

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

STATE FIRE MARSHAL  
Department of Safety  
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CHAPTER Saf-C 6000 STATE FIRE CODE

Statutory Authority: RSA 153:5; RSA 153:10-a, III; RSA 153:14, IV; and RSA 158:28, V(a)

PART Saf-C 6001 DEFINITIONS

Saf-C 6001.01 Definitions. When used in any part of the state fire code, the terms enumerated in this part shall be defined as set forth herein, unless a different meaning is specifically included in the text:

- (a) “ANSI” means the American National Standards Institute.
- (b) “Approved” as used in these rules and codes adopted by reference means:
  - (1) Determined to be acceptable by the state fire marshal;
  - (2) Installed in accordance with all applicable provisions of the code adopted; and
  - (3) In reference to appliances, that they have been tested and found suitable for installation and use by a nationally recognized laboratory acceptable to the state fire marshal.
- (c) “Approved detection system” means a combination of smoke and heat detectors providing detection in occupied rooms and designated hazardous areas of the building. Detectors are interconnected electrically and the entire system is electrically monitored and has a battery back-up system.
- (d) “Automatic fire warning device” means a single station type detector powered by house electricity and listed by a testing laboratory approved by the state fire marshal.
- (e) “Authority having jurisdiction” or “fire official” as used in any code adopted by reference means the state fire marshal, unless the state fire marshal has delegated such authority to the local fire official.
- (f) “Commissioner” means the commissioner of the New Hampshire department of safety.
- (g) “Code official” as used in any code adopted by reference means the state fire marshal, unless the state fire marshal has delegated such authority to the local fire official.
- (h) “Cultural properties” means buildings, structures or sites, or portions thereof, that are culturally significant, or that house culturally significant collections. Such properties include, but are not limited to, museums, libraries, historic structures, and places of worship.
- (i) “Exception” means the inapplicability of a specific rule to a specific set of circumstances.
- (j) “Local fire official” means the fire chief of the applicable jurisdiction, or his designee.
- (k) “Multi-unit dwelling” means any structure, which contains 2 or more single units, which provide permanent or transient living facilities which might or might not include cooking and eating facilities, for one or more persons. This term includes but is not limited to rooming houses, dormitories, motels, hotels, apartment buildings, buildings which contain condominium units, duplexes and houses.

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(l) “NFPA” means the National Fire Protection Association.

(m) “State Fire Code” means the compilation of all rules inclusive in Saf-C 6000.

(n) “State fire marshal” means the state fire marshal of the state of New Hampshire.

(o) “State fire marshal’s office” means the state fire marshal, any of his deputies, fire investigators, fire inspectors or his authorized agent.

(p) “Unvented space heater” means a heating device either wick, wickless or potburner, which uses gas, oil, or kerosene oil as fuel, and is either stationary or portable and the products of combustion of which are not directly conducted to the outside of the building via a chimney connector pipe.

(q) “Rental unit means any room or living unit, which provides permanent or transient living facilities on a rental basis. Examples include, but are not limited to, apartments, rooms in a boarding house, rooms rented out of a home, single family homes, duplexes, dormitories, hotels and motels.

(r) “Variance” means an alternative to strict code compliance.

Source. #2230, eff 12-31-82; ss by #2898, eff 11-8-84; ss by #4971, eff 11-8-90; amd by #5765, eff 12-28-93; ss by #6339, eff 9-25-96; amd by #7052, eff 7-2-99; amd by #7892, eff 5-21-03; ss by #8180, eff 9-23-04

Saf-C 6001.02 Statutory Definition. Any term used in the state fire code and not defined in the text or in this part shall be defined as in RSA 153, if applicable.

Source. #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #8180, eff 9-23-04

PART Saf-C 6002 DESCRIPTION OF FIRE MARSHAL’S OFFICE

Saf-C 6002.01 State Fire Marshal. The state fire marshal shall be responsible for:

- (a) The enforcement of all applicable state laws; and
- (b) Ensuring the following functions are performed by the appropriate personnel in the fire marshal’s office:
  - (1) Approve or disapprove, and grant exemptions from fire safety regulations promulgated by any state agency to the extent authorized by RSA 153:4-a, I;
  - (2) Certify private firefighting units under RSA153:4-a, I;
  - (3) Assist counties, cities, towns, village districts and precincts in supervising and enforcing local laws relative to:
    - a. The prevention of fires;
    - b. The storage, sale and use of combustibles;
    - c. The installation and maintenance of fire alarm and fire extinguishing equipment;
    - d. The construction, maintenance and regulation of fire escapes;
    - e. The means and adequacy of exits from places of assembly;

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- f. The investigation of the cause of fires; and
  - g. The storage and handling of flammable liquids and gases;
- (4) Coordinate the activities of the state fire marshal's office with those of other state and local agencies and officials responsible for developing or enforcing fire safety regulations pursuant to RSA 153:4-a, II;
  - (5) Assist, advise and counsel officials responsible for the enforcement of fire safety regulations and assist them in the organization and efficient operation of fire departments pursuant to RSA 153:4-a, II;
  - (6) Coordinate state services during an accident involving the transportation of hazardous material;
  - (7) Assume the duties of the fire officer-in-charge at an accident involving the transportation of hazardous material when requested by the fire officer-in-charge or if in the best interest of public safety under RSA 153:4-a, III;
  - (8) Grant exemptions and variances to rules he/she shall deem necessary for the protection from fire and fire hazards for people in the state and for the general welfare of property and people within the state;
  - (9) Approve or disapprove all plans for construction or revision of all state buildings and properties as to compliance with fire safety measures under RSA 153:8-a, I(a);
  - (10) Enforce and grant exemptions to the life safety code, NFPA 101 as authorized by RSA 153:4-a, RSA 153:5 and RSA 153:8-a, I(c);
  - (11) Enforce the provisions of RSA 153:10-a relative to automatic fire warning devices;
  - (12) Investigate fires of suspicious origin seeking to arrest and prosecute those responsible under RSA 153:11;
  - (13) Notify insurance companies believed to have an interest in fire loss property, as an insurer pursuant to RSA 153:13-a, III;
  - (14) Inspect all buildings or premises and order the correction of fire hazardous conditions pursuant to RSA 153:14, II;
  - (15) Control the sale of dangerously flammable fabrics pursuant to RSA 153:14-a;
  - (16) Approve or disapprove plastic containers as specified in NFPA 30 designed for storage of flammable liquids offered for sale in this state under RSA 153:16-a;
  - (17) Investigate complaints alleging that local ordinances relating to fire safety measures are not being fully complied with and enforce such ordinances where such complaints are substantiated pursuant to RSA 153:17;
  - (18) Whenever he/she deems it advisable, investigate any fire by which property is endangered, damaged or destroyed and conduct hearings pursuant to Saf-C 200 into the causes, circumstances and origin thereof pursuant to RSA 153:18;

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- (19) At the request of any fire chief, enter and inspect any building or premises to the extent permitted by RSA 153:21, for the purpose of determining the existence of any violations of RSA 153, rules adopted by the commissioner, or local law or ordinances relating to fire protection;
- (20) Keep and maintain a record of all fires occurring in the state and of all facts concerning those fires to the extent required under RSA 153:22;
- (21) Upon request, give assistance in coordinating the service of fire departments giving mutual aid in the extinguishment of fires pursuant to RSA 154:30;
- (22) If petitioned, call the first organizational meeting of a newly forming mutual aid system under RSA 154:30-a and 154:30-b;
- (23) Render advice, recommendations and assistance to any district fire mutual aid system pursuant to RSA 154:30-c, III;
- (24) Provide for periodic safety inspections of all occupied public buildings owned by the state pursuant to RSA 155-A:4;
- (25) Inspect all New Hampshire youth development center facilities to insure compliance with fire safety rules as specified in RSA 621:8;
- (26) Establish a program to promote fire safety education and reduce fire loss by encouraging fire-safe practices throughout the state, pursuant to RSA 153:10-c;
- (27) Regulate liquid propane gas pipeline safety, except propane gas pipelines regulated by the public utilities commission;
- (28) Investigate the cause of all fires with death resulting;
- (29) Investigate the cause of all structural building collapses with death resulting;
- (30) Investigate the cause of all incidents involving the release of carbon monoxide, other than from a motor vehicle, with death resulting;
- (31) Investigate the cause of structural building collapses;
- (32) Investigate the cause of incidents involving the release of carbon monoxide, other than from a motor vehicle;
- (33) Administer the modular building program pursuant to RSA 205-C; and
- (34) Perform such other functions as are necessary to comply with RSA 153 or any other statutes.

