



State of New Hampshire

DEPARTMENT OF SAFETY
Division of Fire Safety
Office of the State Fire Marshal
www.nh.gov/firemarshal



Commissioner Robert L. Quinn | State Fire Marshal Sean P. Toomey

State Fire Code **2018 to 2021 edition Summary of Amendments**

Proposed amendments:

- Amend NFPA 1 & 101 to maintain existing sprinkler protection requirements for new restaurants and bars.
- Amend NFPA 1 & 101 to maintain existing sprinkler protection requirements for new daycares.
- Amend NFPA 1 to maintain existing requirements for portable generator spacing from buildings at 5' instead of 20'.
- Amend NFPA 101 for residential sprinkler protection for up to 4 dwelling units in existing building.
- Update/carry-forward several existing amendments already in Saf-FMO 300
 - NFPA 1
 - Removes Board of Appeals
 - Removes Certificate of Fitness
 - Removes crop maze
 - Removes fireworks displays
 - Removes NFPA 5000 (NFPA's version of a building code)
 - Maintains language on professional qualification requirements for fire inspectors, plans examiners and fire marshal
 - Updates edition for NFPA 79 Electrical Standard for Industrial Machinery
 - Maintains language on frequency of existing premise fire inspections as a recommendation.
 - Maintains solar coverage and design requirements for 1 & 2 family dwellings to allow better coverage, minor updates to language
 - Maintains language on oil burner inspections and permits
 - Maintains sprinkler protection requirements for new educational occupancies consistent with the state building code
 - Maintains sprinkler exemption for 1 & 2 family dwellings consistent with the state statute

- NFPA 101
 - Maintains sprinkler protection requirements for new educational occupancies consistent with the state building code
 - Maintains language for fire drills for educational occupancies consistent with RSA 189:64 (4 all hazard drills)
 - Maintains language on hand sanitizer placement in educational occupancies
 - Maintains language on stair geometry and handrail design for 1 & 2 family
 - Maintains sprinkler exemption for 1 & 2 family dwellings consistent with the state statute
 - Adds language to address inconsistency in window sizing for means of escape in 1 & 2 family dwellings to be consistent with state building code.
 - Maintains the removal of fall protection requirements to be consistent with the state building code requirements and ADA

- NFPA 1124 (Fireworks)
 - Maintains language for fire protection for fireworks retail stores

- NFPA 30A (Motor Fuel Dispensing Facilities)
 - Maintains language for fire protection for unattended gas stations

- NFPA 31
 - Maintains language for maintenance for oil burning equipment
 - Maintains language for oil supply or return lines

- NFPA 37
 - Maintains language for valves allowed in overflow lines

Code Amendment Proposal Petition

NH Department of Safety
Office of the State Fire Marshal
Board of Fire Control
33 Hazen Drive, Concord, NH 03305
Phone: 603-223-4289 Fax: 603-223-4294
www.nh.gov/safety/divisions/firesafety

RE 23-02-21
EXHIBIT #: _____

PETITIONER INFORMATION

Name:	Date:	
Sean Toomey	9/19/2023	
Representing:	Phone:	
New Hampshire State Fire Marshal's Office	603-223-4289	
Address:	Fax:	
33 Hazen Drive		
City:	State:	Zip:
Concord	NH	03305
E-Mail Address:		
sean.p.toomey@dos.nh.gov		

PROPOSED CODE LANGUAGE

This proposed code amendment (check one):

Code, Edition, and/or section affected:

- Amends (code, edition, section)
 Adopts a new code section (code, edition)
 Repeals (code, edition, section)

NFPA 1 (2021 edition)
NFPA 101 (2021 edition)
NFPA 1124 (2017 edition)
NFPA 30A (2021 edition)
NFPA 31 (2020 edition)
NFPA 37 (2021 edition)

You must provide language for review by the Board of Fire Control. Failure to provide language will invalidate the petition. Please use the following format to show additions and deletions from the code: Strike through = deleted text. Underline and bold = **New Text**

Proposed Language

See attached....

