

Codes and Ordinances Committee

Councilor Peter Lachapelle, Chair
Councilor Elaine Lauterborn, Vice Chair
Councilor Tom Abbott
Councilor Chris Rice
Councilor Laura Hainey



Others Present

Terence O'Rourke, City Attorney
Tim Wilder, Fire Marshal
Adam Hughes, Deputy Fire Chief

CODES AND ORDINANCES COMMITTEE

Of the Rochester City Council

Thursday, October 1, 2020

31 Wakefield Street, Rochester, NH

Meeting conducted remotely

6:00 PM

Minutes

1. Call to Order

Councilor Lachapelle called the Codes & Ordinances meeting to order at 6:00 PM and read the following preamble:

Good Evening, as Chairperson of the Codes & Ordinances Committee I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

a.) **Providing public access to the meeting by telephone:** At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting. The public can call-in to the below number using the conference code. Some meetings will allow live public input, however you must have pre-registered online, otherwise, the meeting will be set to allow the public to "listen-in" only, and there will be no public comment taken during the meeting. [Public Input Registration](#) (Please note: In order to notify the meeting host that you would like to speak, press 5* to be recognized and unmuted)

Phone number: 857-444-0744 Conference code: 843095

b.) **Public Access Troubleshooting:** If any member of the public has difficulty accessing the meeting by phone, please email PublicInput@RochesterNH.net or call 603-332-1167.

c.) **Public Input:** Due to the ongoing situation with COVID-19, the City of Rochester will be taking extra steps to allow for public input, while still ensuring participant safety and social distancing. In lieu of attending the meeting, those wishing to share comments, when permitted, with the City Council (Public Hearing and/or Workshop settings) are encouraged to do so by the following methods:

- **Mail:** City Clerk/Public Input, 31 Wakefield Street, Rochester, NH 03867 (*must be received at least three full days prior to the anticipated meeting date*)
- **email** PublicInput@rochesternh.net (*must be received no later than 4:00 pm of meeting date*)
- **Voicemail** 603-330-7107 (*must be received no later than 12:00 pm on said meeting date in order to be transcribed*)

Please include with your correspondence the intended meeting date for which you are submitting. *All correspondence will be included with the corresponding meeting packet (Addendum).*

d.) **Roll Call:** Please note that all votes that are taken during this meeting shall be done by Roll Call vote. Let's start the meeting by taking a Roll Call attendance. When each member states their name (and/or ward), also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. (Additionally, Council members are required to state their name and ward each time they wish to speak.)

Deputy City Clerk Cassie Givara took the roll call. The following councilors were present and indicated that they were alone in the location from which they were connecting remotely: Councilors Abbott, Hailey, Lachapelle and Lauterborn. Councilor Rice was excused.

2. Public Input

No discussion.

3. Acceptance of the Minutes

3.1 September 3, 2020 *motion to approve*

Councilor Hailey **MOVED** to accept the minutes of the September 3, 2020 Codes meeting. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a 4-0 roll call vote with Councilors Lauterborn, Hailey, Lachapelle, and Abbott all voting in favor.

4. Code of Ordinances Review

4.1 Fire Department

4.1.1 Chapter 16 – Alarms Systems

Tim Wilder, Assistant Chief/Fire Marshal, explained that the suggested amendment to chapter 16 was to remove references to the fire department entirely. He stated that references to alarms in this chapter are related to the police department and their processes and fees. Assistant Chief Wilder explained that fire alarms are already covered in chapter 75 and these references in chapter 16 were outdated and caused unnecessary confusion for alarm users. Councilor Lachapelle inquired if the suggested changes would require a public hearing. Attorney O'Rourke stated that the only ordinance amendments requiring public hearings would be to chapter 275 regarding zoning.

Councilor Lauterborn **MOVED** to recommend to full Council that they accept the amendments to chapter 16 of the City Ordinances as presented by staff. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a 4-0 roll call vote with Councilors Abbott, Hainey, Lachapelle, and Councilor Lauterborn voting in favor.

4.1.2 Chapter 75 – Fire & Fire Safety

Attorney O'Rourke referred the committee to section 75-3 of the ordinances. He stated that the way the ordinance reads currently, it states that the Fire Chief is supposed to call the City Manager any time a fire apparatus is out of the City for an extended period of time. The suggested amendment changes the wording to reflect that the Fire Chief will notify the City Manager *as necessary as determined by the Chief or his designee*. Councilor Hainey asked who the "designee" refers to in the ordinance. Assistant Chief Wilder explained that if the Chief is not available, the next person down in the rank structure would be in charge of the scene and would be considered the designee.