Source. #2230, eff 12-31-82; ss by #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; amd by #7052, eff 7-2-99; ss by #8180, eff 9-23-04

Saf-C 6002.02 Scope. Nothing contained in Saf-C 6002.01 above shall be construed as altering any duty imposed by applicable state law.

Source. #2230, eff 12-31-82; ss by #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #8180, eff 9-23-04

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Saf-C 6002.03 Deputy Fire Marshals.

(a) Deputy fire marshals, under the direction of the state fire marshal, shall supervise:

(1) The inspection of buildings; and

(2) Investigation of fires and enforcement of state statutes, local ordinances and administrative rules dealing with fire prevention;

(b) In the absence of the state fire marshal, a designated deputy state fire marshal shall assume responsibility for all activities of the state fire marshal's office and all duties assigned to the state fire marshal's office by statute.

Source. #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #8180, eff 9-23-04

Saf-C 6002.04 Fire Investigators/Fire Inspectors. Fire investigators and fire inspectors under the direction of the state fire marshal and under the supervision of the deputy fire marshals, shall:

(a) Investigate fires, structural building collapses, and incidents involving the release of carbon monoxide other than from a motor vehicle in accordance with procedures established by the state fire marshal;

(b) Inspect state owned and other buildings in accordance with procedures established by the state fire marshal;

(c) Assist local fire officials in promulgation and enforcement of local fire codes;

(d) Review architectural and engineering plans and specifications for compliance with the state fire code; and

(e) Perform such other duties as directed by the state fire marshal or his deputies.

Source. #2230, eff 12-31-82; ss by #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; amd by #7052, eff 7-2-99; ss by #8180, eff 9-23-04

PART Saf-C 6003 AVAILABILITY OF CODES ADOPTED BY REFERENCE

Saf-C 6003.01 NFPA Codes and Standards. Copies of NFPA codes and standards adopted by reference shall be available for purchase through the National Fire Protection Association, Inc., One Batterymarch Park, PO Box 9101, Quincy, Massachusetts, 02269-9101.

Source. #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #7052, eff 7-2-99; ss by #8180, eff 9-23-04

PART Saf-C 6004 APPLICABILITY

Saf-C 6004.01 Scope.

(a) The state fire code shall apply in full force and effect in all state owned property and in all political subdivisions of the state.

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(b) The state fire marshal shall determine whether any local law or ordinances and their application and enforcement are less comprehensive or less protective of the public safety, and if so found the state fire code shall apply.

(c) Any person aggrieved by such determination shall be entitled to a hearing in accordance with Saf-C 6006.01.

Source. #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #8180, eff 9-23-04

PART Saf-C 6005 EXCEPTIONS AND VARIANCES

Saf-C 6005.01 Availability. The state fire marshal shall grant exceptions or variances to the state fire code to the extent that such action will provide a degree of safety substantially equivalent to that provided under the provisions from which the exception or variance is granted.

Source. #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #8180, eff 9-23-04

Saf-C 6005.02 Permits.

(a) Unless a provision is contained herein for the issuance of permits required by any code adopted by reference no such permits shall be required by the state fire marshal.

(b) Nothing in this section shall be construed as preventing local fire officials from instituting permit procedures for codes adopted in their jurisdictions.

Source. #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #8180, eff 9-23-04

Saf-C 6005.03 Requests for Variances or Exceptions.

(a) Any person wishing to obtain a variance or exception pursuant to this part shall make an application in the form of a letter addressed to:

“State Fire Marshal  
Department of Safety  
Bureau of Fire Safety  
James H. Hayes Building  
33 Hazen Drive  
Concord, NH 03305”

(b) The letter in (a) above shall contain:

- (1) Request for variance or exception, which shall specify the code or rule provision involved, and the nature and extent of the relief requested therefrom;
- (2) Reason for the request;
- (3) Address and description of the structure(s) for which relief is requested;
- (4) A detailed description, including architectural or engineering plans, of the structure, equipment, or process that will be affected by the exception or variance, if approved;

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- (5) A detailed explanation of how the exception or variance, if approved, will provide a degree of safety substantially equivalent to that required by the code or rule provision involved;
- (6) Name and address of applicant; and
- (7) Signature of applicant.

Source. #8180, eff 9-23-04

Saf-C 6005.04 Consideration of Variances or Exceptions.

(a) The state fire marshal shall:

- (1) Consider all applications filed pursuant to Saf-C 6005.03, and
- (2) Render a decision as to the disposition of the application.

(b) Notice of his decision shall be forwarded to the applicant in writing, and shall contain:

- (1) Where the variance or exception is granted:
  - a. The extent of such variance or exception, which shall cite the code or rule provision(s), involved;
  - b. Any limitations placed on the exception or variance;
  - c. The effective date and/or termination date thereof, where applicable; and
  - d. Address or other identification of the structure(s) involved.
- (2) Where the variance or exception is denied:
  - a. Statement of the variance or exception requested which shall include citation of the code or rule provision involved;
  - b. Reason for denial of such request; and
  - c. Such other information as the state fire marshal shall deem necessary.
- (3) Signature of state fire marshal.

(c) Where an application is granted in part and denied in part, the notice shall conform to the provisions of this section relevant to each type of action.

(d) Any person aggrieved by a denial of an application for variance or exception, may within 20 days following written notice thereof, apply for a hearing with the state building code review board.

Source. #8180, eff 9-23-04

PART Saf-C 6006 HEARINGS

Saf-C 6006.01 Use of Department Procedures. Unless otherwise provided herein, all hearings conducted by the state fire marshal's office shall be conducted in accordance with general department of safety procedures for conducting hearings contained in Saf-C 200.

Source. #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #8180, eff 9-23-04

PART Saf-C 6007 FIRE INCIDENT REPORTING

Saf-C 6007.01 New Hampshire Fire Incident Report Form.

(a) All fires which are required to be reported under RSA 153:11 shall be reported using the New Hampshire fire incident reporting form, NHFIRS 1, which shall be available through the state fire marshal's office or using computer software which has been approved by the National Fire Information Council, Inc.

(b) The reporter shall submit the following on form NHFIRS 1 or software:

(1) For all incidents:

- a. Fire department name, identification number, incident number, and exposure number;
- b. Day/date of incident;
- c. Alarm time, arrival time and time in service;
- d. Address/census tract location of incident;
- e. Occupants and owners:
  1. Name(s);
  2. Address(es); and
  3. Telephone number;
- f. Method of alarm from public;
- g. Situation found and action taken;
- h. Number of alarms, personnel responding, engines, aerial apparatus, tankers or other vehicles used;
- i. Whether mutual aid given or received;
- j. Type of fixed property use;
- k. The ignition factor;
- l. Officer in charge; and
- m. Member making report, if different from l. above;

(2) For casualty the number of incident related injuries or fatalities for:

- a. Fire service personnel; and
- b. Others;

(3) For all fires:

- a. All ignitions, including:
  1. Area and level of fire origin;



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2. Equipment involved in ignition, if any;
3. Form of heat ignition;
4. Material involved in ignition, such as type and form;
5. Method of extinguishment; and
6. Estimated total dollar loss; and

b. For structure fires only:

1. Number of stories;
2. Construction type;
3. Extent of damage by flame and smoke;
4. Detector and sprinkler performance; and
5. If flame/smoke traveled beyond room of origin, indicate the:
  - (i) Type of material generating smoke or flame;
  - (ii) Avenue of travel; and
  - (iii) Form of material generating most smoke;

(4) For all fires, when applicable:

- a. If mobile property, year, make, model, serial number, and license number, if applicable; and
- b. Equipment involved in ignition, year, make, model, and serial number, if applicable; and

(5) If mutual aid was given, the following information for the department receiving mutual aid:

- a. Fire department identification number;
- b. Incident number; and
- c. Number of structures exposed to fire.