PETITION CRITERIA

Attach to this petition written responses to the following questions. If needed, include in the response an explanation as to why a question does not apply to your proposed code petition. The Board may reject an incomplete petition.

Questions:

- 1. Is your proposed code amendment necessary to correct any unforeseen or probable outcomes resulting from the application of a code section, and if so, why?
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5. Is your proposed code amendment needed to eliminate conflicting, obsolete, or duplicative code provisions or standards among New Hampshire-adopted codes, statutes, or regulations, and if so, why?
6. Does your proposed code amendment provide for the use of unique or emerging technologies or promote advances in construction methods, devices, materials and techniques, and if so, how?
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PETITIONER'S SIGNATURE

Signature: Sean P. D. [Handwritten Signature]

Date: 9/19/23

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APPLICATION PROCESSING

The Office of the State Fire Marshal reviews all applications and will determine if the application is in conflict with any existing law or rule. The division will return any application found to be in conflict with any existing statute or rule along with the specific reasons for the returned application.

Not Approved: [] Approved: [] Approved with Modifications: [X]
Hearing Date: 9/20/23 Voting Date: 9/20/23
Chair's Signature: [Handwritten Signature] Date: 9-20-2023
Printed Name: Duoy B. Clark
Fire Marshal's Signature: [Handwritten Signature] Date: 9-20-23
Printed Name: Sean P. [Handwritten Name]
Commissioner's Signature: [Handwritten Signature] Date: 9/21/23
Printed Name: Robert [Handwritten Name]

Exhibit RE 23-02-21 Rev #1

Carry forward Amendments

Proposed language:

Amend NFPA 1 (2021 edition) as follows:

(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 ~~10.14.11~~ **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.

(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

(c) Amend NFPA 1 Section 2.2 to include NFPA 79, Electrical Standard for Industrial Machinery, ~~2018~~ **2021** edition.

(d) Amend NFPA 1 Section 2.2 to include ~~NFPA 855, Standard for the Installation of Stationary Energy Storage Systems, 2020 edition.~~ **NFPA 1124, Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles, 2017 edition**

(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.

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

~~11.12.2.1.6~~ **11.12.2.1.7** Structural Analysis

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

(g) Amend NFPA 1 Section ~~11.12.2.2.2~~ **11.12.3.2** as follows:

11.12.3.2.1

Photovoltaic systems installed on 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 ~~33~~**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 ~~33~~**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.

(h) 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.

(i) Amend NFPA 1 Section ~~13.3.2.9~~ **13.3.2.8** to read as follows:

~~13.3.2.9~~ **13.3.2.8** New Educational Occupancies

~~13.3.2.9.1~~ **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

~~13.3.2.9.2~~ **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

~~13.3.2.9.3~~ **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

(j) Amend NFPA 1 Section ~~13.3.2.20.1~~ **13.3.2.19.1** to insert the following exception:

“Exception: Detached one and two-family dwellings **used only for residential purposes** are exempt from the automatic fire sprinkler requirements as set forth in ~~13.3.2.20.1~~ **13.3.2.19.1**.”

(k) Amend NFPA 1 Section 52.1 to include a new section as follows:

~~Section 52.1.1 The design, installation, operation, inspection, and maintenance of all stationary energy storage systems shall comply with this chapter and [NFPA 855](#), Standard for the Installation of Stationary Energy Storage Systems, 2020 edition.~~

(l) Amend NFPA 1 Section 50.7.2.3 as follows:

~~50.7.2.3 Leak Detection.~~

~~50.7.2.3.1 Gas systems shall be inspected prior to each use by a worker trained in accordance with [50.7.1.8](#).~~

~~50.7.2.3.2 All mobile and temporary cooking operations equipped with a propane appliance and an electrical system shall be equipped with a propane detector listed and marked on the device as being suitable for use in the vehicles under the requirements of UL 1484, and installed according to the terms of its listing.~~

~~50.7.2.3.3 The LP Gas leak detection system shall be tested monthly.~~

Amend NFPA 101 (2021 edition) as follows:

(a) 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

(b) Amend NFPA 101 Section 14.7.2.~~34~~ and Section 15.7.2.~~34~~ to read as follows:

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.