Attorney O'Rourke referred the committee to section 75-5 referencing the "enforcement officer," where wording was added to state that the enforcement officer is the Fire Chief *"or designee or the authority having jurisdiction."* He stated that generally speaking, the Chief is not the staff member doing building inspections and enforcing the rules or permitting. The wording is just to clarify as well as to match the ordinances to what is currently stated in the adopted fire code.

Attorney O'Rourke directed the committee to section 75-5 "Outdoor Fires." He explained that much of this section was removed because it is already covered by State law which is directly referenced in the ordinance. There was also a small change made to modernize the reference to "written" permits to reflect that they are now typically done electronically.

Councilor Hainey asked for clarification to the wording in the state RSA which notes that a permit must be received from the "forest fire warden." Deputy Chief Hughes clarified that Fire Chief Klose is the forest fire warden and the other Chief Officers and Captains are deputy wardens who could be considered designees. There was clarification made to the wording regarding the enforcement of illegally obtained or utilized permits. Assistant Chief Wilder clarified that the Rochester Fire Department is an issuing agent, but the permits are designed and enforced by the State.

Assistant Chief Wilder referenced section 75-6 "Smoke Detector Wiring" which is being suggested to be removed in its entirety. He stated that this information is already covered by the written fire code which the City has adopted; the wording in the ordinance is redundant to what currently appears in the fire code.

The committee was referred to section 75-9 “Public Safety amplification system required in large facilities.” Assistant Chief Wilder explained that this entire passage was redundant due to the same information being contained in the State fire code which was adopted by the City and referenced in the ordinance.

Attorney O’Rourke explained the suggested changes to section 75-10 “Administration & Enforcement” which serve to modernize the references to reflect the current processes. Attorney O’Rourke explained that subsection 14 of 75-10 had confusing and incomplete language which had been updated to be more clear. Deputy Chief Hughes stated that there are certain properties in the City which have frequent false alarms. The way the ordinance was written gave the property owners less accountability. Deputy Chief Hughes said that the suggested change with removing the word “consecutive” gives the Fire Department more opportunity to address issues and get them resolved more quickly.

Councilor Lachapelle inquired about the fines associated with false alarms; how long had they been in effect without increases and whether they comparable with other communities’ fees. Assistant Chief Wilder stated that the fees are comparable with other communities; although Rochester does not typically enforce fees for false alarms and improper activations.

Attorney O’Rourke referred the committee to section 75-12 “Fire Department Access.” This section was updated to reflect the wording of the already adopted fire code. Councilor Hainey asked if the State Fire Codes were accessible. Assistant Chief Wilder stated that there are copies of the State Fire Code available at both the Fire Department and the City Clerk’s office. There was a brief discussion regarding section 75-13 being updated to add the wording “or designee” to reflect current practice.

Councilor Lauterborn **MOVED** to send to full Council the changes to Chapter 75 as presented by City Staff. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a 4-0 roll call vote with Councilors Hainey, Lauterborn, Abbott, and Lachapelle voting in favor.

5. Other

Councilor Lachapelle announced that the next Codes meeting would be Thursday, November 5th at 6:00 PM. At that meeting, the ordinances being reviewed will be for the Police Department: Chapter 28 - Animals, Chapter 149 - nuisances, Chapter 167 - Peace & Good Order, and Chapter 254 - Vehicles and Traffic.

6. Adjournment

Councilor Lachapelle **ADJOURNED** the Codes & Ordinances Meeting at 6:36 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

Deletions are show as ~~strikethroughs~~ and Additions are in **red**

Chapter 16

Alarm Systems

[HISTORY: Adopted by the City of Rochester 6-6-1995 as Ch. 33 of the 1995 Code; amended 6-6-2006. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Fires and fire safety — See Ch. 75.

§ 16-1 Purpose.

The purpose of this chapter is to provide minimum standards for operation and regulations applicable to ~~emergency fire alarm systems~~, burglar alarm systems, alarm businesses and alarm users.

§ 16-2 Alarm user permit required.

Within 60 days after the effective date of this chapter, every alarm user shall obtain an alarm user permit for each alarm system he/she operates within the City of Rochester. This permit shall be obtained through the Communications Center which is located in the Police Department.

§ 16-3 Alarm user permit application.