(c) In the instance of a civilian casualty reported pursuant to (b)(2)b. above, the reporter shall submit the following on form NHFIRS-2, "Civilian Casualty Report":

- (1) Fire department name and identification number;
- (2) Incident number;
- (3) Date and day of the week of the incident;
- (4) Alarm time of incident;
- (5) For each casualty:
  - a. Name, address and telephone number;

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- b. Date of birth and age;
- c. Time of casualty;
- d. Gender;
- e. Casualty type, such as:
  - 1. Fire;
  - 2. Action; or
  - 3. Emergency medical service;
- f. Whether injured or deceased;
- g. Whether civilian or other emergency personnel;
- h. Familiarity with structure;
- i. Location at ignition;
- j. Condition before injury;
- k. Condition preventing escape;
- l. Activity at time of injury;
- m. Cause of injury;
- n. Nature of injury;
- o. Part of body injured;
- p. Disposition;
- q. Exposure number; and
- r. Casualty number;

(6) Name of officer in charge and date report was completed;

(7) Name and date of member making report, if different from (6) above; and

(8) An indication whether the report is a deletion or change.

(d) In the instance of a fire service personnel casualty reported pursuant to (b)(2)a. above, the reporter shall submit the following on form NHFIRS 3, "Fire Service Casualty Report":

- (1) Fire department name and identification number;
- (2) Incident number;
- (3) Casualty number;
- (4) Date and time of injury;
- (5) For each casualty:

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- a. Name, age and gender;
  - b. Type of casualty;
  - c. Severity of injury;
  - d. Primary apparent symptom of injury and where located on the body;
  - e. Destination of where transported to;
  - f. Assignment;
  - g. Number of responses prior to injury;
  - h. Physical condition prior to injury;
  - i. Status before alarm;
  - j. Firefighter activity;
  - k. Where injury occurred;
  - l. Cause of fire fighter injury;
  - m. Type of medical care provided;
  - n. Type, status and problems, if any, with protective coat worn;
  - o. Type, status and problems, if any, with protective trousers worn;
  - p. Type, status and problems, if any, with boots or shoes worn;
  - q. Type, status and problems, if any, with helmet worn;
  - r. Type and problems, if any, with face protection worn;
  - s. Type, status and problems, if any, with breathing apparatus worn;
  - t. Type and problems, if any, with gloves worn;
  - u. Type, status, and problems, if any, of special equipment worn; and
  - v. The number of structures exposed to fire;
- (6) Name of officer in charge and date report was completed;
- (7) Name and date of member making report, if different from (6) above; and
- (8) An indication whether the report is a deletion or change.

(e) In the instance of a hazardous materials incident, the reporter shall submit the following on form NHFIRS 4, "Hazardous Materials Incident Report":

- (1) Fire department identification number;
- (2) Incident number;

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- (3) Exposure number;
- (4) Date;
- (5) Whether the report is a deletion or change;
- (6) The hazardous material response action;
- (7) What the material is used for;
- (8) The area where the material was released;
- (9) The factors which caused the release of the material;
- (10) Any equipment involved in the release;
- (11) Weather conditions at time of the release;
- (12) The temperature at the time of the release;
- (13) Estimated number of chemicals/hazardous materials involved;
- (14) Disposition of incident;
- (15) Name of personnel identifying the hazardous materials;
- (16) List of reference materials used to identify the hazardous material;
- (17) The chemical trade name for chemicals involved in the release;
- (18) The department of transportation identification number;
- (19) The department of transportation hazard class;
- (20) Identification number for hazardous materials;
- (21) How the material was stored;
- (22) How much of the material was released;
- (23) The physical state of the portion of material released;
- (24) Unit of measure used to measure the release;
- (25) A list of the suspected environmental contamination;
- (26) Type of container used;
- (27) Any special container features;
- (28) What the container is made of;
- (29) The capacity of the container;
- (30) Unit of measure used to determine the capacity of the container;
- (31) How the material was being transported;

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- (32) Vehicle year, make and model;
- (33) The state and license plate number of the vehicle;
- (34) The vehicle identification number;
- (35) Interstate Commerce Commission code for shipping hazardous materials;
- (36) License number and state of driver; and
- (37) Name of member making report and date of the report.

Source. #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #8180, eff 9-23-04

PART Saf-C 6008 BUILDING SAFETY

Saf-C 6008.01 Adoption of Fire Prevention Code.

(a) Pursuant to RSA 153:5 and 21-G:9, II(b), NFPA 1 Uniform Fire Code 2003 edition, shall hereby be adopted as a rule, except as modified by Saf-C 6008.02 and Saf-C 6008.03.

(b) 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 NFPA 1, except as modified by Saf-C 6008.02.

(c) 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 NFPA 1, except as modified by Saf-C 6008.02.

(d) All persons processing, handling, or storing materials that are regulated under the provisions of NFPA 1 shall comply with the requirements of NFPA 1, except as modified by Saf-C 6008.02.

Source. #2230, eff 12-31-82; ss by #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #7052, eff 7-2-99; amd by #7776, eff 10-9-02; ss by #8180, eff 9-23-04

Saf-C 6008.02 Exceptions to Fire Prevention Code.

(a) The following sections of the NFPA 1 Uniform Fire Code (2003) shall be excluded from adoption under these rules:

- (1) Section 1-10 Board of Appeals;
- (2) Section 1-13 Certificates of Fitness;
- (3) Section 65.2 Fireworks Displays;
- (4) Section 65.5 Fireworks Manufacturing;
- (5) Section 65.9 Explosives; and
- (6) Section 65.11.3 Permit Requirements.

Source. #2230, eff 12-31-82; ss by #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #7052, eff 7-2-99; ss by #7776, eff 10-9-02; ss by #8180, eff 9-23-04

Saf-C 6008.03 Modifications to Fire Prevention Code.

(a) Section 65.11.5.1 of NFPA 1 Uniform Fire Code (2003), adopted in Saf-C 6008.01(a) shall be amended as follows:

“65.11.5.1 Automatic sprinkler systems. An approved supervised automatic fire sprinkler system shall be required to be installed in all permissible fireworks retail sales facilities in accordance with NFPA 13, standard for the installation of sprinkler systems.”

(b) Sections 65.11.5.3, 65.11.5.3.1 and 65.11.5.3.2 of NFPA 1 Uniform Fire Code (2003), adopted in Saf-C 6008.01(a) shall be replaced with the following:

“65.11.5.3 Fire Alarm. A fire alarm system shall be provided in all permissible fireworks retail sales facilities. The fire alarm system shall include a public address system and a means for manually activating audible and visible alarm indicating devices located throughout the facility in accordance with NFPA 72, National Fire Alarm Code, and shall be provided at a constantly attended location when the facility or store is occupied.”

Source. #2230, eff 12-31-82; ss by #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #7052, eff 7-2-99; amd by #7776, eff 10-9-02; ss by #8180, eff 9-23-04

Saf-C 6008.04 Adoption of Life Safety Code.

(a) Pursuant to RSA 153:5, NFPA 101, “Life Safety Code”, 2003 edition, shall hereby be adopted as a rule, except as modified by Saf-C 6008.05.

(b) 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 NFPA 101.

Source. #6339, eff 9-25-96; ss by #7052, eff 7-2-99; ss by #7776, eff 10-9-02; ss and moved by #8180, eff 9-23-04 (from Saf-C 6008.03)

Saf-C 6008.05 Modification to Life Safety Code.

(a) Sections 12.2.5.4.1 and 13.2.5.4.1 of NFPA 101, “Life Safety Code”, adopted in Saf-C 6008.04(a) shall be amended to read as follows:

“(1) Festival Seating, as defined in 3.3.188.1, shall be prohibited within a building, unless otherwise permitted by the following:

(A) Festival Seating shall be permitted in assembly occupancies having occupant loads of 250 or less,

(B) Festival seating shall be permitted in assembly occupancies where occupant loads exceed 250 and an approved life safety evaluation has been performed.”