(c) Amend NFPA 101 Section ~~14.4.4~~ 14.4.5 and Section ~~15.4.4~~ 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".

(d) Amend NFPA 101 Section 24.2.5.1 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.~~37~~."

(e) 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."

(f) 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".

(g) 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."

(h) Amend the following sections of NFPA 101, ~~2018~~ **2021** edition

(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

(i) 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).*

Amend NFPA 1124 (2017 edition) as follows

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

Insert NFPA 1124, 2013 edition Chapter 7 with the amendments noted below

(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.

(c) Amend NFPA 1124 Sections 7.3.9 as follows:

A fire alarm system shall be provided in accordance with NFPA 72.

(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.

(e) Repeal NFPA 1124 Section 7.3.15.2.2

(f) Amend NFPA 1124 Section 7.3.15.1 as follows:

Only consumer fireworks meeting the criteria for covered fuse 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.

(g) Amend NFPA 1124 Section 7.3.15.2 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.

(h) Repeal NFPA 1124 Section 7.4.4

(i) Repeal NFPA 1124 Section 7.5.1.1 and renumber 7.5.1.2 to 7.5.1.1

Amend NFPA 30A as follows:

- (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."

Amend NFPA 31 as follows:

- (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.
- (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.

Amend NFPA 37 as follows:

- (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.

1. Is your proposed code amendment necessary to correct any unforeseen or probable outcomes resulting from the application of a code section, and if so, why?

Yes, the above are carry forward amendments from the previous revision of Saf-FMO 300 with minor modifications. The above were revised to reflect any changes in section numbers in the 2021 editions of the codes. The sections that were removed, were done so as the langue was incorporated into the 2021 editions of the code (ie: food truck modifications and NFPA 855, 2020 edition). NFPA 1124 (2017 edition) was included as the 2021 edition of NFPA 1 denoted a 2021 edition of NFPA 1124 which does not exist. NFPA only published a 2017 edition or a 2022 edition.

2. Is your proposed code amendment needed to protect the health, safety, welfare, comfort and/or security of occupants and the public, and if so, why?

n/a

3. Does your proposed code amendment correct inadequate application by a code section to a method, material, or design, and if so, why?

n/a

4. Is your proposed code amendment necessary to correct unique geographic or climatic conditions within New Hampshire, and if so, why?

n/a

5. Is your proposed code amendment needed to eliminate conflicting, obsolete, or duplicative code provisions or standards among New Hampshire-adopted codes, statutes, or regulations, and if so, why?

n/a

6. Does your proposed code amendment provide for the use of unique or emerging technologies or promote advances in construction methods, devices, materials and techniques, and if so, how?

n/a

7. Does your proposed code amendment create any adverse fiscal impact or cost savings for the general public, the construction industry, local and state governments, or small businesses? If so, please describe the added or reduced cost of the proposed code amendment, the adverse fiscal impact or cost savings in relation to the current NH State Fire Code, and any standards of measure used to arrive at the result given.

n/a

Code Amendment Proposal Petition

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Phone: 603-223-4289 Fax: 603-223-4294
www.nh.gov/safety/divisions/firesafety

RE 23-03-21
EXHIBIT #: _____

PETITIONER INFORMATION

Name: Sean Toomey
Date: 9/19/2023

Representing: New Hampshire State Fire Marshal's Office
Phone: 603-223-4289

Address: 33 Hazen Drive
Fax: _____

City: Concord State: NH Zip: 03305

E-Mail Address: sean.p.toomey@dos.nh.gov

PROPOSED CODE LANGUAGE

This proposed code amendment (check one):

- Amends (code, edition, section)
- Adopts a new code section (code, edition)
- Repeals (code, edition, section)

Code, Edition, and/or section affected:

NFPA 101, 2021 edition section 12.3.5.1
NFPA 1, 2021 edition section 13.3.2.6.1

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See attached....

