

## CHAPTER 5 FIRE DEPARTMENT, FIRE FIGHTING AND FIRE PREVENTION

### ARTICLE 5-1 ADOPTION OF CODES

**§5-1** Town of Bedford hereby adopts the following National Fire Protection Association (NFPA) codes for the purpose of fire safety, fire fighting and fire prevention:

- NFPA 1\* Uniform Fire Code                      Current Edition
- NFPA 101\* Life Safety Code<sup>1</sup>                      Current Edition
- NFPA 70\* National Electric Code                      Current Edition
- NFPA 13\*, 13D\* & R\* Sprinkler Codes                      Current Edition.

\* - Additional codes referenced in these publications shall be considered as adopted by the Town of Bedford and enforceable.

Additionally the Bedford Fire Codes shall be equivalent to or offer a greater degree of life safety than the codes recognized by the New Hampshire State Fire Marshal.

### ARTICLE 5-2 GENERAL CONDITIONS

#### **§5-2-1 DEFINITIONS**

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

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

**AHJ (authority having jurisdiction):** This shall be the Bedford Fire Chief or his designee.

Where terms are not specifically defined in this ordinance; their meaning shall be derived from adopted codes. Where the terms are not

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<sup>1</sup> Except section 23.3.5

defined under any adopted code their meaning shall be their ordinarily accepted meanings within the context they are used.

#### **§5-2-2 REQUIRED PLANS**

All new or replacement life safety system designs must be reviewed and approved prior to the start of installation. The plan submissions must include, but not limited to, the following:

- Equipment cut sheets.
- Hydraulic calculations (where applicable)
- Plans depicting equipment layout

When in the opinion of the AHJ the submitted plans do not readily verify code or local ordinance compliance, the Bedford Fire Department reserves the right to require the plans to be reviewed and certified by a NH licensed Fire Protection Engineer.

#### **§5-2-3 INSPECTIONS**

The AHJ is authorized to inspect, at all reasonable times, any building or premises for the purpose of:

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

(a) All non-residential occupancies shall at the time of a change of ownership or tenancy; notify the fire department of said change and arrange for a life safety inspection.

#### **§5-2-4 DEPARTMENT FIRE CODE HANDBOOK**

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

**ARTICLE 5-3  
EARLY WARNING DEVICES AND SMOKE DETECTORS**

**§5-3 EARLY WARNING DEVICES**

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

[Adopted: Question 4 – 3/13/90]

**§5-3-1 SMOKE DETECTORS**

Voted to make it a town ordinance and requirement of our Adopted Building Code, that all new construction shall require the installation of an adequate number of smoke detectors as determined by the Building Inspector.

[Adopted: Article 3 - 3/8/77]

**ARTICLE 5-4  
EMERGENCY LIGHTING, EXIT SIGNS, FIRE EXTINGUISHERS, AND FIRE  
ALARM SYSTEMS**

**§5-4-1 EMERGENCY LIGHTING**

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

**§5-4-2 EXIT SIGNS**

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

**§5-4-3 FIRE EXTINGUISHERS**

- (a) Fire extinguishers shall be a minimum of ten (10) pound ABC or as specified by the Bedford Fire Department.
- (b) Whereas not specified by the adopted codes, all new nonresidential construction and renovations shall have fire extinguishers at all exits and access to the extinguisher not to exceed a travel distance of seventy-five feet (75').

**§5-4-4 FIRE ALARM SYSTEMS**

- (a) Whereas not specified by the adopted codes, all new nonresidential construction and renovations of structures shall install an approved fire alarm system.
- (b) All fire alarm systems required by codes and town ordinances shall provide for automatic emergency forces notification.
- (c) All Existing fire alarm systems must be maintained in a manner consistent with their original approval and acceptance.
- (d) All Fire alarm systems shall be zoned to the effect of separation from early warning devices, i.e. heat and smoke, and alerting devices, i.e. pull stations and horn strobes. There shall be a separation of zoning between floors. [3-13-90]

**§5-4-5 FINES FOR FALSE ALARM NOTIFICATIONS**

- (a) The Fire Chief shall assess fines when personnel and equipment are dispatched to a structure due to alarm system notifications being received by Bedford Dispatch due to system malfunctions or inadvertent triggering of initiation devices. The fines to be assessed for false alarms within any 12-month period are as follows:

Third Alarm	\$100.00
Fourth Alarm	\$150.00
Fifth Alarm	\$200.00
Sixth alarm	\$250.00
Subsequent Alarms	\$500.00

- (b) If in the opinion of the Fire Chief, the automatic initiation and subsequent dispatch of personnel and equipment is due to blatant disregard for the protection of alarm system integrity and the lack of prudent precautions to prevent inadvertent device initiation. Then the fine shall be a minimum of \$500.00 for each and every event.
- (c) The alarm system owner or occupant of a building serviced by an alarm will be notified of a false alarm either in person by responding fire personnel, written notice, or regular mail. If the fine has not been received within thirty days of notice and there is no appeal pending on the validity of the alarm, the Fire Chief may initiate the no response or disconnect process and may also initiate the enforcement of penalties.
- (d) The Fire Chief has the right to waive any or all false alarm assessments if determined to be in the best interest of the Town of Bedford.

