

Town of Effingham

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EFFINGHAM FIRE PREVENTION & INSPECTION ORDINANCE

TITLE AND AUTHORITY

This Ordinance shall be referred to as "FIRE PREVENTION & INSPECTION ORDINANCE". It is adopted conferred upon the Town by RSA 47:22

**** This Ordinance is directed at Non-Residential Uses, Multi-Family Units, Residential Rental Units and Commercial Use Properties. ****

SECTION 1 ADOPTION OF CODES

Town of Effingham hereby adopts the following National Fire Protection Association (NFPA) codes for the purpose of fire safety, firefighting and fire prevention.

- NFPA 1 Uniform Fire Code
- NFPA 101 Life Safety Code
- NHRSA 153:10-a

Additional codes referenced in these publications shall be considered as adopted by the Town of Effingham and enforceable. Additionally, the Effingham Fire Codes shall be equivalent to or offer a greater degree of life safety than the codes recognized by the New Hampshire State Fire Marshal.

SECTION 2 DEFINITIONS

New Construction: Shall refer to any structure or expansion of an existing structure to be or is being built. Also, for the purpose of this ordinance whenever there is a change in the occupancy use group of an existing premise the structure shall be considered new construction for the purpose of code and ordinance requirements.

Renovations: Shall refer to any modifications made to an existing structure that are structural, non-structural and cosmetic. For the purpose of this ordinance renovations in existing structures are cumulative and once the accumulated are of renovations equals or exceeds 50% of the structure area the entire building must be brought into compliance with adopted codes and ordinances to the same level as a new structure.

AHJ (authority having jurisdiction): This shall be the Board of Selectmen or their designee. Where terms are not specifically defined in this ordinance; their meaning shall be derived from adopted codes. Where the terms are not defined under an adopted code their meaning shall be their ordinarily accepted meanings within the context they are used.

MULTI-FAMILY: Residential occupancies containing more than two dwelling units where the occupants are primarily permanent in nature including but not limited to:

- Apartment Buildings
- Condominiums
- Dormitories
- Fraternities and Sororities
- Lodging and Rooming Houses
- Row Houses
- Townhouses

HAZARDOUS MATERIALS Those substances or materials in such quantities and forms which may pose an unreasonable risk to health and safety of property, which may include, but are not limited to, explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, and compressed gases which are listed by the Materials Transportation Bureau of the United States Department of Transportation in Title 49 of the Code of Federal Regulations and any amendment thereto.

PERSON Any individual, association, corporation, partnership, trust or other legal entity.

USER Any person who manufactures or transports or owns, uses, handles, stores, or has the legal authority to control hazardous materials, specifically including their officers, director, employees and agents.

WOOD BURNING UNIT A woodburning stove (wood burner or log burner) is a heating appliance capable of burning wood fuel and wood-derived biomass fuel, such as sawdust bricks or wood pellets. Generally, the appliance consists of a solid metal (cast iron or steel) closed firebox, often lined by fire brick, and one or more air controls.

GAS BURNING UNIT A gas heater is a space heater or stove used to heat a room or outdoor area by burning combustible gas such as syngas, natural gas, propane, butane liquified petroleum gas or other flammable gas. Indoor household gas heaters can be broadly categorized in one of two ways: flued or non-flued, or vented and unvented.

OIL BURNING UNIT An oil burner is a heating device which burns #1, #2 and #6 heating oils, diesel fuel or other similar fuels. An oil burner is a part attached to an oil furnace, water heater, or boiler. It provides the ignition of heating oil/biodiesel fuel used to heat either air or water via a heat exchanger. The fuel is atomized into a fine spray usually by forcing it under pressure through a nozzle which gives the resulting flame a specific flow rate, angle of spray and pattern (variations of a cone shape). This spray is usually ignited by an electric

spark with the air being forced through around it at the end of a blast tube, by a fan driven by the oil burner motor. The fuel pump is typically driven via a coupling connecting its shaft to that of the motor's

SECTION 3 INSPECTIONS

3-1 The Board of Selectmen designee is authorized to inspect, at all reasonable times, any building or premises for the purpose of:

- Verifying code and ordinance compliance
- Place of assembly inspections
- Complaint investigations
- Fire prevention inspections
- Fire and Life Safety Inspections

For the following types of Commercial Uses:

Ambulatory Health Care
Apartment Buildings
Assembly
Auxiliary Dwelling Units
Business
Campgrounds
Day Care
Dormitories
Educational
Health Care
Hotels
Industrial
Lodging & Rooming Houses
Mercantile
Motels
Residential Board & Care
Storage Units

3-2 All non-residential occupancies shall at the time of a change of ownership or tenancy shall notify the fire department of said change and arrange for an inspection.

Failure to have an inspection under Section 3 will result in a violation of this Ordinance and a Five Hundred Dollar (\$500.00) fine.