- A. The alarm user applying for the permit required in § 16-2 of this chapter shall state on the permit application prescribed by the Chief of the Police Department ~~or Fire Department~~ his/her name, the address of the residence or business or businesses where the alarm system has been installed, his/her telephone number, and at least two persons who can be reached any time day or night and who are authorized to respond to an alarm signal and who can open the premises in which the system is installed.
- B. Any false statement or misrepresentation of a material fact made by an applicant for the purpose of obtaining a user's permit or renewal, or while making a change thereto, shall be sufficient cause for refusal to grant or revocation of a permit.

§ 16-4 Alarm user permit fee.

- A. Fee. There will be a permit fee of twenty-five dollars (\$25.) for the installation of a new alarm system. For each year after the initial installation, the renewal fee shall be ten dollars (\$10.). All permits shall be renewed each year by April 1. Any renewal fee not paid within 30 days of April 1 shall be subject to a late fee of ten dollars (\$10.) in addition to the renewal fee.
- B. Fee exceptions. If a residential alarm user is over 65 years of age and is the primary resident of the dwelling and if no business is conducted in the residence, a user's permit may be obtained without the payment of a fee. Federal, state, county or local government agencies that operate an alarm system shall be exempt from payment of a fee.

§ 16-5 Misuse of alarm user information.

The information contained in the alarm user permit application required by § 16-3 and other information received by the Chief of the Police Department ~~or Fire Department~~, through correspondence or communications with the alarm user, shall be securely maintained and restricted to inspection by the Chief of the Police Department ~~or Fire Department~~ or certain police ~~or fire officers~~, or City employees specifically

assigned the responsibility for handling and processing alarm user permits in the course of their duties. If one of those persons is found to have purposely or knowingly revealed the information contained in an alarm user permit application or in correspondence or communications with an alarm user to any person for any purpose not related to this chapter or official law enforcement matters, or without the express written consent of the alarm user supplying such information, he/she shall be guilty of a violation.

§ 16-6 Operating system without permit; penalty.

Any alarm system user who operates or permits to be operated any alarm system without first obtaining a permit as required by this chapter, or who operates or permits to be operated an alarm system when such permit has expired, shall be guilty of a violation and, upon conviction, shall be fined not less than one hundred dollars (\$100.).

§ 16-7 Operating system after revocation or suspension of permit; penalty.

Any alarm system user who, after having a permit revoked or suspended and after exhausting his/her right to a hearing, fails to disconnect his/her alarm system, or reconnects his/her system prior to the restoration of his/her permit, shall be guilty of a violation and, upon conviction, shall be fined not less than one hundred dollars (\$100.).

§ 16-8 False alarms.

- A. For the purpose of this chapter, a false alarm shall be defined as an alarm signal eliciting a response by police or fire personnel when a situation requiring a response by police or fire personnel does not exist, but does not include an alarm signal caused by violent conditions of nature.
- B. Any case where a false alarm is received in excess of six alarms in any calendar year from an alarm system for which an alarm user permit has been obtained, a service charge of one hundred dollars (\$100.) shall be levied.
- C. If the false alarm is due to an alarm system malfunction that is in the process of being repaired or where immediate steps are taken to identify or correct the problem and notification has been made to the dispatch center as applicable, the Chief of the Police Department ~~or Fire Department~~ may waive the civil assessment. Refusal to pay the civil assessment within 30 days of the assessment shall be punishable as a violation and may be cause for revocation of the alarm user's permit. **[Amended 3-5-2019]**

§ 16-9 Revocation procedure.

- A. If the Police Department, in the case of a burglar alarm, ~~or the Fire Department, in the case of a fire alarm,~~ has recorded false alarms in excess of limits stated in § 16-8, the Chief of the Police Department ~~or Fire Department~~ shall notify the permit holder in writing and request the permit holder to submit a report within 15 days describing efforts to discover and eliminate the cause(s) of the false alarms. If the alarm user reasonably requests an extension of time to file said report based upon some extraordinary circumstances, the Chief of the Police Department ~~or Fire Department~~ may extend the 15 days for a reasonable time. If the permit holder fails to submit his/her report within the specified period, the Chief of the Police Department ~~or Fire Department~~ shall notify the alarm user that his/her permit to operate an alarm system has been revoked, and under such circumstances the user shall not be entitled to a hearing as hereinafter provided.
- B. If the alarm user submits a report as required by Subsection A of this section but the Chief of the Police Department ~~or Fire Department~~ finds the report unsatisfactory, then the Chief of the Police Department ~~or Fire Department~~ may issue a written notice of his/her intent to revoke the alarm user's permit.