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Date: 9/19/23

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Not Approved: [] Approved: [X] Approved with Modifications: []
Hearing Date: 9/20/23 Voting Date: 9/20/23
Chair's Signature: [Handwritten] Date: 9-20-23
Printed Name: QUAY R. CHASE - CHAIR
Fire Marshal's Signature: [Handwritten] Date: 9/20/23
Printed Name: Sean P. Mooney
Commissioner's Signature: [Handwritten] Date: 9/6/23
Printed Name: ROBERT QUINN

Exhibit RE 23-03-21

· Fire sprinkler requirements in certain assembly occupancies

Proposed language:

Amend NFPA 101 (2021 edition) 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) Bars~~
- ~~(5) Restaurants~~
- (6) Assembly occupancies with festival seating

Amend NFPA 1 (2021 edition) 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) Bars~~
- ~~(5) Restaurants~~
- (6) Assembly occupancies with festival seating

1. Is your proposed code amendment necessary to correct any unforeseen or probable outcomes resulting from the application of a code section, and if so, why?

Yes, the NH State Building Code provides requirements for sprinkler protection for bars and restaurants with occupant loads of 100 or more. This amendment will keep the NH State Fire Code consistent with the State Building Code.

2. Is your proposed code amendment needed to protect the health, safety, welfare, comfort and/or security of occupants and the public, and if so, why?

n/a

3. Does your proposed code amendment correct inadequate application by a code section to a method, material, or design, and if so, why?

n/a

4. Is your proposed code amendment necessary to correct unique geographic or climatic conditions within New Hampshire, and if so, why?

n/a

5. Is your proposed code amendment needed to eliminate conflicting, obsolete, or duplicative code provisions or standards among New Hampshire-adopted codes, statutes, or regulations, and if so, why?

Yes, the NH State Building Code provides requirements for sprinkler protection for bars and restaurants with occupant loads of more 100 persons or more. This amendment will keep the NH State Fire Code consistent with the State Building Code.

6. Does your proposed code amendment provide for the use of unique or emerging technologies or promote advances in construction methods, devices, materials and techniques, and if so, how?

n/a

7. Does your proposed code amendment create any adverse fiscal impact or cost savings for the general public, the construction industry, local and state governments, or small businesses? If so, please describe the added or reduced cost of the proposed code amendment, the adverse fiscal impact or cost savings in relation to the current NH State Fire Code, and any standards of measure used to arrive at the result given.

By aligning the State Fire Code with the State Building Code, this would provide consistency when requiring fire sprinkler systems in bars and restaurants. With this added level of consistency, proprietors would not be mandated to meet conflicting standards which could result in a cost savings.

Code Amendment Proposal Petition

NH Department of Safety
Office of the State Fire Marshal
Board of Fire Control
33 Hazen Drive, Concord, NH 03305
Phone: 603-223-4289 Fax: 603-223-4294
www.nh.gov/safety/divisions/firesafety

RE 23-04-21
EXHIBIT #: _____

PETITIONER INFORMATION

Name:

Sean Toomey

Date:

9/19/2023

Representing:

New Hampshire State Fire Marshal's Office

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603-223-4289

Address:

33 Hazen Drive

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Concord

State:

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03305

E-Mail Address:

sean.p.toomey@dos.nh.gov

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NFPA 101, 2021 edition section 16.3.5.1
NFPA 101, 2021 edition section 16.3.5.4

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6. Does your proposed code amendment provide for the use of unique or emerging technologies or promote advances in construction methods, devices, materials and techniques, and if so, how?
7. Does your proposed code amendment create any adverse fiscal impact or cost savings for the general public, the construction industry, local and state governments, or small businesses? If so, please describe the added or reduced cost of the proposed code amendment, the adverse fiscal impact or cost savings in relation to the current NH State Fire Code, and any standards of measure used to arrive at the result given.