SECTION 4 DEPARTMENT FIRE CODE HANDBOOK

The Effingham Fire Chief or his designee shall create and maintain a document known as the "The Town of Effingham Fire Code Handbook". This document shall contain and outline the fire department policies for permits, inspections, codes being used and other items as needed to provide the adequate information for design and operational requirements for fire safety prevention. The Effingham Board of Selectmen upon adoption or upon future revisions and modifications shall review and approve this Handbook. Once approved by the Board of Selectmen it shall be considered enforceable as part of this ordinance.

SECTION 5 EARLY WARNING DEVICES AND SMOKE DETECTORS

EARLY WARNING DEVICES

Whereas not specified by the adopted codes, all construction shall require the installation of early warning devices, i.e. heat and/or smoke detectors and carbon monoxide detectors. In addition to locations specified within the adopted codes, the Town of Effingham requires smoke detectors have a maximum spacing of thirty feet (30') in all code areas.

Any person, firm, or corporation found to violate the provisions of Section 5 shall be considered a violation under Article 12 Penalties.

SECTION 6 EMERGENCY LIGHTING, EXIT SIGNS, FIRE EXTINGUISHERS AND FIRE ALARM SYSTEMS

6-1 EMERGENCY LIGHTING

Whereas not specified by the adopted codes, all new nonresidential construction and renovations shall have emergency lighting in exits, exit discharges and in all restrooms.

6-2 EXIT SIGNS

Whereas not specified by the adopted codes, all new nonresidential construction and renovations shall have exit signs in exit paths.

6-3 FIRE EXTINGUISHERS

- (a) Fire extinguishers shall be a minimum of ten (10) pound ABC or as specified by the Effingham Fire Department.
- (b) Whereas not specified by the adopted codes, all new

nonresidential construction and renovations shall have fire extinguishers at all exits and access to the extinguisher not to exceed a travel distance of seventy-five feet (75').

Any person, firm, or corporation found to violate the provisions of Section 6 shall be considered a violation under Article 12 Penalties.

SECTION 7 FIRE DEPARTMENT ACCESS

7-1 LOCK (KNOX) BOXES

Requirements

- (a) All buildings and structures of assembly, mercantile, business, educational, storage, health care, industrial and multi-family residential with common exits (whether existing on the date of adoption of this Ordinance or which may exist in the future) and or have a monitored fire alarm system shall have a key depository lock box installed and paid for by the property owner. Type/Style of Knox box and location to be approved by the Fire Chief or designee.
- (b) Access to gated communities and individual properties shall be required to have a Knox box to allow Fire Department access.
- (c) The owner or occupant of a structure or gated property shall notify the Fire Department whenever the required access is modified in such a manner as to prevent fire department access.

INSTALLATIONS

The installation, required keys and list of emergency contacts shall be in place prior to occupancy. The owner shall notify the Fire Department whenever locks, keys and or emergency contacts are to be changed.

7-2 FIRE LANES

(a) Parking in or Obstructing Fire Lanes

It shall be unlawful to park a motor vehicle on or otherwise obstructing fire lanes at any time.

(b) Marking of Fire Lanes on Private Property

The Chief of the Fire Department or his designee shall approve the marking of fire lanes on private property, devoted to public use.

Any person who violates the provisions of Section 7-2 shall be fined not more than One Hundred dollars (\$100.00) and any vehicle parking in violation of Section 7-2 may be towed by the Effingham Police Department or Effingham Fire Department or their agents or by independent contractors engaged by the Effingham Police Department or Effingham Fire Department or their agents. Any vehicles so towed shall be stored and released to the owner only upon payment of the cost of towing.

SECTION 8 OIL BURNER PERMITS

8-1 PERMITS

Oil burner permits are required, as well as an inspection, for all new and replacement oil burner installations.

Any person, firm, or corporation found to violate the provisions of Section 8 shall be considered a violation under Article 12 Penalties.

SECTION 9 WOOD AND GAS BURNING UNITS

9-1 APPROVALS

All devices to be installed must bear a label from a recognized third-party testing agency. Examples include Underwriter Laboratories (UL), Intertek, Guardian Fire Testing Laboratories, PFS-TECO, etc.

9-2 INSPECTIONS

Inspections are required for the installation of all new and replacement gas/propane fired devices.

9-3 INSTALLATION REQUIREMENTS

The installation of all wood and gas burning units must comply with the manufacture's installation directions and or NFPA 54 (National Fuel Gas Code) and 211 (Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances).

Any person, firm, or corporation found to violate the provisions of Section 9 shall be considered a violation under Article 12 Penalties.

SECTION 10 OUTDOOR COOKING and RECREATIONAL DEVICES

10-1 OUTDOOR COOKING and RECREATIONAL DEVICES

The use of any, charcoal, gas, wood or other open flame cooking grill, barbecue grill, hibachi, chimenea, electric grill, or other similar device shall be prohibited within ten (10) feet of any combustible balcony, deck, porch, patio or similar projection or within four (4) feet of an exterior wall or nearest exterior projection, means of egress of any structure within the Town of Effingham.

