



# CITY OF CONCORD

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Daniel Andrus, Fire Chief

**DATE:** May 26, 2015

**SUBJECT:** Updating of the City's Fire Prevention Code and Life Safety Code

### **Recommendation**

Accept this report recommending that the City Council amend the Code of Ordinances, Article 26-16, Fire Prevention Code, and Article 26-18, Life Safety Code.

### **Background**

The existing Fire Prevention Code is based on the 2006 International Fire Code. Staff is proposing adoption of the 2009 Edition of the International Fire Code (IFC), as amended in the following section.

The existing Life Safety Code is based on the NFPA 101, Life Safety Code, 2006 edition. Staff is proposing adoption of the NFPA 101, Life Safety Code, 2009 edition, as amended in the following section.

The proposed changes are to bring the Fire Prevention Code and Life Safety Code into harmony with existing City of Concord Ordinances and State of New Hampshire RSAs.

### **Discussion**

A municipality is authorized to enact ordinances governing fire and life safety pursuant to RSA 31:39(e), RSA 154:18 and RSA 153:5. For example, under RSA 154:18, a municipality "may establish such regulations respecting the kindling, guarding, safe-keeping, prevention, and extinguishment of fires." The City of Concord has adopted Article 26-16, Fire Prevention Code and Article 26-18, Life Safety Code to address requirements for fire and life safety in the City.

The proposed amendments are being submitted by the Fire Department to provide clarification and to prevent any ambiguities regarding the requirements of these Codes. The proposed amendments will also bring these Articles into harmony with existing City of Concord Ordinances and State of New Hampshire RSAs. It should be noted that this is largely a housekeeping measure. There are no new restrictions being added by way of City amendment that do not already exist in City of Concord Code of Ordinances or are

otherwise required by the State of New Hampshire RSAs. An overview of the proposed amendments is provided as follows:

**Section I, Article 26-16-1**

The proposed amendment to this article is the adoption of the 2009 International Fire Code. This is a companion code to the 2009 International Building Code as adopted by Article 26-1-1.

**Section II, Article 26-16-3**

Paragraph (b):

This is being amended to correct the reference to Section 102.10, which addresses any potential conflicts in the adopted Codes. All of the remaining proposed language in this paragraph exists in the current ordinance.

Paragraph (f):

This paragraph is being amended to fix a typographical error with respect to a reference to RSA 676:15. It is also being amended to replace references to the “Code Official” with “Fire Code Official,” which is the new designation set forth in the 2009 IFC. All of the remaining proposed language in this paragraph exists in the current ordinance.

Paragraph (j):

This paragraph is being deleted in its entirety because the requirements for emergency access, security locking systems previously set forth in Section 112 of the 2006 IFC are now addressed in Section 506.1 of the 2009 International Fire Code. The requirements are included in new paragraph (k), which is discussed below.

Paragraph (k):

This paragraph is being deleted in its entirety because Section 202 of the 2009 IFC no longer contains a definition and/or otherwise references a “Code Official.” As mentioned above, the 2009 IFC replaced all references to “Code Official” with “Fire Code Official.” The term “Fire Code Official” is defined in the 2009 IFC as “the fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.”

New Paragraph (k):

Section 506.1 is now used by the 2009 IFC to address emergency access, security locking systems. All of the requirements were previously contained in the current ordinance at paragraph (j).

Paragraph (l):

This paragraph needs to be re-lettered to (j) based on the above referenced deletions. It is also being amended to replace a reference to the “Code Official” with “Fire Code Official.”

Paragraph (m):

This paragraph needs to be re-lettered to (l) based on the above referenced deletions. It is also being amended to replace a reference to the “Code Official” with “Fire Code Official.”

Paragraph (n):

This paragraph is being re-lettered to (m) based on above referenced deletions. It is also being amended to reference the new section references in the ICF 2009, as well as to replace a reference to the “Code Official” with “Fire Code Official.”

Paragraph (o):

This paragraph is being re-lettered to (n) based on above referenced deletions. This paragraph is being amended to reference the new section and title references in the ICF 2009.

Paragraph (p):

This paragraph is being re-lettered to (o) based on above referenced deletions. It is also being amended to replace a reference to the “Code Official” with “Fire Code Official.”

Paragraph (q):

This paragraph is being deleted in its entirety. Section 3304.1 addresses the storage of explosive materials within the fire limits established by the 1969 City of Concord Code of Ordinances. This language is linked to the 1967 National Building Code and is no longer relevant. The storage of explosives materials is adequately addressed through current codes and zoning regulations.

Paragraph (r):

This paragraph is being deleted in its entirety. Section 3404.2.9.6.1 addresses outside aboveground storage of flammable liquids within the fire limits established by the 1969 City of Concord Code of Ordinances. This language is linked to the 1967 National Building Code and is no longer relevant. The storage of flammable liquids is adequately addressed through current codes and zoning regulations.

Paragraph (s):

This paragraph is being re-lettered to (p). No other changes to the current ordinance are being made.

Paragraph (t):

This paragraph is being deleted in its entirety. The sentence that had been added to Section 3804.2 addresses the bulk storage of liquefied petroleum gas within the fire limits established by the 1969 City of Concord Code of Ordinances. This language is linked to the 1967 National Building Code and is no longer relevant. The storage of liquefied petroleum gas is adequately addressed through current codes and zoning regulations.

**Section III, Article 26-18-1**

The proposed creation of a new Section 26-18-1 is to adopt the NFPA 101, Life Safety Code, 2009 edition as the Life Safety Code for the City of Concord. The State of New Hampshire has adopted the NFPA 101, Life Safety Code, 2009 edition as amended by the State Fire Code. Municipalities may not adopt anything less restrictive than the State Fire Code requirements.

**Section IV, Article 26-18-3**

A new Article 26-18-3 is being proposed to replace the existing article. In the past the City of Concord has not made amendments to the adopted Life Safety Code. All the proposed amendments are taken directly from the State Fire Code. Saf-C, 6008.04. Adoption of these amendments will eliminate any confusion or conflict with the State Fire Code.

**Section V, Articles 26-18-4 through 26-18-11**

The proposed amendments to these sections are strictly renumbering to accommodate the addition of a new Article 26-18-3.

cc: Thomas J. Aspell, City Manager  
Carlos Baia, Deputy City Manager, Development  
Michael Santa, Code Administrator  
Craig Walker, Zoning Administrator