- C. If after submission of a report required by Subsection A of this section which is satisfactory to the Chief of the Police Department ~~or Fire Department~~ the alarm system of the permit holder incurs two or more false alarms during the same calendar year, the Chief of the Police Department ~~or Fire Department~~ may issue a written notice of his/her intent to revoke the alarm user's permit.
- D. Upon receipt of a notice of intent to revoke an alarm user's permit, the permit holder may, within 10 days of such receipt, submit a written request for a hearing before the Licensing Board setting forth the reasons that his/her permit should not be revoked. Written notice of the time, date and place of the hearing shall be served to the permit holder at least five days prior to the date set for the hearing.
- E. At the hearing before the Licensing Board, the holder of the permit or his/her authorized representative shall have the right to be made aware of the circumstances leading to revocation of the alarm permit and to present evidence on his/her own behalf. After the hearing, the Licensing Board may either issue an order of revocation, withdraw the notice of revocation or allow a reasonable time, not to exceed 15 days, in which the alarm user must take action to eliminate the cause(s) of the false alarms.

§ 16-10 Application for revoked user permit.

- A. An alarm user whose permit has been revoked may apply for a revoked user permit as provided in § 16-9 of this chapter. The Chief of the Police Department ~~or Fire Department~~ shall not be required to issue a revoked user permit unless he/she is satisfied that the user's system has been properly serviced and its deficiencies corrected. The Chief of the Police Department ~~or Fire Department~~ may also impose reasonable restrictions and/or conditions that shall appear on the permit and shall provide for automatic revocation on the occurrence of four false alarms in the remaining permit year.
- B. In situations where a user permit is revoked under the conditions in Subsection A of this section, there shall be no appeal to the Licensing Board and said revocation shall remain in effect for the remainder of the calendar year.
- C. The fee for reissuance of a user permit shall be seventy-five dollars (\$75.).

§ 16-11 Violations and penalties.

Unless otherwise provided, any person, firm or corporation within the boundaries of the City of Rochester who or which violates any provision of this chapter shall be guilty of a violation and, upon conviction, shall be punished by a fine of not more than five hundred dollars (\$500.). Each day during which a violation continues shall be considered a separate offense.

§ 16-12 When effective.

The provisions of this chapter shall take effect upon its passage.

Deletions are show as ~~strike throughs~~ and Additions are in red

Chapter 75

Fires and Fire Safety

[HISTORY: Adopted by the City of Rochester as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

~~Alarm systems — See Ch. 16.~~

Building construction and property maintenance — See Ch. 40.

Nuisances — See Ch. 149.

Article I

Fire Department

[Adopted 6-6-1995 as Ch. 22 of the 1995 Code; amended 6-6-2006; 8-7-2018]

§ 75-1 Appointment and requirements of Fire Chief.

[Amended 3-5-2019]

Upon appointment, the Fire Chief shall within six months establish residence within the City's boundaries. The Fire Chief shall work under the direct supervision of the City Manager in accordance with the provisions of Section 18 of the Rochester City Charter. The Fire Chief shall manage the Fire Department and consult with and advise the City Manager on all matters pertaining to the equipment and control of the Fire Department. Subject to the approval of the City Manager, the Fire Chief shall make rules and regulations for the internal operation of the Fire Department as he/she deems necessary and shall keep the same posted in the fire station and other buildings of the Department.

§ 75-2 Transfer of authority in Chief's absence.

The Assistant Chief shall be senior in rank to the Deputy Chief and Fire Marshal and in the absence of the Chief shall perform all the duties and have the powers of the Chief. In the absence of the Fire Chief and Assistant Fire Chief, the Fire Chief shall designate an Acting Chief who shall perform all the duties and accept all the responsibilities of the Fire Chief per RSA 154:5 and 154:7 until such time as the Fire Chief or Assistant Fire Chief returns and assumes his/her duties.

§ 75-3 Taking equipment and apparatus outside of City.

The Fire Chief or his/her designee shall be notified by dispatch whenever an apparatus responds to an incident outside of the City. The Chief shall notify the City Manager ~~whenever practical and convenient~~ when an apparatus is to be outside the City for extended periods or other circumstances **as necessary as** determined by the Chief **or designee**.

Article II

Fire Prevention

[Adopted 6-6-1995 as Ch. 23 of the 1995 Code]

§ 75-4 Fire Safety Rules and Regulations.

The rules and regulations of the State Fire Marshal as they are now constituted and as they are from time to time amended are hereby adopted as and for the Fire Safety Rules and Regulations of the City of Rochester. The full text of such rules and regulations may be obtained by any person at the office of the Chief of the Fire Department of the City of Rochester.