10-2 CYLINDERS

Cylinders containing flammable or combustible gases or liquids shall not be located on or below balconies of any commercial structures within the Town of Effingham

Any person, firm, or corporation found to violate the provisions of Section 10 shall be considered a violation under Article 12 Penalties.

SECTION 11 HAZARDOUS MATERIALS: CONTROL, CONTAINMENT AND CLEAN UP

11-1 PURPOSE

To provide for the control and containment of hazardous materials and to require the users and suppliers or manufacturers of any hazardous materials to pay for all services provided by the Town in relation to the control and containment of hazardous materials. The purpose of the Ordinance is not to impose upon the Town, or any of its officers and agents, an obligation to secure or remove any hazardous material from the Town once safe containment of the material is made and that hazardous material of any obligation imposed by state or federal law and specifically that nothing in the Ordinance shall be deemed to permit the possession, storage, or use of hazardous materials except in conformance with all federal, state and local laws.

11-2 JURISDICTION

This ordinance shall apply to all incidents involving hazardous waste or hazardous materials within the boundaries of the Town of Effingham, New Hampshire, and to all persons who may possess such materials found within the Town except as prevailing state or federal laws or regulations may take precedence and control over any such incident or person. [See RSA 146-A and RSA 265: 115-118 for examples of such prevailing state law at the time this Ordinance is adopted]

11-3 DUTY TO REPORT

Any user or transporter who causes or has knowledge of any discharge or release of hazardous materials under his control or supervision, in any manner which poses an actual or potential threat to any person, animal, wildlife, vegetation, property, or the environment, shall immediately report the incident to the Effingham Fire Department and Effingham Police Department.

11-4 CONTROL, CONTAINMENT, AND CLEAN-UP

The Effingham Fire Department and the Effingham Police Department shall promptly respond to each reported incident and take such action as is necessary to protect public health, safety, property, and the environment.

11-5 CLEAN-UP

The user or transporter of a hazardous material which is intentionally or accidentally discharged or released within the Town of Effingham shall, in addition to reporting the accident as required, take immediate action to cause the discharge or release to be cleaned up in an environmentally safe and scientifically sound manner and to restore the site and the surrounding environment at his own expense.

11-6 CLEAN-UP COSTS

The user or transporter of the hazardous material, which was discharged or released, shall be strictly liable to the Town of Effingham for all cost incurred in the control, containment, and cleanup of the hazardous materials. For this purpose, each user and transporter shall be jointly and severally liable, and a suit in any court may recover the costs from him or her with jurisdiction over the parties and the amount claimed.

11-7 INTENTIONAL DISCHARGE or RELEASE

The intentional discharge or release of a hazardous material within the Town of Effingham is strictly prohibited.

11-8 TIMELY REPORTING OF ACCIDENTS

Each twenty-four (24) hour period that an accident is not reported shall constitute a separate offense.

Any person, firm, or corporation found to violate the provisions of Section 11 shall be considered a violation under Article 12 Penalties.

SECTION 12 PENALTIES

Where violation penalties are not called out in a specific section of this ordinance; the fines, penalties, and remedies for violations of this ordinance shall be the *same* as for violations of Title LXIV, as stated in RSA 676:15 and 676:17.

****** Any person, firm, or corporation found violating any of the provisions of this Ordinance, shall be guilty of a violation, and upon conviction thereof, shall pay a civil fine of not more than One Thousand dollars (\$1000) for each offense. ******

SECTION 13 ENFORCEMENT

The Board of Selectmen or their designee shall be responsible for enforcing this Ordinance.

SECTION 14 SEVERABILITY

If any section, provision, or part of this Ordinance should be held invalid for any reason whatsoever, such decision shall not affect the remaining portions, which shall remain in full force and effect; and, to this end, the provisions of this Ordinance are severable.

**SECTION 15 USE OF CLEAN-UP COSTS AND CIVIL FORFEITURE
COLLECTED**

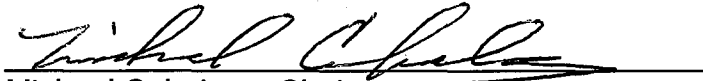
All costs and civil fines collected under this Ordinance shall be placed in the general fund to offset appropriations used in the control and containment of a hazardous material incident.

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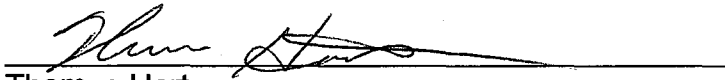
SECTION 16 EFFECTIVE DATE

This ordinance shall become effective upon passage.

**Town of Effingham
Board of Selectmen**


Michael Cahalane, Chair


Charles Fuller


Thomas Hart

History of Adoption/Amendments:

This Ordinance Adopted: Sept. 13th, 2020