(b) Sections 12.7.5.1, 12.7.5.2, 13.7.5.1 and 13.7.5.2 of NFPA 101, “Life Safety Code”, adopted in Saf-C 6008.04(a) shall be amended to read as follows:

“(1) Assembly occupancies shall be provided with a minimum of one trained crowd control manager or crowd manager supervisor. Where the occupant load exceeds 250, additional trained crowd managers or crowd manager supervisors shall be provided at a ratio of 1 crowd manager/supervisors for every 250 occupants unless otherwise permitted by the following:

(A) This requirement shall not apply to assembly occupancies used exclusively for religious worship with an occupant load not exceeding 2000.

(B) The ratio of trained crowd managers to occupants shall be permitted to be reduced where, in the opinion of the authority having jurisdiction, the existence of an approved, supervised automatic sprinkler system and the nature of the event warrant.

(2) The crowd manager shall receive approved training in crowd management techniques.”

(c) Section 12.3.5.1 of NFPA 101, “Life Safety Code”, adopted in Saf-C 6008.04(a) is amended to insert a new section 12.3.5.1 to read as follows and renumber the existing sections 12.3.5.1 and 12.3.5.2 accordingly as sections 12.3.5.2 and 12.3.5.3:

(1) “The following assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 9.7:

(A) Bars

(B) Dance Halls

(C) Discotheques

(D) Nightclubs

(E) Assembly occupancies with festival seating”

(d) Section 13.3.5.1 of NFPA 101, “Life Safety Code”, adopted in Saf-C 6008.04(a) is amended to insert a new section 13.3.5.1 to read as follows and renumber the existing sections 13.3.5.1 through 13.3.5.3 accordingly as sections 13.3.5.2 through 13.3.5.4:

(1) “Where occupant loads exceeds 100, the following assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 9.7:

(A) Bars

(B) Dance Halls

(C) Discotheques

(D) Nightclubs

(E) Assembly occupancies with festival seating”

(e) Sections 12.7.1, 13.7.1 and of NFPA 101, “Life Safety Code”, adopted in Saf-C 6008.04(a) are amended to insert a new section 12.7.1 and 13.7.1 to read as follows and to renumber existing sections 12.7.1 through 12.7.11 and 13.7.1 through 13.7.11 accordingly:

**“12.7.1 Means of Egress Inspection**

12.7.1.1 The building owner or agent shall inspect the means of egress to insure it is maintained free of obstructions, and correct any deficiencies found, prior to opening of the building to the public.

12.7.1.2 The building owner or agent shall prepare and maintain records of the date and time of each inspection on approved forms, listing any deficiencies found and actions taken to correct them.

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13.7.1.2 The building owner or agent shall prepare and maintain records of the date and time of each inspection on approved forms, listing any deficiencies found and actions taken to correct them.”

(f) Section 14.7.2.2 and Section 15.7.2.2 of NFPA 101, “Life Safety Code”, adopted in Saf-C 6008.04(a) are amended to read as follows:

“Emergency egress and relocation drills shall be conducted as follows:

(1) At least one emergency egress and relocation drill shall be conducted every month the facility is in session;

a. Exception No. 1: In climates where the weather is severe, the monthly emergency egress and relocation drills shall be permitted to be deferred provided that the required number of emergency egress and relocation drills is achieved and at least 4 are conducted before the drills are deferred; and

b. Exception No.2: With the approval of the local fire official, no more than 2 of the required emergency egress and relocation drills may be eliminated and replaced by drills that test emergency response to hazards such as earthquakes, hurricanes, floods, bomb threats, and domestic terrorism. No required emergency egress and relocation drills shall be replaced by hazard drills unless an emergency response plan is submitted to the local fire official and the New Hampshire Office of Emergency Management;

(2) All occupants of the building shall participate in the drill; and

(3) One additional emergency egress and relocation drill, other than for educational occupancies that are open on a year-round basis, shall be required within the first 30 days of operation.

Source. #6339, eff 9-25-96; ss by #7052, eff 7-2-99; rpld by #7892, eff 5-21-03; rpld by #8013, eff 12-19-03; ss and moved by #8180, eff 9-23-04 (from Saf-C 6008.04)

Saf-C 6008.06 Adoption of Height and Area Limitations. The commissioner hereby adopts as a rule and all persons constructing, reconstructing, or modifying any structure shall comply with Bcr 303.01(a)(1) and (2), effective January 10, 2003 and December 12, 2003, respectively.

Source. #6339, eff 9-25-96; ss by #7052, eff 7-2-99; rpld by #8013, eff 12-19-03; ss by #8180, eff 9-23-04

Saf-C 6008.07 Adoption of Standard for the Protection of Cultural Resources.

(a) Pursuant to RSA 153:5, the commissioner hereby adopts as rule NFPA 909 Standard for the Protection of Cultural Resources Including Museums, Libraries, Places of Worship, and Historic Properties, 2001 edition.



(b) All persons constructing, reconstructing, modifying, maintaining or operating any cultural property and all owners or occupants of cultural properties shall comply with the requirements of NFPA 909.

Source. #6339, eff 9-25-96; ss by #7052, eff 7-2-99; rpld by #7892, eff 5-21-03; ss and renumbered by #8180, eff 9-23-04 (from Saf-C 6008.09)

Saf-C 6008.08 Adoption of Code for Fire Protection of Historic Structures.

(a) Pursuant to RSA 153:5, the commissioner hereby adopts as rule NFPA 914 Code for Fire Protection of Historic Structures, 2001 edition.

(b) All persons renovating, modifying, maintaining or operating any historic structure and all owners or occupants of historic structures shall comply with the requirements of NFPA 914.

Source. #7052, eff 7-2-99; rpld by #8013, eff 12-19-03; ss and renumbered by #8180, eff 9-23-04 (from Saf-C 6008.10)

PART Saf-C 6009 FLAMMABLE AND COMBUSTIBLE MATERIALS

Saf-C 6009.01 Adoption of Fuel Code.

(a) Under the authority provided by RSA 153:5 the commissioner hereby adopts as a rule NFPA 54, “National Fuel Gas Code”, 2002 edition.

(b) All persons installing, repairing, maintaining or operating fuel gas piping systems, fuel gas utilization equipment, and related accessories shall comply with the requirements of NFPA 54.

Source. #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #7052, eff 7-2-99; amd by #7776, eff 10-9-02; ss by #8180, eff 9-23-04

Saf-C 6009.02 Adoption of Automotive and Marine Service Station Code.

(a) Pursuant to RSA 153:5 the commissioner hereby adopts as a rule NFPA 30A, “Code for Motor Fuel Dispensing Facilities and Repair Garages”, 2000 edition, except as modified by Saf-C 6009.03.

(b) All persons owning or operating automotive and marine service stations shall comply with requirements of NFPA 30A except as modified by Saf-C 6009.03.

Source. #2230, eff 12-31-82; ss by #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #7052, eff 7-2-99; amd by #7776, eff 10-9-02; ss by #8180, eff 9-23-04

Saf-C 6009.03 Modification to Code for Motor Fuel Dispensing Facilities and Repair Garages.

(a) Section 9-5.2 6.3.8, Requirements for Dispensing Devices, shall be amended to read: “At unattended self-service motor fuel dispensing facilities, coin- and currency-type devices shall be prohibited.”

(b) Section 9.5.6, Unattended Self-Service Stations, shall be amended to read: “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. Each delivery transaction of gasoline shall be limited to no

more than 40 gallons per transaction. Each delivery transaction of diesel fuel shall be limited to no more than 100 gallons per transaction.”

Source. #2230, eff 12-31-82; ss by #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #7052, eff 7-2-99; ss by #7776, eff 10-9-02; ss by #8180, eff 9-23-04

Saf-C 6009.04 Adoption of Compressed Natural Gas Code.

(a) Under the authority provided by RSA 153:5 the commissioner hereby adopts as a rule NFPA 52, “Standard for Compressed Natural Gas (CNG) Vehicular Fuel Systems”, 2002 edition.

(b) All persons storing or handling compressed natural gas for engine fuel systems on vehicles of all types, or constructing facilities for the storage or handling of said gas shall comply with the requirements of NFPA 52.

