read as follows:*

**[F] 907.2.10.3.1 Smoke detector circuits.** Smoke detectors in individual units shall be wired to a branch circuit containing lighting loads of the dwelling unit or guestroom. Smoke detectors in common spaces shall be wired to a circuit used for common habitable space lighting. All smoke detectors shall be wired ahead of any switch on the circuit. The electric panel shall be clearly labeled as to which circuit the smoke detectors are wired.

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

**[F] 907.14 Monitoring.** Fire alarm systems required by this chapter or the *International Fire Code* shall be monitored by an approved supervising station or by a Auxiliary Fire Alarm System in accordance with NFPA 72.

## **SECTION 1001 ADMINISTRATION**

*Add new sentences to end of subsection:*

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

## **SECTION 1003 GENERAL MEANS OF EGRESS**

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

### **1003.5 Elevation change.**

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

## **SECTION 1005 EGRESS WIDTH**

*Table 1005.1 Cautionary Note:*

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

## **SECTION 1007 ACCESSIBLE MEANS OF EGRESS**

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

### **1007.4 Elevators.**

#### **Exceptions:**

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

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

## **SECTION 1011 EXIT SIGNS**

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

**1011.2 Illumination.** Exit signs shall be internally illuminated with the primary power source from the building electric system. Exit signs shall also be provided with a battery backup power source or from the building emergency power supply system if so equipped. Self-illuminated (nuclear) exit signs are not an approved source of illumination.

*Change subsection to read as follows:*

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

## **SECTION 1026 EMERGENCY ESCAPE AND RESCUE**

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

### **1026.1 General.**

**Exception 1:** In buildings equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

*Add new exception to read as follows:*

### **1026.2.1 Minimum dimensions.**

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

*Add new subsection to read as follows:*

**1026.6 Access through garage.** The basement emergency escape route is allowed to be through an attached garage via a door complying with Section 1008.1 or door and stair combination, provided this route is not the only door or stair out of the basement. There shall also be a door complying with Section 1008.1 from the garage to the exit discharge in accordance with Section 1024.

## **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 4 to subsection to read as follows:*

### 1208.2 Minimum ceiling heights.

**Exception 4:** 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"  
"Sep 30, 2002"

## SECTION 1704 SPECIAL INSPECTIONS

*Add new subsection to read as follows:*

**1704.15 Installation of trusses.** Special inspections shall be required for all wood or light gauge metal roof or floor truss installations. The special inspection shall verify and document the proper installation of all required bracing and any special connection details required by either the design professional or the truss manufacturer.

## SECTION 1805 FOOTINGS AND FOUNDATIONS

*Add new sentence to end of subsection:*

**1805.2.1 Frost protection.** Frost line depth for Portsmouth shall be 4 feet (1219 mm) as measured to the bottom of the footing from the adjoining finish grade.

## SECTION 2701 GENERAL

*Change subsection to read as follows:*

**2701.1 Scope.** This chapter governs the electrical components, equipment and systems used in buildings and structures covered by this Code. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the *National Electric Code*, NFPA 70. The State of New Hampshire adopts new editions of NFPA 70 on a three year cycle. The edition that is State adopted at the time of a new electrical installation shall govern the requirements of that installation.

*Add new sections to read as follows:*

## **SECTION 2703 INSPECTIONS AND TESTS**

**2703.1 Concealing work.** Work in connection with an electric system for which a permit is required, shall not be covered or concealed until such work has been inspected and permission to conceal such work has been given by the building official. It shall be the responsibility of the electric permit holder to contact the building official for said inspections. Furthermore, the permit holder shall allow a minimum of two work days (48 hours) from the time the building official is notified to the time the inspection is performed.

**2703.2 Service Inspection.** All service equipment shall be installed, grounded and bonded before a request is made for a service inspection. It shall be the responsibility of the permit holder to contact the building official for said inspection. The same inspection notification time allowance is required as in Section 2703.1. After satisfactory completing said inspection, the building official shall issue written notification to the local electric utility to allow for meter installation and power connection. It shall be the responsibility of the permit holder to contact the local electric utility for scheduling this power connection.

**2703.3 Final inspection and tests.** After all work is complete, all systems have been supplied power and all systems have been tested by the installer, a request for final inspection shall be made by the permit holder. The same inspection notification time allowance is required as in Section 2703.1. Copies of all test results shall be provided to the building official at this time. The building official shall inspect the work and cause tests to be made of the operation of the entire system to insure compliance with all requirements.

**2703.4 Records.** Records of all inspections shall be kept by the respective building official. Said records shall list date of inspections, observed nonconformances, corrective actions required and the building official's initials. Follow-up inspections shall be required to confirm the completed corrective actions. All inspection records shall be maintained by the building officials and be available for public access. The owner shall provide for special inspections in accordance with Section 1704.

## **SECTION 2704 QUALIFICATIONS OF ELECTRICIANS**

**2704.1 General.** All persons performing electrical work in the City of Portsmouth shall be licensed in accordance with the provisions of RSA 319-C of the State of New Hampshire; except owners of detached single family homes, who reside in said home, may do electrical work without a license. All electrical work requires an electrical permit unless exempt by Section 105.2.

**2704.2 Responsibilities of electricians.** When an electrical installation is required to be performed by a licensed New Hampshire Electrician, the permit for said work shall be obtained by the Master Electrician responsible for the work. Said electrician or company, shall be responsible for all work done under said permit.