§ 75-5 Enforcement officer.

The words "officer" and/or "local authorities" wherever used in the rules and regulations of the State Fire Marshal adopted in the foregoing section shall be deemed to refer to the Chief of the Rochester Fire Department **or designee or the Authority Having Jurisdiction.**

~~§ 75-6 Smoke detector wiring.~~

~~{Amended 2-8-2000}~~

~~When installing one hundred twenty volt hard wired smoke detectors in any type occupancy, the smoke detector shall be wired to a lighting circuit.~~

§ 75-7 Outdoor fires.

No person shall kindle, light, or otherwise start an outdoor fire in the City of Rochester for any purpose whatsoever without first having obtained a written permit **in accordance with RSA 227-L:17.** ~~without cost, from the Chief of the Rochester Fire Department. All such permits shall be in writing and in such form as the Chief of the Rochester Fire Department shall prescribe and shall set forth any conditions or restrictions which, in the opinion of the Fire Chief, shall be reasonably necessary and prudent to ensure the safe performance of permitted activities.~~

Commented [1]: Editor's Note: See also § 149-1, Burning of refuse and garbage.

§ 75-8 Provisions for rapid entry.

A. For purposes of rapid entry in cases of emergencies or required access to buildings after hours, any new construction on the following type occupancies occurring after the date of the adoption of this article will require a Knox-Box® to be installed on such premises:

- (1) Assembly.
- (2) Educational.
- (3) Mercantile.
- (4) Business.
- (5) Industrial.
- (6) Apartment complex.

B. The Fire Chief shall have authority to require any other type of building, not listed above, to install a Knox-Box® to meet rapid entry requirements, if in his/her discretion public safety considerations require such installation.

~~§ 75-9 Public safety amplification system required in large facilities.~~

~~{Amended 1-2-2007}~~

~~The purpose of this system is to provide minimum standards to ensure a reasonable degree of reliability for emergency services communications from within certain buildings and structures within the City to and from~~

~~emergency communications centers. It is the responsibility of the emergency service provider to get the signal to and from the building site.~~

~~A. Applicability. The provisions of this section shall apply to:~~

- ~~(1) New buildings greater than 50,000 square feet;~~
- ~~(2) Existing buildings over 50,000 square feet when modifications, alterations or repairs exceed 50% of the value of the existing building(s) and are made within any twelve month period or the usable floor area is expanded or enlarged by more than 50%; and~~
- ~~(3) All sublevels, regardless of the occupancy, over 10,000 square feet.~~

~~B. Radio coverage.~~

- ~~(1) Except as otherwise provided in this section, no person shall erect, construct or modify any building or structure or any part thereof, or cause the same to be done, which fails to support adequate radio coverage for firefighters and police officers.~~
- ~~(2) The City's Fire Department, with consideration of the appropriate emergency services department, shall determine the frequency range or ranges that must be supported. [Amended 3-5-2019]~~
- ~~(3) For the purposes of this section, adequate radio coverage shall constitute a successful communications test between the equipment in the building and the communications center for all appropriate emergency service providers for the building.~~

~~C. Inbound into the building.~~

- ~~(1) A minimum average in building field strength of 2.25 microvolts (-100 dbm) for analog and five microvolts (-93 dbm) for digital systems throughout 85% of the area of each floor of the building when transmitted from the City's police dispatch center and the appropriate emergency service dispatch centers which are providing fire and emergency medical protection services to the building.~~
- ~~(2) If the field strength outside the building where the receive antenna system for the in building system is located is less than -100 dbm for analog or -93 dbm for digital systems, then the minimum required in building field strength shall equal the field strength being delivered to the receive antenna of the building.~~
- ~~(3) As used in this section, 85% coverage or reliability means the radio will transmit 85% of the time at the field strength and levels as defined in this section.~~

~~D. Outbound from the building.~~

- ~~(1) A minimum average signal strength of 112 microvolts (-6 dbm) for analog and five microvolts (+1 dbm) for digital systems as received by the City's police dispatch center and the appropriate emergency service dispatch centers which are providing fire and emergency medical protection services to the building.~~

~~(2) FCC authorization. If amplification is used in the system, all FCC authorizations must be obtained prior to use of the system. A copy of these authorizations shall be provided to the City's Fire Department.~~