Source. #6339, eff 9-25-96; ss by #7052, eff 7-2-99; ss by #8180, eff 9-23-04

PART Saf-C 6010 ELECTRICAL INSTALLATIONS

Saf-C 6010.01 Compliance Required. All persons constructing, repairing or modifying electrical wiring systems in any structure shall comply with this chapter unless granted an exception or variance by the state fire marshal pursuant to part Saf-C 6005.

Source. #2230, eff 12-31-82; ss by #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #8180, eff 9-23-04

Saf-C 6010.02 Adoption of Electrical Code. The commissioner hereby incorporates by reference Bcr 307.01(a)(1), effective March 14, 2003.

Source. #2230, eff 12-31-82; ss by #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #7052, eff 7-2-99; ss by #8180, eff 9-23-04

PART Saf-C 6011 HEATING DEVICES COMPLIANCE

Saf-C 6011.01 Compliance Required.

(a) All persons installing, causing to be installed or modifying, repairing or maintaining oil burning equipment shall comply with the requirements of NFPA 31 as adopted under part Saf-C 6012.

(b) All persons constructing, installing, maintaining or repairing chimneys, fireplaces, solid fuel burning appliances or vents in any structure shall comply with the requirements of NFPA 211 as adopted under part Saf-C 6013.

(c) All persons testing, selling, purchasing, installing or using unvented space heaters or storing fuel for said heaters shall comply with all applicable provisions of RSA 158:28 and Saf-C 6014.

(d) All persons installing, causing to be installed, modifying, maintaining or repairing gas fired equipment shall comply with the requirements of NFPA 58 as adopted under Saf-C 6008.01 and NFPA 54 as adopted under Saf-C 6009.01.

Source. #2230, eff 12-31-82; ss by #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96 ; ss by #8180, eff 9-23-04; ss by #8180, eff 9-23-04

PART Saf-C 6012 OIL BURNING EQUIPMENT

Saf-C 6012.01 Adoption of Oil Burning Equipment Code. Pursuant to RSA 153:5 the commissioner hereby adopts as a rule NFPA 31, “Standard for the Installation of Oil Burning Equipment”, 2001 edition, except as modified by Saf-C 6012.02.

Source. #2230, eff 12-31-82; ss by #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #7052, eff 7-2-99; ss by #7776, eff 10-9-02; ss by #8180, eff 9-23-04

Saf-C 6012.02 Compliance Required.

(a) All persons installing, causing to be installed or modifying, repairing or maintaining oil burning equipment shall comply with the requirements of NFPA 31 as adopted by Saf-C 6012.

(b) Whenever 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 any splices.

Source. #2230, eff 12-31-82; ss by #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #7052, eff 7-2-99; ss by #8180, eff 9-23-04

Saf-C 6012.03 Oil Permit Approval Process.

(a) Any person wishing to install any fuel oil burner shall make application in writing on form DSFS 7 as specified by Saf-C 6012.04 for a permit to the local fire official in the locality in which the fuel oil burner is to be installed, or if none, the state fire marshal’s office.

(b) Upon receipt of an application for the installation of an oil burner, the local fire official or the state fire marshal’s office shall issue a temporary permit authorizing such installation.

(c) Upon completion of the installation the installer shall notify the local fire official or the state fire marshal’s office of such completion and shall request a final inspection of the oil burner installation. Provided that all applicable provisions of NFPA 31 and Saf-C 6012 have been complied with, the local fire official or the state fire marshal’s office shall issue a permit to operate oil burning equipment. The completed permit, signed by the local fire official or state fire marshal’s office, shall constitute approval to operate the oil burning equipment. The local fire official or state fire marshal may require the installer to be present during the final inspection of any oil burning equipment for the purpose of testing the oil burner’s safety and controls.

Source. #2230, eff 12-31-82; ss by #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; amd by #7052, eff 7-2-99; ss by #8180, eff 9-23-04

Saf-C 6012.04 Oil Burner Permits.

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(a) All permits issued by local fire officials or the state fire marshal's office pursuant to Saf-C 6012.03 shall be on form DSFS 7 disseminated by the state fire marshal's office. DSFS 7 may be replicated by local fire officials.

(b) DSFS 7 shall contain the following information provided by the applicant:

(1) The following information relative to the location of the oil burning equipment:

- a. Address;
- b. Type of occupancy and number of stories;
- c. Name and address of owner; and
- d. Name of building occupant;

(2) Information relative to the type of equipment:

- a. Make and serial number of the burner; and
- b. Size and location of the tank;

(3) Name, address and telephone number of installer, including business name; and

(4) Date and signature of owner or installer.

(c) DSFS 7 shall contain the following information provided by the local fire official or state fire marshal:

(1) When at the oil burner equipment installation stage:

- a. Notification that when signed by the local fire official or state fire marshal's office that the form may be used as a temporary permit to install the equipment at the location as stated in the application;
- b. Permit number; and
- c. Date and signature of local fire official; and

(2) When at the oil burner equipment operation stage:

- a. Notification that when signed by the local fire official or state fire marshal's office that permission is hereby granted to operate the oil burning equipment described above which has been inspected and found to be in compliance with Saf-C 6012; and
- b. Date and signature of local fire official.

Source. #6339, eff 9-25-96; ss by #8180, eff 9-23-04

Saf-C 6012.05 Posting of Permits. All permits issued by the local fire official or state fire marshal's office pursuant to Saf-C 6012.04, shall be conspicuously posted near the oil burning equipment. Multiple oil burner installations shall require that permits be properly identified as to which oil burner each permit applies.

Source. #6339, eff 9-25-96; ss by #8180, eff 9-23-04

PART Saf-C 6013 CHIMNEYS, FIREPLACES, VENTS AND SOLID FUEL BURNING APPLIANCES

Saf-C 6013.01 Model Code for the Installation and Operation of Solid Fuel Heating Appliances.

(a) Pursuant to RSA 153:5 and RSA 153:14, IV, the commissioner hereby adopts as a rule NFPA 211, 2003 edition, "Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances".

(b) All persons installing, maintaining, repairing or operating solid fuel heating appliances shall comply with the requirements of NFPA 211.

Source. #2230, eff 12-31-82; ss by #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #7052, eff 7-2-99; ss by #7776, eff 10-9-02; ss by #8180, eff 9-23-04

PART Saf-C 6014 UNVENTED SPACE HEATERS

Saf-C 6014.01 Compliance Required.

(a) All persons testing, selling, purchasing, installing or using unvented space heaters or storing fuel for such heaters shall comply with all applicable provisions of RSA 158:28 and Saf-C 6014.

(b) No person shall install or use in any building which is used in whole or in part for human habitation an unvented space heater which uses fuel other than kerosene, propane, or natural gas with the exception of flameless catalyst type heaters.

Source. #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #5765, eff 12-28-93; ss by #6339, eff 9-25-96; ss by #7052, eff 7-2-99; ss by #8180, eff 9-23-04

Saf-C 6014.02 Testing Criteria. No unvented space heater shall be offered for sale in New Hampshire unless said heater has been listed by a nationally recognized laboratory whose testing criteria, at a minimum, meet Underwriters' Laboratory Standard 647 or ANSI Z21.11.2.

Source. #2230, eff 12-31-82; ss by #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #5765, eff 12-28-93; ss by #6339, eff 9-25-96; ss by #8180, eff 9-23-04

Saf-C 6014.03 Laboratory Approval. No laboratory engaged in the testing of unvented space heaters shall be approved by the state fire marshal unless said laboratory's testing procedure conforms to Underwriters' Laboratory Standard 647 or ANSI Z21.11.2 as a minimum criteria for testing and approving such heaters.

Source. #2230, eff 12-31-82; ss by #2898, eff 11-8-84; ss by #4971, eff 11-8-90; amd by #5765, eff 12-28-93; ss by #6339, eff 9-25-96; ss by #8180, eff 9-23-04

Saf-C 6014.04 Fuel.

(a) No fuel type other than that specifically identified by the manufacturer and listed accordingly shall be used in any unvented space heater.

(b) Under no circumstances shall any type of fuel additive be used in any such heater.

(c) All fuel used in kerosene heaters shall be certified as being K-1 fuel.

