

PART Saf-FMO 300 AMENDMENTS TO THE STATE FIRE CODE

Statutory Authority: RSA 153:5

Saf-FMO 301	Purpose
Saf-FMO 302	Scope
Saf-FMO 303	Fire Prevention Code, NFPA 1
Saf-FMO 304	Life Safety Code, NFPA 101
Saf-FMO 305	Fireworks Code, NFPA 1124
Saf-FMO 306	Automotive & Marine Service Station Code, NFPA 30A
Saf-FMO 307	Oil Burning Equipment, NFPA 31
Saf-FMO 308	Installation & Use of Stationary Combustion Engines & Gas Turbines, NFPA 37

Saf-FMO 301.01 PURPOSE

- (a) The purpose of these rules is to publish the amendments to the state fire code adopted by the board of fire control and the state fire marshal pursuant to Bfc 200.
- (b) Rules that have not been ratified by the Legislature will expire twelve months from the effective date.

Saf-FMO 302.01 SCOPE

- (a) All persons constructing, reconstructing, modifying, maintaining or operating any structure and all owners or occupants of existing structures or premises shall comply with the requirements of the state fire code and codes adopted by reference as defined in RSA 153:1 VI-a, except as modified in Saf-FMO 300.
- (b) All persons installing, modifying, operating or maintaining equipment or processes that are regulated under the provisions of NFPA 1 shall comply with the requirements of the state fire code and codes adopted by reference as defined in RSA 153:1 VI-a, except as modified in Saf-FMO 300.
- (c) All persons processing, handling or storing materials that are regulated under the provisions of the state fire code and codes adopted by reference as defined in RSA 153:1 VI-a, except as modified in Saf-FMO 300.

Saf-FMO 303.01 AMENDMENTS TO THE FIRE PREVENTION CODE

(a) The following sections of NFPA 1 shall be excluded from incorporation pursuant to these rules:

- (1) Section 1-10 Fire Code Board of Appeals;
- (2) Section 1-13 Certificates of Fitness;
- (3) Section 10.14.12 Crop Maze;
- (4) Section 65.2 Fireworks Displays; and
- (5) NFPA 5000 in its entirety, designate the state building code adopted pursuant to RSA 155-A.

(eff 9/20/2023, ratified)

(b) Amend NFPA 1 Section 1.7.2 to read as follows:

1.7.2.1 Fire Inspectors and plan examiners should meet the minimum professional qualifications established in NFPA 1031.

1.7.2.3 Fire marshals should meet the minimum professional qualifications established in NFPA 1037

(eff 9/20/2023, ratified)

(c) Amend NFPA 1 Section 2.2 to include NFPA 79, Electrical Standard for Industrial Machinery, 2021 edition.

(eff 9/20/2023, ratified)

(d) Amend NFPA 1 Section 2.2 to include NFPA 1124, Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles, 2017 edition.

(eff 9/20/2023, ratified)

(e) Amend NFPA 1 Section 10.2.7 to read as follows:

Section 10.2.7.1 Fire prevention inspections may occur on existing premises in accordance with the minimum inspection frequency schedule in Table 10.2.7.1.

(eff 9/20/2023, ratified)

(f) Amend NFPA 1 Section 10.15.5.1 to read as follows:

Portable and vehicle-mounted generators shall only be operated or refueled outdoors a minimum of 5 ft. (1.5m) from any building openings, including windows, doors, and air intakes.

(eff 9/20/2023, ratified)

(g) Amend NFPA 1 Section 11.12.2 to include a new section as follows:

11.12.2.1.7 Structural Analysis

Photovoltaic systems installed on roofs shall be reviewed and stamped by a NH licensed professional engineer.

(eff 9/20/2023, ratified)

(h) Amend NFPA 1 Section 11.12.3.2 to read as follows:

Photovoltaic systems installed in one- and two-family dwellings and townhouses shall provide roof access in accordance with 11.12.3.2.