**ARTICLE 5-5  
FIRE SUPPRESSION SPRINKLER SYSTEMS<sup>2</sup>**

**§5-5-1 RESIDENTIAL SPRINKLER SYSTEMS**

- (a) After the date of adoption of this Ordinance, in locations where a public water supply presently exists, no new construction building used or designed for permanent or temporary human residence, of three (3) or more stories and/or six (6) or more attached wood frame units, other than a single-family dwelling, shall be permitted to be constructed unless furnished with a sprinkler system installed in accordance with standards set forth in the current adopted Fire Prevention and Building Code and NFPA Standard 13, 13D, or where applicable, 13R Residential Sprinkler System.
- (b) For the purpose of this Section, “new construction” shall refer to either the erection of new structures or the re-erection of existing structures that have been destroyed or damaged to such an extent as to be unsuitable or unsafe for human residence, or elevating, relocating, or remodeling of fifty percent (50 %) or more of the existing building.

**§5-5-2 NON-RESIDENTIAL SPRINKLER/SUPPRESSION SYSTEMS**

- (a) After the date of adoption of this Ordinance, in locations where a public water supply presently exists, all new construction, nonresidential structures of three (3) or more stories and/or totaling at least twelve thousand square feet (12,000 s.f.) shall be fully sprinklered.
- (b) For the purpose of this Section, “new construction” shall refer to erection of new structures, re-erection of existing structures destroyed or damaged to such an extent as to be unsuitable or unsafe for occupancy, or where cumulative remodeling is equal to or greater than fifty percent (50 %) of the existing building.
- (c) In those cases where additions to existing structures bring the total gross square footage of the entire structure to or above the 12,000 s.f. threshold, both the new construction and the pre-existing area shall be sprinklered.
- (d) All motor vehicle fuel dispensing facilities shall be protected by a fully automatic suppression system, complying with NFPA 17, located at the dispensing location.

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<sup>2</sup> This ordinance is only applicable to those structures where suppression systems are not required by any adopted code.

### **§5-5-3 LOCATIONS WITHOUT PUBLIC WATER SUPPLY**

- (a) In locations where a public water supply is within one thousand linear feet (1,000 l.f.) of the property line, the owner of the property shall be responsible for extending the water line to provide fire sprinkler protection for new construction.
- (b) After the date of adoption of this Ordinance, in those locations where a public water supply does not exist within one thousand linear feet (1,000 l.f.) of the property line, new construction started after this date shall be required to provide sprinkler systems retroactively, i.e. within one (1) year of the time that water becomes available.
- (c) "Public Water Supply" is defined, for the purposes of this Ordinance, as a water supply, which has been granted a franchise to operate in Bedford by the State of New Hampshire Public Utilities Commission.

[Adopted: Question 12 – 3/13/90]

### **5-5-4 SPRINKLER/SUPPRESSION SYSTEM MAINTENANCE**

- (a) All systems required by the preceding sections or by any of the adopted codes must be serviced and maintained per NFPA 25 or the appropriate governing NFPA standard. Documentation of the maintenance must be submitted to the Bedford Fire Department on an annual basis.

## **ARTICLE 5-6 FIRE DEPARTMENT ACCESS**

### **§5-6-1 LOCK (KNOX) BOXES**

#### **Requirements**

- (a) All buildings and structures of assembly, mercantile, business, educational, storage, health care, industrial and multi-family residential with common exits (whether existing on the date of adoption of this Ordinance or which may exist in the future) and or have a monitored fire alarm system shall have a key depository lock box installed and paid for by the property owner. Type/Style of Knox box and location to be approved by the Fire Chief or designee.

- (c) For the purpose of this Section, “new construction” shall refer to either the erection of new structures or the re-erection of existing structures destroyed or damaged to such an extent as to be unsuitable or unsafe for human residence, elevating, relocating, or where cumulative remodeling is equal to or greater than fifty percent (50 %) of the area of the existing building.

### **Installations**

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

[Adopted: Question10 - 3/13/90]

### **§5-6-2 FIRE LANES**

- (a) Parking In or Obstructing Fire Lanes

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

- (b) Marking of Fire Lanes on Private Property

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

- (c) Violations

Anyone who violates the provisions of Section 5-6-2 shall be fined not more than twenty five dollars (\$25.00) and any vehicle parking in violation of Section 5-6-2 may be towed by the Chief of Police or Chief of the Fire Department or their agents or by independent contractors engaged by the Fire Chief or Police Chief or their agents. Any vehicles so towed shall be stored and released to the owner only upon payment of the cost of towing.