PETITIONER'S SIGNATURE

Signature: Sean P. D. [Handwritten Signature]

Date: 9/19/23

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APPLICATION PROCESSING

The Office of the State Fire Marshal reviews all applications and will determine if the application is in conflict with any existing law or rule. The division will return any application found to be in conflict with any existing statute or rule along with the specific reasons for the returned application.

Not Approved: [] Approved: [X] Approved with Modifications: []
Hearing Date: 9/20/23 Voting Date: 9/20/23
Chair's Signature: [Signature] Date: 9/20/2023
Printed Name: RALPH R. CROOK CHAIR
Fire Marshal's Signature: [Signature] Date: 9/20/23
Printed Name: Sean P. Doherty
Commissioner's Signature: [Signature] Date: 9/20/23
Printed Name: Robert Owen

Exhibit RE 23-04-21

Fire sprinkler requirements in day care occupancies

Proposed language:

Amend NFPA 101 (2021 edition) as follows:

~~16.3.5.1 All new day care occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 9.7.~~ **Any required sprinkler systems shall be in accordance with Section 9.7 and supervised in accordance with 9.7.2.**

~~16.3.5.4 Where required by 16.1.6, buildings containing a day care occupancy shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 9.7.~~
Reserved

1. Is your proposed code amendment necessary to correct any unforeseen or probable outcomes resulting from the application of a code section, and if so, why?

Yes, with the already taxed childcare system in the state, requiring fire sprinklers in all day care occupancies appears unreasonable. Reverting the language back to the language noted in the 2018 edition of NFPA keeps consistent with currently enforced fire safety rules and continues to minimize conflict with the State Building Code.

2. Is your proposed code amendment needed to protect the health, safety, welfare, comfort and/or security of occupants and the public, and if so, why?

n/a

3. Does your proposed code amendment correct inadequate application by a code section to a method, material, or design, and if so, why?

n/a

4. Is your proposed code amendment necessary to correct unique geographic or climatic conditions within New Hampshire, and if so, why?

n/a

5. Is your proposed code amendment needed to eliminate conflicting, obsolete, or duplicative code provisions or standards among New Hampshire-adopted codes, statutes, or regulations, and if so, why?

Yes, there is currently appropriate language noted in the 2018 edition of NFPA 101 as well as the State Building Code that allows for reasonable application of the fire sprinkler requirements.

6. Does your proposed code amendment provide for the use of unique or emerging technologies or promote advances in construction methods, devices, materials and techniques, and if so, how?

n/a

7. Does your proposed code amendment create any adverse fiscal impact or cost savings for the general public, the construction industry, local and state governments, or small businesses? If so, please describe the added or reduced cost of the proposed code amendment, the adverse fiscal impact or cost savings in relation to the current NH State Fire Code, and any standards of measure used to arrive at the result given.

By ensuring consistency with currently utilized fire safety rules as well as the State Building Code, this will allow for day care occupancies to adhere to fire safety regulations that are currently in place without an additional fiscal impact.