Exception: For one- and two-family dwellings only, access pathways per 11.12.3.2.3 are not required where PV arrays occupy up to 50 percent of the plan view roof area with a common horizontal ridge.

11.12.3.2.4 Setbacks at Ridge.

11.12.3.2.4.1

For PV arrays occupying up to 50 percent of the plan view roof area, a minimum 18 in. (457 mm) setback shall be provided on either side of a horizontal ridge.

11.12.3.2.4.2

For PV arrays occupying more than 50 percent of the plan view roof area, a minimum of 36 in. (914 mm) setback shall be provided on either side of a horizontal ridge.

(eff 9/20/2023, ratified)

(i) Amend NFPA 1 Section 11.5.1.8 to read as follows:

Any person requesting to install a fuel oil burner shall obtain a permit from the local fire official in the locality in which the fuel oil burner is to be installed, or if none, to the state fire marshal's office. Permit shall be in accordance with NFPA 1 Section 1.12.

(eff 9/20/2023, ratified)

(j) Amend NFPA 1 Section 13.3.2.6.1 to read as follows:

13.3.2.6.1 The following assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with 13.3.1.2:

- (1) Dance halls
- (2) Discotheques
- (3) Nightclubs
- (4) Assembly occupancies with festival seating

(eff 9/20/2023, ratified)

(k) Amend NFPA 1 Section 13.3.2.8 to read as follows:

13.3.2.8 New Educational Occupancies

13.3.2.8.1 Educational occupancy buildings exceeding 12,000 ft² (1120 m²) shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 13.3

13.3.2.8.2 Educational occupancy buildings with an occupant load of 300 or more shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 13.3

13.3.2.8.3 Every portion of educational buildings located on a floor other than a level discharge serving such occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 13.3

(eff 9/20/2023, ratified)

(l) Amend NFPA 1 Section 13.3.2.19.1 to insert the following exception:

“Exception: Detached one and 2-family dwellings used only for residential purposes are exempt from the automatic fire sprinkler requirements as set forth in 13.3.2.19.1.”

(eff 9/20/2023, ratified)

(m) Amend NFPA 1 Section 25.1.12.2 to read as follows:

Generators and other internal combustion power sources shall be separated from temporary membrane structures and tents by a minimum of 5 ft. (1.5m) and shall be protected from contact by fencing, enclosure, or other approved means.

(eff 9/20/2023, ratified)

Saf-FMO 304.01 AMENDMENTS TO THE LIFE SAFETY CODE

(a) Amend NFPA 101 Section 12.3.5.1 to read as follows:

12.3.5.1 The following assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with 9.7.1.1(1):

- (1) Dance halls
- (2) Discotheques
- (3) Nightclubs
- (4) Assembly occupancies with festival seating

(eff 9/20/2023, ratified)

(b) Amend NFPA 101 Section 14.3.5 to read as follows:

14.3.5 Extinguishment Requirements.

14.3.5.1 Educational occupancy buildings exceeding 12,000 ft² (1120 m²) shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 13.3

14.3.5.2 Educational occupancy buildings with an occupant load of 300 or more shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 13.3

14.3.5.3 Every portion of educational buildings located on a floor other than a level discharge serving such occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 13.3

(eff 9/20/2023, ratified)

(c) Amend NFPA 101 Section 14.7.2.4 and Section 15.7.2.4 by adding the following:

(4) With the approval of the local fire official and in concert with RSA 189:64, at least 4 of the currently required number of fire evacuation drills shall be emergency, all-hazard response drills of which at least one shall test emergency response to an armed assailant. The armed assailant drill may be discussion based. The types of all-hazard drills and exercises and the manner and time in which these activities take place shall be determined by the school in collaboration with local public safety, emergency management, and public health officials. The school may include students and first responders in all-hazard response drills or activities, as appropriate.