(d) The following shall apply to space heaters:

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(1) All unvented space heater fuel shall be stored in proper containers approved for the storage of flammable liquids;

(2) No unvented space heater shall be filled with fuel in any manner other than that directed by the manufacturer of said heater, where "filled" means the process of pouring, injecting or otherwise introducing fuel into an unvented space heater; and

(3) In no event shall a person pour fuel into an unvented kerosene space heater while inside an occupied structure, as defined in RSA 158:28, II(c), or while said heater is hot.

(e) All installations of propane and natural gas unvented space heaters shall comply with Saf-C 6008.01 and Saf-C 6009.01.

(f) All installations of kerosene unvented space heaters shall comply with Saf-C 6008.01 and Saf-C 6009.01.

(g) All propane or natural gas unvented space heaters shall be securely fastened to the wall or floor to prevent accidental tipping.

Source. #2230, eff 12-31-82; ss by #2898, eff 11-8-84; ss by #4971, eff 11-8-90; amd by #5765, eff 12-28-93; ss by #6339, eff 9-25-96; amd by #7052, eff 7-2-99; ss by #8180, eff 9-23-04

PART Saf-C 6015 AUTOMATIC FIRE WARNING DEVICES

Saf-C 6015.01 Compliance. Owners of structures shall install and maintain automatic fire warning devices as required by RSA 153:10-a and NFPA 1, 2003 edition, adopted under Saf-C 6008.01.

Source #8180, eff 9-23-04 (from Saf-C 6018.01)

Saf-C 6015.02 Installation and Maintenance. All automatic fire warning devices in multi-unit dwellings, including, but not limited to, nursing homes, rooming houses, dormitories, hotels, motels, apartment buildings, buildings containing condominium units and all rental units shall be powered by the house electrical service.

Source. #8180, eff 9-23-04 (from Saf-C 6018.02)

Saf-C 6015.03 Modifications to National Fire Alarm Code.

(a) No person shall connect any automatic fire warning device to an electrical circuit that is dedicated solely to providing power to automatic fire warning devices.

(b) The use of automatic fire warning devices that are connected to an electrical power source by means of a plug and cord connector shall be prohibited.

(c) NFPA 72 shall be modified to include the following section:

(1) "Section 8-1.2.5 Temporary Silencing of Alarms. Smoke alarms shall be provided with a feature that allows the user to temporarily silence an alarm or to temporarily decrease the sensitivity during activities that may lead to a nuisance alarm."

(d) NFPA 72 shall be modified to read as follows:

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(1) "Section 8-4.5 Primary Power Supply - Monitored Battery. Unless otherwise prohibited by RSA 153:10-a, or these rules, household fire warning equipment shall be permitted to be powered by a battery, provided that the battery is monitored to ensure the following conditions are met:

- a. All power requirements are met for at least 1 year of battery life for photoelectric smoke detectors, including monthly testing;
- b. All power requirements are met for at least 10 years of battery life for ionization smoke detectors, including monthly testing;
- c. A distinctive audible trouble signal sounds before the battery is incapable of operating the device(s) for alarm purposes, from causes such as aging or terminal corrosion;
- d. For a unit employing a lock-in alarm feature, automatic transfer is provided from alarm to a trouble condition;
- e. The unit is capable of producing an alarm signal for at least 4 minutes at the battery voltage at which a trouble signal is normally obtained, followed by not less than 7 days of trouble signal operation;
- f. Acceptable replacement batteries for photoelectric smoke detectors are clearly identified by the manufacturer's name and model number on the unit near the battery compartment;
- g. A readily noticeable, visible indication is displayed when a primary battery is removed from the unit; and
- h. Any unit that uses a non-rechargeable battery as the primary power supply that is capable of a 10-year or greater service life, including testing, and meets the requirements of Sections 8-4.5 (b) through (e) shall not be required to have a replaceable battery;"

(2) "Section 8-4 Where automatic recharging is not provided, the battery shall be monitored to ensure that the following conditions are met:

- a. All power requirements are met for at least 1 year of battery life for photoelectric smoke detectors and 10 years of battery life for ionization smoke detectors;
- b. A distinctive trouble signal sounds before the battery capacity has been depleted below the level required to produce an alarm signal for 4 minutes."

Source. #8180, eff 9-23-04 (from Saf-C 6018.03)

PART Saf-C 6016 CERTIFICATION OF PRIVATE FIREFIGHTING UNITS

Saf-C 6016.01 Purpose and Scope.

(a) The purpose of this part is to assure the public safety by establishing minimum certification requirements for private firefighting units.

(b) All private firefighting units required to be certified under RSA 154 shall comply with the requirements of Saf-C 6016.

Source. #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; rpld by #7052, eff 7-2-99; ss by #8180, eff 9-23-04 (from Saf-C 6020.01)

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Saf-C 6016.02 Definition of Officer. “Officer”, for the purposes of this part, means any person who is assigned any of the following ranks or titles:

- (a) Director;
- (b) Executive director;
- (c) Fire chief;
- (d) Assistant fire chief;
- (e) Deputy fire chief;
- (f) Commissioner;
- (g) Fire engineer;
- (h) Fireward;
- (i) President;
- (j) Vice-president;
- (k) Secretary;
- (l) Treasurer; or
- (m) General manager.

Source. #8180, eff 9-23-04 (from Saf-C 6020.02)

Saf-C 6016.03 Felony Conviction of an Officer or Owner of a Private Firefighting Unit. No person who has been convicted of a felony shall serve as an officer of a private firefighting unit or hold any ownership interest of 10 percent or more in the private firefighting unit.

Source. #8180, eff 9-23-04 (from Saf-C 6020.03)

Saf-C 6016.04 Application for Certification.

- (a) A private firefighting unit shall apply to the state fire marshal for certification.
- (b) An applicant shall submit a complete and detailed written statement, signed under oath or affirmation, by the applicant, if an individual, or by the officers of the applicant, if a corporation or an association.
- (c) The written statement in (b) above shall contain:
  - (1) The following information about every person who possesses an ownership interest of 10 percent or more in the applicant and of every person who is an officer of the private firefighting unit:
    - a. Name;
    - b. Residence address;
    - c. Place and date of birth;



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- d. Number of shares of stock held, if applicable; and
- e. How shares of stock, in d. above, were obtained;

(2) A statement that the applicant has conducted a criminal record check of all officers of the private firefighting unit and person who hold any ownership interest of 10 percent or more and that no officer or person who holds any ownership interest of 10 percent or more has been convicted of a felony; and

(3) Proof of being a legal corporation capable of transacting business under the laws of the state of New Hampshire, including:

- a. A copy of the legal name certificate issued by the secretary of state; and
- b. The name and address of a legal agent within the state upon whom process may be served.

(d) An applicant shall submit to the state fire marshal the letter of agreement which indicates the willingness of an insurance company to carry a comprehensive general liability policy, including broad form coverage with basic limits and excess limits in amounts agreed upon between the applicant and the governing body of the city, town or village district. The policy shall include professional liability and errors and omissions coverage for all applicant employees, including volunteer and call members. The city, town or village district shall be named as an additional insured party if required by the city, town or village district.

(e) An applicant shall submit to the state fire marshal a letter of agreement which indicates the willingness of an insurance company to provide workers' compensation coverage for all applicant employees, including volunteer and call members. The workers' compensation coverage shall conform to New Hampshire laws and applicable rules.

(f) For the purposes of (d) and (e) above, a letter of agreement from an agent of an insurance company shall not be acceptable.

(g) An applicant shall submit a signed agreement with the state fire marshal in which the applicant agrees to the conditions stated in (h) below.