Code Amendment Proposal Petition

NH Department of Safety
Office of the State Fire Marshal
Board of Fire Control
33 Hazen Drive, Concord, NH 03305
Phone: 603-223-4289 Fax: 603-223-4294
www.nh.gov/safety/divisions/firesafety

RE 23-05-21
EXHIBIT #: _____

PETITIONER INFORMATION

Name: Sean Toomey
Date: 9/19/23

Representing: New Hampshire State Fire Marshal's Office
Phone: 603-223-4289

Address: 33 Hazen Drive
Fax: _____

City: Concord State: NH Zip: 03305

E-Mail Address: sean.p.toomey@dos.nh.gov

PROPOSED CODE LANGUAGE

This proposed code amendment (check one):

Code, Edition, and/or section affected:

- Amends (code, edition, section)
 Adopts a new code section (code, edition)
 Repeals (code, edition, section)

NFPA 1, 2021 edition section 10.15.5.1
NFPA 1, 2021 edition section 25.1.12.2

You must provide language for review by the Board of Fire Control. Failure to provide language will invalidate the petition. Please use the following format to show additions and deletions from the code: Strike through = deleted text. Underline and bold = **New Text**

Proposed Language

See attached....

PETITION CRITERIA

Attach to this petition written responses to the following questions. If needed, include in the response an explanation as to why a question does not apply to your proposed code petition. The Board may reject an incomplete petition.

Questions:

- 1. Is your proposed code amendment necessary to correct any unforeseen or probable outcomes resulting from the application of a code section, and if so, why?
2. Is your proposed code amendment needed to protect the health, safety, welfare, comfort and/or security of occupants and the public, and if so, why?
3. Does your proposed code amendment correct inadequate application by a code section to a method, material, or design, and if so, why?
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5. Is your proposed code amendment needed to eliminate conflicting, obsolete, or duplicative code provisions or standards among New Hampshire-adopted codes, statutes, or regulations, and if so, why?
6. Does your proposed code amendment provide for the use of unique or emerging technologies or promote advances in construction methods, devices, materials and techniques, and if so, how?
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PETITIONER'S SIGNATURE

Signature: Sean P. D.

Date: 9/19/23

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Not Approved: [] Approved: [X] Approved with Modifications: []
Hearing Date: 9/20/23 Voting Date: 9/20/23
Chair's Signature: [Signature] Date: 9/20/23
Printed Name: Sean P. Coakley
Fire Marshal's Signature: [Signature] Date: 9/20/23
Printed Name: Sean P. Coakley
Commissioner's Signature: [Signature] Date: 9/21/23
Printed Name: Robert Davis

Exhibit RE 23-05-21

Portable generators

Proposed language:

Modify NFPA 1 (2021 edition) as follows:

10.15.5.1* Portable and vehicle-mounted generators shall only be operated or refueled outdoors a minimum of ~~20 ft (6.1 m)~~ **5 ft. (1.5m)** from any building openings, including windows, doors, and air intakes.

25.1.12.2* Generators and other internal combustion power sources shall be separated from temporary membrane structures and tents by a minimum of ~~20 ft (6.1 m)~~ **5 ft. (1.5m)** and shall be protected from contact by fencing, enclosure, or other approved means.

1. Is your proposed code amendment necessary to correct any unforeseen or probable outcomes resulting from the application of a code section, and if so, why?

Yes, previous editions of the code required a minimum 5 foot separation distance which appears reasonable and with the 20 feet distance as written, would be difficult to enforce.

2. Is your proposed code amendment needed to protect the health, safety, welfare, comfort and/or security of occupants and the public, and if so, why?

n/a

3. Does your proposed code amendment correct inadequate application by a code section to a method, material, or design, and if so, why?

n/a

4. Is your proposed code amendment necessary to correct unique geographic or climatic conditions within New Hampshire, and if so, why?

n/a

5. Is your proposed code amendment needed to eliminate conflicting, obsolete, or duplicative code provisions or standards among New Hampshire-adopted codes, statutes, or regulations, and if so, why?

n/a

6. Does your proposed code amendment provide for the use of unique or emerging technologies or promote advances in construction methods, devices, materials and techniques, and if so, how?

n/a

7. Does your proposed code amendment create any adverse fiscal impact or cost savings for the general public, the construction industry, local and state governments, or small businesses? If so, please describe the added or reduced cost of the proposed code amendment, the adverse fiscal impact or cost savings in relation to the current NH State Fire Code, and any standards of measure used to arrive at the result given.