~~E. Enhanced amplification systems:~~

~~(1) Where buildings and structures are required to provide amenities to achieve adequate signal strength, they shall be equipped with any of the following to achieve the required adequate radio coverage: radiating cable system(s), internal multiple antenna system(s) with an acceptable frequency range and an amplification system(s) as needed, voting receiver system(s) as needed, or any other City approved system(s).~~

~~(2) If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operation on an independent battery or generator system for a period of at least eight hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power.~~

~~(3) Amplification equipment must have adequate environmental controls to meet the heating, ventilation, cooling and humidity requirements of the equipment that will be utilized to meet the requirements of this section. The area where the amplification equipment is located must be free of hazardous materials such as fuels, asbestos, etc. All communications equipment, including amplification systems, cable and antenna systems, shall be grounded with a single point ground system of five ohms or less. The ground system must include an internal tie point within three feet of the amplification equipment. System transient suppression for the telephone circuits, AC power, radio frequency (RF) cabling and grounding protection are required as needed. **[Amended 3-5-2019]**~~

~~(4) The following information shall be provided to the Fire Department by the builder:~~

~~(a) A blueprint showing the location of the amplification equipment and associated antenna systems which includes a view showing building access to the equipment; and~~

~~(b) Schematic drawings of the electrical, backup power, antenna system and any other associated equipment relative to the amplification equipment, including panel locations and labeling.~~

~~F. Testing procedures; method to conducts tests. Tests shall be made using frequencies close to the frequencies used by the police and appropriate emergency services. If testing is done on the actual frequencies, then this testing must be coordinated within the City's Fire Department. All testing must be done on frequencies authorized by the FCC. A valid FCC license will be required if testing is done on frequencies different from the police, fire or emergency medical frequencies.~~

~~G. Measurements shall be made using the following guidelines:~~

~~(1) With a service monitor using a unity gain antenna on a small ground plane;~~

~~(2) Measurements shall be made with the antenna held in a vertical position at three to four feet above the floor;~~

~~(3) A calibrated service monitor (with a factory calibration dated within 24 months) may be used to do the~~

~~test;~~

- ~~(4) The telecommunications unit representative for the City may also make simultaneous measurements to verify that the equipment is making accurate measurements. A variance of three db between the instruments will be allowed; and~~
- ~~(5) If measurements in one location are varying, then average measurements must be used.~~
- ~~(a) All testing shall be done in the presence of a Fire Department representative at no expense to the City or appropriate emergency services department.~~
- ~~(b) Signal strength, both inbound and outbound as defined above, shall be measured on each and every floor above and below ground, including stairwells, basements, penthouse facilities and parking areas of the structure. The structure shall be divided into fifty foot grids and the measurements shall be taken at the center of each grid.~~
- ~~H. Annual tests. Annual tests will be conducted by the City's telecommunications unit or appropriate emergency services department. If communications appear to have degraded or if the tests fail to demonstrate adequate system performance, the owner of the building or structure is required to remedy the problem and restore the system in a manner consistent with the original approval criteria. The re-testing will be done at no expense to the City or the appropriate emergency services department as required in the original testing procedures.~~
- ~~I. Field testing. Police and fire personnel, after providing reasonable notice to the owner or his/her representative, shall have the right to enter onto the property to conduct field testing to be certain the required level of radio coverage is present. Certificates of occupancy may be denied for new and existing buildings for failure to comply with these requirements.~~

§ 75-10 Administration and enforcement.
[Amended 3-7-2006; 3-3-2015; 3-5-2019]

The authority having jurisdiction for the administration and enforcement of this article shall be the Fire Chief of the City of Rochester **or designee.**

A. The fee schedule under this article shall be as follows:

- (1) Tank removal: twenty-five dollars (\$25.).
- (2) Blasting: twenty-five dollars (\$25.).
- ~~(3) Incident report: five dollars (\$5.).~~
- (4) Fire ~~Marshal's investigation~~ **Department Incident** report: twenty-five dollars (\$25.).
- (5) Photographs (fire scene): fifteen dollars (\$15.).
- ~~(6) CD photos (fire scene): fifteen dollars (\$15.).~~
- (7) Fire alarm system plan review: one dollar (\$1.) per device or fifty dollars (\$50.) minimum.