[Adopted: Article 13 - 3/11/80]

### **§5-6-1 GATED ACCESS TO PRIVATE PROPERTY**

- (a) Access to Gated Communities and Individual Properties

The Fire Department shall have the authority to require fire department access to gated private property through the use of an approved device or system.

(b) Access Maintenance

The owner or occupant of a structure or area with the required fire department access shall notify the fire department whenever the required access is modified in such a manner as to prevent fire department access.

**ARTICLE 5-7  
OIL BURNER PERMITS**

**§5-7-1 PERMITS**

To authorize the Fire Chief or his duly authorized agent to charge a fee of twenty-five dollars (**\$25.00**) for issuing oil burner permits pursuant to Chapter 251 Laws of 1947 amended.

[Adopted: Article 22 – 3/12/63]

**ARTICLE 5-8  
WOOD AND GAS BURNING UNITS**

**§5-8-1 APPROVALS**

All devices to be installed must bear a label from a recognized third party testing agency.

**§5-8-1 PERMITS**

Permits and inspections are required for the installation of new or replacement of gas fired devices. The permits are to be secured through the building department.

**§5-8-2 INSTALLATION REQUIREMENTS<sup>3</sup>**

The installation of all wood and gas burning units must comply with the manufactures installation directions and or NFPA 54, 52 and 211.

**ARTICLE 5-9  
OUTDOOR COOKING and RECREATIONAL DEVICES**

**§5-9-1 OUTDOOR COOKING and RECREATIONAL DEVICES**

The use of any, charcoal, gas, wood or other open flame cooking grill, barbecue grill, hibachi, chimenea, electric grill, or other similar device shall be prohibited within the Town of Bedford a) on or within ten (10)

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<sup>3</sup> See Fire Department Handbook for specific local requirements.

feet of any combustible balcony, deck, porch, patio or similar projection of any multiple-family residential structure, or b) within four (4) feet of an exterior wall or nearest exterior projection, means of egress of any multiple-family residential structure.

**§5-9-2 CYLINDERS**

Cylinders having water capacities greater than 2 ½ lbs (1kg) [nominal 1 lb (0.5 kg)] LP-Gas capacity shall not be located on balconies above the first floor that are attached to multiple family residential structure.

**§5-9-3 MULTI-FAMILY**

For this purpose of this ordinance, “multi-family” residential structure shall mean: Residential occupancies containing more than two dwelling units where the occupants are primarily permanent in nature including but not limited to:

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

**ARTICLE 5-10  
HAZARDOUS MATERIALS:  
CONTROL, CONTAINMENT, AND CLEAN-UP**

**§5-10-1 PURPOSE**

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

## **§5-10-2 JURISDICTION**

This ordinance shall apply to all incidents involving hazardous waste or hazardous materials within the boundaries of the Town of Bedford and to all persons who may possess such materials found within the Town except as prevailing state or federal laws or regulations may take precedence and control over any such incident or person.

[See RSA 146-A and RSA 265: 115-118 for examples of such prevailing state law at the time this Ordinance is adopted]

## **§5-10-3 DEFINITIONS**

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

**Person** – Any individual, association, corporation, partnership, trust or other legal entity.

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

## **§5-10-4 DUTY TO REPORT**

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

## **§5-10-5 CONTROL, CONTAINMENT, AND CLEAN-UP**

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

#### **§5-10-6 CLEAN-UP**

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

#### **§5-10-7 CLEAN-UP COSTS**

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

#### **§5-10-8 INTENTIONAL DISCHARGE or RELEASE**

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

#### **§5-10-9 PENALTIES**

Any person, firm, or corporation found violating any of the provisions of this Ordinance, shall be guilty of a violation, and upon conviction thereof, shall pay a civil fine of not more than five hundred dollars (\$500) for each offense.

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

Any penalties assessed shall inure to such uses as the Town of Bedford may direct, pursuant to RSA 31:39 (III). The penalties that may be assessed pursuant to this Section shall be deemed separate from and in addition to any costs that may be recovered by the Town of Bedford pursuant to Section 5-11-1.

#### **§5-10-10 USE OF CLEAN-UP COSTS AND CIVIL FORFEITURE COLLECTED**

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

## **§5-11 ENFORCEMENT**

The Chief of the Bedford Police Department shall be responsible for enforcing this Ordinance, and the Town Manager shall be responsible for the assessment and collection of costs.

### **§5-11-1 PENALTIES<sup>4</sup>**

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

## **§5-12 SEVERABILITY**

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

## **§5-13 EFFECTIVE DATE**

This ordinance shall become effective upon passage.

*[Public Hearing: 10/10/07. Adopted by Town Council: 10/10/07]*

*Docs #22957*

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<sup>4</sup> Notwithstanding any rental or lease agreements, the property owner of record shall be considered the responsible party.