n/a

Code Amendment Proposal Petition

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Office of the State Fire Marshal
Board of Fire Control
33 Hazen Drive, Concord, NH 03305
Phone: 603-223-4289 Fax: 603-223-4294
www.nh.gov/safety/divisions/firesafety

RE 23-06-21
EXHIBIT # _____

PETITIONER INFORMATION

Name: Sean Toomey
Date: 9/20/2023

Representing: New Hampshire State Fire Marshal's Office
Phone: 603-223-4289

Address: 33 Hazen Drive
Fax: _____

City: Concord State: NH Zip: 03305

E-Mail Address: sean.p.toomey@dos.nh.gov

PROPOSED CODE LANGUAGE

This proposed code amendment (check one):

Code, Edition, and/or section affected:

- Amends (code, edition, section)
- Adopts a new code section (code, edition)
- Repeals (code, edition, section)

NFPA 101, 2021 edition Section 31.1.3.3
NFPA 101, 2021 edition Section 43.7.2

You must provide language for review by the Board of Fire Control. Failure to provide language will invalidate the petition. Please use the following format to show additions and deletions from the code: Strike through = deleted text. Underline and bold = **New Text**

Proposed Language

See attached....

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PETITIONER'S SIGNATURE

Signature: [Handwritten Signature]

Date: 9/20/23

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Not Approved: [] Approved: [X] Approved with Modifications: []
Hearing Date: 9/20/23 Voting Date: 9/20/23
Chair's Signature: [Signature] Date: 9/20/2023
Printed Name: SHARON R. CLARK CHAIR
Fire Marshal's Signature: [Signature] Date: 9/20/23
Printed Name: SEN. P. JOSEPH
Commissioner's Signature: [Signature] Date: 9/21/23
Printed Name: ROBERT J. IVINS

Exhibit RE 23-06-21

4 Dwelling Unit Sprinkler Protection

Proposed language:

Modify NFPA 101 (2021 edition) as follows:

31.1.3.3

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 ~~two~~ **four** dwelling units are located above a nonresidential occupancy that is protected by an automatic fire detection system in accordance with Section 9.6

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.~~34~~:

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.**

43.7.2.45

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

43.7.2.56

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

1. Is your proposed code amendment necessary to correct any unforeseen or probable outcomes resulting from the application of a code section, and if so, why?

n/a

2. Is your proposed code amendment needed to protect the health, safety, welfare, comfort and/or security of occupants and the public, and if so, why?

This amendment does reduce automatic sprinkler protection requirements for residential dwelling changes of occupancy for buildings up to 4 dwelling units.

3. Does your proposed code amendment correct inadequate application by a code section to a method, material, or design, and if so, why?

n/a

4. Is your proposed code amendment necessary to correct unique geographic or climatic conditions within New Hampshire, and if so, why?

n/a

5. Is your proposed code amendment needed to eliminate conflicting, obsolete, or duplicative code provisions or standards among New Hampshire-adopted codes, statutes, or regulations, and if so, why?

n/a

6. Does your proposed code amendment provide for the use of unique or emerging technologies or promote advances in construction methods, devices, materials and techniques, and if so, how?

This amendment would allow up to a 4 dwelling unit residential project in an existing building without implementing the requirements for sprinkler protection as required for new apartment buildings. The existing building project would require compliance with the State Building Code and NFPA 101, Chapter 31 for Existing Apartment Buildings.

7. Does your proposed code amendment create any adverse fiscal impact or cost savings for the general public, the construction industry, local and state governments, or small businesses? If so, please describe the added or reduced cost of the proposed code amendment, the adverse fiscal impact or cost savings in relation to the current NH State Fire Code, and any standards of measure used to arrive at the result given.

This amendment was developed to assist in the mitigation of costs for smaller residential construction projects in existing buildings. This would be a cost reduction for these projects.