(h) For the purposes of (g) above, an applicant shall agree to the following conditions:

(1) Require all full-time firefighters hired by it to comply with the same educational and training requirements of the fire standards and training commission as firefighters employed by municipal fire departments, unless higher standards are required by the contract or these rules;

(2) Meet all applicable requirements under state law and rules for emergency medical services;

(3) Require that if new motorized fire apparatus is purchased, leased or otherwise acquired by the private firefighting unit, it shall meet or exceed the most recent edition of the following applicable National Fire Protection Association standards:

- a. NFPA 1901, Standard for Fire Pumper Apparatus;
- b. NFPA 1902, Standard for Initial Attack Fire Apparatus;
- c. NFPA 1903, Standard for Mobile Water Supply Fire Apparatus; and
- d. NFPA 1904, Standard for Aerial Ladder and Elevating Platform Fire Apparatus;

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- (4) Require that all motorized fire and rescue apparatus shall be maintained in accordance with the manufacturer's recommendations;
- (5) Require that if buildings and structures are erected, leased or supplied by the private firefighting unit, they shall conform to applicable federal, state and local fire, safety, sanitary and zoning laws, ordinances, codes, or standards;
- (6) Conduct an in-service training and education program for all fire personnel employed by the applicant, training to be in accordance with the standards set forth by the New Hampshire fire standards and training commission;
- (7) Disclose to the board of selectmen, town manager, village district commission, mayor or city manager and update annually a detailed plan showing how the applicant would continue to provide fire services in the event of a job action or strike;
- (8) Comply with all statutes, laws, rules, regulations and orders of federal, state, county or municipal authorities which shall impose any duties or obligations on the applicant;
- (9) Participate in and abide by the provisions of any mutual aid agreement, which the governing body of the town, city, or village district has entered into;
- (10) Cause every fire within its area of operation to be investigated and determine and record, if possible, the cause and origin of each fire;
- (11) Report findings of evidence of illegal actions or actual personal injury or death of a person or persons to the state fire marshal when conducting an investigation in accordance with (h)(10) above;
- (12) Take adequate steps to determine that all fire apparatus, vehicles and ambulances shall at all times be operated in compliance with the applicable state motor vehicle laws pertaining to emergency vehicles;
- (13) Perform annual testing of all hose, ladders, fire and ambulance apparatus with the results of the tests recorded and maintained as permanent records;
- (14) Employ no person to fulfill the contract with the city, town, or village district, known to the contractor or who it could have been determined by reasonable diligence has been convicted of a crime the elements of which would constitute arson or burglary under New Hampshire law;
- (15) Permit the state fire marshal or his authorized agents to enter any premises under the applicant's control during the term of the contract for the purpose of examining records, apparatus, personnel, or facilities if deemed to be necessary to determine the contractor's ongoing compliance with the agreement;
- (16) Disclose to the city, town or village district, upon request, the criminal and motor vehicle records and training records of all its employees engaged in firefighting or ambulance duties within the city, town or village district prior to employment, available under New Hampshire laws;
- (17) Behave in all respects in the same manner as a public fire department with regard to the authority of the state fire marshal and the duty to cooperate with the state fire marshal regarding:
  - a. Fire investigations;

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- b. Fire incident reporting;
  - c. Fire inspections;
  - d. Hazardous materials emergencies; and
  - e. All other matters within the purview of the state fire marshal;
- (18) Maintain and submit to the city, town, village district or state, as appropriate, all reporting logs and forms and other records required by the city, town, village district or state;
- (19) Not assign or transfer the contract with the city, town or village district without prior written consent from the city, town or village district and of the state fire marshal;
- (20) Conduct a fire prevention campaign of such nature and extent as specified in the contract with the governing body of the city, town or village district; and
- (21) Maintain and make available to the public upon request the following official records;
- a. Emergency dispatch center logs;
  - b. Records of fire safety inspections;
  - c. Fire and other emergency incident reports; and
  - d. Fire investigation reports, unless it involves:
    - 1. Arson fire;
    - 2. Part of an ongoing criminal investigation; or
    - 3. A juvenile.

(i) An applicant shall submit along with the detailed written statement in (c) above, the name of the city, town or village district with which the applicant intends to contract and a copy of any proposed bid specifications or contract.

Source. #8180, eff 9-23-04 (from Saf-C 6020.04)

Saf-C 6016.05 Notification of Decision.

(a) After reviewing all the information submitted by the applicant, pursuant to Saf-C 6016.04 above, the state fire marshal shall:

- (1) Certify the private firefighting unit, if it has complied with all requirements in this part; and
- (2) Notify in writing the applicant and the governing body of the city, town, or village district with which the applicant seeks to contract, of his/her decision.

Source. #8180, eff 9-23-04 (from Saf-C 6020.05)

Saf-C 6016.06 Annual Update of Application. Any applicant who is certified shall maintain the conditions of his or her certification and annually file with the state fire marshal an update of the information required in Saf-C 6016.04.

Source. #8180, eff 9-23-04 (from Saf-C 6020.06)

Saf-C 6016.07 Administrative Action Against a Certification.

(a) For any of the reasons set forth in (b) below, the state fire marshal shall, after notice and hearing, take any of the following administrative action(s) depending on the circumstances in the cases, ranging from most severe to least severe:

- (1) Revocation of private firefighting unit's certification;
- (2) Suspension of private firefighting unit's certification;
- (3) Issue a warning letter; or
- (4) Issue an order to comply with these rules.

(b) Pursuant to (a) above, the following reasons shall subject a private firefighting unit to administrative action:

- (1) Failure to comply with any of the provisions of these rules;
- (2) Failure to abide by the provisions of the agreements executed pursuant to Saf-C 6016.04(h);
- (3) Failure to abide by the provisions of the contract with the city, town or village district as evidenced by a formal complaint of the governing body of the city, town or village district;
- (4) Providing false or misleading information as part of the certification process;
- (5) Conviction of the proprietor, partners, corporation, its officers or partners, or associates of arson, bribery or any felony;
- (6) Filing a petition for bankruptcy or reorganization;
- (7) Making an assignment for benefit of creditors;
- (8) Consenting to the appointment of a receiver or trustee; or
- (9) Default in discharging any obligation for the payment of money owed to the city, the state or a third party.

(c) For the purposes of (a) above, the severity of the administrative action taken against a private firefighting unit shall correlate positively with the factors set forth below:

- (1) The seriousness of the private firefighting unit's actions;
- (2) The private firefighting unit's history of compliance with Saf-C 6015 or any other order by the state fire marshal;
- (3) The degree of purposefulness on behalf of the private firefighting unit in carrying out any of the actions stated in (b) above; and
- (4) Any other factor which indicates a disregard on behalf of the private firefighting unit for its responsibility to public safety and its ability to carry forth its responsibility pursuant to these rules.

Source. #8180, eff 9-23-04 (from Saf-C 6020.07)

PART Saf-C 6017 LIGHTNING ROD DEALERS AND SALESMEN

Saf-C 6017.01 Compliance.

(a) All lightning rod salesmen, dealers, manufacturers and agents shall comply with the requirements RSA 323 and Saf-C 6017.

(b) All persons designing, installing, testing, modifying, repairing or maintaining lightning protection equipment shall comply with the requirements of NFPA 780, 2000 edition.

Source. #8180, eff 9-23-04 (from Saf-C 6021.01)

Saf-C 6017.02 Application for Dealer's License.

(a) Those required to obtain a license pursuant to RSA 323:1 shall do so by applying to the state fire marshal on form DSFS #71.

(b) An applicant shall submit the following on form DSFS #71:

- (1) Whether the application is for a new license or a renewal;
- (2) If a renewal, the previous year's license number;
- (3) Trade name of dealer;
- (4) List of name(s) and address(es) of individual partners, principal officers, and director;
- (5) Address of principal place of business;
- (6) Telephone number of principal place of business;
- (7) Whether licensed in another state, and if so, what state;
- (8) Certification of knowledge of and agreement to comply with Saf-C 6017; and
- (9) Signature of applicant sworn before a notary public or justice of the peace.

Source. #8180, eff 9-23-04 (from Saf-C 6021.02)

Saf-C 6017.03 Application for Agent's License.

(a) A licensed lightning rod dealer who has appointed an agent(s) to sell or install lightning rods shall obtain a license for said agent(s) by applying to the state fire marshal on form DSFS 72.

(b) The following information shall be supplied on DSFS 72:

- (1) Statement of applicant:
  - a. Name and address, age;
  - b. Business address;
  - c. Residence for past 5 years;
  - d. Whether applicant is licensed in another state, list states;
  - e. Whether such a license has ever been suspended or revoked;

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- f. Occupation, for last 5 years;
  - g. Name of licensed dealer represented;
  - h. Certification of knowledge and intent to comply with state law and fire code; and
  - i. Notarized signature; and
- (2) Statement of licensed dealer:
- a. Requesting that named agent(s) be licensed;
  - b. Whether license is original or renewal; and
  - c. Where licenses are to be sent.