## **SECTION [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 gas piping.

## SECTION [P] 2901 GENERAL

*Change subsection to read as follows:*

**[P] 2901.1 Scope.** The design and installation of building plumbing systems shall conform to Chapter 15, Part I of the City Ordinances (Plumbing Code) and Chapter 29 of this Code. The design and installation of building sewer and building water supply piping (city side of water meters) shall conform to the requirements of the Public Works Department, Water/Sewer Division. Private sewage disposal systems shall conform to the requirements of the State of New Hampshire Water Supply and Pollution Control Subsurface Waste Disposal Division.

## SECTION [P] 2902 MINIMUM PLUMBING FACILITIES

*Change exception 2 in subsection to read as follows:*

### **[P] 2902.2 Separate facilities.**

**Exception 2:** In other than mercantile occupancies, separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers of 24 or less. See Section [P] 2902.4.4 of these amendments for mercantile occupancy fixture requirements.

*Change subsection to read as follows:*

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

**[P] 2902.4.4 Group M occupancies.** A minimum of one public single occupant toilet room shall be provided in buildings or tenant spaces when the total occupant load is more than 24 persons but less than 50 persons. A minimum of two public single occupant toilet rooms shall be provided in buildings or tenant spaces when the total occupant load is 50 persons or more. Additional plumbing fixtures shall be provided when the occupant load reaches a point where the provisions of [P] Table 2902.1 would require more than two fixtures.

**Exception:** Where an existing toilet room is present and renovations are being undertaken, the existing toilet room shall not be removed even if the occupant load is 24 persons or less. In a case where there are more toilet rooms existing than what are required under this code, toilet rooms in excess of the minimum required may be removed but at least one shall remain.

## SECTION 3001 GENERAL

*Add new sentence to end of subsection:*

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

## [F] SECTION 3003 EMERGENCY OPERATIONS

*Add new subsection to read as follows:*

[F] **3003.3 Elevator recall key.** Where required by ASME A17.1, all new elevators shall be equipped with a *Yale #3502* fire service elevator recall key.

## SECTION 3107 SIGNS

*Add new subsection to read as follows*

**3107.2 Zoning ordinance.** The City's *Zoning Ordinance, Chapter 10* of the City's Ordinances, regulates temporary signs, permanent signs, sign size, letter size and sign illumination. Refer to this document for these 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 112.

## 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 3407 HISTORIC BUILDINGS

*Change subsection to read as follows:*

**3407.1 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 designers.

*Add new subsection to read as follows:*

**3407.3 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 for specific details.

## SECTION 3409.0 ACCESSIBILITY FOR EXISTING BUILDINGS

*Change subsection to read as follows:*

**3409.9 Historic buildings.** These provisions shall apply to buildings and facilities designated as historic structures as defined in Section 3407.1 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.

## [EB] SECTION 3410 COMPLIANCE ALTERNATIVES

*Insert in blank space:*

**3410.2 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) 271-3294  
[bldgcodebrd@dos.nh.gov](mailto:bldgcodebrd@dos.nh.gov)

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

Governor's Commission on Disability  
57 Regional Drive  
Concord, NH 03301-8518  
(603) 271-2773  
1-800-852-3405 (NH)  
<http://www.nh.gov/disability/abcommittee.html>

### **New Hampshire Energy Code**

Public Utilities Commission  
21 South Fruit Street, Suite 10  
Concord, NH 03301-2429  
(603) 271-2431  
[www.puc.nh.gov/index.htm](http://www.puc.nh.gov/index.htm)  
[puc@puc.nh.gov](mailto:puc@puc.nh.gov)

### **New Hampshire Elevator Law, RSA 157-B**

NH Labor Department  
Boiler & Elevator Division  
PO Box 2076  
Concord, NH 03302-2076  
(603) 271-6294  
[www.labor.state.nh.us/boilers.asp](http://www.labor.state.nh.us/boilers.asp)

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

<b>31-06</b>	Installation of Oil-Burning Equipment	2801.1
<b>54-09</b>	National Fuel Gas Code	101.4.2, 2801.1, 3401.3
<b>70-08</b>	National Electric Code	101.4.1, 2701.1
<b>101-03</b>	Life Safety Code (Or as Adopted by the FMO)	903.2, 907.2, 1003.2, 1008.5.2
<b>211-06</b>	Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances	2111, 2113

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

*Change 13-02 to 13-07 Design & Installation of Sprinkler Systems*

*Change 13D-02 to 13D-07 Design & Installation of Sprinkler Systems in 1 & 2 Family Dwellings*

*Change 13R-02 to 13R-07 Design & Installation of Sprinkler Systems in Residential Occupancies 4 Stories in Height or Less*

*Change 72-02 to 72-07 National Fire Alarm Code*

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

#### **APPENDIX A - EMPLOYEE QUALIFICATIONS**

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

#### **APPENDIX B - BOARD OF APPEALS**

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

#### **SECTION B 101 GENERAL**

*Change subsection to read as follows:*

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

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

*Delete the following subsection without substitution:*

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

#### **APPENDIX C - AGRICULTURAL BUILDINGS**

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

#### **APPENDIX D THROUGH APPENDIX K**

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

**ADOPTED 20 Oct 2009**