- (8) Sprinkler system plan review: one dollar (\$1.) per device or fifty dollars (\$50.) minimum.
 - (9) Commercial hood fire suppression: one dollar (\$1.) per device or fifty dollars (\$50.) minimum.
 - (10) Clean agent: one dollar (\$1.) per device or fifty dollars (\$50.) minimum.
 - (11) Initial inspection: free of charge.
 - (12) Reinspections (sprinkler systems, fire alarm systems, commercial hood fire suppression, clean agent): fifty dollars (\$50.) per person with one hundred dollars (\$100.) minimum.
 - (13) Listed agent: twenty-five dollars (\$25.) per year, per restriction.
 - (14) False alarm, fire alarm activation: one hundred seventy-five dollars (\$175.) after two ~~consecutive false~~ **alarms (as defined by RSA 644:3) or two improper activations not related to actual emergencies;** per calendar year.
- B. The fine for working without a permit or license is one hundred seventy-five dollars (\$175.).

§ 75-11 (Reserved)

§ 75-12 Fire Department access.

[Amended 6-6-2006]

Before construction on commercial buildings, a residential street or a private street with two or more duplexes or single-family dwellings may begin, Fire Department access roads shall be designed **as per the rules and regulations of the State Fire Marshal and adopted codes** and maintained to support the imposed loads of fire apparatus and shall be provided with a surface suitable for all-weather driving capabilities.

§ 75-13 Inspections; control of fire hazards.

[Amended 6-6-2006]

The Chief or his/her designee shall examine or cause to be examined, at regular intervals, all places where combustible material may be collected or deposited and cause the same to be removed by the tenants, occupants or owners of such place, at their expense, whenever, in the opinion of the Fire Chief **or designee**, such removal is necessary for the security of the City against fires. A record of all such inspections shall be kept by the Chief or his/her designee.

§ 75-14 Violations and penalties.

[Amended 6-6-2006; 5-2-2017]

Any person, persons, firm, corporation or partnership who or which shall violate any provision of this article shall be guilty of a violation punishable by a fine of not less than one hundred dollars (\$100.) or not more than five hundred dollars (\$500.). Each day that the violation continues to exist shall constitute a separate offense. The owner of record of any property upon which a violation of this article occurs shall be held strictly liable for any violation occurring on his/her or its property and shall be guilty of a violation in the same manner as stated above.

§ 75-15 Sprinkler requirements for certain dwellings.

[Amended 3-6-2007]

In addition to sprinkler requirements for structures under the provisions of the applicable NFPA (National Fire Protection Association) code and/or any other applicable law or regulation, all newly constructed

Commented [2]: Editor's Note: Former § 75-11, Means of escape, as amended, was repealed 8-6-2019.

duplexes, triplexes and single-family dwelling unit combination structures that are attached to each other shall be sprinklered in accordance with National Fire Protection Association (NFPA) code standards as contained in the New Hampshire State Fire Code.

§ 75-16 Fireworks.

[Added 3-4-2008; amended 11-9-2010; 4-2-2013]

- A. In accordance with the provisions of RSA 160-C, it shall be illegal for any person, firm, partnership or corporation to offer for sale, expose for sale, sell at retail, purchase, possess, use, explode or display any permissible fireworks within the City of Rochester, except as specifically provided for in this section.
- B. As used in this section, the following terms shall have the meanings indicated:

DISPLAY

The use, explosion, activation, ignition, discharge, firing or any other activity which is intended to cause or which causes a firework to do what it was manufactured to do.

FIRE CHIEF

The Fire Chief of the City of Rochester or his/her designee.

PERMISSIBLE FIREWORKS

Those consumer firework devices defined as "permissible fireworks" in RSA 160-C, as the same currently exists or as, from time to time, hereinafter amended.

POLICE CHIEF

The Police Chief of the City of Rochester or his/her designee.

- C. Permit required. No person shall use, discharge or explode any permissible fireworks without a permit issued by the City of Rochester. **[Added 2-14-2017]**
 - (1) Any person wishing to obtain a permissible fireworks display permit shall apply to the Licensing Board at least 15 days prior to the display. The time frame may be waived at the discretion of the Police and Fire Chiefs. **[Amended 5-2-2017]**
 - (2) The applicant shall provide the following information:
 - (a) Date of application.
 - (b) Name, address, and telephone number of applicant.
 - (c) Address of location where the display will be held.
 - (d) Diagram of the display location, showing the location of all nearby property lines, nearby buildings, public ways, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases.
 - (e) Name of the owner of the property where the display will be held.