(eff 9/20/2023, ratified)

(d) Amend NFPA 101 Section 14.4.5 and Section 15.4.5 by adding the following:

(7) “Dispensers installed over carpeted floors in non-sprinklered rooms and spaces shall be permitted, provided that there is an impervious, non-combustible surface of at least two feet by two feet in size installed directly below each dispenser that has been permanently affixed to the floor of the structure”.

(eff 9/20/2023, ratified)

- (e) Amend NFPA 101 Section 16.3.5.1 to read as follows:
16.3.5.1 Any required sprinkler systems shall be in accordance with Section 9.7 and supervised in accordance with 9.7.2.
(eff 9/20/2023, ratified)
- (f) Repeal NFPA 101 Section 16.3.5.4
(eff 9/20/2023, ratified)
- (g) Amend NFPA 101 Section 24.2.2.3.3 to include the following exception:
Exception: Grade floor openings or below-grade openings shall have a net clear opening area of not less than 5 square feet (0.465 m²).
(eff 9/20/2023, ratified)
- (h) Amend NFPA 101 Section 24.2.5 to read as follows:
- (1) “Section 24.2.5.1 Stairs ramps, guards and handrails shall be in accordance with 7.2.2 for stairs, 7.2.2.4 for guards and 7.2.5 for ramps, as modified by 24.2.5.1.1 through 24.2.5.1.7.”
(eff 9/20/2023, ratified)
- (i) Amend NFPA 101 Section 24.2.5 to insert new sections 24.2.5.1.4, 24.2.5.1.5, 24.2.5.1.6 and 24.2.5.1.7 to read as follows:
- (1) “Section 24.2.5.1.4 Riser heights not exceeding 209 mm (8 1/4 in) and tread depths of not less than 229mm (9 in.) shall be permitted for stairs in new construction;”
- (2) “Section 24.2.5.1.5 Porches, balconies or raised floor surfaces located more than 762 mm (30 in.) above the floor or grade below shall have guards not less than 914mm (36 in.) in height. Open sides of stairs with a total rise of more than 762mm (30 in.) above the floor or grade below shall have a guard not less than 864mm (34 in.) in height measured vertically from the nose of the treads;”
- (3) “Section 24.2.5.1.6 Handrails shall be permitted to be on one side of the stairs in new construction when the stair width is 965mm (38 in.);” and
- (4) “Section 24.2.5.1.7 New handrails shall be installed to provide a clearance of not less than 2 ¼ inches (57mm) between the handrail and the wall to which it is fastened.”
(eff 9/20/2023, ratified)
- (j) Amend NFPA 101 Section 24.3.5.1 to insert the following exception:
24.3.5.1 Exception: Detached one and 2-family dwellings used only for residential purposes are exempt from the automatic fire sprinkler requirements as set forth in 24.3.5.1.”
(eff 9/20/2023, ratified)
- (k) Amend NFPA 101 Section 30.2.2.3.1 and Section 31.2.2.3.1 to insert the following exception:
(1) “Exception: Within any individual dwelling unit stairs complying with Section 24.2.5.1 as amended shall be permitted.”
(eff 9/20/2023, ratified)

(l) Amend NFPA 101 Section 31.1.3.3 to read as follows:

Multiple dwelling units shall be permitted to be located above a nonresidential occupancy only where one of the following conditions exists:

- (1) Where the dwelling units of the residential occupancy and exits therefrom are separated from the nonresidential occupancy by construction having a minimum 1-hour fire resistance rating
- (2) Where the nonresidential occupancy is protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 9.7
- (3) Where not more than four dwelling units are located above a nonresidential occupancy that is protected by an automatic fire detection system in accordance with Section 9.6

(eff 9/20/2023, ratified)

(m) Amend NFPA 101 Section 43.7.2 to read as follows:

43.7.2 Change of Occupancy Classification.

Where the occupancy classification of an existing building or portion of an existing building is changed, in other than historic buildings, the building shall meet the requirements of 43.7.2.1 or 43.7.2.3.4:

43.7.2.1

Where a change of occupancy classification creates other than an assembly occupancy, and the change occurs within the same hazard classification category or to an occupancy classification of a lesser hazard classification category (i.e., a higher hazard category number), as addressed by Table 43.7.3, the building shall meet both of the following:

- (1) Requirements of the applicable existing occupancy chapters for the occupancy created by the change (see Chapters 15, 17, 19, 21, 23, 24, 26, 29, 31, 33, 37, 39, 40, and 42)
- (2) Requirements for automatic sprinkler and detection, alarm, and communications systems and requirements for hazardous areas applicable to new construction for the occupancy created by the change (see Chapters 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 36, 38, 40, and 42)

43.7.2.2

Where a change of occupancy classification creates an assembly occupancy, and the change occurs within the same hazard classification category or to an occupancy classification of a lesser hazard classification category (i.e., a higher number), as addressed by 43.7.3, the building shall meet both of the following:

- (1) Requirements of Chapter 13 for existing assembly occupancies
- (2) Requirements for automatic sprinkler and detection, alarm, and communications systems, requirements for hazardous areas, and requirements for main entrance/exit of Chapter 12 for new assembly occupancies

43.7.2.3

Where a change of occupancy classification occurs to an occupancy classification of a higher hazard classification category (i.e., a lower hazard category number), as addressed by Table 43.7.3, the building shall comply with the requirements of the occupancy chapters applicable to new construction for the occupancy created by the change. (See Chapters 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 36, 38, 40, and 42.)

43.7.2.4

Where a change of occupancy classification creates up to four dwelling units in an existing building, the building shall meet the following:

- (1) Requirements of Chapter 31 for existing apartment buildings
- (2) Dwelling units shall have a primary and secondary means of escape in accordance with Chapter 24.2.2.1.

43.7.2.5

In historic buildings where a change of occupancy classification occurs within the same hazard classification category or to an occupancy classification in a lesser hazard classification category (i.e., a higher hazard category number), as addressed by Table 43.7.3, the building shall meet the requirements of one of the following:

- (1) 43.7.2.1 or 43.7.2.2 or 43.7.2.4, as applicable
- (2) 43.7.2.1 or 43.7.2.2 or 43.7.2.4, as applicable, as modified by Section 43.10

43.7.2.6

In historic buildings where a change of occupancy classification occurs to an occupancy classification in a higher hazard classification category (i.e., a lower hazard category number), as addressed by Table 43.7.3, the building shall meet the requirements of one of the following:

- (1) 43.7.2.3
- (2) 43.7.2.3, as modified by Section 43.10

(eff 9/20/2023, ratified)

(h) Amend the following sections of NFPA 101, 2021 editions

- (1) Repeal section 1.1.6 Injuries from Falls and designate as Reserved
- (2) Repeal Section 12.2.1.2
- (3) Repeal Section 14.2.1.5
- (4) Repeal Section 16.2.1.1
- (5) Repeal Section 24.2.8
- (6) Repeal Section 26.2.4
- (7) Repeal Section 28.2.1.4
- (8) Repeal Section 30.2.1.3
- (9) Repeal Section 32.2.2.7
- (10) Repeal Section 32.3.2.1.3
- (11) Repeal Section 36.2.1.6
- (12) Repeal Section 38.2.1.5
- (13) Repeal Section 40.2.1.3
- (14) Repeal Section 42.2.1.3

(eff 9/20/2023, ratified)

Saf-FMO 305.01 AMENDMENTS TO THE FIREWORKS CODE

- (a) Amend NFPA 1124, 2017 edition Chapter 7 Reserved as follows:

Insert NFPA 1124, 2013 edition Chapter 7 with the amendments noted below
(eff 9/20/2023, ratified)

- (b) Amend NFPA 1124 Section 7.3.6 as follows:

An automatic sprinkler systems designed and installed in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems, shall be provided throughout all CFRS facilities and stores. The required fire sprinkler system shall be designed to Extra Hazard Group 1 and installed in accordance with the state fire code.
(eff 9/20/2023, ratified)

- (c) Amend NFPA 1124 Sections 7.3.9 as follows:

A fire alarm system shall be provided in accordance with NFPA 72.
(eff 9/20/2023, ratified)

- (d) Amend NFPA 1124 Section 7.3.5.1 as follows:

Smoke Control. Smoke and heat vents designed and installed in accordance with the state fire code, shall be provided in all new permissible fireworks retail sales and storage facilities.
(eff 9/20/2023, ratified)

- (e) Repeal NFPA 1124 Section 7.3.15.2.2

(eff 9/20/2023, ratified)

- (f) Amend NFPA 1124 Section 7.3.15.4.1 as follows:

Only consumer fireworks meeting the criteria for covered fuses as described in 7.3.15.4.2 shall be permitted where retail sales of consumer fireworks are conducted. A covered fuse is a fuse or designed point of ignition that is protected against accidental ignition by contact with a spark, smoldering items, or small open flame.
(eff 9/20/2023, ratified)

- (g) Amend NFPA 1124 Section 7.3.15.4.2 as follows:

A consumer fireworks device shall be considered as having a covered fuse if the fireworks device is contained within a packaged arrangement, container, or wrapper that is arranged and configured such that the fuse of the fireworks device cannot be touched directly by a person handling the fireworks without the person having to puncture or tear the packaging or wrapper, unseal or break open a package or container, or otherwise damage or destroy the packaging material, wrapping, or container within which the fireworks are contained.
(eff 9/20/2023, ratified)

- (h) Repeal NFPA 1124 Section 7.4.4

(eff 9/20/2023, ratified)

- (i) Repeal NFPA 1124 Section 7.5.1.1 and renumber 7.5.1.2 to 7.5.1.1
(eff 9/20/2023, ratified)

Saf-FMO 306.01 AMENDMENTS TO THE CODE FOR MOTOR FUEL DISPENSING FACILITIES
AND REPAIR GARAGES

- (a) Amend NFPA 30A, 2021 edition Section 9.5.6 as follows:
“An approved automatic fire suppression system shall be installed to protect all pump and dispensing areas in all new unattended self-service stations. Activation of the automatic fire suppression system will automatically transmit an alarm to an alarm receiving point approved by the local fire official. A manual fire alarm station that transmits an alarm to the approved alarm receiving point shall be located in immediate proximity to the emergency electrical disconnect specified in Section 6.7.2.”
(eff 9/20/2023, ratified)

Saf-FMO 307.01 AMENDMENTS TO THE STANDARD FOR THE INSTALLATION OF OIL
BURNING EQUIPMENT

- (a) Amend NFPA 31, 2020 edition Section 1.1 to include a new section as follows:
1.1.6 All persons modifying, repairing or maintaining oil burning equipment shall comply with the requirements of this standard.
(eff 9/20/2023, ratified)
- (b) Amend NFPA 31, 2020 edition Section 8.4 to include a new section as follows:
8.4.9 When an oil supply or return line is installed within buildings under concrete, sub-floors, or earth surfaces the line shall:
(1) Be continuous from the burner to the tank; and
(2) Not contain splices.
(eff 9/20/2023, ratified)

Saf-FMO 308.01 AMENDMENTS TO THE STANDARD FOR THE INSTALLATION AND USE OF
STATIONARY COMBUSTION ENGINES AND GAS TURBINES

- (a) Amend NFPA 37, 2021 edition Section 6.5.4.1 as follows:
6.5.4.1 The overflow line shall be continuous piping, without valves or traps, back to the source tank or to a collection system except for a hard-seat or ball valve with the handle removed.
(eff 9/20/2023, ratified)