(c) The licensed dealer shall sign and date the application for agent's license, DSFS 72.

Source. #8180, eff 9-23-04 (from Saf-C 6021.03)

Saf-C 6017.04 Adoption of Lightning Protection Code. Pursuant to RSA 153:5, NFPA 780, "Lightning Protection Code", 2000 edition, shall hereby be adopted as a rule.

Source. #8180, eff 9-23-04 (from Saf-C 6021.04)

PART Saf-C 6018 PYROTECHNICS

Saf-C 6018.01 Adoption of Pyrotechnics Code. Pursuant to RSA 153:5 NFPA 1126, "Standard for the Use of Pyrotechnics before a Proximate Audience", 2001 edition, shall hereby be adopted as a rule.

Source. #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #7052, eff 7-2-99; ss by #7776, eff 10-9-02; ss by #8180, eff 9-23-04 (from Saf-C 6022.01)

Saf-C 6018.02 Compliance Required.

(a) All persons using pyrotechnic special effects in the performing arts in conjunction with theatrical, musical, or any similar productions before a proximate audience, performers, or support personnel shall comply with all applicable provisions of NFPA 1126, 2001 edition.

(b) For the purposes of this part "pyrotechnic special effect" means a special effect created through the use of pyrotechnic materials and devices.

(c) For the purposes of this part "pyrotechnic material" means a chemical mixture used in the entertainment industry to produce visible or audible effects by combustion, deflagration, or detonation. Such chemical mixtures predominantly consist of solids capable of producing a controlled, self-sustaining, and self-contained exothermic chemical reaction that results in heat, gas, sound, light or a combination of these effects. The chemical reaction functions without external oxygen.

Source. #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #7052, eff 7-2-99; ss by #7776, eff 10-9-02; ss by #8180, eff 9-23-04 (from Saf-C 6022.02)

Saf-C 6018.03 Permit Required.

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(a) For the purposes of this section, “pyrotechnic operator” means the person actually in charge of creating the pyrotechnic special effects.

(b) No person shall use any pyrotechnic special effects in the performing arts in conjunction with theatrical, musical, or any similar productions before a proximate audience, performers, or support personnel without having first obtained a permit from the state fire marshal.

(c) Any person wishing to use pyrotechnic special effects in the performing arts in conjunction with theatrical, musical, or any similar productions before a proximate audience, performers, or support personnel shall apply in writing to the state fire marshal on form DSFS 79 and shall submit a plan, pursuant to (e) below, to the state fire marshal.

(d) Form DSFS 79 shall contain the following:

- (1) The name of the person, group or organization sponsoring the production;
- (2) Address of the person, group, or organization sponsoring the production;
- (3) Telephone number of the person, group, or organization sponsoring the production;
- (4) The date and time of day of the production;
- (5) The exact location of the production;
- (6) The name of the pyrotechnic operator;
- (7) The names and ages of all assistants that will be present;
- (8) The qualifications of the pyrotechnic operator;
- (9) The experience of the pyrotechnic operator in using pyrotechnic special effects;
- (10) Date and signature of the applicant;
- (11) Notification that the permit and the plan have been submitted to the local fire official prior to submittal to the state fire marshal.
- (12) Notification of any special requirements for the performance that have been established by the local fire official;
- (13) Date and signature of the local fire official;
- (14) Notification of any special requirements by the state fire marshal for the performance; and
- (15) Notification that when signed by the state fire marshal or his designee the applicant may operate the pyrotechnic special effects in accordance with the plan that has been submitted to the state fire marshal and subject to any special requirements noted above by the local fire official and the state fire marshal.

(e) The plan that is submitted to the state fire marshal shall include the following information and documents:

- (1) A diagram of the grounds or facilities at which the production will be held, including indications of the point at which:
  - a. The pyrotechnic devices are to be fired;

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- b. The fallout radius for each pyrotechnic device used in the performance; and
  - c. The lines behind which the audience shall be restrained;
- (2) The point of on-site assembly of pyrotechnic devices;
  - (3) The manner and place of storage of the pyrotechnic materials and devices;
  - (4) A material safety data sheet (MSDS) for the effect(s) to be used;
  - (5) Evidence of the permittee's insurance carrier or proof of financial responsibility;
  - (6) The number and types of pyrotechnic devices and materials to be used;
  - (7) The operator's experience with those devices and effects to be used, as listed in (6) above;
  - (8) A definition of the general responsibilities of the assistants;
  - (9) A copy of any pyrotechnic, fireworks, or explosives licenses held by the pyrotechnic operator; and
  - (10) A copy of the Place of Assembly Permit, if the location where the pyrotechnic devices are to be used is required to be a licensed place of assembly in accordance with RSA 155:18.
- (f) Upon receipt of the items required in (d) and (e) above, the state fire marshal or his designee shall:
- (1) Review the information submitted;
  - (2) Render a decision as to whether the proposed display of pyrotechnic effects will comply with the requirements of Saf-C 6018.01; and
  - (3) Forward notice of his decision to the applicant and to the local fire official in writing.
- (g) The notice of decision shall contain:
- (1) Where the state fire marshal has determined that the display will comply with Saf-C 6018.01:
    - a. The signed permit; and
    - b. Any special conditions established by the state fire marshal to ensure that the requirements of Saf-C 6018.01 will be complied with; and
  - (2) Where the state fire marshal has determined that the display will not comply with Saf-C 6018.01 reason for the denial of the permit request.

Source. #2898, eff 11-8-84; ss by #4971, eff 11-8-90; ss by #6339, eff 9-25-96; ss by #7052, eff 7-2-99; ss by #8180, eff 9-23-04 (from Saf-C 6022.03)



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APPENDIX

RULE NUMBER	STATUTE IMPLEMENTED
Saf-C 6001.01	RSA 541-A:1, XV
Saf-C 6002.01 and Saf-C 6002.02	RSA 21-P:12 & 153:4-a
Saf-C 6002.03	RSA 153:8
Saf-C 6002.04	RSA 21-P:4, V & RSA 153:8
Saf-C 6003.01	RSA 153:5
Saf-C 6004.01	RSA 153:5
Saf-C 6005.01	RSA 153:8-a, I(c)
Saf-C 6005.02	RSA 153:5
Saf-C 6006.01	RSA 541-A:16, I(b)(2)
Saf-C 6006.02 (repealed)	RSA 155-A:11
Saf-C 6006.03 & 6006.04	RSA 153:5
Saf-C 6007.01(a)	RSA 153:11
Saf-C 6007.01(b) – (e)	RSA 541-A:16, (b)(1)
Saf-C 6008.	RSA 153:4-a & RSA 153:5 & RSA 153:8-a
Saf-C 6009	RSA 153:5 & RSA 153:14
Saf-C 6010 – 6012.04(a)	RSA 153:4-a & RSA 153:5 & RSA 153:8-a
Saf-C 6012.04(b) & (c)	RSA 541-A:16, I(b)(1)
Saf-C 6012.05	RSA 153:5
Saf-C 6013.01	RSA 153:4-a, 153:5 and 153:14, IV
Saf-C 6014	RSA 158:28
Saf-C 6015	RSA 153:10-a, 153:10-b
Saf-C 6016.01	RSA 154:1-c
Saf-C 6016.02	RSA 541-A:1, XV
Saf-C 6016.03 – 6016.04(b)	RSA 154:1-c & RSA 153:4-a, I
Saf-C 6016.04(c)	RSA 541-A:16, I(a)
Saf-C 6016.04(d) – 6016.07	RSA 154:1-c & RSA 153:4-a, I
Saf-C 6017.01 – 6017.02(a)	RSA 323:1
Saf-C 6017.02(b)	RSA 541-A:16, I(a)
Saf-C 6017.03(a)	RSA 323:4
Saf-C 6017.04(b)	RSA 541-A:16, I(a)
Saf-C 6018.01 – 6018.03(c)	RSA 153:5
Saf-C 6018.03(d) – (e)	RSA 541-A:16, I(a)
Saf-C 6018.03(f) – (g)	RSA 153:5