- (f) Intended date and time of display, including a possible rain date.
 - (g) Written authorization of the property owner, if different from the applicant.
 - (h) Signature of the applicant.
- (3) Permit fee. The fee for a permissible fireworks display shall be five dollars (\$5.) per event. The fee shall be paid at the time of application and is nonrefundable.
- (4) Site inspections.
- (a) Prior to issuing a permit, the Police Chief or the Fire Chief may conduct an inspection of the display site to determine whether a permissible fireworks display can be held in a safe manner.
 - (b) If, in the opinion of the Licensing Board, the proposed site is not suitable for the safe display of permissible fireworks, the application for a permit shall be denied. **[Amended 5-2-2017]**
- D. Subject to and in accordance with the provisions of Chapter 160-C of the New Hampshire Revised Statutes Annotated it shall be lawful to possess and/or display permissible fireworks upon compliance with the following requirements:
- (1) A person who is 21 years of age or older may display permissible fireworks on private property with the written consent of the owner or in the owner's presence, subject to the provisions of this section and RSA 160-C and any other applicable ordinance, regulation or statute.
 - (2) No display of permissible fireworks shall be permitted within the City except between the hours of 6:00 p.m. and 11:00 p.m. on the following holiday: Fourth of July (including the evening of July 3 beginning at 6:00 p.m., including from such time until 12:00 midnight on any rain date established for the annual City-wide fireworks display), after obtaining a permit. **[Amended 6-6-2013; 2-14-2017; 9-3-2019]**
 - (3) The display of permissible fireworks shall be of such a character, and so located and conducted, that it shall not be hazardous to property or endanger any person. In accordance with the provisions of RSA 160-C, permissible fireworks shall not be permitted on public property and must be at least 50 feet from nearby buildings, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases.
 - (4) No permissible fireworks may be used, discharged, exploded, or displayed during periods of very high or extreme fire danger as determined by the Fire Chief or the New Hampshire Division of Forests and Lands.
 - (5) Permissible fireworks may be used, discharged, exploded, or displayed in a manner such that any and all discharge debris shall remain within the property lines of the lot on which the display originates.
 - (6) Anyone using permissible fireworks shall be responsible for removing any debris accumulated due to the discharge of fireworks that fall onto the public way, public property, and any private property within 24 hours. Anyone failing to remove such debris shall be financially responsible for its cleanup. **[Amended 3-5-2019]**

- (7) Display of permissible fireworks shall be permitted on public property the evening of July 3 beginning at 6:00 p.m., including from such time until 12:00 midnight on any rain date established for the annual City-wide fireworks display, provided that such display shall be authorized in a duly issued block party application/permit from the City's Licensing Board covering the public property on which the display is to occur. **[Added 6-4-2013; amended 9-3-2019]**
- E. A violation of this section shall be subject to the penalties provided for in § **75-14** of this article.
- F. This section shall be construed consistently with New Hampshire Code of Administrative Rules Chapter Saf-C 2600, as made applicable by state statute and as adopted by reference in § **75-4** of this article, and is not meant to repeal any section thereof. Nothing in this section shall be interpreted so as to conflict with the provisions of Chapter 160-B or 160-C of the New Hampshire Revised Statutes Annotated, as currently written, or as from time to time hereafter amended. If any subsection, sentence, clause, phrase or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, independent provision and such holding shall not affect the validity of the remaining portions thereof.
- G. The Police Chief or Fire Chief may suspend the use of permissible fireworks for any of the following reasons:
- (1) Unfavorable weather conditions, including but not limited to lightning storms or high wind conditions exceeding 20 miles per hour or higher.
 - (2) If any person under the age of 21 possesses, uses, discharges or explodes or used, discharged or exploded any permissible firework device.
 - (3) If any person who is using, discharging, exploding, or displaying the permissible fireworks appears to be under the influence of alcohol or drugs.
 - (4) If, in the opinion of the Police Chief or Fire Chief, the use, discharge, exploding, or display of permissible fireworks would create a threat to public safety.
- H. The Police Chief and/or Fire Chief is authorized to seize, take, remove or cause to be removed, at the expense of the owner, all firework devices that are being discharged in violation of this section.
- I. The City Manager, Mayor, and/or the City Council may declare a special event of cultural or civic significance and authorize the display of fireworks on the same terms as Subsection **D(2)** on particular days to celebrate those special events. **[Added 2-14-2017]**

§ 75-17 Listed Agent Program.
[Added 3-3-2015]

In accordance with NFPA 1:2009 1.13, or the applicable adopted section of the current code, the Rochester Fire Department enacts the Listed Agent Program. The Fire Chief or his/her designee shall promulgate administrative rules for the management of the Listed Agent Program.

§ 75-18 Regulation of fire alarms.
[Added 3-3-2015]

The Fire Chief or his/her designee shall promulgate administrative rules for the management of the installation and maintenance of fire alarms.